

IN THE MATTER OF THE PETITION FOR VOLUNTARY ABANDONMENT OF THE FOLLOWING APPROPRIATIONS OF GROUND WATER:

- A. A PORTION OF THE DONALD F. SMITH, ET UX. APPROPRIATION, WELL REGISTRATION NO. U.W. 18, THE VAUGHAN NO. 1 WELL, WITH PRIORITY OF MAY 1947;
- B. A PORTION OF THE DONALD F. SMITH, ET UX. APPROPRIATION, WELL REGISTRATION NO. U.W. 19, THE VAUGHAN NO. 2 WELL, WITH PRIORITY OF JANUARY 1948;
- C. A PORTION OF THE DONALD F. SMITH, ET UX. APPROPRIATION, PERMIT NO. U.W. 14203, THE SMITH NO. 1 WELL, WITH PRIORITY OF JUNE 12, 1972;
- D. A PORTION OF THE DONALD F. SMITH, ET UX. APPROPRIATION, PERMIT NO. U.W. 15490, THE ENLARGED VAUGHAN NO. 2 WELL, WITH PRIORITY OF OCTOBER 6, 1972;
- E. A PORTION OF THE DONALD F. AND ILEEN G. SMITH APPROPRIATION, PERMIT NO. U.W. 76101, THE ENLARGED VAUGHAN NO. 2 WELL, WITH PRIORITY OF OCTOBER 4, 1976.

DOCKET NUMBER I-U-2009-3-5
IN WATER DIVISION NUMBER ONE

PETITIONER: DONALD F. SMITH AND ILEEN G. SMITH REVOCABLE TRUST, ACTING THROUGH ITS EXECUTOR, DONALD L. SMITH, OF 4010 NORTH COLLEGE DRIVE, CHEYENNE, COUNTY OF LARAMIE, STATE OF WYOMING.

This matter was considered by the State Board of Control at its regular meeting on August 12, 2009, with the following results:

FINDINGS OF FACT

1. THAT the petitioner is the owner of the lands involved and the portions of the appropriations of ground water attaching thereto, as evidenced by the copy of Warranty Deed from the County Clerk of Laramie County, Wyoming, which accompanied this petition.

2. THAT the appropriations of ground water involved are as follows:

a. The Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 18, the Vaughan No. 1 Well, adjudicated under Proof No. U.W. 211, in the amount of 550.0 gallons per minute for irrigation of 160.0 acres, with priority of May 1947, and of record in Order Record 19, page 562; Certificate Record U.W. 1, page 211 describing the lands irrigated as follows:

Original supply for the following lands:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NE ¹ / ₄ NW ¹ / ₄ 40.0 acres
	NW ¹ / ₄ NW ¹ / ₄ 40.0
	SW ¹ / ₄ NW ¹ / ₄ 40.0
	SE ¹ / ₄ NW ¹ / ₄ 40.0
Total	<u>160.0 acres</u>

b. The Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 19, the Vaughan No. 2 Well, adjudicated under Proof No. U.W. 214, in the amount of 600.0 gallons per minute for additional supply irrigation of 110.0 acres, with priority of January 1948, and of record in Order Record 19, page 563; Certificate Record U.W. 1, page 214 describing the lands irrigated as follows:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NE ¹ / ₄ NW ¹ / ₄ 40.0 acres
	NW ¹ / ₄ NW ¹ / ₄ 1.1
	SW ¹ / ₄ NW ¹ / ₄ 28.9
	SE ¹ / ₄ NW ¹ / ₄ 40.0
Total	<u>110.0</u> acres

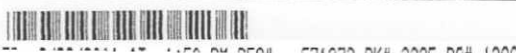
c. The Donald F. Smith, et ux. Appropriation, Permit No. U.W. 14203, the Smith No. 1 Well, adjudicated under Proof No. U.W. 251, in the amount of 325.0 gallons per minute for additional supply irrigation of 160.0 acres, with priority of June 12, 1972, and of record in Order Record 19, page 568; Certificate Record U.W. 1, page 251 describing the lands irrigated as follows:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NW ¹ / ₄ NW ¹ / ₄ 38.9 acres
	SW ¹ / ₄ NW ¹ / ₄ 11.1
Subtotal	<u>50.0</u> acres

