

R E G U L A T I O N S

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I N S T R U C T I O N S

STATE ENGINEER'S OFFICE

STATE OF WYOMING

PART II

GROUND WATER

CHEYENNE, WYOMING

REVISED JANUARY 1974

Rules and Regulations
STATE ENGINEER'S OFFICE
State of Wyoming

I certify that the copy hereto attached is a true copy of the rules
of the

State Engineer's Office

relating to the revision of the State Engineer's Manual of Regulations
and Instructions, Part II, in accordance with Sections 9-276.19 through
9-276.24, Wyoming Statutes 1957; and that the original rules are on file
in this department. This revision shall supersede and replace all other
rules previously filed.

Prior to adoption, these rules were made available for public inspec-
tion on the 13th day of February 1974.

The effective date of the attached rules is 20 days after filing by
the Secretary of State as indicated by the authenticating file stamp.

Signed this 28th day of February, 1974.


FLOYD A. BISHOP

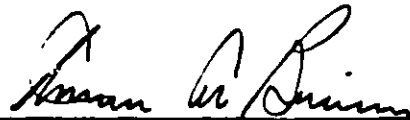
State Engineer

STATE OF WYOMING | ss

Office of the Secretary

Filed the 5th day of March
in 74 at 2:35 P.M.

Secretary of State



Approved as to Authority and Substance
Office of the Attorney General

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STATE ENGINEER'S OFFICE

GROUND WATER

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CHAPTER I.

GENERAL INFORMATION

Section 1. Authority. All water within the State of Wyoming is the property of the State of Wyoming. The Wyoming State Engineer is charged by the Wyoming Constitution with the administration of all waters within the State. Specific statutory authority for the administration of Wyoming ground water by the State Engineer is provided by Section 41-121 through Section 41-147, Wyoming Statutes 1957, as amended by Chapter 213, Session Laws of Wyoming 1969, and Chapter 171, Session Laws of Wyoming 1973.

Section 2. Definition of Underground Water or Ground Water. The terms underground water and ground water are used interchangeably and will have the same definition. Ground water means any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir, or other body of surface water, including water that has been exposed to the surface by an excavation, such as a gravel pit or some type of mining operation.

Section 3. Communications. Address all communications concerning the right to the use of ground water to the Ground Water Section, State Engineer's Office, State Office Building, Cheyenne, Wyoming, 82002.

Section 4. Information Requests Concerning Existing Ground Water Rights. Requests for information concerning existing ground water rights should be accompanied by the legal description of the well location, the name of the appropriator, if known, and any other pertinent information which might be of value in researching the records of the State Engineer's Office.

Section 5. Who is Required to File. Any individual, company or corporation or other entity that intends to beneficially utilize ground water must obtain an approved permit from the State Engineer before commencing construction, including test holes, on any ground water development.

In cases where a well has been drilled for some purpose other than to obtain water, and is then converted or utilized as a water well, a permit approved by the State Engineer must be obtained before the water from the well is beneficially used.

Section 6. Availability of Forms. Application forms for new ground water developments (Form U.W. 5) and application forms for the registration of stock and/or domestic wells completed prior to May 24, 1969 (Form U.W. 7) may be obtained from the State Engineer's Office in Cheyenne, from the County Clerk's Office in each County Courthouse, and the local Water Commissioner. All commencement, completion and proof of appropriation forms will be sent to the applicant by the State Engineer's Office after the application is approved.

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Section 7. Fees. All fees must be paid in advance. All remittances are to be made payable to the State Engineer, except those remittances that are submitted to cover adjudication costs, which are to be made payable to the Wyoming State Board of Control. Remittances should be by currency, bank draft, post-office or express money order, or check and should be transmitted with the application or letter.

Section 8. Fee Schedule. The following fees are required for filing instruments in the State Engineer's Office:

- a. Each application of any type \$ 2.00
- b. For recording any other instrument:
 - (1) First Sheet \$ 2.00
 - (2) Each subsequent sheet \$ 1.00

The following fees are required for filing instruments in conjunction with the adjudication of a ground water right by the State Board of Control:

- a. Each final proof \$ 2.00
- b. Advertising fee for each final proof \$10.00
(Any portion of this fee which is not used will be returned to the permittee. If the fee exceeds \$10.00, the appropriator will be required to submit the additional fee to the State Board of Control.)
- c. For recording any other instrument:
 - (1) First Sheet \$ 2.00
 - (2) Each subsequent sheet \$ 1.00

Section 9. Miscellaneous Charges.

- a. For making prints of maps on file:
 - (1) "B" size map. \$.50
 - (2) "D" size map. \$.75
 - (3) Township plat (linen) \$.75
 - (4) "E" size map. \$ 1.00
 - (5) "F" size map. \$ 1.50
 - (6) Minimum Charge (any map). \$.50

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b. For making photocopies of records:

- (1) First sheet \$ 2.00
- (2) Each subsequent sheet \$ 1.00
- (3) Each certificate. \$ 1.00
- (4) Maps and other matter Commercial rates

c. For making microfilm copies of records:

- (1) Each processed sheet. \$.50

d. For making Xerox copies:

- (1) Each sheet. \$.10

Section 10. Time Limits. The permittee will be given one (1) year from the date the application is approved to commence construction on any ground water development and shall complete the construction and apply the water to beneficial use before December 31 of the year following the year in which the application was approved.

Section 11. Extensions of Time. If compliance with the time limits set forth in the permit for commencement, completion or application of the ground water to beneficial use cannot be met, the permittee may request that the State Engineer grant an extension of time. Such requests must be in writing, setting forth in detail the reasons for the requested extension of time, and must be received in the State Engineer's Office prior to the expiration dates set forth in the permit.

