

Carlsen, Ernie

From: Carlsen, Ernie
Sent: Wednesday, April 27, 2005 2:19 PM
To: McHugh, Candice
Cc: Williams, Ray; Ruberry, Allen
Subject: Casperson

Candice I have concluded that Brett Casperson is not entitled to a 1932 priority date for 29-13406. However, I do have a question concerning 29-13407 which is his extended season irrigation beneficial use claim.

First let me discuss 29-13406. This claim was originally filed to provide for irrigation of 59.7 acres that was not covered by his decreed water. Though the basis is beneficial use it does not provide for the diversion of more water than he was decreed and the season of use is 4-1 to 10-31. After consulting with Allen and reviewing the file it is apparent this claim was to cover land Casperson started to irrigate in 1962 when he installed a sprinkler system and began pumping water from the ditch. Most of the newly irrigated land is actually north of his pump. The high ditch reference in statement by Lowell Maughan is south (but up hill) of the pump. The land irrigated from the high ditch was filed on as part of the decreed POU under 29-10831 and 29-10833. It was also included on 29-13407, which is the extended season of use claim.

My question on 29-13407 concerns an acreage limit. It seems to me that 29-13407 should have an acreage limit of 120 acres. Since the 59.7 acres under 29-13406 has a priority of 1962, Casperson's extended season of use claim with a priority of 1932 is limited to the remaining 120 acres ($179.7\text{ac} - 59.7\text{ac} = 120\text{ac}$).

Rather than change the recommendation on 29-13406 we should add an acreage limit remark to 29-13407.



ADR 29-13407.doc ADR 29-13406.doc

I have not updated the database to show the change in 29-13407. Let me know if you decide to go forward with it so I can make the update.

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