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from Vaughan No. 2 Well, Well Registration No. U.W. 19:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NE ¹ / ₄ NW ¹ / ₄ 40.0 acres
	NW ¹ / ₄ NW ¹ / ₄ 1.1
	SW ¹ / ₄ NW ¹ / ₄ 28.9
	SE ¹ / ₄ NW ¹ / ₄ 40.0
Subtotal	<u>110.0</u> acres
Total	<u>160.0</u> acres



d. The Donald F. Smith, et ux. Appropriation, Permit No. U.W. 15490, the Enlarged Vaughan No. 2 Well, adjudicated under Proof No. U.W. 253, in the amount of 300.0 gallons per minute for additional supply irrigation of 110.0 acres, with priority of October 6, 1972, and of record in Order Record 19, page 569; Certificate Record U.W. 1, page 253 describing the lands irrigated as follows:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NE ¹ / ₄ NW ¹ / ₄ 40.0 acres
	NW ¹ / ₄ NW ¹ / ₄ 1.1
	SW ¹ / ₄ NW ¹ / ₄ 28.9
	SE ¹ / ₄ NW ¹ / ₄ 40.0
Total	<u>110.0 acres</u>

e. The Donald F. and Ileen G. Smith Appropriation, Permit No. U.W. 76101, the Enlarged Vaughan No. 2 Well, adjudicated under Proof No. U.W. 2409, for additional supply irrigation of 50.0 acres, with priority of October 4, 1976, and of record in Order Record 34, page 88; Certificate Record U.W. 6, page 129 describing the lands irrigated as follows:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NW ¹ / ₄ NW ¹ / ₄ 38.9 acres
	SW ¹ / ₄ NW ¹ / ₄ 11.1
Total	<u>50.0 acres</u>



3. THAT by and through its petition, the petitioner requested a voluntary abandonment of the appropriations of ground water as follows:

A. A portion of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 18, the Vaughan No. 1 Well, Proof No. U.W. 211:

Original supply for the following lands:

Township 13 North, Range 62 West	
Section 25: NW ¹ / ₄ NW ¹ / ₄	5.9 acres
SW ¹ / ₄ NNW ¹ / ₄	<u>4.1</u>
Total	10.0 acres

B. A portion of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 19, the Vaughan No. 2 Well, Proof No. U.W. 214:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

Township 13 North, Range 62 West	
Section 25: SW ¹ / ₄ NNW ¹ / ₄	4.0 acres
Total	<u>4.0</u> acres

C. A portion of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 14203, the Smith No. 1 Well, Proof No. U.W. 251:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

Township 13 North, Range 62 West	
Section 25: NW ¹ / ₄ NNW ¹ / ₄	5.9 acres
SW ¹ / ₄ NNW ¹ / ₄	<u>0.1</u>
Subtotal	6.0 acres



Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from Vaughan No. 2 Well, Well Registration No. U.W. 19:

Township 13 North, Range 62 West	
Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4.0</u> acres
Subtotal	4.0 acres
Total	10.0 acres

D. A portion of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 15490, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 253:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

Township 13 North, Range 62 West	
Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4.0</u> acres
Total	4.0 acres

E. A portion of the Donald F. and Ileen G. Smith Appropriation, Permit No. U.W. 76101, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 2409:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:



Township 13 North, Range 62 West	
Section 25: NW ¹ / ₄ NW ¹ / ₄	5.9 acres
SW ¹ / ₄ NW ¹ / ₄	0.1
Total	6.0 acres

4. THAT the reason for the requested abandonment is to remove the water rights from areas that currently are not irrigated.

5. THAT by and through its petition, the petitioner declared its intention to voluntarily abandon the portions of the appropriations of ground water involved, and requested that the State Board of Control enter an Order declaring such abandonment.

6. THAT a properly prepared map accompanied this petition.

CONCLUSIONS OF LAW

The State Board of Control has jurisdiction both to consider the petitioner's request for abandonment and to prepare and promulgate the Order hereinafter set forth disposing of said petition.

