

PART I.

CHAPTER IV.

WATER FOR HIGHWAY OR RAILROAD ROADBED CONSTRUCTION

OR REPAIR, DRILLING FOR OIL OR GAS,

EXPLORING FOR ORE BODIES AND

OTHER TEMPORARY PURPOSES

Section 1. Methods of Acquisition. The right to divert or store water for highway or railroad roadbed construction or repair, drilling and producing operations, or other temporary purposes, can be acquired by following the same procedures as for other uses or by complying with the provisions of Sections 41-10.1 and 41-10.2, Wyoming Statutes 1957 (Laws 1959), as amended by Sections 1 and 2, Chapter 193, Session Laws of Wyoming 1971.

Section 2. Application for Permit.

a. GENERAL INFORMATION

(1) If a right is to be acquired by submitting an application and map for a permit to the State Engineer, the procedure followed is generally the same as for filing applications for permits for other uses.

(2) The priority of a right filed for these temporary purposes is the date the application for a permit is accepted in the State Engineer's Office.

(3) Such a right is issued only for a limited time, generally only for long enough to complete the temporary use, or for a 2-year period from the time of approval, whichever comes first; after which the permit is automatically cancelled.

b. INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM - S.W. 1.

(1) Items 1 through 4 are self-explanatory.

(2) ITEM 5. The point of diversion of the temporary water right must be located in the proper 40-acre subdivision. A bearing and distance corner tie to the point of diversion is desirable but not mandatory.

(3) ITEM 6. This should be completed showing the ownership of the land, if Federal or State land is involved. This item is required since the State Engineer must notify the proper State or Federal offices of proposed water use.

(4) ITEM 7. This item should give the maximum rate at which the water will be diverted from the stream. If the water is to be hauled by truck, the capacity of the pump loading the trucks could be used.

PART I.

(5) ITEM 9. The time that the water right will be required should be shown here. This can be done by giving the total number of days required to accomplish the desired use in very temporary uses. In applications requiring up to 2 years, this item should be filled out in more detail.

(6) ITEM 10. All points of use must be shown under this item. In highway and railroad use, each subdivision crossed by the right-of-way should be marked. In oil and gas well drilling, the location of the well should be marked in the proper subdivision and the oil or gas well should be identified.

(7) The "REMARKS" section of the application should be used freely to supply additional information that is not covered by Items 1 through 10 of the application. If the rate of diversion, gallons per day and total number of gallons are shown in "REMARKS", it is not necessary to duplicate this information on the required map.

(8) Each application for a temporary use must be accompanied by a map. The required map may be a U.S.G.S. Quadrangle or a County map with the required information added to it. The certification by a licensed engineer or land surveyor is desirable but not mandatory. A sample map is shown on page 27.

(9) Maps for highway or railroad construction must conform to the standards developed with the highway department and must generally follow the requirements for maps filed for permanent water rights.

Section 3. Temporary Acquisition of an Existing Right.

a. A second means of acquiring the right to the use of water for these various temporary uses is by following the provisions of Sections 41-10.1 and 41-10.2, Wyoming Statutes 1957 (Laws 1959), as amended by Sections 1 and 2, Chapter 193, Session Laws of Wyoming 1971. This legislation authorizes the temporary acquisition of an existing adjudicated or valid unadjudicated water right for temporary use in connection with highway or railroad roadbed construction, drilling for oil or gas, exploring for ore bodies and other temporary purposes. The maximum time allowed for such temporary use may not exceed a 2-year period.

b. In order to make such temporary change in use, it is necessary that an agreement be entered between the temporary user of the water and the owner of the water appropriation.

(1) In the case of temporary use of water for highway construction, the law requires that the agreement be between the State Highway Department and the owner of the water appropriation.

(2) This agreement must identify the water right to be utilized to supply water for the temporary use, its source of supply, priority, the amount of appropriation, point of diversion, and the amount of water to be diverted by such temporary use.

PART I.

(3) Agreement forms for temporary highway use are available from the Wyoming Highway Department through the Highway District or Resident Engineer, and are self-explanatory. Agreement forms for other temporary uses are available from the State Engineer's Office. See examples on pages 28 through 31.

