

“Wyoming’s Future” Adjudication Plan

October 2006

**WESTERN STATES ADJUDICATION CONFERENCE
SEATTLE, WASHINGTON**

Agency Mission

To provide for the general supervision and protection of both inter-state and intra-state waters of Wyoming including:

- **APPROPRIATION OF WATER**
- **DISTRIBUTION OF WATER**
- **APPLICATION TO BENEFICIAL USE OF WATER UNDER THE PRIOR APPROPRIATION DOCTRINE**

CORE BUSINESS FUNCTIONS

- **PERMITTING AND ADJUDICATION OF WATER RIGHTS**
- **ADMINISTRATION AND REGULATION**
- **ADMINISTRATION OF INTERSTATE COMPACTS AND DECREES**

State Engineer Philosophy on Adjudication

- **Elwood Mead, First State Engineer**
- **Floyd Bishop, Twelfth State Engineer**
- **Patrick Tyrrell, Present State Engineer**

HISTORICAL PERSPECTIVE

- **Territorial Adjudication**
- **State Adjudication**
- **Ground Water Adjudication in the 1970's**
- **Big Horn General Adjudication**
- **North Platte Adjudication via the settlement agreement**

Historical Practices

- **Some Complete Stream Adjudication in early statehood**
- **Some Appropriator Driven Adjudication for Surface Water Rights specific by owner – partial adjudication**
- **Ground Water Adjudication totally driven by appropriator**
- **General Field Administration practice for adjudicated rights only**
- **Cancellation on new permits only**
- **No cleanup program for old permits**

Issues affecting Adjudication

- **Multi-year droughts**
- **Water Administration demands**
- **Increased permitting (Coal Bed Methane)**
- **Agency IT Initiative**
- **No Agency Plan/Priority Emphasis on Adjudication**

Impacts to Adjudication

- **Paper Water Rights**
- **Dangling Uses**
- **Customer Service to the public affected**
- **Increased backlog**
- **Education of Water Using Constituency**

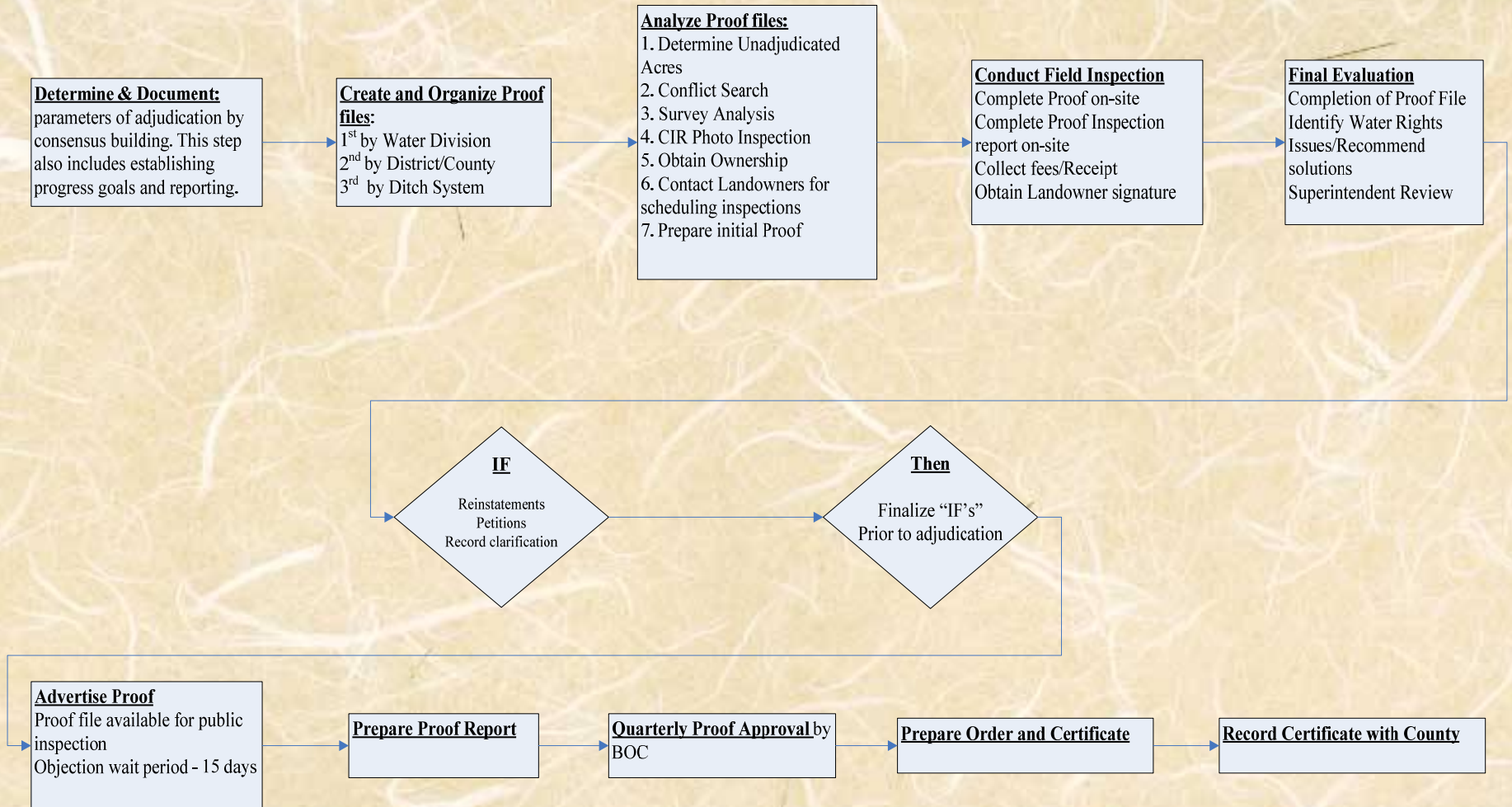
Getting your arms around the problems

- Document the “Proof” process
- Strategic Plan goals
- Evaluate external influences and demands
- Evaluate Historical practices and current programs

The “Numbers Game”

- ~250,000 Water Right Permits
- ~43,325 Permits are completely adjudicated or partially adjudicated
- ~83,028 Permits are not subject to adjudication (time limited or are not subject to adjudication)
- ~2,200 Surface Water Backlog
- ~4,000 Ground Water Backlog
- ~30% of balance potentially could move through adjudication

Proof Process



STEPS TO UPDATE THE ADJUDICATION PROCESS

- Update the Strategic Plan – setting progress goals
- Document the current adjudication process
- Streamline the adjudication process
- Determine scope and priorities for adjudication
- Evaluate existing staff and resources available –
Determine if additional S & R are needed
- Don't be afraid to evolve the “100” year rule
- Evaluate if any Legislative action is necessary

STEPS “continued”

- **Create a future looking adjudication plan**
- **Keep focused on the “Customer Service” aspect of the plan, the overall agency benefits and benefit to the State**
- **Create a “consensus built” Implementation Plan**
- **Educate the public**
- **Keep Progress goals focused**

Conclusion

- Agency should recognize when change is needed
- Agency should update, improve, streamline existing process and practices, where appropriate
- Focus on who we serve and provide them with better customer service
- Provide “certainty” through the adjudication process

WISH US LUCK!

- Thank you!

- Questions?

