

Select Wyoming Constitutional Provisions

Article 1, Section 31. Control of water.

Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the state, which, in providing for its use, shall equally guard all the various interests involved.

Article 1, Section 32. Eminent domain.

Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

Article 8, Section 1. Water is state property.

The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

Article 8, Section 2. Board of control.

There shall be constituted a board of control, to be composed of the state engineer and superintendents of the water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the state and of their appropriation, distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the courts of the state.

Article 8, Section 3. Priority of appropriation.

Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

Article 8, Section 4. Water divisions.

The legislature shall by law divide the state into four (4) water divisions, and provide for the appointment of superintendents thereof.

Article 8, Section 5. State engineer.

There shall be a state engineer who shall be appointed by the governor of the state and confirmed by the senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control, and shall have general supervision of the waters of the state and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

Article 13, Section 5. Acquisition of water rights.

Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

Article 16, Section 10. Construction and improvement of works for conservation and utilization of water.

The provisions of section 6 of article 16 of this constitution prohibiting the state from engaging in any work of internal improvements, unless authorized by a two-thirds vote of the people, shall not apply to or affect the construction or improvement of any works designed, constructed or operated for the purposes of conservation or utilization of water, but the legislature shall have the power to provide for the construction or improvement in whole or in part, of any works designed, constructed or operated for the purposes of conservation or utilization of water, either directly or by extending aid to legal subdivisions of the State of Wyoming, duly organized irrigation, drainage, soil conservation, and public irrigation and power districts, and any public corporation legally organized for the purposes of the conservation, distribution or utilization of water or soil; and notwithstanding said inhibition as to works of internal improvement, whenever grants of land or other property shall be made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works of internal improvement and shall devote thereto the avails of such

grants, and may likewise pledge or appropriate the revenues derived from such works in aid of their completion.