

KC

05/11/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-362

WILLIAM A WICKEL

HC 61 BOX 1284

MALTA ID 83342

Telephone Number: (208)638-5547

NATELLA WICKEL

HC 61 BOX 1284

MALTA ID 83342

Telephone Number: (208)638-5547

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5 30 01

SIGNATURE:

William A Wickel

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A43-00362**
Date Received: 5/19/1989
Receipt No: M003648
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM A WICKEL 208-638-5547
Address: HC 61 BOX 1284
MALTA ID 83342
OR
Name: NATELLA WICKEL 208-638-5547
Address: HC 61 BOX 1284
MALTA ID 83342

2. Date of Priority: MAY 15, 1883

3. Source: CONNER CREEK Trib. to: BLACKSMITH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	24E	15	NW	SW	NW		CASSIA
			SE	SW	NW		CASSIA
			NE	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE & MEASURING FLUME & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	14	NE	SW		IRR	17.0
			NW	SW		IRR	25.0
			SW	SW		IRR	23.0
			SE	SW		IRR	17.0
						Section Acres	82.0
		22	NE	NE		IRR	9.0
			SE	NE		IRR	33.0
			NE	SE		IRR	5.0
						Section Acres	47.0
		23	NE	NW		IRR	17.0
			NW	NW		IRR	37.0
			SW	NW		IRR	33.0
			SE	NW		IRR	25.0
			NW	SW		IRR	10.0
						Section Acres	122.0
						Total Acres	251.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-0363, 0364, 0365, 0366, 0367

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET. AL., AMENDED
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William A Michel Date: 9-11-95

Date: _____

State of Idaho)
County of Cassia Co) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept 19 95
Kathy L. Christensen
Notary Public

Seal

Residing at Kimberly Rd
My Commission Expires 3-2-98



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00362
Date Received: 5/19/1989
Receipt No: M003648
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM A. WICKEL 208-638-5547
Address: HC 61, BOX 1284
MALTA, ID 83342

OR

Name: NATELLA WICKEL 208-638-5547
Address: HC 61, BOX 1284
MALTA, ID 83342

2. Date of Priority: MAY 15, 1883

3. Source: CONNER CREEK Trib. to: BLACKSMITH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	24E	15	NW	SW	NW		CASSIA

5. Description of diverting works:
HEADGATE & MEASURING FLUME & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	25E	14	NE		SW		IRR	10.5
			NW		SW		IRR	34.0
			SW		SW		IRR	24.0
			SE		SW		IRR	15.5
							Section Acres	84.0
		23	NE		NW		IRR	12.0
			NW		NW		IRR	32.0
							Section Acres	44.0
							Total Acres	128.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-0363, 0364, 0365, 0366, 0367

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET. AL., AMENDED
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William A. Michel Date: 5-19-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 19th day

of May 19 89

Robert V. Thorstall
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

02/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-362

NAME AND ADDRESS: NATELLA WICKEL
WILLIAM A WICKEL
HC 61 BOX 1284
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: CONNER CREEK

TRIBUTARY: BLACKSMITH CREEK

QUANTITY: 0.5 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.95 CFS. COMBINED RIGHTS: 43-75, 43-76, 43-81, 43-362, 43-363, 43-364, 43-365, AND 43-367.

PRIORITY DATE: 05/15/1883

POINT OF DIVERSION:	T13S R25E S15	SWSWNW	Within CASSIA County
	T13S R25E S15	SWSWNW	Within CASSIA County
	T13S R25E S15	NENWSE	Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	0.50 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S14	NESW	18	T13S R25E S14	NWSW	27
T13S R25E S14	SWSW	24	T13S R25E S14	SESW	17
T13S R25E S22	NENE	9.6	T13S R25E S22	SENE	34
T13S R25E S22	NESE	4.4	T13S R25E S23	NENW	14
T13S R25E S23	NWNW	37	T13S R25E S23	SWNW	32
T13S R25E S23	SENW	22	T13S R25E S23	NWSW	12

251 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 251 ACRES IN A SINGLE IRRIGATION SEASON COMBINED RIGHT NOS. 43-75, 43-76, 43-77, 43-81, 43-362, 43-363, 43-364, 43-365, 43-366, AND 43-367.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 292 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-75, 43-76, 43-77, 43-81, 43-362, 43-363, 43-364, 43-365, 43-366, 43-367 AND 43-7103.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-362, 43-363, 43-364, 43-365, 43-366, AND 43-367