Section 12. Priority of Ground Water Rights. The priority of appropriation of ground water where the well was constructed prior to April 1, 1947, and the statement of claim was properly filed in the State Engineer's Office prior to March 1, 1958, shall date from the date of completion of the well. Such rights are recorded in the State Engineer's Office as Statements of Claim. The priority of appropriation of ground water where the well was constructed after April 1, 1947, but prior to March 1, 1958, and the well was properly registered in the State Engineer's Office prior to March 1, 1958, shall date from the date the water right was filed in the State Engineer's Office. Such rights are recorded as Well Registrations.

The priority date for stock and/or domestic wells completed prior to May 24, 1969 and properly filed in the State Engineer's Office on or before December 31, 1972, shall be the date the well was completed. Stock and/or domestic wells completed prior to May 24, 1969 and filed with the State Engineer's Office after December 31, 1972, shall receive the date of filing as the priority date of the water right.

The priority date of all other ground water rights, shall be the

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date the application to appropriate ground water is received and filed in the State Engineer's Office.

Section 13. Well Spacing. Due to the extremely variable nature of the geologic conditions within the State of Wyoming, no absolute well spacing requirements have been developed except those outlined in Chapter IX of this Manual. If well locations are such that unreasonable interference between wells develops, the water rights will be administered on the basis of priority. If well locations are such that interference between surface water flows and ground water withdrawals develop, the priorities of ground water rights will be correlated with surface water rights and regulated accordingly. (See Section 17 of this Chapter for further details.)

Section 14. Adjudication. The process of adjudication finalizes a water right. It fixes the amount of the appropriation and the point(s) or area(s) of use. The adjudication procedure for ground water rights is found in Chapter II, page 11.

Section 15. Division Advisory Committees on Ground Water. In each of the State's four Water Divisions, a Division Advisory Committee on ground water has been established. Each Division Advisory Committee consists of three individuals who reside within the Water Division and who are appointed by the Governor for 6-year terms. The function of the Division Advisory Committee on ground water is to advise the State Engineer and State Board of Control on matters relative to ground water development in their respective Water Division and to call and supervise the election of Control Area Advisory Boards.

Section 16. Control Areas. The Wyoming State Board of Control has the authority under Section 41-129, Wyoming Statutes, 1957 as amended by Chapter 171, Session Laws of Wyoming 1973, to designate Control Areas for the following reasons: (a) The use of ground water is approaching the current recharge rate; (b) Ground water levels are declining or have declined excessively; (c) Conflicts between water users are occurring or may occur; or (e) Other conditions exist or may arise that require regulation for the protection of the public interest. The designation of a Control Area serves three primary purposes: (a) It provides a mechanism to slow development so as to insure that prior, established ground water rights are protected and not subjected to interference problems; (b) It provides for the election of a Control Area Advisory Board comprised of 5 people living within the Control Area to advise and assist the State Engineer in formulating policies concerning ground water development in the Control Area; and (c) It provides a means by which regulation of the use of ground water can be developed and implemented should the situation warrant it.

The procedure for establishing a Control Area is as follows:

a. Whenever the State Engineer has reason to believe that a Control Area should be established, for any or all of the reasons set forth in paragraph 1 of this Section, it is his duty to make a written report

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to the State Board of Control setting forth the reasons why the establishment of a Control Area is necessary.

b. The State Board of Control will then designate a time and place to hold a public hearing to afford interested persons an opportunity to present evidence.

c. After the public hearing is held and the testimony is evaluated and considered, the State Board of Control will issue an Order to either designate a Control Area or reject the designation of a Control Area.

d. If a Control Area is established, an election is held to elect the Control Area Advisory Board. At this time, the appropriate Water Division Superintendent will also proceed with the adjudication of all ground water rights within the designated Control Area.

e. Following the adjudication of the ground water rights in the Control Area, the State Engineer, with the advice of the Control Area Advisory Board and the Division Advisory Committee on Ground Water, may establish such controls and regulations as he deems necessary.

Any decision by the State Engineer or State Board of Control can be appealed to the courts as outlined in Section 23 of this Chapter.

The application procedure to obtain a ground water right in a Control Area is set out in Chapter II, Section 5, Page 9.

Section 17. Interference Complaints. Any appropriator of either surface or ground water may file a written complaint alleging interference with his water right by a later priority ground water right. Complaints are to be filed with the State Engineer and must set out in detail the facts pertinent to the situation. Each complaint is to be accompanied by a fee of \$100 to help defray the cost of the investigation. Upon receiving the complaint and fee, the State Engineer shall undertake an investigation to determine if the alleged interference does exist.

Following the investigation, the State Engineer will issue a report stating his findings and suggestions on various means of stopping, rectifying or ameliorating the interference or damage.

ANY INTERESTED APPROPRIATOR WHO IS DISSATISFIED WITH THE RESULTS OF THE FOREGOING PROCEDURE MAY PROCEED UNDER THE APPLICABLE PROVISIONS OF THE WYOMING ADMINISTRATIVE PROCEDURE ACT. IF A HEARING IS TO BE HELD, IT SHALL BE HELD BEFORE THE APPROPRIATE DIVISION SUPERINTENDENT. THE DIVISION SUPERINTENDENT SHALL REPORT TO THE BOARD OF CONTROL AT ITS NEXT MEETING. THE BOARD SHALL ISSUE ITS ORDER TO INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

NOTE: This section is not applicable to interference between two surface water rights.

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Section 18. Interstate Use of Ground Water. Ground water may be utilized outside the boundaries of the State of Wyoming, provided certain conditions are met. These conditions include: (a) specific authorization by the Legislature of the State of Wyoming to utilize the ground water outside the boundaries of the State of Wyoming, and (b) the State in which the ground water is to be utilized must grant reciprocal rights for the use of ground water in the State of Wyoming.

