

Jade Henderson
JEFF GEYER

NOTE: Do not fold this form. Use type-
writer or print neatly with black
ink.

STATE OF WYOMING

OFFICE OF THE STATE ENGINEER

SCANNED

MAR 06 2007

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 21st day of June, A.D.
19 91, at 11:30 o'clock A. M.

John R. Barnes
JOHN R. BARNES, for

State Engineer

Recorded in Book 2 of Ditch Permits, on Page 2.

Fee Paid \$ 25.00 Map Filed E

WATER DIVISION NO. 1 DISTRICT NO. 17 Temp. Filing No. 27 2/213

PERMIT NO. 62 I.F.
E-28

NAME OF FACILITY Nugget Gulch ^{Branch} Instream Flow Segment Number 1

1. Name(s), mailing address and phone no. of applicant(s) is/are
Wyoming Water Development Commission, Herschler Building, Cheyenne, WY 82002
6920 YELLOWTAIL RD.

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

2. Name & address of agent to receive correspondence and notices Wyoming Game and Fish Department,
5400 Bishop Boulevard, Cheyenne, WY 82002

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 Nugget Gulch ^{Branch} tributary to ~~Little~~ Beaver Creek,
tributary to Douglas Creek, tributary to the North Platte River

5. The ~~point of diversion of the proposed works is located~~ segment of the instream flow is from the point of diversion of the Douglas Creek
~~from the~~ Diversion Pipeline in ~~NE 1/4 SE 1/4 of Section 14 T. 14 N., R. 79 W., and is in the~~ mouth of Nugget Gulch NE 1/4 SE 1/4 of Section 14 T. 14 N., R. 79 W. Orig. Survey.

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.

All lands are federally owned, administered by the U.S. Forest Service.

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is see remarks cubic feet per second.

8. The accompanying map is prepared in accordance with the State Engineer's Manual of Regulations and Instructions 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 commencement of work is 30 days, for 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

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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.

[illegible]

Number of acres to receive original supply	<u>N. A.</u>
Number of acres to receive supplemental supply	<u>N. A.</u>
Total number of acres to be irrigated	<u>N. A.</u>

REMARKS

INSTREAM FLOW REQUESTED - 0.2 cfs - January 1 through December 31

Based on the results of a study conducted by the Wyoming Game and Fish Department in 1979, a flow right of 0.2 cfs is requested from January 1 through December 31 to maintain habitat for trout spawning, cover and food production areas.

Stream length - 0.1 mile

Intervening permits - point of beginning of instream flow is same as point of diversion of Douglas Creek Diversion Pipeline, Permit 22096.

This is an ungaged stream. If additional information is required, a gage will be installed at or near the ~~down~~^{up}stream end of the instream flow segment.

APPROVED FLOWY:

OCTOBER 1 - MARCH 30 0.05 CFS

APRIL 1 - JUNE 30 0.20 CFS

JULY 1 - SEPTEMBER 30 0.15 CFS

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

Michael A. Russell
Signature of Applicant or Agent

4/21/91
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 granted for the natural flows:

October 1 through March 30- up to 0.05 cfs
April 1 through June 30 - up to 0.20 cfs
July 1 through September 30 - up to 0.15 cfs

for instream flow purposes throughout the 0.1 stream mile segment of Nugget Gulch Branch beginning at the Douglas Creek Diversion Pipeline (Permit No. 22096) in NE¼SE¼, Section 14, T14N, R79W, and ending at the confluence with the Douglas Creek in the NE¼SE¼, Section 14, T14N R79W.

2. The Wyoming Game and Fish Department shall construct any measuring devices which will be necessary for the administration of this instream flow appropriation as may be ordered by the State Engineer, (W.S. 41-3-1003(a)).

3. This permit is subordinate to junior priority permits for Stock Watering uses (20 acre-feet or less, each or 0.056 cubic feet of water per second of time or less) and Domestic uses (25 gallons per minute or less, each) of water from Nugget Gulch Branch and streams upstream of the Instream Flow Segment, as such uses may be permitted by the State Engineer in the future.

4. 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 until three years after completion of beneficial use.

5. The minimum by-pass flow requirements contained in the City of Cheyenne's 1982 USFS easement correspond to the amount of flow granted under this permit, but water right protection of this flow is limited to the priority date of this permit. This instream flow right is not dependent on and is separate from any minimum by-pass flow requirements. This instream flow water right is entitled to only the unstored natural flows of this basin up to the amounts specified, after all prior rights are satisfied.

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 28 day of February, A.D. 2007.


PATRICK T. TYRRELL, State Engineer

PERMIT NO. 62 IF
E-28

PERMIT STATUS

Priority Date June 21, 1991

Approval Date February 28, 2007

**PROOF PREPARED
ADJUDICATION IN PROCESS**

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.