

A Treatise on Wyoming Water Law
Final Report
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Abstract:

This project sought support for student research assistance associated with preparation of a treatise on Wyoming water law. Since the time of Elwood Mead, Wyoming has been a leader in the development of water law in the American West. Wyoming specifically adopted the prior appropriation doctrine in its 1890 Constitution and established a Board of Control and State Engineer to administer water use in the state. The legislature followed up the next year with new legislation putting in place the basic concepts adopted in the Constitution. Significant legislative changes have followed to produce the statutory system now in place in the State. In addition, the Wyoming Supreme Court has decided hundreds of cases involving issues of water law. The State Engineer and the Board of Control have adopted regulations and other guidance. Consequently, Wyoming today operates under a comprehensive set of laws, decisions, and administrative rules. Yet there is no single written source that provides a thorough summary and discussion of this legal system. This project was intended to fill this gap.

Progress

A book entitled “Treatise on Wyoming Water Law” by Lawrence J. MacDonnell has been published. The reference is: MacDonnell, Lawrence, *Treatise on Wyoming Water Law*, Rocky Mountain Mineral Law Foundation, 99191 Sheridan Blvd., Suite 203, Westminster, CO 80031, <https://www.rmmlf.org>, 245 pp.

The following is an abbreviated Table of Contents:

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Chapter 1 provides a historical overview of the development of Wyoming water law, including discussion of important legislative enactments and related court cases. Chapter 2 represents the heart of the treatise as it provides a summary of all the relevant statutory provisions and their judicial interpretation. Chapter 3, concerns the determination and administration of water rights by the State Engineer and the Board of Control and the process for judicial review. The fourth chapter includes the law relating uses of interstate rivers and also relates to the Wind River reservation and the law governing uses of water on the reservation. Chapter 1 has also been published as an article in the Wyoming Law Review.

Several law students worked as project research assistants. In addition to funding one full-time student during the summer of 2012, five part-time research assistants were employed during the 2012-2013 school year. In addition, two students worked full-time during the summer of 2013.

The PI was able to draw from this research to prepare and present on March 7, 2013 “Elwood Mead’s Vision for Wyoming Water: Then and Now,” as the 2012 President’s Speaker for the university. This presentation was recorded and is available on Wyocast.