Section 19. By-Product Water. By-product water is water which is a by-product of the activities of some nonwater-related economic activity, such as oil well separator systems, dewatering of mine areas or waste water from mines. If the water produced as a result of such activities is to be beneficially used in any manner, an application for a permit to appropriate water must be filed with and approved by the State Engineer before the water can be put to beneficial use.

The by-product water may be filed on by ground water procedures if (a) the water is intercepted while it is readily identifiable and has not yet comingled with other water, and (b) an agreement accompanies the application which has been signed by the developer-grantor of the by-product water and the applicant-grantee which sets forth any provisions for the reservation of the water for use by the developer-grantor.

The granting of such a water right for the use of by-product water does not imply that the developer-grantor of the water must maintain or provide the historic, or any, amount of by-product water to the applicant-grantee and the water right is subject to any agreement made between the developer-grantor and the applicant-grantee. In all other cases in which conditions (a) and (b) are not met, an application to appropriate by-product water shall be governed by the laws pertaining to surface water.

The procedure for filing on by-product water as ground water is found in Chapter II, Section 6, Page 10.

Section 20. Geothermal Steam and Hot Water. Geothermal steam and hot water are considered ground water for the purpose of administration. A permit to appropriate ground water must be obtained from the Wyoming State Engineer to explore for or before geothermal steam or hot water can be utilized. Anyone contemplating the development of geothermal steam or hot water should contact the State Engineer's Office for additional information.

Section 21. Springs, Filing as Ground Water Developments. Springs, where the total yield or flow is 25 gallons per minute or less and where the proposed use is for stock and/or domestic purposes, may be filed in accordance with the procedures for appropriating ground water.

NOTE: In addition to be above requirements, some type of artificial development such as collection boxes, cribbing, etc., must be employed or proposed before an application to appropriate the water from a spring will be considered a valid appropriation. The water from a

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spring must be diverted in some manner to the point(s) or area(s) of use or storage.

The procedure for filing an application to appropriate water from a spring meeting the above requirements is found in Chapter II, Section 7, Page 11.

Section 22. Waste Disposal Wells. A permit must be obtained from the Wyoming State Engineer and the Wyoming Oil and Gas Conservation Commission before construction of any well used for the subsurface injection of waste materials may commence. Detailed geologic, hydrologic and chemical information must be provided before any waste disposal well application will be considered. Anyone contemplating the construction of a waste disposal well should contact the Wyoming State Engineer's Office concerning the types of information which will be required.

Section 23. Appeals. Any person aggrieved by an Order of the Wyoming State Board of Control or of the State Engineer concerning ground water, or by their or his failure to act, may appeal in the manner provided by Section 41-126 of the statutes, and the Wyoming Administrative Procedure Act.

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CHAPTER II.

PROCEDURES AND GENERAL INSTRUCTIONS FOR OBTAINING A
GROUND WATER RIGHT

Section 1. Authority. Section 41-138, Wyoming Statutes 1957, as amended by Section 6, Chapter 213, Session Laws of Wyoming 1969, provides that an application must be submitted and a permit secured from the State Engineer before any ground water diversion (including test holes for a larger well) is constructed. If any well constructed for any other purpose is found to be suitable for the withdrawal of ground water, a permit must be obtained before the water is utilized.

Section 2. Acquisition Procedure. The following steps briefly outline the necessary procedure for obtaining a ground water right:

a. An application must be submitted to the State Engineer's Office, accompanied by the legally required Two Dollar (\$2.00) filing fee. A separate application is required for each well.

b. Upon receipt in the State Engineer's Office, the application will be reviewed. If there are any questions to be resolved, the applicant or his agent, if any, will be contacted. If the requested information is not submitted within 90 days of the date the information is requested, the application will be submitted to the State Engineer for rejection. The applicant will be notified by certified mail before the application is rejected.

c. When in proper form, the application is approved by the State Engineer, and becomes a ground water permit. The permit is assigned a number, and a copy of the approved permit is returned to the applicant (permittee). An application for a permit in any area not designated as a control area, shall be granted as a matter of course, if the proposed use is beneficial and would be in the public interest.

d. The permittee should read and understand all limitations on the approved permit. Besides the standard limitations printed on the permit and inherent under the law, additional limitations deemed necessary by the State Engineer may be added prior to approval of the permit.

e. The permittee is required to submit written notification to the State Engineer's Office of the date the well is commenced; the date it is completed, with pump or valve; and the date the water is beneficially used for the purposes specified in the permit. The permittee is also required to submit information on water levels, a driller's log, and other pertinent data relating to the well.

f. For all wells, with the present exception of strictly domestic and/or stock wells, a map certified by a licensed professional engineer or land surveyor, must be submitted at the time the Proof of Appropriation and Beneficial Use of Ground Water form is submitted. This map and

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other required notices will form the basis for adjudication of the water right. See Chapters V and VI for mapping requirements.

Section 3. General Requirements for Application and Registration Forms. Application or registration forms must not be folded or defaced either by crossing out or erasing printed matter, or by pasting sheets of paper over the printed matter. Applications and registrations should be typed or completed neatly with black ink. If the form does not allow for proper explanation of a proposed appropriation or registration, do not cross out printed matter, but make an explanatory note in the space provided for "REMARKS". All applications or registrations must be signed and dated by the applicant or his authorized agent.

If the application is in the name of a company, corporation, municipality or other entity, the title of the person signing the application must be provided directly behind or below the signature.