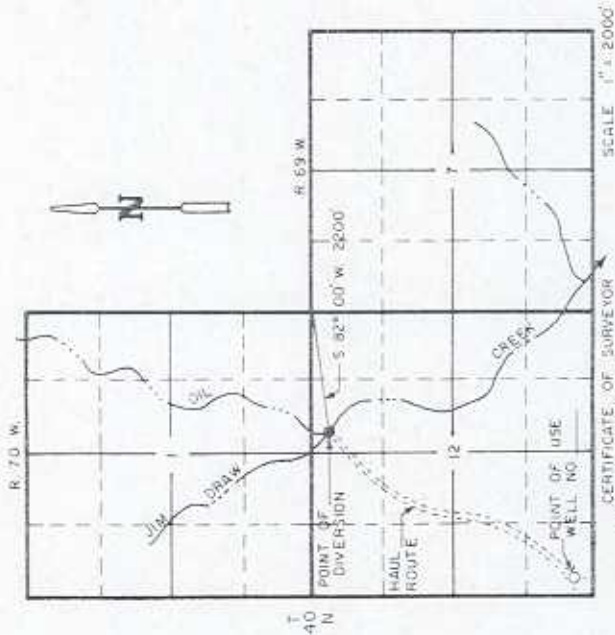
c. A sketch map must accompany the agreement showing the location of the ditch, pipeline or reservoir, and the temporary users point of diversion, any intervening rights, a general layout of the system, and the point where the temporary use will be made.

(1) A notation should also be placed on the sketch map describing generally how the water will be diverted, the maximum rate of diversion, and a description of the general system.

(2) A sample map on page 32 shows the required information for temporary highway use. A sketch map for other temporary uses should incorporate the same general information as shown on the sample highway map.

NOTE: THIS INFORMATION MAY BE SHOWN ON A U.S.S. QUADRIANGLE MAP OR A WYOMING COUNTY MAP. THE CERTIFICATE OF SURVEYOR AND THE TIE TO THE POINT OF DIVERSION ARE DESIRABLE BUT NOT MANDATORY.

WATER WILL BE DIVERTED FROM (NAME OF STREAM) AT A RATE OF (G.P.M. OR C.F.S.) NOT TO EXCEED (NUMBER OF GAL. PER DAY) FOR A TOTAL OF (TOTAL AMOUNT NEEDED TO DRILL WELL) GALLONS. THE TOTAL AMOUNT OF WATER WILL BE USED OVER A PERIOD OF (DAYS) THE TIME REQUIRED TO DRILL THE OIL WELL.



CERTIFICATE OF SURVEYOR  
STATE OF WYOMING  
COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_, SURVEYOR, HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON \_\_\_\_\_ 19\_\_\_\_ FOR \_\_\_\_\_ UNDER MY DIRECTION BY \_\_\_\_\_ RESPONSIBLE AND THAT IT CORRECTLY REPRESENTS THE POINT OF DIVERSION, POINT OF USE AND THE LOCATION OF STREAMS AS DESCRIBED IN THE ACCOMPANYING APPLICATION.

MAP  
FOR  
TO ACCOMPANY APPLICATION

OIL WELL WATER HAUL  
APPLICANT  
OIL COMPANY INC.  
P.O. BOX. 001  
CHEYENNE, WYO. 82001

WYOMING PE-15.

STATE ENGINEERS ENDORSEMENT  
BLOCK

PART I.

WATER AGREEMENT

For Temporary Use of Water

THIS AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_  
19\_\_\_, by and between \_\_\_\_\_  
of \_\_\_\_\_ hereinafter referred  
(address)  
to as the "User" and \_\_\_\_\_  
(water appropriator's name and address)  
\_\_\_\_\_ hereinafter referred to as "Appropriator".

