

# Water right rules steer who has access to

New-to-the-land landowners—and those established—need to be aware of water rights and how they can affect watering plans.

A quick check of your property's water rights would be prudent before sending water down a ditch, through a pump, or out a sprinkler system.

Let's take a quick look at Wyoming water rights.

A water right is required to use water out of a creek, river, spring, or well. According to Wyoming statute 41-3-101: "A water right is a right to use the water of the state..."

Obtaining a water right begins with applying for a permit with the State Engineer's Office to utilize water for beneficial use. Once received, reviewed, and granted, the permittee may begin using the water according to the **permit**.

After the water has been put to beneficial use, the Board of Control adjudicates the permit to grant a **water right**. A date is given to the permit, which becomes the priority date for the subsequent water right.

The priority dates on the water rights come into play if the water utilized comes under regulation due to lack of water available to all water rights on the drainage.

Wyoming is a first in time, first in right water system. Water rights with the oldest dates receive water first,

then down the list of rights until all the water has been allocated. This system may allow for all, most, or very few to receive water, depending upon water available and seniority dates on the water rights.

Let's ask a few questions.

- The initial question will be 'Do I have a water right on my property?' If not, then acquiring a water right through the Wyoming State Engineer's Office is your next step.
- If your property has a creek or river running through or adjacent to it, do you have a water right to pump out of it or utilize a ditch system?
- If your property is adjacent to a lake or reservoir, can you use the water in it or is the water already allocated to other water users?
- Do you have a well providing water to your house, and if so, are there any other water uses attached to that well?

In the instance where your property has a ditch running through it, questions to ask are:

- Do I have a water right on my property through which I can use the water in that ditch?
- What is the source of the water in the ditch? Is it managed by an irrigation district? Who else can

use the water in that ditch? Who is responsible for maintenance of the ditch or diversion structure?

## To answer these questions, delve into property's paperwork

You may have many more questions, but the first thing to remember is that just because there is a reservoir, lake, river, creek, spring, irrigation ditch, or even possibly a well on/adjacent to your property, does not necessarily mean you may use that water or even block it to create a pond.

You may have moved onto your current property, or are planning a land purchase, with the guarantee there are water rights on it. Do your homework and find out for sure before you act to use that water and end up expending energy and money that may be lost.

A look through your property's paperwork may result in locating your water right information. A trip to the courthouse can also provide information on adjudicated water rights on your property. If you are within an irrigation district, a visit with your local district office will be beneficial in better understanding your water right as well as the fees associated with delivery of that water.

# WYOMING WATER

## State Engineer's Office resources

A quick search on the internet for Wyoming State Engineer's Office will result in the website of the agency responsible for the state's water rights. Here, all manner of information can be found, including the contact information for the water commissioner in your area. These individuals are tasked with administering water in their districts and are a great source of local information.

Contacting your local water commissioner can save you time researching water rights and quickly provide information that can get you putting that water to use on your property.

Many characteristics such as geology, hydrology, culture, and climate, make Wyoming unique. Such a unique state also requires a corresponding water use system. No resource allocation plan is foolproof, and conflict has, does, and will occur.

The old saying, "Whiskey is for drinking, and water is for fighting" often contains more truth than we may care to admit.

If you would like to keep the water for drinking and leave out the fighting, then having a firm grasp of your property's water rights would be wise.

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We're rather glad **Forrest Keizer** would rather drink the water. He is a hydrographer with the Wyoming State Engineer's Office and can be reached at (307) 577-1304 or at [forrest.keizer@wyo.gov](mailto:forrest.keizer@wyo.gov).