Section 4. Applications for New Wells. An application, Form U.W. 5 -- "Application for Permit to Appropriate Ground Water", must be filed, and a permit secured from the State Engineer, before initiating construction of any well or other works which would utilize ground water, including domestic and/or stock wells. An approved permit must also be obtained when a well is completed for any non-water related activity (i.e. mineral exploration, seismograph, etc.) and is then converted so that water can be withdrawn and beneficially used. The application for permit must be completed by the applicant or his authorized agent, and submitted to the State Engineer's Office with the legally required Two Dollar (\$2.00) filing fee.

Section 5. Application for Permit to Appropriate Ground Water in a Control Area. The procedure for obtaining an approved Permit to Appropriate Ground Water in a Control Area for any use other than domestic and/or stock watering purposes consists of the following steps:

a. An "Application to Appropriate Ground Water" must be filed in the State Engineer's Office.

b. The application is then processed by the ground water staff of the State Engineer's Office.

c. After the application is filed and processed, it is advertised for three (3) consecutive weeks in a newspaper of general circulation in the area where the well is to be located. The advertising procedure provides notice to other appropriators holding existing ground water rights that a ground water development is proposed and it affords them with an opportunity to voice valid objections to the granting of a permit for the proposed development.

d. Consideration of the application by the Control Area Advisory Board and any objections filed to the granting of the permit follows the advertising. If the Control Area Advisory Board desires additional information, the applicant, and if a protest has been filed, the protes-

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tant, will be invited to appear informally and discuss the matter before the Board. The Control Area Advisory Board then submits its recommendation to the State Engineer, either for approval or to hold the application until it is known that there is ground water available within the Control Area which has not been appropriated.

e. The State Engineer, acting with the knowledge of and the advice and recommendations of the Control Area Advisory Board, will then take the application under consideration. If it is determined valid protests to the granting of the permit have been filed, the State Engineer must hold a public hearing. If no protests have been filed, or if protests have been filed and a public hearing has been held, and the State Engineer determines that there is ground water available in the Control Area, he may issue a Permit. If the State Engineer determines that there is no ground water available which has not been previously appropriated within the Control Area, and determines that additional new development would have a detrimental effect on other established appropriators, he may refuse to grant a Permit.

Section 6. Application for the Appropriation of By-Product Water. The appropriation of by-product water by ground water procedures (see Chapter I, page 6, for qualifications) is to be filed on the "Application for Permit to Appropriate Ground Water" (Form U.W. 5). Some modification of various items on the application form will be necessary, depending on whether oil and gas activities or various methods of mining are resulting in the production of such by-product water. If a well drilled for some non-water related activity is converted to use as a water well, the application will not need any modification.

If the by-product water is to be appropriated by someone other than the developer of by-product water, a copy of the executed agreement between the developer-grantor and the applicant-grantee must accompany all applications to appropriate by-product water using ground water procedures.

a. In the case of oil well separators, the number of producing oil wells tied to the separator and the formation(s) from which they are producing must be given in the "REMARKS" portion of the application. The location of the separator is required as are the point(s) or area(s) of use. Immediately following Item No. 6 on the application form (the proposed depth of the well), it must be noted that the facility is an oil well separator.

b. When by-product water resulting from underground mining activities is to be appropriated, the location of the mine sump and the point(s) or area(s) of use must be shown on the application form. It should be noted in the "REMARKS" portion of the application that underground mining is involved. Some modification of Item Nos. 6 and 7 on the application form will be necessary.

c. When by-product water from open-pit mining activities is to be appropriated, the State Engineer may waive the specific 40-acre location

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requested in Item No. 5 on the application form. In lieu of the specific 40-acre location, the applicant will be required to specify the boundaries within which the open-pit mining is to take place and also provide an estimate of the time schedule for the mining operation.

If the application is granted and a permit issued, an annual report will be required giving the progress of the mining operation, the present location of the open-pit and the present area(s) or point(s) of use. In addition to these items, the State Engineer may impose any other conditions and/or limitations he deems necessary to administer such appropriations of by-product water.

Section 7. Application for the Appropriation of Spring Water. The appropriation of spring water by ground water procedures (see Chapter 1, page 6 for qualifications) is to be filed on the "Application for Permit to Appropriate Ground Water" (Form U.W. 5). All of the requested information must be provided. The fact that a spring is to be developed and the proposed method of development must be noted in the "REMARKS" portion of the application.

Section 8. Application to Deepen an Existing Well. Form U.W. 6-69, "Application to Deepen an Existing Well", should be submitted prior to deepening a recorded well when the yield will not be increased above the original appropriation and when the use or uses will not be changed. The form is self-explanatory, and any unknown information can be obtained from the original Permit and Statement of Completion. The present depth and proposed depth must be shown, and the reason for deepening the well explained. The form must be signed and dated by the applicant.

Section 9. Registration of Stock and/or Domestic Wells Completed Prior to May 24, 1969. Domestic and stock wells completed prior to May 24, 1969, may be registered with the State Engineer on Form U.W. 7 -- "Statement of Completion and Description of Well". Such registration is not compulsory; but in cases of conflict between water users, registration will be required to show priority dates and information on well construction. All existing domestic or stock wells which were properly registered prior to December 31, 1972, will have a priority as of the date of completion of the well. Existing wells registered after December 31, 1972, will have a priority as of the date of filing with the State Engineer's Office. Each well must be filed on a separate form, and the Two Dollar (\$2.00) filing fee must accompany each registration.

Section 10. Adjudication Procedure. The adjudication or "finalization" of a ground water right is the final step in the perfection of a ground water right. The purpose of adjudication is to establish and fix the amount of the appropriation, the use(s) to which the water can be applied and also the point(s) and/or area(s) of use.

