

IN THE MATTER OF THE PETITION FOR VOLUNTARY ABANDONMENT OF A PORTION OF THE M. V. SMITH APPROPRIATION, PERMIT NO. 3232 ENL., DIVERTING FROM MUDDY CREEK, A TRIBUTARY OF THE GREEN RIVER, THROUGH THE ENL. SHAFER DITCH WITH A PRIORITY OF MAY 12, 1915. (C.R. 12, P. 409; C.R. 62, P. 430; PROOF NO. 24873)

DOCKET NUMBER IV-82-3-5  
IN WATER DIVISION NUMBER FOUR

PETITIONER: JAMES P. SMITH, BIG PINEY, COUNTY OF SUBLETTE, STATE OF WYOMING 83113

This matter was considered by the State Board of Control at its regular meeting on September 1, 1982 with the following results:

FINDINGS OF FACT

1. THAT the petitioner is the owner of the lands for which abandonment is sought as evidenced by a Certificate of Ownership from the County Clerk of Sublette County, Wyoming.

2. THAT the appropriation involved is the M. V. Smith appropriation, Permit No. 3232 Enl., adjudicated under Proof No. 24873, in the amount of 1.97 c.f.s. for 138.0 acres, diverting from Muddy Creek, a tributary of the Green River through the Enlargement of the Shafer Ditch, with a priority of May 12, 1915 and of record in Order Record 12, page 409; Certificate Record 62, page 430, describing the lands irrigated as follows:

<u>Township 31 North, Range 111 West</u>	
Section 15:	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22.0 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0
Total	138.0 acres (1.97 c.f.s.)

3. THAT the petitioner desires to voluntarily abandon the right to 10.0 acres under the M. V. Smith appropriation and by a companion petition (Docket No. IV-82-2-2; O.R. 27, page 152) amend the right from Original Supply to Supplemental Supply for the remaining 128.0 acres. That the reason for the voluntary abandonment of the 10.0 acres is that they have not been historically irrigated and will not be irrigated in the future. Further, Permit No. 3232 Enl. was adjudicated in error as it was adjudicated for Original Supply and should have been adjudicated as Supplemental Supply to lands with Original Supply under Permit No. 10419, the Green River Supply Canal from the Green River. The petitioner desires to amend Permit No. 3232 Enl. to conform with those lands actually being irrigated under the Green River Supply Canal, Permit No. 10419. The lands for which voluntary abandonment is sought are described as follows: