

**Cheyenne** — During a May 3 conference call members of the Wyoming Livestock Board were presented a host of options for increasing the agency's brand unit revenue. Following a budget reporting error, the brand unit is

projecting it will have overspent its budget by \$1.2 million this biennium if additional revenue isn't found or expenditures cut. Its projection is based on a four-year average of its monthly expenses.

**The Wyoming Livestock Board will meet May 18 in Casper to discuss a host of considered to help the agency overcome the financial shortcomings it's facing this additional information on this meeting call the Livestock Board at 307-777-7515**

Wyoming State Veterinarian Dwayne Oldham, who wasn't in his current position

when the accounting errors took place, explained that there was a misunderstanding of the state accounting system by agency staff and others. The agency was led to believe that it had a significant surplus in the brand account when in fact it was operating at a deficit. The account Oldham is referring to is the created account the costs of the tion program. I tor salaries and age, mileage and printing forms the account set islature to mal inspection prog Please see BC

## Governor wants water rights reinterpreted

by Cat Urbight  
WLR Correspondent

**Jackson** — Wyoming's water law needs a different interpretation, according to Wyoming Governor Dave Freudenthal, who told Trout Unlimited members of "two polarized camps" in existence today: those who insist that instream flows be tied to storage and those who are opposed to storage in general.

Freudenthal was the keynote speaker for Trout Unlimited's dinner and fundraiser on the evening of April 30 at Snow King Resort in Jackson.

"I think that everybody is going to have



Governor Dave Freudenthal spoke to the Jackson Hole Trout Unlimited Chapter April 30, thanking the organization for sending Laurie Goodman to lobby the Wyoming Legislature. Photo by Cat Urbight

to give a little on this," Freudenthal said, noting it's the same people who want more Please see WATER on page 7

## Alliance: 'Mining' ag water becoming default policy for urban growth

Article includes information from the Associated Press

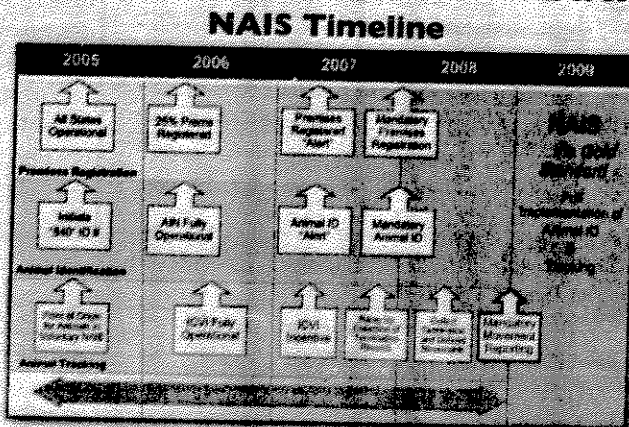
**Savery** — Savery, Wyo. rancher and Family Farm Alliance President Pat O'Toole says, "New demands for water on the Colorado River and other Western basins will be met either with new supplies...or with water taken from agriculture." The Family Farm Alliance is an organization comprised of irrigation farmers, ranchers, irrigation districts and related interests in the 17 western states served by the U.S. Bureau of Reclamation. The group has a mission of ensuring an adequate and reliable supply of water for irrigated agriculture in the West.

Please see MINING on page 15

## USDA wants animal identification feedback

**Washington, D.C.** — U.S. Department of Agriculture Director Mike Johanns May 5 asked members of the livestock industry to review the strategic plan and timeline for implementing a national identification system and provide feedback no later than June 6. USDA hopes the program, when fully implemented, will provided 48-hour traceback capability on all U.S. livestock.

Please see USDA on page 14



May 9, 2005 WLR

# WATER *continued from page 1*

water storage projects that are opposed to instream flow. Freudenthal said these people view instream flows as damaging to the overall management of water under a western water rights scheme.

"There is an interesting contradiction in that," Freudenthal said. "We contend, with some vigor, that we are a private property state. Yet if my private property happens to be in the form of a water right, you are going to deprive me of my ability to use that water right for instream flow as a matter of law."

Freudenthal asserted, "In fact, I think a more proper interpretation is that if it is my private property, and I want to commit it for instream flow, I should be able to do that."

Freudenthal said in order to advance this "interpretation" some aspects of existing law will need to be changed, including the five-year abandonment statute. Freudenthal did concede that any changes still need to be subject to the "no harm" provision in existing law.

"It's going to take us a while to get there, but if you can get some give on that side, and I don't consider it so much give as a recognition of the true nature of the private property right, Wyoming ought to be able to sell it to you, and if you buy it, you ought to be able to use it however you want," Freudenthal said.

"To get there, we are going to have to change a couple of attitudes," Freudenthal said, adding that there is a need to "reframe this debate" about instream flow and water "in less a context of one side wins and the other side loses, to the notion that if you do this properly, ultimately there is a lot of

benefit for everybody."