The adjudication procedure involves the following steps:

- a. An approved "Permit to Appropriate Ground Water" must be ob-

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tained from the State Engineer before any type of water well construction can commence.

b. Following completion of the well, a "Statement of Completion and Description of Well" form must be completed and submitted to the State Engineer's Office.

Steps (a) and (b) are required for all wells. The adjudication procedure starts after the water is put to beneficial use and is presently required for all ground water rights except those being utilized for domestic and/or stock purposes.

c. The third step involves three parts. Part I is the submission of the "Proof of Appropriation and Beneficial Use of Ground Water" (Form U.W. 8) which indicates that the water has been applied to all the beneficial uses for which the water was appropriated.

Part II is a linen plat, or in certain instances, a quadrangle map, certified by an engineer or land surveyor licensed to practice within the State of Wyoming must accompany the Form U.W. 8. If a linen plat must be prepared, it must show the exact location of the well by bearing and distance from a known public land survey corner, and the exact location(s) or the point(s) or area(s) of use. If circumstances warrant the use of a quadrangle map, the location of the well and the point(s) or area(s) of use must be shown and clearly identified on the quadrangle map. Further information concerning the mapping requirements is found in Chapter V.

Part III is a field inspection. After the linen plat or quadrangle map and the "Proof of Appropriation and Beneficial Use" have been submitted to the State Engineer's Office, a representative of the State Engineer conducts a field inspection of the development to insure the accuracy of the plat or map and to measure the exact yield of the well. The field representative will collect pump and motor data (serial numbers, horsepower, size, etc.) at this time and also the legally required fees. (See Chapter 1, Section 8.)

d. Following the field inspection, the final proof will be advertised in a newspaper of general circulation within the county in which the well is located. This is to provide other appropriators with the opportunity to submit valid protests to the adjudication of the water right.

e. The final proof is then submitted to the Board of Control for their consideration. If the water right is approved by the Board of Control for adjudication, an Order is entered and a Certificate is issued, giving the permit number, appropriator's name, address, the name and location of the facility, the use(s) to which the water is to be applied, the point(s) or area(s) of use and the priority date.

If a protest to the adjudication of a ground water right is filed, a public hearing is held by the appropriate Water Division Superintendent for the purpose of providing all interested persons with an opportunity to be heard. Following the hearing, the Board of Control will

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issue an Order either approving or rejecting the adjudication of the water right. Anyone dissatisfied with a decision of the Board of Control has the right of appeal to the Courts as outlined in Chapter 1, Section 23, Page 7.

f. After the Certificate of Appropriation has been issued by the Board of Control, it is sent to the County Clerk of the county in which the well is located to be recorded and is then forwarded to the appropriator. A permanent record of the Certificate of Appropriation is also kept on file in the office of the Board of Control in Cheyenne.

Section 11. Acceptance of Completion and Beneficial Use Forms.

a. The general requirements for application and registration forms (see Section 3 of this Chapter) also apply to "Statement of Completion and Description of Well" forms (Form U.W. 6 and U.W. 7) and "Proof of Appropriation and Beneficial Use of Ground Water" (Form U.W. 8). All forms will be examined by the State Engineer's Office, and if found to be acceptable, will be considered for approval. If a "Statement of Completion and Description of Well" form or a "Proof of Appropriation and Beneficial Use of Ground Water" form is not complete, or is defective in some way, the permittee will be requested to provide the information necessary to place the document in proper order. If necessary, the form will be returned to the permittee by certified mail for correction. The reasons for such return and the time allowed to make the necessary corrections (usually 90 days) shall be stated by letter accompanying the form. If the form is not returned to the State Engineer within the specified time period, or if the permittee fails to furnish requested written information, the permit may be cancelled. The permittee may request additional time to make such corrections, explaining why such an extension is required. A written request for an extension of time must be received in the State Engineer's Office before the expiration of the time period.

b. If Part I of a "Proof of Appropriation and Beneficial Use of Ground Water" form (Form U.W. 8) is received in acceptable condition, but without Part II, the required map, a period of 6 months will be allowed to submit the map. The information submitted on Form U.W. 8 and the map will be used as a basis for the adjudication of the ground water right.

Section 12. Certificates of Ownership. The Certificate of Ownership provides proof of land ownership for the purpose of adjudication. The Certificate of Ownership is usually a Certificate from the County Clerk, but it could be some other document such as, a copy of the warranty deed or land contract. If the lands involved are being purchased by the appropriator, a consent to the adjudication must be submitted by the sellers when the final proof is submitted. If the ownership is joint in nature, all co-owners must either join in as co-appropriators or consent to the adjudication.

When all or part of the lands involved are owned by a federal agency,

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some written documentation authorizing access to the lands (i.e., special use permit, lease, etc.) must be provided. If the lands involved are State of Wyoming lands, both the names of the appropriator-lessee and the State of Wyoming-lessor will appear on the final proof.

In some cases where ground water has been appropriated for industrial use (i.e., secondary recovery operations, mineral exploration or mineral development) a copy of the executed mineral lease or those portions of the executed Unit Agreement which describe the land(s) involved will serve as a Certificate of Ownership.

Section 13. Water for Temporary Purposes.

a. Methods of Acquisition. The right to divert or store water for temporary purposes, including highway or railroad roadbed construction or repair, drilling and producing operations, etc., can be acquired by following the same procedures as for other uses or by complying with the provisions of Sections 41-10.1 and 41-10.2, Wyoming Statutes 1957 (Laws 1959), as amended by Sections 1 and 2, Chapter 193, Session Laws of Wyoming 1971.

b. Application for Permit.

(1) If a right is to be acquired by submitting an application for a permit to the State Engineer, the procedure followed is generally the same as for filing applications for permits for other uses.

