Recognized Beneficial Uses

W.S. 41-3-101 states, “Beneficial use shall be the basis, the measure and limit of the right to use water at all times,.....” In determining allowed beneficial uses of water in Wyoming, there are two primary methods/processes. First, the Wyoming Legislature and Governor have enacted statutes which by reference name beneficial uses of water or directly established the beneficial uses. These include:

<table>
<thead>
<tr>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heat extraction from water</td>
<td>W.S. 41-3-101</td>
</tr>
<tr>
<td>Irrigation</td>
<td>W.S. 41-3-101 &amp; 102</td>
</tr>
<tr>
<td>Water for drinking purposes for both man &amp; beast (Domestic and stock)</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Municipal purposes</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Steam engines &amp; general railway use</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Culinary, laundry, bathing, refrigerating manufacture of ice,</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Steam &amp; hot water heating plants, and steam power plants</td>
<td></td>
</tr>
<tr>
<td>Industrial purposes</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Hydropower (water turbines or impulse water wheels)</td>
<td>W.S. 41-3-102</td>
</tr>
<tr>
<td>Highway construction or repair</td>
<td>W.S. 41-3-110</td>
</tr>
<tr>
<td>Railroad construction or repair</td>
<td>W.S. 41-3-110</td>
</tr>
<tr>
<td>Drilling or producing operations</td>
<td>W.S. 41-3-110</td>
</tr>
<tr>
<td>Environmental (regulatory certainty under the Endangered Species Act)</td>
<td>W.S. 41-2-1301</td>
</tr>
<tr>
<td>Instream Flow</td>
<td>W.S. 41-3-1001</td>
</tr>
</tbody>
</table>

The State Engineer in his duties of reviewing new applications for permit to use the State’s water requires that the beneficial use be stated on the application. In reviewing new applications the State Engineer makes a determination as to whether the proposed use is beneficial. The following list represents a comprehensive list of beneficial uses recognized by the Legislature and the State Engineer.

- Bathing
- Chemical
- Coal Bed Natural Gas
Commercial
  - Aquaculture
  - Bottling Water
  - Culinary
  - Dairy
  - Maintenance (Equipment Washing)
  - Medicinal
  - Other (Must be explained)
  - Stockyard

Consumentive Instream Flow

Domestic-Surface Water

Domestic (under 25 gpm)

Domestic Supply

Environmental

Erosion Control

Fire Protection (must be in addition to another use)

Fish Propagation (may include aesthetics as a secondary use)

Flood Control

Flow Through Pond

Ground Water Recharge

Heat Extraction From Water

Hydropower

Ice Cutting

Industrial
  - Drilling
  - Heat Extraction
  - Manufacturing
  - Mechanical
  - Milling
  - Mining
  - Other (must be explained)
  - Power
  - Pollution Control
  - Reclamation Watering
  - Refining
  - Sedimentation
  - Snow Making

Irrigation

Instream Flow-court awarded

Instream Flow-only State of Wyoming can apply
Miscellaneous (Groundwater only for new applications)
  o Domestic &/or Stock greater than 25 gpm
  o Commercial Agriculture (i.e., feedlots)
  o Fire Protection
  o Highway Construction (temporary)
  o Large Scale Landscape/Lawn Watering greater than 1 acre
  o Mine Dewatering
  o Oil & Gas Well Drilling
  o Others-Miscellaneous
  o Potable & Sanitary Supply for Churches, Schools
  o Reservoir Supply
  o Stock Water Pipelines
  o Subdivisions, Water Districts, etc.
  o Water Hauls
  o Wetlands

Municipal
Oil Refining/Production
Other (must be explained)
Public Utility
Railroad
Recreation (may include aesthetics as a secondary use)
Reservoir Supply
Steam Engines
Stock (under 25 gpm)
Temporary
  o Construction
  o Dust Abatement
  o Hydrostatic Testing
  o Municipal (emergency)
  o Other (temporary use must be explained)
  o Road Construction
  o Stock Watering
  o Tree Watering (non-commercial)
  o Well Drilling

Transportation
Wetlands (may include aesthetics as a secondary use)
Wild & Scenic-only United States Government can apply when authorized by Federal Wild and Scenic legislation
Wildlife (may include aesthetics as a secondary use)