WITNESSETH:

1. Upon receiving authority from the State Engineer, State of Wyoming, Appropriator shall deliver to the User a total amount of \_\_\_\_\_ of water from the following described (number of gallons, acre-feet) appropriation:

_____ (Permit Number)	_____ (Name of Well, Ditch or Reservoir)
_____ (Priority)	_____ (Source of Supply)
_____ (Amount of Appropriation)	_____ (Location of Record Point of Diversion of Ditch or Outlet or Reservoir or Well under this Appropriation)
_____ (portion of this Appropriation held by Water Appropriator)	_____ (Location of User's Point of Diversion)

2. The water to be supplied by Appropriator to the User shall be supplied at a maximum rate of \_\_\_\_\_ (gallons per minute or cubic feet per second) with total daily diversion of \_\_\_\_\_ (acre-feet or gallons per day) and said water shall be used for \_\_\_\_\_ (Indicate where and for what purpose water will be used and describe method and point of withdrawal, etc.)

PART 1.

3. It is understood and agreed by the Appropriator that in order to satisfy the consumptive use-return flow formula set forth in Wyoming law, as it applies to direct flow appropriation, it will be necessary for the Appropriation to forego the use of up to double the amount of water diverted under this Agreement as specified in paragraphs 1 and 2, unless an adjustment is made in this requirement by the State Engineer.

4. Throughout the term of this Agreement the User agrees that day to day water withdrawals hereunder shall be in such nearly even quantities as possible to the end that waste thereof shall not be created either by the User or by the Appropriator.

5. The User agrees to furnish one (1) copy of a sketch map or any other map necessary for transmittal with this Agreement showing the User's proposed point of diversion, general layout of system and the proposed point of use, as well as location of the water right involved. The items to be depicted on said map shall be shown with reasonable accuracy within the proper legal subdivision, section, township and range.

6. For and in consideration of the water to be furnished under the terms of this Agreement, the User agrees that Appropriator shall receive in payment thereof \_\_\_\_\_ cents per M gallon, the foregoing to be full consideration for this Agreement and paid or performed by the User at its sole cost and expense.

7. This Agreement shall be in existence and binding upon the parties hereto for a term of \_\_\_\_\_ from and after the date of (length of time) approval by the State Engineer or until such time as the total amount of water contracted for has been supplied, whichever occurs first, but in no event shall exceed a period of two years from the date of approval by the State Engineer.

This Agreement is made pursuant to Chapter 193, Session Laws of Wyoming, 1971, authorizing the temporary acquisition of adjudicated or valid unadjudicated water rights for highway, railroad construction or

PART I.

repair, drilling operations or other temporary purposes by purchase, gift or lease by the User and providing for the method of said acquisition.

USER:

By \_\_\_\_\_

Title \_\_\_\_\_

-----

APPROPRIATOR:

\_\_\_\_\_

\_\_\_\_\_

-----

APPROVED:

