

WATER RIGHT RECORD

Park:

Docket Number:

IDENTIFICATION NO: _____

DITCH/WATER SYSTEM: Teton Irrigation Project

SOURCE OF SUPPLY:

LOCATION:

WATER RIGHT:

Appropriator: Teton Irrigation Co.

Application/Permit Number: 10406, 10407, 11646, 11647, 11648, 2733

Certificate Record Number: *do not* ~~44~~ 80 81 82 83 84
15

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

*See Related Dockets
for other cancelled permits*

SUMMARY OF STATUS: These permits and the project involved have been cancelled. This folder is maintained only for what historical value it may have.

Other Supporting Information

COPY

October 29, 1936

Mr. K. S. Albert
Consolidated Royalty Bldg.
Casper, Wyoming

Re: Application for extension of permits
to appropriate water.

Dear Mr. Albert:

I have delayed ruling on the above application while I considered the protest of certain water users of Teton County, made against the granting of further time to complete the irrigation works and apply the water to beneficial use. In deciding this matter I have also considered the report filed by you in support of the application. Certain allegations are made concerning the fight against you by interests outside the State. The only consideration that can properly affect my decision is that the water be used for the best interests of the State and wish to assure you that beneficial use of the waters of the State within the boundaries of the State has always been my primary conviction.

It should be noted that the protest, a copy of which I am enclosing, is not made by non-residents or parties having ulterior purposes, but by bona fide water users of Teton County, having adjudicated rights that are entitled to every proper protection and whose objections merit the most careful consideration. The basis of their objection is that between the dates of the original applications, 1909 and 1912, and the present, many others have taken water from the stream in question, applied same to beneficial use and now have adjudicated priorities thereto, but, if your present request is granted, those priorities will be jeopardized and the use of the water will become dependent upon the use made by you.

You are aware that Sec. 122-409, W. R. S. 1931, provides that the State Engineer may, "for good cause shown" extend the time to complete the appropriation. This, I deem, vests in me the power to exercise a proper discretion as to what "good cause" is. Obviously, no definite and precise rule can be set out, but my decision must be based upon the peculiar facts and circumstances of the particular case. In the present case I find that a number of water users have secured priorities later in date to the original permit which you now seek to have extended. Acting on the verbal assurances that there was plenty of water to satisfy their needs they have made valuable improvements on their properties and applied the water to a beneficial use thereon. These permits on which you request an extension of time have been in existence for 25 years and the time for completion has been extended many times, but no construction work has been performed that would tend to show that an orderly plan or due diligence had been exercised toward the culmination of this project.

If the present application is granted, then, those who have diligently prosecuted their work, may find that it has been of no avail and s

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. K. S. Albert
asper, Wyoming
age #2

October 29, 1936.

material injury. Under the circumstances I do not feel that good cause for further extension has been shown and feel that, in light of the interest of other users from the same source, it would be inimical to the best interests of the State to grant a further extension of time for the completion of this project. It is therefore with regret that I am obliged to deny your application for extension of time in which to complete construction on the following permits:

North Ditch Creek Canal,	No. 11646
South Ditch Creek Canal,	No. 11647
Gros Ventre Canal,	No. 11648
Buffalo Fork Canal,	No. 10407
Spread Creek Canal,	No. 10406
Enlargement of Spread Creek Canal,	No. 2733 Enl.

Very truly yours,

JOHN D. QUINN
State Engineer

JDQ:RM
Encl.
CC - 3

Docket Information

Number of Documents in Docket 4

Documents Dated from 10/29/1936 to 7/3/2012

Docket Compiled: 7/3/2012