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE COMBINED FLOW RATE FOR THE COMBINED RIGHTS LISTED BELOW INCLUDES 0.93 CFS FOR CONVEYANCE LOSS BETWEEN THE POINTS OF DIVERSION AND THE FIELD HEADGATES. COMBINED RIGHTS: 43-75, 43-76, 43-81, 43-362, 43-363, 43-364, 43-365, AND 43-367

Water Right Number - R43-00362

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
WICKEL

NATELLA

1 - HC 61 BOX 1284

VERIFIED BY 

WICKEL

WILLIAM A

2 -
3 -
City- MALTA
Phone - 208-638-5547
1 - HC 61 BOX 1284

State- ID Zip- 83342

+ - - Priority Date - - +
05/15/1883+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
CONNER CREEK+ - - Tributary - - - - +
BLACKSMITH CREEK+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County
13S 25E 15 SW SW NW (31) CASSIA
SW SE NW (31) CASSIA
NE NW SE (31) CASSIA+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.500
+ - Total Div. Rate - + - Total Div. Volume - +
0.500
+ - Total Consumptive Use - + - KM Usage - +
0.0+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13S 25E 14 NE SW 18.0 01 IRRIGATION (31) CASSIA
13S 25E 14 NW SW 27.0 01 IRRIGATION (31) CASSIA
13S 25E 14 SW SW 24.0 01 IRRIGATION (31) CASSIA
13S 25E 14 SE SW 17.0 01 IRRIGATION (31) CASSIA
13S 25E 22 NE NE 9.6 01 IRRIGATION (31) CASSIA
13S 25E 22 SE NE 34.0 01 IRRIGATION (31) CASSIA
13S 25E 22 NE SE 4.4 01 IRRIGATION (31) CASSIA
13S 25E 23 NE NW 14.0 01 IRRIGATION (31) CASSIA
13S 25E 23 NW NW 37.0 01 IRRIGATION (31) CASSIA
13S 25E 23 SW NW 32.0 01 IRRIGATION (31) CASSIA
13S 25E 23 SE NW 22.0 01 IRRIGATION (31) CASSIA
13S 25E 23 NW SW 12.0 01 IRRIGATION (31) CASSIA

Total Acres: 251.0

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use -

.....

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 251 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-00075, 43-00076, 43-00077, 43-00081, 43-00362, 43-00363, 43-00364, 43-00365, 43-00366, AND 43-00367. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 292 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-00075, 43-00076, 43-00077, 43-00081, 43-00362, 43-00363, 43-00364, 43-00365, 43-00366, 43-00367 AND 43-07103.

USE OF THE RIGHT'S LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-003362, 43-003363, 43-003364, 43-003365, 43-003366, AND 43-003367.

EXP THE COMBINED FLOW RATE FOR THE COMBINED RIGHTS LISTED BELOW INCLUDES 0.93 CFS FOR CONVEYANCE LOSS BETWEEN THE POINTS OF DIVERSION AND THE FIELD HEADGATES. COMBINED RIGHTS: 43-00075, 43-00076, 43-00081, 43-00362, 43-00363, 43-00364, 43-00365, AND 43-00367.

[illegible]

----- Conditions of Approval -----

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

- NECESSARY FOR THE DEFINITION OF THE RIGHTS FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(C), IDAHO CODE

Decree Plaintiff	Decree Defendant	Decree Date
ALBION-IDAHO LAND CO.	JOBE ADAMS ET. AL., AMENDED	00/00/0000

Date: 05/10/2000	User Id: KCHRISTE	Subject: COPIED FROM REMARKS	Comments

**** THIS CLAIM WAS AMENDED ON 9-11-95 TO IDENTIFY ALL DIVERSION POINTS ON CONNOR CREEK AND THE COMMON PERMISSIBLE PLACE OF USE AS THE FARM IS OPERATED. KKC

