IN THE MATTER OF THE PETITION FOR CHANGE OF POINT OF DIVERSION AND MEANS OF CONVEYANCE OF THE FOLLOWING APPROPRIATIONS:
A. THE LYDIA O. AYLESWORTH APPROPRIATION, TERRITORIAL APPROPRIATION, DIVERTING FROM THE LITTLE SNAKE RIVER, TRIBUTARY YAMPA RIVER, TRIBUTARY GREEN RIVER WITH A PRIORITY OF JUNE 1, ~~1898;~~ 1878
B. THE LYDIA O. AYLESWORTH APPROPRIATION, TERRITORIAL APPROPRIATION, DIVERTING FROM THE LITTLE SNAKE RIVER, TRIBUTARY YAMPA RIVER, TRIBUTARY GREEN RIVER WITH A PRIORITY OF SEASON 1890 -
BOTH TO BE CHANGED TO A NEW FACILITY, THE CURTIS PUMP AND PIPELINE.
(O.R. 1, P. 354; NO CERTIFICATE OF RECORD; PROOF NO. 1020
O.R. 1, P. 356; NO CERTIFICATE OF RECORD; PROOF NO. 1043)

DOCKET NUMBER I-88-1-1
IN WATER DIVISION NUMBER ONE

PETITIONERS: LES AND DONNA CURTIS, P. O. BOX 384, BAGGS, COUNTY OF CARBON, STATE OF WYOMING 82321.

This matter was considered by the State Board of Control at its regular meeting on February 2, 1988, with the following results:

FINDINGS OF FACT

1. THAT the petitioners are the owners of the appropriations for which change of point of diversion and means of conveyance is sought as evidenced by a Certificate of Ownership from the County Clerk of Carbon County, Wyoming.

2. THAT the appropriations for which change of point of diversion and means of conveyance is sought are as follows:

a. The Lydia O. Aylesworth appropriation, Territorial Appropriation, adjudicated under Proof No. 1020, in the amount of 0.21 c.f.s. for the irrigation of 15.0 acres, diverting from the Little Snake River, tributary Yampa River, tributary Green River through the Aylesworth Ditch with a priority of June 1, 1878, and of record in Order Record 1, page 354 describing the lands irrigated as follows:

Township 12 North, Range 91 West		
Section 11:	$SE\frac{1}{4}NW\frac{1}{4}$	15.0 acres
Total		15.0 acres (0.21 c.f.s.)

b. The Lydia O. Aylesworth appropriation, Territorial Appropriation, adjudicated under Proof No. 1043, in the amount of 1.21 c.f.s. for the irrigation of 85.0 acres, diverting from the Little Snake River, tributary Yampa River, tributary Green River

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through the Aylesworth Ditch with a priority of Season 1890, and of record in Order Record 1, page 356 describing the lands irrigated as follows:

Township 12 North, Range 91 West			
Section 11:	$NW\frac{1}{4}$	85.0 acres	
Total		85.0 acres	"blanket description" (1.21 c.f.s.)

3. THAT the petitioners requested a change of point of diversion and means of conveyance for the Aylesworth Ditch which diverts from the Little Snake River at a point in the $NE\frac{1}{4}SE\frac{1}{4}$ of Section 1, Township 12 North, Range 91 West to a new facility, the Curtis Pump and Pipeline, which diverts from the same source at a point approximately $1\frac{1}{4}$ miles downstream and described as South 11° 45' 43" East, 5538.0 feet distant from the Northwest Corner of Section 2, Township 12 North, Range 91 West and situate in the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 11, Township 12 North, Range 91 West.

The lands for which this change is requested are described as follows:

a. The Lydia O. Aylesworth appropriation, Territorial Appropriation, Proof No. 1020.

Township 12 North, Range 91 West			
Section 11:	$SE\frac{1}{4}NW\frac{1}{4}$	15.0 acres	
Subtotal		15.0 acres	(0.21 c.f.s.)

b. The Lydia O. Aylesworth appropriation, Territorial Appropriation, Proof No. 1043.

Township 12 North, Range 91 West			
Section 11:	$NW\frac{1}{4}$	85.0 acres	
Subtotal		85.0 acres	"blanket description" (1.21 c.f.s.)

Total lands to be changed to the Curtis Pump and Pipeline - 100.0 acres (1.42 c.f.s.).

4. THAT this change of point of diversion and means of conveyance is necessary because recent flooding of the Little Snake River destroyed the original point of diversion. In addition, the original point of diversion was difficult and expensive to maintain and access to the headgate was not easily obtainable. This proposed changed will eliminate this problem and provide a more economical and convenient means of delivery.

5. THAT there is one intervening point of diversion between the point of diversion of record of the Aylesworth Ditch and the proposed point of diversion of the Curtis Pump and Pipeline. This is the Bennett and Aylesworth Ditch. Consent to this proposal from the owners of the ditch accompanied the petition.

6. THAT there are no intervening tributaries or other sources of supply which would affect the rights of other appropriators.

7. THAT a properly prepared map accompanied the petition.

8. THAT the granting of this petition will not injure any other appropriators.

CONCLUSIONS OF LAW

The State Board of Control has jurisdiction both to consider the petitioners' request for change of point of diversion and means of conveyance 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 41-3-114, W.S. 1977, pertaining to change of point of diversion and means of conveyance and the petition should be granted.

ORDER

IT IS HEREBY ORDERED THAT this petition be and the same is GRANTED without loss of priority and subject to the condition that the change shall not adversely affect the rights of other appropriators in good standing at the time the change is made.

IT IS FURTHER OREERED THAT the petitioners be allowed to change the point of diversion of the Aylesworth Ditch which diverts from the Little Snake River, tributary Yampa River, tributary Green River at a point in the $NE\frac{1}{4}SE\frac{1}{4}$ of Section 1, Township 12 North, Range 91 West, to a new facility, the Curtis Pump and Pipeline which diverts from the same source at a point approximately $1\frac{1}{4}$ miles downstream and described as South 11° 45' 43" East, 5538.0 feet distant from the Northwest Corner of Section 2, Township 12 North, Range 91 West and situate in the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 11, Township 12 North, Range 91 West.

The lands for which this change is allowed are described as follows:

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a. The Lydia O. Aylesworth appropriation, Territorial Appropriation, Proof No. 1020.

Township 12 North, Range 91 West			
Section 11:	$SE\frac{1}{4}NW\frac{1}{4}$	15.0 acres	
Subtotal		15.0 acres	(0.21 c.f.s.)

b. The Lydia O. Aylesworth appropriation, Territorial Appropriation, Proof No. 1043.

Township 12 North, Range 91 West			
Section 11:	$NW\frac{1}{4}$	85.0 acres	
Subtotal		85.0 acres	"blanket description" (1.21 c.f.s.)

Total lands changed to the Curtis Pump and Pipeline - 100.0 acres (1.42 c.f.s.)

IT IS FURTHER ORDERED THAT the point of diversion of the Aylesworth Ditch be completely and permanently closed off to prevent the diversion of any water and that this be done to the satisfaction of the Division Superintendent.

DONE AT CHEYENNE, COUNTY OF LARAMIE, STATE OF WYOMING, THIS 2ND DAY OF FEBRUARY, 1988.

STATE BOARD OF CONTROL

Gordon W. Fassett

GORDON W. FASSETT, PRESIDENT

ATTEST:

Francis A. Carr

FRANCIS A. CARR, ADMINISTRATOR

ENTERED: July 3, 1989