(2) The priority of a right filed for these temporary purposes is the date the application for a permit is accepted in the State Engineer's Office.

(3) Such a right is issued only for a limited time, generally only long enough to complete the temporary use, after which the permit is automatically cancelled.

c. Temporary Acquisition of an Existing Right.

(1) A second means of acquiring the right to the use of water for these various temporary purposes is by following the provisions of Sections 41-10.1 and 41-10.2, Wyoming Statutes 1957 (Laws 1959), as amended by Sections 1 and 2, Chapter 193, Session Laws of Wyoming 1971. This legislation authorizes the temporary acquisition of an existing adjudicated or valid unadjudicated water right, not to exceed a two-year period of time, for temporary use in connection with highway or railroad roadbed construction, drilling and producing operations, or other temporary purposes.

(2) In order to make such temporary change in use, it is necessary that a written agreement between the temporary user of the water and the owner of the water appropriation be filed with the State Engineer.

(3) In the case of temporary use of water for highway con-

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struction, the law requires that the agreement be between the Wyoming State Highway Department and the owner of the water appropriation. When County highways and private roads are involved, the Agreement is to be between the contractor and the owner of the water appropriation.

(4) This agreement must identify the water right to be utilized to supply water for the temporary use, its source of supply, priority, the amount of appropriation, point of diversion, and the amount of water to be diverted by such temporary use.

(5) Agreement forms for temporary highway use are available from the Wyoming Highway Department through the Highway District or Resident Engineer, and are self-explanatory. Agreement forms for other temporary uses are available from the State Engineer's Office and the local Water Commissioners.

(6) A sketch map must accompany the agreement showing the location of the well, the record point of diversion, the temporary users point of diversion, a general layout of the system, and the point where the temporary use will be made. It is suggested that U.S.G.S. Quadrangle maps, or the county maps produced by the Wyoming Highway Department or any other good reliable map of the area involved should be used as a basis for the required map.

(7) A notation should also be placed on the sketch map or accompanying the map, describing generally how the water will be diverted, the maximum rate of diversion, and a description of the general system.

(8) A sample map on page 49 shows the required information for temporary highway use. A sketch map for other temporary uses should incorporate the same general information as shown on the sample highway map.

Section 14. Assignment of Permit. When a permit or an interest therein is transferred or assigned, the assignment should be recorded in the office of the State Engineer. All water rights will generally attach to the land or point of use, except in instances where the water right is specifically reserved at the time the permit is issued.

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CHAPTER III.

INSTRUCTIONS FOR PREPARING GROUND WATER FORMS

Section 1. General Requirements for All Forms. All ground water forms become permanent records in the State Engineer's Office. Forms should be typed or lettered neatly with black ink. Forms should not be folded nor should they be defaced by crossing out or erasing printed matter. A copy of the approved permit will be returned routinely and a copy of all other forms will be returned to the applicant (permittee) or his agent, if requested in writing, after approval. Examples of the completed forms described hereafter are shown in Chapter IV.

Section 2. Application for Permit to Appropriate Ground Water, (Form U.W. 5). An application for a permit to construct a well or other ground water diversion facility, must be submitted on Form U.W. 5. The Temporary Filing No., Permit No., Water Division No., District, and U.W. District will be entered when the form is processed in the State Engineer's Office. The remainder of the form should be completed by the applicant as follows:

a. NAME AND NUMBER OF WELL -- A short, distinctive name and number must be assigned to the well or other facility; for example: "Smith No. 1".

b. ITEM 1 -- "Name__ of applicant(s)" -- Include all parties having an interest in the application. All parties designated as landowners under Items 10 and 11, must be shown as co-applicants, or an easement or right-of-way agreement must be submitted with the application.

(1) If the well is to be located on State Lands or if the lands proposed to be irrigated, or on which other beneficial use of water is to be made are State Lands, the State Board of Land Commissioners, State Capitol Building, Cheyenne, Wyoming, 82002, must be named as co-applicant.

c. ITEM 2 -- "Address of applicant(s)" -- Give the respective mailing address of each applicant.

d. ITEM 3 -- "Name & address of agent to receive correspondence and notices" -- If the applicant is a company, corporation, agency, or municipality, or if several parties are named as co-applicants, one person should be designated as agent to receive correspondence.

e. ITEM 4 -- "Use to which the water will be applied" -- Mark the use or uses to which the water will be applied.

(1) Irrigation use is the irrigation of any lands for agricultural purposes not covered by the definition of domestic use.

(2) Municipal use is ground water used within a municipality.

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(Ground water provided to non-municipal subdivisions, trailer courts, etc., from private wells is not considered to be municipal use.)

(3) Industrial use includes ground water used in oil field secondary recovery operations, industrial processing and mining.

(4) Domestic use includes household use and the watering of lawns and gardens for noncommercial family use where the area to be irrigated does not exceed one (1) acre.

A well may supply water to more than one, single family dwelling and still be considered a domestic use provided that:

(a) The yield of the well does not exceed twenty-five (25) gallons per minute;

(b) The total area of lawns and gardens to be watered does not exceed one (1) acre in areal extent;

(c) No charge, hidden or otherwise, is levied for the use of the water;

(d) The water is not used in conjunction with a commercial endeavor.

(5) Stock watering is the normal watering of livestock. If feedlot operations are involved, the use should be designated as "Miscellaneous" and then described in detail in the application.