Freudenthal suggested that there should be a legislative provision that would make instream flow a requirement for storage projects.

He continued: "The flip side of that has to be that you're going to have to be willing to allow a system that recognizes the truly private nature of a water right, subject to the no harm provisions, to allow people to say look, to me this water is just as important or valuable to me flowing down a stream as it is applied to my hay meadows. We're not quite there. But at some point we have to actually adhere to the notion of private property rights and let people do what they want with them.

"There are a couple of impediments," Freudenthal said. "The fear in much of the agricultural community is that somehow this is going to be the end of agriculture as we know it. It's fundamentally not.

"It seems to me that the evolution that is occurring in some of the states around us will eventually start to take hold here. It hasn't quite yet. It is also a function of the fact that agriculture trade groups are no different than lawyer trade groups or any other trade group, and that ultimately it's the more strident people who always end up on the boards. ...

"We need to end up talking not to the strident members on the board, but to the more rank-and-file people, because there is much broader agreement in the state about the importance of riparian habitat and the sort of notion that water matters for purposes other than just the application toward consumption or industrial and municipal purposes," Freu-

### Wyoming's Constitution says:

"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"

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

"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."

denthal said. "That's much broader among the body politic than it is among the interest groups."

Responding to Freudenthal's comments, one Trout Unlimited member said, "You get it about instream flow."

That Wyoming's water right is not "a right of use" of the state's water pursuant to Wyoming's permitting system, but instead the water is private property to be bought and sold on the open market, isn't new. It's also not the first time a member of the Freudenthal family has addressed the issue.

In the late 1980s, a business partnership called the Resource Conservation Group, headquartered in Golden, Colo., proposed a business deal in which ranchers in Wyoming, Colorado and Utah would be paid not to irrigate their fields every third year, so that downstream states could use the water.

On the payroll as consultants for the Resource Conservation Group were Former governors Ed Herschler of Wyoming, Utah's Scott Matheson of Utah, John Love of Colorado and Arizona's Bruce Babbitt of Arizona, who later became Interior Secretary in the Clinton administration. Also on the payroll were Herschler's law partner and former Wyoming Attorney General Steve Freudenthal, Dave Freudenthal's brother.

When the project, dubbed the Son of Galloway, came before the Upper Colorado River Commission, it was met with opposition. The project failed when met with concerns that downstream states would manage to convert the short-term use of water into long-term water rights, and the possibility of drying up agricultural lands upstream, as well as forced regulation of upstream water.

## CHADRON CONSIGNMENT AUCTION SATURDAY • MAY 14, 2005 • CHADRON, NE

Directions: From Junction of Hwy 20 & 385, go South on 385, 1 mile. East side of highway. • Lunch Available •

Call Ron • 308-432-3874 Or 308-430-4818

Many More Items Every Day So Call!

### TRACTORS • COMBINE

JD 8640, 3 pt • JD 4240, quad, 18.4x38 • JD 4020, syncro, 18.4x38 • IH 1066, 3 pt • '90 Versatile 276 bi-di/w/ldr & grpl • MF 2745, 20.8x38 w/3100 Dual ldr & grpl • MF 2705, 18.4x38, nice • MF 235, wf • NH 9030, bi-di w/ldr • Hesston 66-77, MFWD w/ldr • Case 2590, 2 whl • IH M, wf w/Leon ldr, live hyd • Ford 8N, wf • IH 354 utility • IH 300 utility • AC WD 45 w/ldr • MF 750 combine w/20' platform

### ANTIQUA TRACTORS & EQUIPMENT

'52 Case, DC, wf, 3 pt • '48 JD A, nf, runs good • '50 MM G • '51 Case DC, wf • '45 MM, UTS, runs good • Massey Harris 44 • Oliver plow, 5x14", steel whls • Case 900 fenders • Allis Chalmers CA, wf • Farmall 200, wf • Farmall F-20 • JD model L spreader • Ferguson dirt scoop, 3 pt • Continental engine, 1 cycle • Old JD open crank hit & miss • MF sicle mower, 3 pt • Hoods & grills for H&C's

### TRUCKS • VEHICLES • TRAILERS

'82 IH 1700, 4 dr truck • '60 Ford 600 truck w/16' box • Chevy C-50 truck • IH 4700, del w/Hubbala mower • '80 Ford 4x4 • '89

## Man

resident John lup, Do We y—Or Com-oming Live- to be more of nking out in

en listed the out the pack- petition was t the current of hard work- ness by these

kers' plan to same manner

just who Mr. d an NCBA ith BSE can ead. Or that rd amounts. 3 is going to arkets.

g consumer ing a safe" OOL again) ohn is an R- but he will. ar side.

Hugh Turk Kaycee

## able

ted for the onored by ad the Chi- es must be

warded to . The prod- thought- ment to a es, intern- ool seniors at a two- chool year

n and sub- onal cattle- 47.