

**ORDER OF THE STATE ENGINEER**

**IN THE MATTER OF A REQUEST )  
BY THE OWL CREEK IRRIGATION )  
DISTRICT FOR EXTENSION OF TIME )  
FOR COMPLETION OF )  
CONSTRUCTION OF ANCHOR )  
RESERVOIR, PERMIT NO. 6902 RES )**

**BEFORE THE  
STATE ENGINEER  
CHEYENNE, WYOMING**

**Introduction**

**THIS MATTER** came for hearing before the State Engineer on the 25<sup>th</sup> day of September, 2008, in Thermopolis, Wyoming, to consider the request by the Owl Creek Irrigation District for an extension of time for the completion of construction for Anchor Reservoir, Permit No. 6902 Res. The State Engineer having reviewed and considered the evidence in the State Engineer's Office and the Board of Control records relevant to this matter and of the record of this proceeding, does make the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. The original permit for Anchor Dam was filed by Owl Creek Irrigation District on December 18, 1933, for 22,011 acre-feet of storage for irrigation use. The Permit was later assigned to the United States, Bureau of Reclamation on October 19, 1946. Owl Creek's members, through a contract with Reclamation, use the irrigation water stored under Permit No. 6902R.
2. On November 22, 1967, the Bureau of Reclamation submitted to the Wyoming State Engineer a revised application map and a Notice of Completion of Construction for Anchor Dam and Reservoir showing an as-constructed reservoir capacity of 17,412 acre-feet.
3. Pursuant to Permit No. 6902R, the Bureau of Reclamation constructed Anchor Dam with due diligence at a cost of approximately \$5.3 million. Anchor Dam was constructed with a capacity of 17,412 acre-feet to benefit the lands within the Owl Creek Irrigation District for irrigation purposes and to provide flood control benefiting all lands susceptible of flooding.
4. Due to circumstances beyond the control of Reclamation or Owl Creek, the reservoir behind Anchor Dam is not currently able to store 17,412 acre-feet of water. Upon initial filling of the reservoir, a series of sinkholes and leaks developed in the reservoir basin. From completion in 1961, when the reservoir first stored water, through 1980, sinkholes and other depressions in the floor of the reservoir continued to develop. The sinkholes caused a portion of the water legally diverted under the permit to be lost and thus unavailable for release to the intended irrigation beneficiaries. The maximum recorded storage level has been 9,252 acre-feet.
5. The adjudication of Anchor Reservoir, Permit No. 6902R, came before the Special Master in the Division III General Adjudication, by a Joint Motion to Adjudicate Permit No. 6902R in part and to remand the remainder of the permit to the State Engineer. The Special Master recommended adjudication of 9,252 acre-feet and remanding the remainder of the permit to the State Engineer's Office for further consideration. The remand was to afford the United States and/or the District the opportunity to request an extension of time for completion of construction. The extension of time would allow the United States and/or the District to find a means to resolve the reservoir seepage loss and utilize Anchor Dam and Reservoir to the full capacity, to further evaluate the effectiveness of the past work, and to evaluate the current elevation-capacity relationship of the reservoir site.
6. On March 5, 2008, Fifth Judicial District Judge Gary Hartman issued an order adjudicating 9,252 acre-feet under Permit No. 6902R and remanding the remaining unadjudicated capacity of 8,160 acre-feet to the State Engineer's Office for further consideration.
7. A certificate of construction was issued by the Board of Control for the 9,252 acre-feet of adjudicated capacity. Certificate Record R18, Page 91 under Proof No. 39695 was issued on September 3, 2008. The priority date for the adjudication is December 12, 1933.