(6) Miscellaneous uses consist of any other ground water uses not previously described. This would include, but is not limited to, use of water for trailer courts, campgrounds, churches, schools, temporary drilling or other temporary industrial purposes, apartment houses, automobile service stations, motels and subdivision developments with a common well. NOTE: If the use is described as "Miscellaneous", the use must be described completely and accurately. (Any use not described at the time of filing will be assigned a new date of priority when the adjudication field inspection is made.)

f. ITEM 5 -- "Location of the well:" -- Name the county in which the well is to be located. Designate the 40-acre subdivision or lot in which the well will be located, and the section, township and range. If the well is to be in a city, town, or platted subdivision, give the lot and block numbers, the name of the subdivision and its location. An example is "Lot 9, Block 6, of the North Hills Subdivision, of Laramie County, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T.18N., R.69W., of the 6th P.M., Wyoming."

NOTE: A well cannot be located outside the 40-acre tract specified in the application without prior approval by the State Engineer.

g. ITEM 6 -- "Estimated depth of the well is" -- Complete

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the blank space to show approximate planned depth.

h. ITEM 7 -- "MAXIMUM quantity of water to be developed and beneficially used:" -- Estimate the maximum amount of water that could be used.

(1) The actual amount, determined after the well has been drilled and tested, must be equal to or less than the amount listed in Item 7. The actual amount will be reported on the Statement of Completion and Description of Well form. If the amount of water to be used exceeds the amount listed in Item 7 of the application, an enlargement application must be filed and approved before the additional water can be used.

(2) If the application is for domestic and/or stock use, the maximum amount allowed by statute is 25 gallons per minute.

(3) Only springs flowing 25 gallons per minute or less, where the proposed use is domestic or stockwatering, will be considered as ground water appropriations.

i. ITEM 8 -- "If for irrigation use," -- The appropriate box must be checked.

(1) If the land will be irrigated only from the well described in this application, no further notation is needed.

(2) If the land has existing water rights, these rights should be described under "REMARKS".

j. ITEM 9 -- "If for irrigation use, describe MAXIMUM acreage to be irrigated" -- Describe the number of acres to be irrigated in each 40-acre subdivision. If the actual acreage irrigated when the well is put in production exceeds the amount shown in Item 9 of the application, an enlargement application must be approved before the additional acreage can be irrigated. Designate ownership of land; federal, State, or private. If private, give names of owners.

(1) If the lands are owned by more than one party, indicate which lands are owned by each individual.

(2) If part of the lands are owned by the State and/or federal Government, indicate which lands are owned by the applicant or applicants and which are administered by governmental agencies.

k. ITEM 10 -- This item is self-explanatory.

l. ITEM 11 -- The type of irrigation - sprinkler, flood, etc., is to be described.

m. ITEMS 12 and 13 -- These items are self-explanatory. Any unusual situation must be explained under "REMARKS".

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n. REMARKS -- This space is provided for any statement or unusual circumstances peculiar to the application, or if a more complete explanation is needed for certain items. Details of industrial or any other uses should be explained in this section. Water rights or reservoirs that will be used in conjunction with this new ground water supply, if any, must be listed here also. Details of the construction used to develop a spring must be listed here.

o. THE LEGALLY REQUIRED FILING FEE MUST ACCOMPANY THIS APPLICATION -- A Two Dollar (\$2.00) filing fee is required for each application. An application cannot be accepted for filing unless it is accompanied by this fee.

p. SIGNATURE -- The application form must be signed and dated. Only an applicant or his agent may sign the form. If the well is owned by more than one individual, only one need sign. If a company, corporation, agency, or municipality, is named as applicant, a designated official of the organization must sign. The official's title or agent's title should be noted behind or under the signature.

Section 3. Statement of Completion and Description of Well.
(Form U.W. 6). Form U.W. 6, "Statement of Completion and Description of Well", is required by law to be submitted within 30 days after completion of the well, including pump or (in the case of a flowing artesian well) control valve. Most of the items are self-explanatory. The Permit No., Name of Well, Book No., Page No., and Name(s) and address(es) of the applicant(s) will be completed in the State Engineer's Office before the form is sent to the permittee. Other items should be completed as follows:

a. ITEMS 1 through 3 -- These items should be shown as they are shown on the original permit unless ownership has been changed. An explanation of any ownership changes should be provided.

b. ITEM 4 -- "LOCATION OF WELL" -- The location of the well within the 40-acre subdivision should agree with the original permit. If not, provide an explanation under "REMARKS".

(1) If a tie to the well is available at the time the form is submitted, it should be shown under "Bearing and Distance."

(2) If no tie is available, the distance, given in feet and in the cardinal directions, from the nearest corner of the public land survey should be shown on the form in the proper place.

c. ITEMS 5 through 12 -- These items should be completed with information provided by the well driller and pump installer.

d. ITEM 13 -- "TABULATION" -- If for irrigation, the land proposed to be irrigated should be shown. Designate ownership of land; federal, State, or private. If private, give names of owners. The tabulation should agree, basically, with the tabulation on the original permit. If

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the use of water is other than irrigation, show the area and point(s) of use within each 40-acre subdivision.

e. ITEM 14 -- "PLAT" -- Accurately show the well location, point(s) of use(s), and sketch the conveyance system on the plat. Because a plat certified by a licensed engineer or land surveyor will also be required when the well is adjudicated, this plat need only be a sketch and does not need to show ties if they are not yet available.

f. REMARKS -- The means of conveying water to the lands or the point or points of use, should be described under "REMARKS". In addition, this space should be used to make a complete explanation of any situation that is not explainable in the main body of the form.

g. ITEM 15 -- "IF WELL IS TO BE ABANDONED," -- Items 1 through 8 and Item 12 should be completed on the form, and an explanation of why the well was abandoned should be entered under Item 15.

h. SIGNATURE -- The form must be signed and dated by the owner or his agent. If the well is owned by more than one individual, only one need sign. If a company, corporation, agency, or municipality, is named as applicant, a designated official must sign. The official's title or agent's title should be noted under the signature.

