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|-----------------------------------|---|
| Township 30 North, Range 112 West |   |
| Section 11:                       | NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres |
|                                   | NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00       |
|                                   | NE $\frac{1}{4}$ NW $\frac{1}{4}$ 24.24       |
| Section 12:                       | NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.00       |
| Total                             | 129.24 acres (1.85 c.f.s.)                    |

4. THAT the reason for the requested voluntary abandonment is that water has not been beneficially applied to the lands in years past when water was available, water is not presently being used and will not be diverted or used beneficially in the future.

Further, a majority of these lands are to be subdivided and the landowners desire to dispose of the water rights prior to approval of the subdivision.

5. THAT a properly prepared map showing the location of the lands for which voluntary abandonment is sought accompanied the petition.

6. THAT the petitioners declared their intentions to voluntarily abandon the lands described above and requested that a proper order of the Board be entered declaring such voluntary abandonment.

#### CONCLUSIONS OF LAW

The State Board of Control has jurisdiction both to consider the petitioners' request for voluntary 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 voluntary 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 appropriations or portions thereof be and the same are declared ABANDONED.

a. All of the Francis W. Tanner appropriation, Permit No. 21241, adjudicated under Proof No. 27019 in the amount of 3.0 c.f.s. for the irrigation of 210.0 acres and diverting from Meadow Canyon Creek, a tributary of Muddy Creek, which is a tributary of the Green River through the Barlow Ditch with a priority of May 8, 1953, and of record in Order Record 15, page 144; Certificate Record 66, page 189, describing the lands irrigated as follows:

(continued on page 325)