

CHANGE IN POINT OF STORAGE FOR A PORTION FOR THE CROSS & CRUSE CREEK DITCH COMPANY APPROPRIATION, PERMIT NO. 13 RES., ADJUDICATED UNDER PROOF NO. 7116, STORING WATER IN THE CROSS & CRUSE CREEK DITCH COMPANY RESERVOIR, FROM CROSS CREEK, TRIBUTARY EAST FORK BIG GOOSE CREEK, TRIBUTARY BIG GOOSE CREEK, TRIBUTARY OF TONGUE RIVER, 210 ACRE-FEET FOR IRRIGATION, WITH A PRIORITY OF MAY 7, 1894.

BEFORE THE STATE BOARD  
OF CONTROL

CHEYENNE, WYOMING

O.R. 3, p. 448; No C.R. of Record; Proof No. 7116

STATE OF WYOMING       )  
  ) §  
COUNTY OF SHERIDAN    )

Comes now, Oliver Boliver., P.O. Box 777, Mariana, WY 82866, being duly sworn on oath according to law, does hereby make the following statement of facts and petition.

1. THAT they are an owner of record of a portion of the Cross & Cruse Creek Ditch Company Reservoir for which a partial change of point of storage is sought.
2. THAT the appropriation to be affected by this petition is the Cross & Cruse Creek Ditch Co. Appropriation, Permit No. 13R, adjudicated under Proof No. 7116, and of record in O.R. 3, Page 448, with priority of May 7, 1894, the Cross & Cruse Creek Ditch Company Reservoir, also known as the Last Chance Reservoir, storing water from Cross Creek, 210 ac-ft for irrigation purposes, and located in Section 11 of Township 52 North, Range 86 West; and
3. THAT your petitioner wishes to change the point of storage for a portion of the Cross & Cruse Creek Ditch Company Reservoir, also known as the **Last Chance Reservoir, Permit No. 13R**, and adjudicated under Proof No. 7116. This reservoir is located on-channel and inundates portions of the west half of the northeast quarter and portions of the east half of the northwest quarter of Section 27, Township 53 North, Range 86 West, Original Survey. The record surveyed tie is **South 1220 feet distant from the north quarter**

**corner of Section 27, Township 53 North, Range 86 West**, Original Survey, to point V, as shown on the permit map.

This reservoir inundates portions of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and Lot 3 in Section 27, Township 53 North Range 86 West, Independent Resurvey.

4. THAT the Cross & Cruse Creek Ditch Company Reservoir has an adjudicated capacity of 210 ac-ft for irrigation purposes, of which your petitioner has been allocated 120 acre-feet and would like to move 120 acre-feet to the Cross Creek Reservoir.
5. THAT the **Cross Creek Reservoir** was originally permitted under Permit No. 5945 Res., adjudicated under Proof No. 32867, and of record in C.R. R-9, p.66. This reservoir was subsequently enlarged under Permit No. 6222 Res., adjudicated under Proof No. 32868, C.R. R-9, p.67 and Permit No. 7441 Res., Proof No. 32869, C.R. R-9, p.68, with a total adjudicated capacity of 797.68 acre-feet. The outlet is located **S 23° 15' W, 4450 feet distant from the Northeast corner of Section 4, Township 52 North Range 86 West**, and the reservoir inundates portions of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4 in Township 52 North, Range 86 West.
6. THAT a recent survey found that the adjudicated capacity of the Cross Creek Reservoir, namely 797.66 acre-feet, was available at a surface area of 49.9 acres at an elevation of 9012.17. The high-water line of the reservoir encompasses an area of 50.0 acres; therefore, this reservoir can provide an additional storage amount of 26.64 acre-feet above the adjudicated allocation.
7. THAT your petitioner wishes to store the entirety of the 120 acre-feet allocated under Permit No. 13 Res in the Cross Creek Reservoir. Incorporating the relocated 120 acre-feet under Permit 13R increases the total storage of record in Cross Creek Reservoir to 917.66 acre-feet. Given the adjusted storage amount of 824.3 acre-feet, there is 93.36 acre-feet that cannot be stored in Cross Creek Reservoir.
8. THAT your petitioner wishes to designate the excess of 93.36 acre-feet as Permit No. 7441, the second enlargement of the Cross Creek Reservoir. This enlargement was adjudicated as the Victor Garber Appropriation, under Proof No. 32869, and is of record in O.R. 26, p.297 and C.R. R-9, p.68, with a total allocation amount of 301.87 acre-feet. Due to the lack of storage available, 208.51 acre-feet of Permit 7441 Res. will remain in the Cross Creek Reservoir.

9. THAT your petitioner wishes to assign the excess acre-feet under Permit 7441 Res., which is 93.36 acre-feet, to the Big Horn Reservoir Company. The Big Horn Reservoir Company owns the Big Horn Reservoir, originally permitted under Permit No. 1352 Res, subsequently enlarged under Permit Nos. 6946 Res. and 6947 Res. with a total adjudicated capacity of 4,449.99 acre-feet. The Big Horn Reservoir Company will determine what steps they must take to store the 93.36 acre-feet of Permit No. 7441 Res. assignment and file for an enlargement of the reservoir if necessary.
  
10. THAT consent will be sought from the Cross & Cruse Creek Ditch Company, from the Big Horn Reservoir Company and from Cross Creek Reservoir Company.
  
11. THAT the change in point of storage will not injure other appropriators.
  
12. THAT filing fees in the amount of \$50.00 accompany this petition.
  
13. THAT a map prepared by \_\_\_\_\_, a licensed professional land surveyor of Sheridan, Wyoming, accompanies the petition.

It is the prayer of your petitioner that the change in point of storage of a portion of the storage right under Permit No. 13 Res. be granted, as outlined in Paragraphs 5 through 9 above, and that a proper Order of the Board be entered recording the same.

Respectfully submitted,

Signature: \_\_\_\_\_  
 Joe Black, Vice President of Garber Agri-Business

State of Wyoming     )  
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                                   )     §  
 County of Sheridar

The foregoing instrument was acknowledged before me by Joe Black, Vice President of Garber Agri-Business, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness my hand and official seal:

\_\_\_\_\_  
Notarial Officer  
My commission expires: \_\_\_\_\_