\_\_\_\_\_  
State Engineer of Wyoming

\_\_\_\_\_  
Date

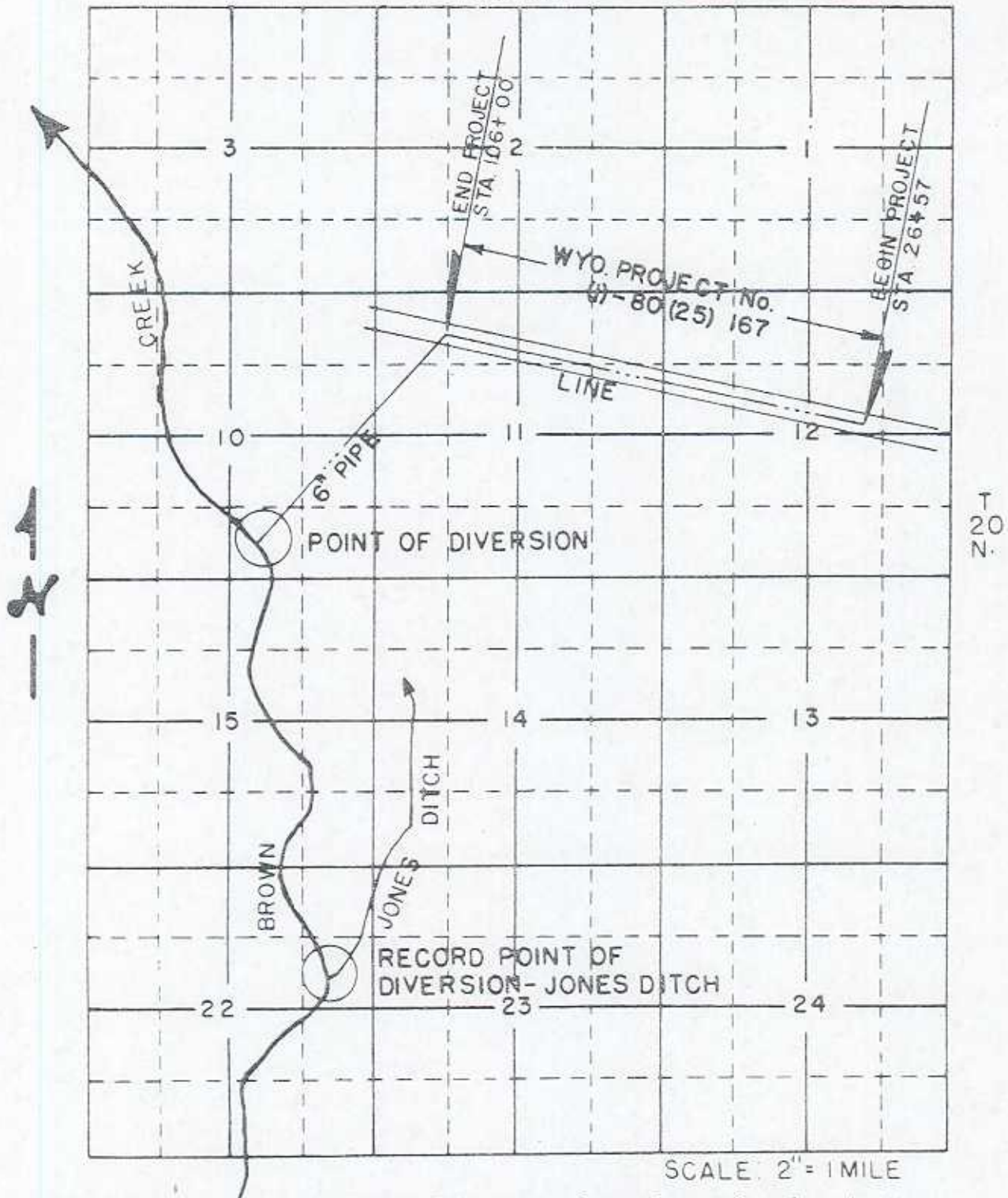
PART 1.  
INSTRUCTIONS

1. This form is to be used for Agreements involving adjudicated and valid unadjudicated water rights.
2. All locations required to be given under this Agreement shall be described by legal subdivision, section, township and range.
3. The sketch map furnished should show the location of the ditch, pipeline or reservoir or well, the location of the source of supply of the appropriation involved and the location of the point of diversion, the location of the area of use, and a brief narrative giving a general description of the proposed temporary use.
4. One (1) fully executed Agreement shall be forwarded to the State Engineer's Office. Upon approval by the State Engineer a fully executed copy will be returned to the parties to the Agreement.
5. Required size of sketch map is  $8\frac{1}{2}$ " x 11" ,  $8\frac{1}{2}$ " x 14" or multiples thereof.
6. If applicable, the signatures of both husband and wife are required on the appropriation.



## PART 1.

R. 83 W

SAMPLE MAP

NOTE: Water will be diverted by pump from Brown Creek, at a point located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N., R. 83 W., through a 6 inch pipeline at a maximum rate of about 450 gallons per minute. Water is from the right adjudicated to the Jones Ditch, Permit No. 2246, for 3.3 cfs with record point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 22, T. 20 N., R. 83 W. Water will be used for prewetting purposes on Wyo. Project (I)-80 (25) 167 between Stations 26 + 57 and 106 + 00 as shown above.