

ORDER RECORD NO. 18--STATE BOARD OF CONTROL

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IN THE MATTER OF THE PETITION OF (Mrs.) BETTY M. THOMPSON FOR AN AMENDED CERTIFICATE OF APPROPRIATION OF WATER FROM BEAVER CREEK, TRIBUTARY OF SOUTH PINEY CREEK, TRIBUTARY OF GREEN RIVER, THROUGH THE EASTWOOD NO. 3 DITCH, UNDER TERRITORIAL APPROPRIATION WITH PRIORITY OF 1869, AS AMENDED TO JAMES MICKELSON (O. R. 3, P. 473; C. R. 6, P. 41, PROOF NO. 5427).

FINDINGS AND ORDER

THIS MATTER coming regularly before the State Board of Control this 16th day of May, 1969, the Board FINDS:

1. That the Petitioner, (Mrs.) Betty M. Thompson, of Big Piney, Wyoming, sets forth under oath that she is the present owner of the S&B&B, Section 8, and the S&B&B, Section 9, Township 26 North, Range 113 West, and of the appropriation of water attached thereto, as evidenced by the Certificate of the County Clerk of Big Horn County, Wyoming, which accompanies the petition.
2. That the appropriation of water to be affected by this petition is the James Mickelson Appropriation adjudicated under Proof No. 5427, diverting water from Beaver Creek, tributary of South Piney Creek, tributary of Green River, through the Eastwood No. 3 Ditch, under Territorial Appropriation, with priority of 1869.

3. (a) The Certificate of Appropriation of record in Certificate Record 6, Page 41, and the Order of Adjudication of record in Order Record 3, Page 273, Proof No. 5427, erroneously describes the land to be irrigated by the James Mickelson Appropriation as follows:

50 acres S&B&B, Section 8
30 acres S&B&B, Section 9, Township 26 North, Range 113 West

Total 80 acres

(b) The lands which have actually been irrigated under the James Mickelson Appropriation, adjudicated under Proof No. 5427, since the construction of the Eastwood No. 3 Ditch are described as follows:

50 acres S&B&B, Section 8
30 acres S&B&B, Section 9, Township 26 North, Range 113 West

Total 80 acres - actually irrigated

(c) Further, the lands not described in the Certificate of Appropriation, now proposed to be included, have been irrigated each year since the construction of the Eastwood No. 3 Ditch, and the lands described in the Certificate and which it is proposed to eliminate from the Certificate have never been irrigated under this appropriation. And, further, the lands actually irrigated are not to be changed in the least, but the petition is filed for the purpose of securing an amendment of the records to conform to conditions as they exist on the ground, and any claim to a right to use water on those lands proposed to be eliminated is relinquished subject to allowance of this petition.

4. That the S&B&B, Section 8, and S&B&B, Section 9, Township 26 North, Range 113 West, are public lands of the United States, of American and consequently no comment accompanies this petition.

5. Petitioner discovered this error in description of lands actually irrigated while preparing a summary of water rights in Township 26 North, Range 113 West, and is not informed as to how it occurred. However, it appears that the error in Township description was apparently made at the time Proof No. 5427 was submitted.

6. That no map accompanies this petition as the records in the Offices of the State Engineer and the State Board of Control should suffice.

7. That no other appropriator from the same source of supply will be injured in any way.