Section 4. Statement of Completion and Description of Well for Domestic or Stock Watering Use Only. (Form U.W. 7). The registration of a domestic or stock well completed before May 24, 1969, should be submitted on Form U.W. 7. If submitted for this purpose, the form must be accompanied by the legally required Two Dollar (\$2.00) filing fee. This same form is also used to submit final information on domestic or stock wells completed after May 24, 1969. When the form is used for a permitted well drilled after that date, all requested information must be completed. The Permit No., Water Division No., and U.W. District will be entered in the State Engineer's Office. The remainder of the form should be completed by the applicant as follows:

a. NAME OF WELL -- If the form is being used to register a well, a short, distinctive name and number must be assigned to the well; for example: "Smith No. 1". If the form is used as a Statement of Completion for a permitted well, the name and number must be identical to the name and number on the permit.

b. ITEM 1 -- "Owner" -- If the land on which the well is located is owned by more than one party, all landowners must be named as co-owners.

c. ITEM 2 -- "Address" -- Mailing addresses must be shown for each respective owner.

d. ITEM 3 -- "Agent to receive correspondence" -- If several parties are named as owners, one party must be designated as agent to receive correspondence.

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e. ITEMS 4 through 7 -- These items are self-explanatory. On wells drilled before May 24, 1969, if the driller is unknown, this fact must be noted.

f. ITEM 8 -- "Means of conveyance, distance and direction to point of use" -- Indicate distance and direction from the well to the point or points of use, and explain how the water is conveyed. If necessary, submit a diagram on a separate sheet of paper. An example of the type of entry here is: "Water is conveyed to stock tank 100' SW of the well by 1" buried plastic pipe."

g. ITEMS 9 through 11 -- Dates are required on all wells. The dates provided should be as accurate as possible, even though they are only good estimates.

(1) The priority date for wells completed prior to May 24, 1969, and registered before December 31, 1972, will revert to the date the well was completed and the water beneficially used. (A well is not considered complete until the pumping facility has been installed.)

h. ITEMS 12 through 17 -- If information relating to the well description, test data, pump data, casing record, and other well characteristics is not known, it should be obtained from the driller. If any of the information cannot be obtained for old wells, insert "not available" for that item, but provide a reasonable estimate whenever possible; however, Item 14 (Amount of Water being Used) must be completed for all wells.

i. ITEM 18 -- "LOG OF WELL" -- The log (description of the type of rocks encountered during drilling) should be obtained from the driller. On older wells, if a log is not available, please so indicate. Logs must be submitted for all wells drilled after May 24, 1969.

j. ITEMS 19 and 20 -- These items are self-explanatory.

k. WELL LOCATION (on the first page of the form) -- Locate the well by county, and specify the 40-acre tract, section, township and range. Mark the diagram accurately to show the well location in the small square representing 40 acres. The written description and the plat location must agree.

(1) If two or more wells are located in the same 40 acres, a distance measurement between them must be shown; for example: "Smith No. 1 Well is 200' south and 100' west of Smith No. 2 Well".

(2) If the well is located in a resurvey lot or tract, please give the resurvey lot or tract number and the original survey section number, township and range. This information can usually be obtained from the County Clerk's Office.

(3) If the well is in a city, town, or platted subdivision, complete the information in the lower part of the WELL LOCATION block.

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Give the lot and block numbers, the name of the subdivision and its location; for example: "Lot 9, Block 6 of the North Hills Subdivision of Laramie County, NE $\frac{1}{2}$ NE $\frac{1}{2}$ Section 23, T.18N., R.69W."

(4) The location on a Statement of Completion for a permitted well must be identical with the location on the permit, or an explanation must be provided under "REMARKS".

(5) If any of the information contained on the application form is no longer correct (such as the applicants name, address, etc.) a notation should be made in the "REMARKS" portion of the Statement of Completion providing the State Engineer's Office with the correct, current information.

1. SIGNATURE -- The application form must be signed and dated. Only an applicant or his agent may sign the form. If the well is owned by more than one individual, only one need sign.

Section 5. Proof of Appropriation and Beneficial Use of Ground Water. (Form U.W. 8). The owner of the well is responsible for submitting Parts I and II of Form U.W. 8 -- "Proof of Appropriation and Beneficial Use of Ground Water" and a Certificate of Ownership. Part II consists of the linen plat prepared by a licensed engineer or land surveyor or the quadrangle map, if it is appropriate. Part III will be prepared by a State Engineer representative at the time of field inspection. On Part I, the Water Division, U.W. District, Permit No., Date of Priority, Name(s) and address(es) of the applicant(s), and Name of Well will be entered in the State Engineer's Office before the Form U.W. 8 is sent to the well owner. Other items in Part I should be completed as follows:

a. ITEMS 1 and 2 -- These items should be as shown on the original permit and Form U.W. 6. If ownership has changed, an explanation should be provided.

b. ITEM 3 -- "For What Purpose(s) is Water Used?" -- Each use, and the date that the water was first used for that purpose, should be noted in the proper blank space. If the use is irrigation, give the date that irrigation was completed on all lands under the permit.

c. SIGNATURE -- This form must be signed and dated by the owner or his agent. If the well is owned by more than one individual, only one need sign. If a company, corporation, agency, or municipality, is named as owner, a designated official must sign. The official's title or agent's title should be noted under the signature.

d. PART II -- Part II of Form U.W. 8 is a linen plat or in some instances, a quadrangle map, which has been certified by a licensed professional engineer or land surveyor. Instructions for preparing the linen plat or quadrangle map and examples are given in Chapters V and VI of this Manual.