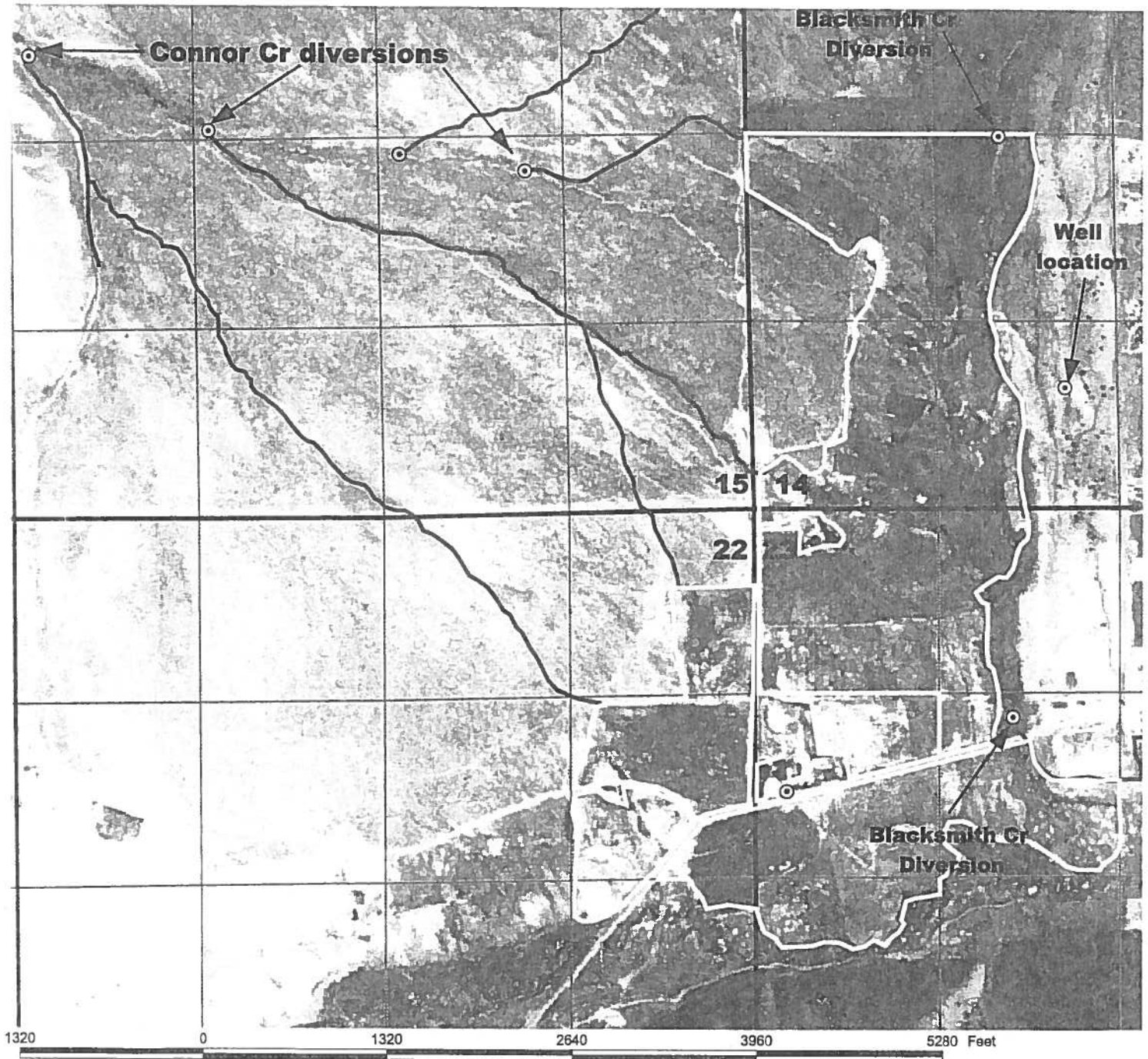
Prefix Translation: RESEARCH

+ + + + + Adjudication Rights Dates and Flags Area + + + + +

Court Report Filing	-	00/00/0000	Field Inspection Made	-	09/27/1994	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	05/16/2000	Old Judicial District	-	
Claim Received Date	-	05/19/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	M003648	Water District	-	43C
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	
						Notice of Error Flag	-	

IDAHO DEPARTMENT OF WATER RESOURCES

**RECOMMENDED PLACE OF USE FOR
43-00075, 43-00076, 43-00081, 43-00362, 43-00363,
43-00364, 43-00365, and 43-00367 All from Connor Creek.
Also 43-00366 from Blacksmith Creek.**



PLACE OF USE

TWP 13S RNG 25E, SEC 14, 22, & 23
data entry on: May 9, 2000

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K. CHRISTENSEN

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO.



