

SW1-100 \$ 50.00  
PVD40 L 2647920652002

Form S.W. 1  
Rev. 11/7/2008  
J. GEYER

NOTE: Do not fold this form. Use typewriter or print neatly with black ink.

# STATE OF WYOMING

OFFICE OF THE STATE ENGINEER

3/8/2012  
1:30 PM

## APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER

**THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT**

Filing/Priority Date

THE STATE OF WYOMING }  
STATE ENGINEER'S OFFICE } SS.

This instrument was received and filed for record on the 8th day of March,  
20 12, at 1:30 o'clock PM.

John R. Barnes for State Engineer

Recorded in Book 3 of Ditch Permits, on Page 5

Fee Paid \$ 50.00 Map Filed E-30, 110F

WATER DIVISION NO. 4 DISTRICT NO. 16 TEMPORARY FILING NO. 35 4/217

PERMIT NO. 110 I.F.

NO SAGE

NAME OF FACILITY SHOAL CREEK INSTREAM FLOW

1. Name(s), mailing address and phone no. of applicant(s) is/are  
WYOMING WATER DEVELOPMENT COMMISSION

6920 YELLOWTAIL ROAD, CHEYENNE, WYOMING, 82002, 307-777-7626

E-mail address: \_\_\_\_\_

(if more than one applicant, designate one to act as Agent for the others)

2. Name & address of agent to receive correspondence and notices DAVE BUMANN, PE  
WYOMING GAME & FISH COMMISSION, 5400 BISHOP BLVD.

CHEYENNE, WYOMING 82006 E-mail address: DAVID.BUMANN@WYO.GOV

3. (a) The use to which the water is to be applied is INSTREAM FLOW

(b) If more than one beneficial use of water is applied for, the location and ownership of the point of use must be shown in item 10 of the application and the details of the facilities used to divert and convey the appropriation must be shown on the map in sufficient detail to allow the State Engineer to establish the amount of appropriation. In multiple use applications, stock and domestic purposes are limited to 0.056 cubic feet per second.

4. The source of the proposed appropriation is SHOAL CREEK, TRIB HOBACK RIVER, TRIB. SNAKE RIVER

SEGMENT OF INSTREAM FLOW IS FROM SHOAL CREEK FALLS

5. The point of diversion of the proposed works is located  
XXXXXX  
XXXXXX  
at the NW1/4 SE1/4 corner of Section 13 T. 39 N., R. 113 W.,  
TO THE CONFLUENCE WITH WEST SHOAL CREEK of Section SE1/4 T. 38 N., R. 113 W. (UNSURV/O.S.)

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_  
Latitude (Decimal Degrees) 43-20-24.08 N Longitude (Decimal Degrees) 110-21-50.83 W  
END 43-17-10.14 N, 110-24-48.28 W

6. Are any of the lands crossed by the proposed facility owned by the State or Federal government? If so, describe lands and indicate whether State or Federally owned.  
FEDERAL ALL

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is N/A cubic feet per second (c.f.s.)

8. The accompanying map is prepared in accordance with the State Engineer's Rules and Regulations for filing applications and is hereby declared a part of this application. The State Engineer may require the filing of detailed construction plans.

9. The estimated time required for the completion of construction is 30 DAYS, and to complete the application of water to the beneficial uses stated in this application is 30 DAYS FROM ISSUE.

Permit No. 110 I.F.

Page No. 5  
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10. The land to be irrigated under this permit is described in the following tabulation. (Give irrigable acreage in each 40-acre subdivision. Designate ownership of land, Federal, State or private. If private, list names of owners and land owned separately.) If application is for stock, domestic, or for purposes other than irrigation, indicate point of use by 40-acre subdivision and owner.

Townshi	Range	Sec.	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>			
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>
39	113	13														X	X	
(UNSURE)		24		X	X											X	X	
		25		X	X								X			X	X	
		36					X	X	X									
39	113	35				X								X	X	X	X	
38	113	2					L.B X		X	X								
(ORIG)		3			X	X				X	X	X						
38	113	4			X	X				X					X			
(ORIG)																		

Number of acres to receive original supply \_\_\_\_\_  
 Number of acres to receive supplemental supply \_\_\_\_\_  
 Total number of acres to be irrigated \_\_\_\_\_

**REMARKS**

-Instream Flow Requested: Natural direct flows are requested for the following amounts.  
 Up to:  
 6.0 cfs from October 1 to March 31  
 30 cfs from April 1 to April 30  
 45 cfs from May 1 to June 30  
 15 cfs from July 1 to September 30  
 -These amounts are requested throughout the reach segment whenever they are naturally available during the seasons specified to maintain or improve habitat for Snake River cutthroat trout.  
 -The requested amounts are based on a 2009 study by the Wyoming Game and Fish Department.

6.83  
 SEGMENT LENGTH: ~~6.4~~ miles  
 IF AN ADDITIONAL GAUGE IS REQUIRED BY THE STATE ENGINEER TO ADMINISTRATION THE WATER RIGHT, ONE WILL BE INSTALLED BY THE WGF AT A LOCATION WITHIN OR NEAR THE STREAM SEGMENT.

I declare that I have examined this application and to the best of my knowledge and belief it is true, correct and complete.

*Michael K. Russell*  
 Michael K. Russell  
 Printed Name and Signature of Applicant or Agent

3/6/12  
 Date

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit grants only the right to use the water available in the stream after all prior rights are satisfied.

1. This permit is issued for the natural flows:

October - March 31 - up to 6 cfs  
April - up to 30 cfs  
May - June 30 - up to 45 cfs  
July 1 - September 30 - up to 15 cfs

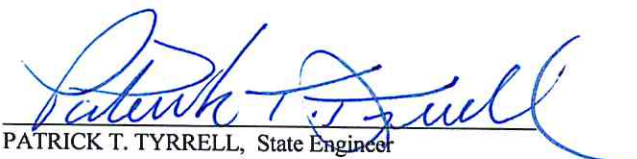
for instream flow purposes.

2. Notices of commencement and completion are waived in accordance with W.S. 41-3-1006(f). Beneficial use shall be deemed to be completed 30 days after permit approval as provided by W.S. 41-3-1006(f). Final proof of appropriation shall not be submitted earlier than three years after completion of beneficial use.

The time for completing the construction work shall terminate on December 31, 20\_\_\_\_.

The time for completing the application of water to beneficial use shall terminate on December 31, 20\_\_\_\_, and final proof of appropriation shall be made within 5 years thereafter.

Witness my hand this 13 day of July, A.D. 2015.

  
PATRICK T. TYRRELL, State Engineer

Permit No. 110 I. F.

Page No. 5  
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PERMIT NO. 110F

PERMIT STATUS

Priority Date March 8, 2012

Approval Date July 13, 2015

NOTICE

This permit, does not constitute a complete water right. It is your authority to begin construction work, which must be commenced within the time allowed in the permit.

Notice of completion of the work described in the permit, must be filed in the State Engineer's Office before the expiration of the time allowed in the permit.

If extensions of time beyond the time limits set forth in the permit are required, requests for same must be in writing, stating why the additional time is required, and must be received in the State Engineer's Office before the expiration of the time allowed in the permit.

Once the Notice of Completion has been filed, Proof of Appropriation will be prepared and sent to your Water Division Superintendent. The Superintendent will arrange with you for an inspection of the facility. Should you desire adjudication, the Proof will be considered by the Board of Control, and, if found to be satisfactory, the Board will issue to you a Certificate of Construction which will constitute a completed water right.

The granting of a permit does not constitute the granting of right-of-way. If any right-of-way is necessary in connection with the application it should be understood that this responsibility is the applicant's.