The Findings of Fact contain the elements necessary to comply with Section 41-3-401, W.S. 1977, pertaining to abandonment and the petition should be granted.

ORDER

IT IS HEREBY ORDERED THAT this petition be and the same is GRANTED.

IT IS FURTHER ORDERED THAT the following described portions of the appropriations of ground water involved, be and the same are ABANDONED:

A. A portion of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 18, the Vaughan No. 1 Well, Proof No. U.W. 211:

Original supply for the following lands:

Township 13 North, Range 62 West	
Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.9 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.1
Total	10.0 acres

The remainder of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 18, the Vaughan No. 1 Well, Proof No. U.W. 211, is unaffected by the granting of this petition, and is described as follows:

Original supply for the following lands:

Township 13 North, Range 62 West	
Section 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
Total	150.0 acres

B. A portion of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 19, the Vaughan No. 2 Well, Proof No. U.W. 214:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

Township 13 North, Range 62 West	
Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
Total	4.0 acres

The remainder of the Donald F. Smith, et ux. Appropriation, Well Registration No. U.W. 19, the Vaughan No. 2 Well, Proof No. U.W. 214, is unaffected by the granting of this petition, and is described as follows:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0
Total	<u>106.0 acres</u>

C. A portion of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 14203, the Smith No. 1 Well, Proof No. U.W. 251:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

<u>Township 13 North, Range 62 West</u>	
Section 25:	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.9 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.1
Subtotal	<u>6.0 acres</u>

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from Vaughan No. 2 Well, Well Registration No. U.W. 19:



Township 13 North, Range 62 West	
Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
Subtotal	4.0 acres
Total	10.0 acres

The remainder of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 14203, the Smith No. 1 Well, Proof No. U.W. 251, is unaffected by the granting of this petition, and is described as follows:

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18:

Township 13 North, Range 62 West	
Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0
Subtotal	44.0 acres

Additional supply to the following lands having original supply from Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from Vaughan No. 2 Well, Well Registration No. U.W. 19:

Township 13 North, Range 62 West	
Section 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
Subtotal	106.0 acres
Total	150.0 acres



D. A portion of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 15490, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 253:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

Township 13 North, Range 62 West	
Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
Total	4.0 acres

The remainder of the Donald F. Smith, et ux. Appropriation, Permit No. U.W. 15490, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 253, is unaffected by the granting of this petition, and is described as follows:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

Township 13 North, Range 62 West	
Section 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.1
SW $\frac{1}{4}$ NNW $\frac{1}{4}$	24.9
SE $\frac{1}{4}$ NNW $\frac{1}{4}$	40.0
Total	106.0 acres

E. A portion of the Donald F. and Ileen G. Smith Appropriation, Permit No. U.W. 76101, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 2409:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

Township 13 North, Range 62 West	
Section 25: NW ¹ / ₄ NW ¹ / ₄	5.9 acres
SW ¹ / ₄ NW ¹ / ₄	0.1
Total	6.0 acres

The remainder of the Donald F. and Ileen G. Smith Appropriation, Permit No. U.W. 76101, the Enlarged Vaughan No. 2 Well, Proof No. U.W. 2409, is unaffected by the granting of this petition, and is described as follows:

Additional supply to the following lands having original supply from the Vaughan No. 1 Well, Well Registration No. U.W. 18; and an additional supply from the Smith No. 1 Well, Permit No. U.W. 14203:

Township 13 North, Range 62 West	
Section 25: NW ¹ / ₄ NW ¹ / ₄	33.0 acres
SW ¹ / ₄ NW ¹ / ₄	11.0
Total	44.0 acres

IT IS FURTHER ORDERED THAT a copy of this Order be given to the Ground Water Division of the State Engineer's Office so that portions of the appropriations of ground water involved can be noted as abandoned.

DONE AT SHERIDAN, COUNTY OF SHERIDAN, STATE OF WYOMING, THIS 12TH DAY OF AUGUST 2009.

STATE BOARD OF CONTROL


PATRICK T. TYRNELL, PRESIDENT

ATTEST:


ALLAN CUNNINGHAM, EX-OFFICIO SECRETARY

ENTERED: March 31, 2011