CLAIM NUMBER -00081 -00364 DATE 4-27-00
3-00075 -00362 -00365 AGENT _____
00076 -00363 -00366
-00367

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 251
 GIS ACRE TOTAL 251

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	25E	14									17	25	23	17					82
GIS			14									18.3	26.8	24.4	17.1					
RECOM			14									18	27	24	17					86
CLAIM	13S	25E	22	9			33									5				47
GIS			22	9.6			34.3									4.4				
RECOM			22	9.6			34									4.4				48
CLAIM	13S	25E	23					17	37	33	25		10							122
GIS			23					13.6	37	32.1	22.2		11.9							
RECOM			23					14	37	32	22		12							117

B43-POU.SHP

SHAPE NOS.

224 225

2207

B43-POD.SHP

NOS. DESCRIPTION

171 Sec 15 SW SWNW }
 170 Sec 15 SW SE NW } Connor Cr.
 172 Sec 15 NE NWSE }
 174 Sec 23 SW SWNW Spring
 133 Sec 23 NW SE NW Blacksmith Cr
 173 Sec 14 NW NE SW " "

DBF TABLES UPDATED

B43-DBPOU.DBF 5-11-00

B43-DBPOD.DBF 5-11-00

JPEG LAYOUT 43-00075 00362 etal Wickel

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:14:27
05/12/00

PAGE: 2
QUICKLOOK INFORMATION

8
CLAIM NUMBER: A43-00362

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-27-94 KRC	N	KRC 5-12-00		KRC 5-11-00	
POINT OF DIV				Y				
SOURCE				N				
PLACE OF USE				Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				-				
PURPOSES OF USE				N				
PERIOD OF USE				Y				
BASIS OF CLAIM				N				
REMARKS				Y				

this claim is part of a common decreed PPU and recommended as such. the analysis of this right is part of the system analysis. Documentation is in file 43-00075 and some in 43-7103. No other page of CVR retained as no entries were made.

BARCODE UPDATED
WHOM/DATE

KRC
5-12-00

Kelly K. Christensen
Sr Water Resource Agt,
5-12-00



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

SYSTEM ANALYSIS FOR WICKEL

Claims grouped by combined decreed P/U	Source	Comments		Claims grouped by combined decreed P/U	Source	Comments	
A43-00075	Connor Creek	PP/U = 251 ac	Rate = 1.10 cfs	A43-00362	Connor Creek	PP/U = 251 ac	Rate = 0.50 cfs
A43-00077	Spring	PP/U = 110 ac	Rate = 0.20 cfs	A43-00363	Connor Creek	PP/U = 251 ac	Rate = 0.24 cfs
				A43-00364	Connor Creek	PP/U = 251 ac	Rate = 0.40 cfs
A43-00076	Connor Creek	PP/U = 251 ac	Rate = 0.37 cfs	A43-00365	Connor Creek	PP/U = 251 ac	Rate = 0.30 cfs
A43-00078	Spring	Disallowed, spring not flowing		A43-00366	Blacksmith Creek	PP/U = 251 ac	Rate = 0.07 cfs
A43-00081	Connor Creek	PP/U = 251 ac	Rate = 0.25 cfs	A43-00367	Connor Creek	PP/U = 251 ac	Rate = 3.29 cfs
				A43-07103	Ground Water	PP/U = 292 ac	

GENERAL OVERVIEW

The current irrigated ground was originally decreed under three different systems. Mr Wickel has operated these individual decreed systems as one system within a permissible place of use. Physically it would be difficult to irrigate and/or differentiate water by a specific diversion point and decreed right as it is being applied to a majority of the ground south of the highway. A ground water permit was filed to supplement all of the decreed place of use and to also add acres east of Blacksmith Creek.

The recommended place of use is irrigated from springs, Connor Creek, Blacksmith Creek and groundwater. The primary source, however, is Connor Creek.

