

Eastern Shoshone & Northern Arapaho Tribes' GLOBAL NO. 11





A tax can legally be collected on house trailers or residences either as a registration fee for house trailers or a real property tax as a part of the property of the owner of the real estate.

The duty for the enforcement of this law is clearly set forth in Sec. 60-110, W.C.S., 1915:

"It shall be the duty of the sheriffs, deputy sheriffs, . . . to enforce the provisions of this Act and make arrests for the violation thereof committed in the presence of any such officer without the necessity of procuring a warrant." (emphasis supplied)

This means that if the county treasurer has difficulty with enforcement of this law, he may call upon the sheriff or his deputy for assistance. The above-quoted statute provides the sheriff authority to make arrests for violation of the House Trailer Registration Act without the necessity of procuring a warrant. Should a county assessor, county treasurer, or sheriff fail to properly execute the registration and tax laws of the State of Wyoming, he would be subject to removal from office.

## OPINION NO. 24

7. TO: Paul A. Recharl  
Chief, Water Development Natural Resource Board and  
Earl Lloyd, State Engineer

April 5, 1937

BY: Howard B. Black  
Deputy Attorney General

QUESTION NO. 1: Can the Wheatland Irrigation District legally purchase the Ringsby Storage water rights and conduct this water to the Irrigation District facilities for use on Irrigation District lands in Platte County, Wyoming?

ANSWER: Yes.

QUESTION NO. 2: Can the Irrigation District purchase the territorial direct flow rights hereinabove set forth and use these rights also for lands belonging to the District situated in Platte County, Wyoming?

ANSWER: Yes.

QUESTION NO. 3: Can the Wheatland Irrigation District, under the provisions of Ch. 71, Sec. 409 and 410 of S.L. 1947, arrange by agreement with the Ringsby interests for the delivery and use of direct flow water from Rock Creek, 3-Mile Creek, 1-Mile Creek, Eades Creek and Seepage Creek for use on District lands in Platte County, Wyoming?

ANSWER: Yes, with qualifications.

As to Question No. 1, there is little doubt that storage water can be purchased and conducted to lands of the Wheatland Irrigation District and, therefore, this question is not further discussed.

As to Question No. 2, our State Supreme Court has not passed on the question as to whether water rights obtained prior to 1909, which I think

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Mr. Rechar meant in his letter when he referred to "territorial rights", can be transferred to other land but in *Johnston v. Little Horse Creek Irrigation Company*, 13 Wyo. 208, 79 P. 22, our Supreme Court held that a water right was a property right and could be disposed of separate from the land for which it had been appropriated. Judge Kennedy held in *Hughes v. Lincoln Land Co.*, 27 F. Supp. 972, that a statute such as the 1909 statutes, Sec. 71-401, W.C.S. 1945, could not affect rights acquired prior to this statute and therefore the water rights acquired prior to 1909 could be detached or severed from the land. Therefore, direct flow rights with a priority of 1909, or earlier, could be transferred to other lands which in this case would permit Ringsby to sell his rights to the Wheatland District.

Question No. 3 is more difficult to answer, and Mr. Frank Trelease of Laramie, Wyoming, who has written an opinion for the Wheatland District, and I have discussed this question and are generally in agreement. I agree that it is not likely that Nebraska could complain of transferring these water rights prior to 1909, and besides there is still some water that Wyoming is entitled to under the North Platte Decree. The down-stream appropriations on Rock Creek might complain if they thought that they were being deprived of return flow water by a diversion of water from the water shed. There is no question that the proposal to acquire the water from the reservoirs and appropriation for Dutton Creek would work out all right, as I understand there is only one direct flow appropriation on Dutton Creek and Dutton Creek flows into a lake or reservoir which does not ordinarily spill water; but as to Rock Creek appropriation a different situation prevails. Mr. Trelease bases his opinion on facts which presume a plan could be worked out so that Rock Creek appropriation would not be injured, and if that could be done the provisions of Secs. 71-411 and 71-412, W.C.S., 1945, which provide for exchange agreements, are so broad in wording that it is quite possible the Courts would sustain such agreements between Ringsby and other water users on Rock Creek with the Wheatland District.

Your letter does not outline the nature of the proposed financing on this project and I do not go into that question at this time. I might say that before a large amount of financing is granted it would seem that the proposal would have to be pretty well worked out by engineers and possibly additional attorneys' opinions obtained on final agreements, as this is merely a preliminary opinion and not intended as a final one.

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OPINION NO. 25

April 9, 1957

TO: Gertrude Gould, Secretary  
State Board of Nursing

BY: Ellen Crowley  
Assistant Attorney General

QUESTION: Is an applicant for practical nurse licensure qualified to take the licensing examination when such applicant has partially completed a course in professional nursing in lieu of having completed an accredited program in practical nursing?

ANSWER: No, unless partially completed with the necessary

Sec. 6 (a), Ch. 191, S. 1. Applications of applicant that the requirements applicant. This pre intent revealed in the

"An Act to provide for the minimum education, licensing and licensed pro

Subsection 3 of Sec. 6 (a) has "successful accredited program therefrom." The requirements: (b) an accredited successful completion

The Rules and Regulations must approve the program give the State Board in professional nursing's educational satisfactory, the Board courses taken in professional nursing equal the prescribed B (1).

To comply with Section 6 (a) the partial professional program engaged upon and the applicant the above requirements to apply, the Board proposed to be taken

The terms of the regulations represent the standard are permitted 3 (a) and (b), has satisfied.

TO: Honorable Mr. Governor, State

BY: George F. Gould, Attorney General