

CHAPTER 124.

Original House Bill No. 192.

STATE WATER CONSERVATION BOARD.

AN ACT authorizing creation of the State Water Conservation Board, prescribing manner of its organization and operation, defining its powers, duties and functions, making an appropriation and declaring an emergency.

Be It Enacted by the Legislature of the State of Wyoming:

Creation of Board—Members.

Section 1. There is hereby created a non-partisan board to be known as the "State Water Conservation Board". The board shall consist of six (6) members. The Governor and the state engineer shall be ex-officio members. All members of the board shall be qualified electors of the State and the members other than the Governor and state engineer shall be appointed by the Governor by and with the advice and consent of the Senate, one from each of the four (4) water divisions of the State; provided, however, that not more than two of the Governor's appointees shall be members of the same political party.

Terms of Office—Vacancy.

Section 2. The term of office of the appointed members of the board shall be fixed as follows: The Governor shall appoint one member whose term of office shall expire on January 2, 1938, another member whose term of office shall expire on January 2, 1939, another member whose term of office shall expire on January 2, 1940, and another member whose term of office shall expire on January 2, 1941, and their successors shall be appointed for a term of four (4) years, provided, that any person appointed to fill a vacancy shall be eligible for reappointment. Any of the appointed members of the board may be removed by the Governor at any time for any reason which the Governor may deem to be sufficient, and any vacancy caused by the death, removal, or resignation or disqualification of any appointed member shall be filled by appointment as herein above provided.

Officers.

Section 3. The state engineer shall be chairman of the board. He shall appoint a secretary, which secretary shall conduct the correspondence, keep the records of the board and perform such other duties as directed by the board or by the chairman of the board. The chairman of the board shall approve all vouchers, which vouchers shall be presented to the state auditor for approval and payment as provided by law. The board shall maintain its principal office in the City of Cheyenne, Wyoming, and shall be empowered to adopt from time to time suitable rules and regulations for the administration of this Act.

Compensation.

Section 4. The members of the board, except the Governor and the state engineer, shall receive as compensation the sum of Eight Dollars (\$8.00) per day for each day actually engaged in the performance of the duties of his office, including time of travel between his home and the place at which he performs such duties, together with actual travel and subsistence expense while away from his home in the performance of the duties of his office. The state engineer shall exercise such powers and perform such duties in addition to his regular duties as may be

required by the board and shall receive his actual travel and subsistence expense when engaged in the performance of such duties for the board. The attorney general shall render such legal services in connection with the work of the board as the board may require and shall receive his actual travel and subsistence expense when engaged in the performance of such services for the board. With his consent, the board may employ additional legal counsel, and the board may also employ such technical and other assistants and employees as may be necessary to enable it to perform its duties and to carry out the purposes of this Act. The compensation of the secretary and of all employees shall be fixed by the board.

Powers and Duties.

Section 5. The powers and duties of said board shall be to make investigations looking to the full and proper conservation, development and utilization of the State's water resources; to conduct adequate surveys and tests of surface, sub-surface and other waters wherever found, both within and beyond the State boundaries, providing such survey shall not be prohibited by the law of another jurisdiction; to conduct examinations, studies, tests and estimates of costs relating to the conservation, storage, distribution and use of water; to prepare and compile all such information and data so obtained, and make the same available to any and all local, state or federal agencies, departments or subdivisions, irrigation, drainage or power districts and to the general public; to employ such technical assistants and other employees as the funds at the disposal of the board may permit and as may be deemed advisable by the board; to cooperate in all water conservation work or activities with any irrigation, drainage or power district, county, city, state, federal or other agency in the development and beneficial use of the State's water resources, provided that such acts of cooperation shall not involve the construction of internal improvements by the board within or without the State of Wyoming; or conclusion of any inter-state water compact until authorized by the Legislature of Wyoming; to formulate and recommend to the Governor prior to each session of the legislature the enactment of such legislation as may be necessary to effectuate a definite program or plan for the proper conservation, development and most beneficial utilization of the water resources of the State.

State Water Conservation Fund—Appropriation.

Section 6. There is hereby created a special fund to be known as "State Water Conservation Fund", to be used and administered by the board in carrying out the uses and purposes of this Act, into which fund there is hereby appropriated out of any money in the treasury of the State of Wyoming not otherwise appropriated the sum of Thirty-five Thousand Dollars (\$35,000.00). (APPROVED FOR TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS ONLY.) This fund shall be kept intact so far as may be, by gifts or grants from any source, or by reimbursements which the board may in its discretion receive or require from agencies, organized or unorganized groups, districts, subdivisions of state, county or city governments, public or private organizations or other beneficiaries of the surveys, studies, plans or estimates made by the board in carrying out the purposes of this Act; provided that any reimbursement required shall be limited to the cost of such preliminary study, survey, plan or estimate exclusive of any and all other costs which may be incurred by such beneficiary either separately or in cooperation

with the board. Such reimbursement shall be credited to the State Water Conservation Fund as provided in Section 109-508, Wyoming Revised Statutes 1931, establishing State Examiner's Fund.

Emergency.

Section 7. In order to protect and conserve the waters of all natural streams, springs, lakes or other collections of still water lying within the boundaries of the State which are by the constitution declared to be the property of the State and because of serious crop failures resulting from unprecedented drouth and the consequent necessity of proceeding immediately with the surveys, studies and estimates authorized by this Act in order to create employment, assist the growing of crops and prevent irreparable loss to the agriculture of the State, an emergency is hereby declared to exist.

Section 8. This Act shall take effect and be in force from and after its passage.

Approved, except as noted, February 27, 1937.