CONNOR CREEK SYSTEM

The Connor Creek delivery system is a combination of earth ditches and gravity fed pipelines to open discharge flood irrigation and/or sprinkler irrigation.

I found three earth ditch systems being diverted directly from Connor Creek and two gravity pipeline systems coming off two of those ditches. One pipeline system (referred to as the north system) is originates at a small pond fed by the third (eastern most) point of diversion. A second pipeline system originates at a small pond that is a part of the second ditch diversion from Connor Creek (referred to as the middle system.) There is a pump near Blacksmith Creek in Sec 23

NENW. That pump is tied into the pipeline system but is considered to be diverting wastewater previously decreed under the existing rights and just reapplying water back on the decreed P/U. That point is not recognized as a P/D.

The north pipeline system is tied into the groundwater system claimed under A43-07103 (see map.) That system ends in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14. Mr Wickel indicated that he intends on permanently tying the systems together. They can be joined with surface lines if the well water is needed on ground to the south.

The south pipeline system enters the place of use at the northwest corner of section 23. The main pipeline then runs straight south to the Elba-Malta highway. It then runs to the west side of the place of use. A branch comes off this line and runs under the highway to irrigate a portion of the ground south of the highway. At the point where the mainline first swings westerly a second line also goes south to end up south of the highway. This line is also tied into a spring system that is claimed under A43-00077.

All three of the main diversion ditches can also deliver water to the place of use independent of the pipeline system. Conveyance losses for each of the three ditches were calculated and the combined total for the three ditches was 0.93 cfs.

There are multiple smaller laterals that cross the place of use at different locations. The natural flow is from the northwest toward the southeast and/or the south. There are approximately four culverts that go under the highway to allow Connor Creek water to reach that ground south of the road and north of Cassia Creek, independent of the pipeline system.

There are some small pastures south of Cassia Creek that are sub-irrigated and are not part of the recommended place of use. Connor Creek can reach all of the found place of use except for the 'Bench' ground east of Blacksmith Creek that is irrigated by the groundwater system which is claimed under A43-07103.

BLACKSMITH CREEK SYSTEM

Blacksmith Creek is identified by the USGS as running the length of the property to eventually reach Cassia Creek. Connor Creek is shown to be tributary to Blacksmith Creek. Under normal years Blacksmith Creek water just barely reaches the property, whereas Connor Creek does reach the channel as wastewater off the irrigated place of use. Technically this water then becomes Blacksmith Creek water and is diverted from that channel just north of the Elba/Malta highway. As the source is Blacksmith Creek, that point of diversion is recognized under A43-00366.

Blacksmith Creek has been used primarily on the 11 acres surrounding the stream channel as it enters the north end of the property. The delivery system is more a continuation of the northern neighbor's system than a fully independent delivery system for this right alone. This right overlaps with the groundwater system through the northern pipeline system and Connor Creek through the pipeline system and/or the earth ditch system from the eastern most point of diversion from Connor Creek. Mr Wickel indicated that during years when Blacksmith Creek water is available, it can be integrated into the Connor Creek system and can reach a majority of the irrigated place of use.

SPRING SYSTEM

There were two claims with springs as the source. During the 1995 field visit I discussed A43-00078 with Mr Wickel. He indicated that the spring source for that claim has not produced water

for a number of years and it is no longer part of his irrigation system. We agreed that it would be recommended as disallowed.

The second spring system is claimed under A43-00077 and I found that spring just south of the farmstead and against the northern boarder of the Elba-Almo highway. That spring can be gravity fed to the ground south of the highway for flood irrigation and/or tied into the pipeline as previously described above. The water is delivered through the pipeline to sprinkle irrigate new seeding for ground in sections 22 and 23.

GROUNDWATER SYSTEM A43-07103

The permit was approved for a place of use covering the irrigated ground at 40 acres per each tract. The identified place of use was the ground irrigated under the surface water rights and new acres east of Blacksmith Creek on top of the 'bench'. The groundwater system is primarily used to irrigate the ground on the upper (eastern) bench area through a pipeline and hand line system. The mainline can, however, be tied into the Connor Creek pipeline system and therefore reach all of the irrigated ground. When new seeding is planted he sometimes uses the groundwater to 'irrigate up' the seedlings to the point where they have enough root system to withstand flood irrigation from the other systems.

