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Eastern Shoshone & Northern Arapaho Tribes' GLOBAL NO. 8



MINUTE RECORD
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IN THE MATTER OF THE PETITION OF THE PIONEER CANAL COMPANY AND BOARD OF TRUSTEES, UNIVERSITY OF WYOMING, FOR ADJUDICATION OF A PORTION OF APPROPRIATIONS OF WATER FROM LARADE RIVER, TRIBUTARY OF NORTH PLATTE RIVER, THROUGH THE PIONEER CANAL, AS ADJUDICATED BY A DECREE OF THE DISTRICT COURT OF LARADE COUNTY UNDER DATE OF DECEMBER 27, 1912, WITH PRIORITY NO. 6 DATED APRIL 19, 1879, AND PRIORITY NO. 25 DATED OCTOBER 1, 1884. (O.P. 7, P. 247, 252; C.R. 48, P. 6, 30)

IN WATER DIVISION NUMBER ONE

FINDINGS AND OPINION

THIS MATTER coming regularly before the State Board of Control this 13th day of May, 1955, the Board FINDS:

THAT the petitioners, the Pioneer Canal Company, by Wesley Johnson and Lewis J. Holliday, and Board of Trustees, University of Wyoming, by E. George Rudolph, set forth under oath that the University of Wyoming is the owner of that part of appropriations of water from the Larade River, tributary of North Platte River, through the Pioneer Canal, as adjudicated by a Decree of the District Court of Larade County on December 27, 1912, under Priority No. 6 dated April 19, 1879 and Priority No. 25 dated October 1, 1884 (O.P. 7, P. 247, 252; C.R. 48, P. 6, 30) for the irrigation of a tract of land consisting of 15.6 acres in the NE 1/4 of Section 1, Township 15 North, Range 74 West;

THAT the petitioners request that the Order of adjudication and the Certificates of Appropriation be corrected to describe the lands under this appropriation as including a tract containing 15.6 acres in Lot 3 (K&K's), Section 1, Township 15 North, Range 74 West, in lieu of the above described tract of land, and an Order of the Board be issued to so amend the appropriations above described;

THAT the proposed change is desirable, as the tract to be described in the amendment of the Order is an integral part of the University Agronomy Farm and is much better suited to the conduct of experiments in farming than the land in the NE 1/4 of Section 1;

THAT the petition was originally considered by the State Board of Control on May 12, 1954 and referred to the Superintendent of Water Division One for a hearing;

THAT W. J. Knowlton, Superintendent of Water Division One, set the matter of the hearing on this petition for June 23, 1954, at the County Court House, Laramie, Wyoming, at ten o'clock A.M. and caused notice thereof to be published in one issue of the "Laramie Republican-Banner" on June 9, 1954;

THAT a hearing was held at the time and place stated in the advertisement and no one appeared in opposition to the petition; THAT the petitioners show the University of Wyoming to be the owner of the two tracts of land above described and the owner of 15.6 shares of capital stock in the Pioneer Canal Company;

THAT an opinion of the Attorney General of the State of Wyoming, under date of May 12, 1955, states that the appropriations of water in the name of the Pioneer Canal Company, with priority dates of April 19, 1879 and October 1, 1884, are not subject to the restrictions contained in Wyoming Compiled Statutes, 1945, Section 71-401, which was originally enacted in 1929, and are not subject to the provisions of that statute which provides that water rights may not be detached from lands on which originally used without loss of priority.

The Board, having considered the petition and being advised by the records of the office of the State Board of Control and the knowledge presented in the matter, HEREBY OPINES:

THAT the petition be GRANTED;

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THAT the Order of adjudication as of record in Order Record 7 on Pages 247 and 252, and the Certificates of Appropriation issued thereunder as of record in Certificate Record 48, Pages 6 and 30, entered in accordance with Decree of the District Court of Larimer County, dated December 27, 1912, be amended and corrected to describe the lands covered by appropriations of water from Larado River, tributary of North Platte River, through the Pioneer Canal under Priority No. 6 dated April 19, 1879, and Priority No. 25 dated October 1, 1884, as adjudicated to the Pioneer Canal Company, as including the following lands owned by the University of Wyoming: 15.5 acres in Lot 3 (R.F.H.W.), Section 1, Township 15 North, Range 74 West, and more definitely described as beginning at a point North 39° 40' East 4849 feet from the Southwest Corner of Section 1, Township 15 North, Range 74 West, thence North 92° 40' West 1255 feet, thence North 66° 02' East 589.1 feet, thence North 27° 12' East 337 feet, thence North 63° 39' East 526.4 feet, thence North 29° 45' East 127.7 feet to the north line of said Section 1, thence South 6° 25' West 1189 feet to the point of beginning;

THAT the land descriptions in said Order of the State Board of Control and the Certificates of Appropriation issued thereunder, insofar as they refer to the use of water under these appropriations on lands in that portion of the NE 1/4 of Section 1, Township 15 North, Range 74 West, lying above the Pioneer Canal, and being more particularly described as beginning at a point on the west line of Section 1, Township 15 North, Range 74 West, thence North 6° 30' East 1419 feet from the Southwest Corner of said Section 1, thence running North 6° 30' East 1220.7 feet, thence South 85° 50' East 1609.8 feet, thence South 72° 53' West 109.1 feet, thence South 62° 49' West 604.9 feet, thence South 78° 24' West 534.8 feet, thence South 40° 01' West 840.7 feet to the point of beginning, and containing 15.6 acres, be and the same is hereby HELD:

DONE AT CHEYENNE, COUNTY OF LARAMIE, STATE OF WYOMING, THIS 13TH DAY OF MAY, 1955.

ATTEST:

Paul Lloyd
EARL LLOYD, Executive Secretary
SECRETARY, February 22, 1955

STATE BOARD OF CONTROL
L. C. BISHOP
L. C. BISHOP, President

Order for partial withdrawal of rights under Priority 25 denied, O.E. 17, 1/10/54.

