

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 Appropriator 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. Additionally, water can only be used during the historic irrigation period.

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, labeled as "Exhibit B" or any other map necessary for transmittal with this Agreement showing the **User's proposed point of use**, as well as location of the **point of diversion**, water right involved, and the **temporary water user's point of diversion**, if different from the appropriation point of diversion. The items to be depicted on said map shall be shown with reasonable accuracy within the proper legal subdivision, section, township and range. It is preferable that the temporary water user's point of diversion be from the facility under the original appropriation when possible.

6. This Agreement shall be in existence and binding upon the parties hereto for a term of _____ from and after the date of 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 Wyoming Statute 41-3-110 authorizing the temporary acquisition of adjudicated or valid unadjudicated water rights for highway, railroad construction or repair, drilling operations or other temporary purposes by purchase, gift or lease by the User and providing for the method of said acquisition.

USER:

Signature _____

Title _____

Printed Name _____

Mailing Address _____

Phone _____ cell

Phone _____ business

Phone _____ home

e-mail _____

APPROPRIATOR:

Signature _____

Title _____

Printed Name _____

Mailing Address _____

Phone _____ cell

Phone _____ business

Phone _____ home

e-mail _____

APPROVED

State Engineer of Wyoming

Date

INSTRUCTIONS

1. This form is to be used for Agreements involving adjudicated and valid unadjudicated **surface 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, 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 brief narrative giving a general description of the proposed temporary use.

4. Any out of state use must be addressed separately; please contact the State Engineer's Office for details.

5. 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.

6. Required size of sketch map is 8½ x 11", 8½ x 14" or multiples thereof.

7. A fee of Fifty (\$50.00) dollars must accompany each application.

8. Where irrigation rights are involved in any agreement, the right to divert water is limited to the historic irrigation period and when any type of right is involved, water can be used only when that right is in priority.

(This Agreement can only be honored during the historic irrigation period; therefore, if water is to be used in the non-irrigation period, an application for direct flow for temporary use would be in order.)

THESE LIMITATIONS TO APPLY TO AGREEMENTS USING DIRECT FLOW WATER FOR IRRIGATION PURPOSES.

Please mail completed forms, along with the \$50 filing fee to:

**State Engineer's Office
Attn: Surface Water
2nd floor, West Wing
Herschler Building
122 West 25th Street
Cheyenne, WY 82002**