When the adjudication department started claims review in that area in 1994, Jim (for allocations) and I (for the adjudication) reviewed this system. I reached that property for review on October 13, 1994 and conducted a field examination. In the course of my claims review I found that the agent that assisted Mr Wickel in completing the adjudication filings, incorrectly calculated the variable fees. They were under assessed. I discussed this with Mr Wickel and presented him with several options. One was for him to pay all variable fees as claimed. This would have been a variable fee of \$520.00 for this permit. As considerably less acreage was being irrigated, Mr Wickel elected to determine the actual irrigated place of use and then pay the additional variable fees due on those acres only. I determined the place of use from an ASCS aerial photograph using the planimeter. I found 278 acres. I presented this to him in 1995 and he amended his claim to those acres and paid the difference due for the variable fees. Some of the other adjudication claims were also amended to correct the place of use at that time. In 2000, I developed a tentative recommended place of use using GIS finding 292 acres. I discussed the place of use with Ardel and William Wickel and they identified some areas on the GIS layout that required modification. After making the modifications I found that the ground west of Blacksmith Creek retained the same total acreage but slightly shifted between the various quarter/quarters. The permitted place of use on the 'bench' increased by 14 acres. Once again Mr Wickel amended the claim and paid the additional variable fees due. This amendment represents my recommendation of the irrigated place of use. See the GIS layout and the associated land listing for the recommended place of use.

DIVERSION RATE RECOMMENDATION

The permit was for 6.40 cfs but proof of beneficial use was submitted on 8-26-86 for only 2.00 cfs.

Jim Stanton conducted a field examination on 8-4-87 and measured the diversion system at 0.80 cfs using an annubar and manometer. At that time Mr Wickel did not feel that that measurement represented the system capacity as the measurement was late in the fall.

I did not measure the system during my initial field examination in 1994 as power had been turned off. We agreed to measure the system during the next irrigation system. This did not happen as the adjudication section was directed to do field verification in Custer County instead.

In 1999 the adjudication section was again assigned B43 for review. As there was a summer temp available to conduct measurements, Amanda Folsom was assigned to determine the system capacity and to review the irrigated place of use. She measured the system 10-4-99 and found 0.68 cfs. This is less than the rate measured by Jim Stanton in 1987. I recommend that the department recognize Jim's measurement as it was a valid measurement at that time and it also demonstrated the system capacity at that time. The causes for a lower measurement in 1999 are not known, as it could be a combination of several factors.

SUMMARY NOTES

1. The total of all rights decreed from Connor Cr = 6.45 cfs

$$\begin{aligned} 251 \text{ acres} * .02 &= 5.02 \text{ cfs} \\ \text{conveyance losses} &= \underline{0.93 \text{ cfs}} \text{ (Connor Creek ditches combined)} \\ \text{total} &= 5.95 \text{ cfs} \end{aligned}$$

No individual right exceeds 5.95 cfs. When all rights are combined they are limited to 5.95 cfs. (Qnt Rmk)

A Conveyance loss remark for 0.93 cfs for the Connor Creek rights is necessary. (Exp Rmk)

The spring right (43-00077 and the Blacksmith right (43-00366) are each put to beneficial use at the point of diversion, therefore no conveyance losses are necessary.

When the Connor Creek and spring rights are combined they are limited to 251 acres. When all rights are combined they are limited to 292 acres. (Pou1 Rmk)

As previously stated, there are three parcels with combined decreed rights. Each parcel has a unique limiting acreage.

Decreed P/U	Claims within the decreed PP/U	acre limit
Parcel 1	43-00075 and 43-00077	76 acres
Parcel 2	43-00076, 43-00078, and 43-00081	39 acres
Parcel 3	43-00362, 43-00363, 43-00364, 43-00365, 43-00366, and 43-00367	137 acres

2. Volume comparison for A43-07103. (the permit season of use is 3-15 to 11-15)

$$\begin{aligned} 0.80 \text{ cfs} * 244 \text{ days} * 1.98 \text{ af} &\approx 387 \text{ afa} \\ 292 \text{ acres} * 4 \text{ af} &= 1,168 \text{ afa} \end{aligned}$$

The system capacity at 387 afa is the limiting factor for this right.