

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

RECEIVED
MAY 19 2010

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code) and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code).

Joint Application: Applicant will need to send a completed application, along with one (1) set of legible and reproducible drawings illustrating the location and character of the proposed activities/project to both the Corps and the State of Idaho. Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary, however, if the information is not provided, the application may not be processed and permits may not be issued. Information requested in Block 26 and Block 27 are not required to process the application. DO NOT START WORK UNTIL YOU RECEIVE ALL PERMITS FROM BOTH THE CORPS AND THE STATE OF IDAHO.

Drawings & Supplemental Requirements: See Instruction Guide for required vicinity map, plan-view, and section-view drawings on 8-1/2 x 11 paper size.

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

¹ DATE: May 14, 2010

² CONTACT INFORMATION - APPLICANT: Required				³ CONTACT INFORMATION - AGENT: Completion of Block #29 Required				
Name: Bill Wickel Company: Mailing Address: 1726 Elba Almo RD City: Elba State: ID Zip: 83342 PH #: (208) 638-5576 E-mail: cell: 430-5576				Name: Company: Mailing Address: City: State: Zip: PH #: () E-mail: cell:				
⁴ PROJECT NAME or TITLE: Bill Wickel pumping system improvement project on unnamed spring				⁵ PROJECT STREET ADDRESS: 1726 Elba Almo RD				
⁶ PROJECT CITY: Conner Corner area		⁷ PROJECT COUNTY: Cassia		⁸ PROJECT ZIP CODE: 83342		⁹ NEAREST WATERWAY/WATERBODY: Cassia Creek		
¹⁰ TAX PARCEL ID#:	¹¹ LATITUDE/LONGITUDE (Required with vicinity Map): 113 ° 30'39.3" W * 42 ° 16'45.55" N			^{12a} 1/4 SW	^{12b} 1/4 NW	^{12c} SECTION 23	^{12d} TOWNSHIP T13	^{12e} RANGE R25
^{13a} ESTIMATED START DATE: as soon as possible first of June				^{13b} ESTIMATED END DATE: end of July				
¹⁴ DESCRIBE INTENDED USE (Commercial, Industrial, Public, Private, Other): Private								
¹⁵ HAVE ALL ADJACENT PROPERTY OWNERS BEEN NOTIFIED OF PROPOSED ACTIVITY OR PROJECT? ☐ NO ☒ YES Complete the attached sheet by providing list of contract information (including names, address, phone number) of all adjacent property owners.								
¹⁶ ☐ CHECK BOX IF ALTERATION(S) ARE LOCATED ON PUBLIC TRUST LANDS ADMINISTERED BY STATE OF IDAHO DEPARTMENT OF LANDS.								
¹⁷ DIRECTIONS TO PROJECT SITE Include vicinity map with legible crossroads, street numbers/names, landmarks, attach additional sheet(s), if needed: Exit I-86 at the Declo exit, travel south through the town of Declo, on state highway 77 to the town of Albion, then on over Conner Pass to Conner Creek Corner. Turn right on the Elba-Almo highway to the first farmstead on the right. The spring development is located next to the highway.								
¹⁸ HAS WORK BEGAN ON THIS PROJECT/ACTIVITY? ☒ NO ☐ YES If yes, describe ALL work that has occurred, including dates; attach additional sheet(s), if needed:								
¹⁹ PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS: none								
²⁰ TYPE(S) AND MATERIALS BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS: (1) TYPE pond soil Cubic Yards < 4 (2) TYPE Cubic Yards (3) TYPE Cubic Yards								
²¹ SURFACE AREA IN ACRES OF WETLAND OR OTHER WATERS FILLED See Instructions Guide: Acres OR 200 Square Feet								
²² SIZE AND FLOW CAPACITY OF BRIDGE OR CULVERT & DRAINAGE AREA SERVED: N/A Square Miles								
²³ IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-Rise Certification may be required.								

FOR AGENCY USE ONLY

Corps of Engineers #:

Date Received:

☐ Incomplete App. - Return Date:

ID Water Resources #: 43-

Date Received: 5/19/10

Fee Received: 5031444 Receipt #: 5031444

ID Dept of Lands #:

Date Received:

Fee Received: Receipt #:

24a OVERALL DESCRIPTION & PURPOSE OF PROJECT TO WATERS OF U.S., INCLUDING WETLANDS Attach additional sheet(s), if needed:
see the attached project description sheet.

24b DETAILED DESCRIPTION OF EACH INDIVIDUAL ACTIVITY, WITHIN OVERALL PROJECT (Include dimensions, equipment, construction, methods, etc.):
see the attached engineering design for details and the attached project description sheet.

25a DESCRIBE MEASURES TAKEN TO AVOID, MINIMIZE, COMPENSATE FOR IMPACTS TO WATERS OF THE UNITED STATES, INCLUDING WETLANDS:
See Instruction Guide for specific details.

during the time of construction, the water from the spring will be used for irrigation on the adjacent hay fields. No sediments from this project will reach the waters of the U.S.

25b PROPOSED MITIGATION PLAN: Attach copy of proposed mitigation plan or statement/reasoning why no mitigation plan is required. Attach additional sheet(s), if needed.

during the time of construction, the water from the spring will be used for irrigation on the adjacent hay fields. No sediments from this project will reach the waters of the U.S.

26 LIST EACH IMPACT TO STREAM, RIVER, LAKE, RESERVOIR, INCLUDING SHORELINE. Attach site map with location of EACH impact listed; attach additional sheet(s).

Activity Number	Name of Waterbody	Seasonal or Perennial	Avg. Stream Width (Linear Feet)	Description of Impact (road crossing, impound, culvert, etc.)	Impact Length (Linear Feet)
1	spring stream	perennial	3 ft	excavate trench to be backfilled with cobble stones	20 ft
2	spring stream	perennial	3 ft	shallow excavation for 2 buried pvc pipelines	30 ft
3	spring stream	perennial	3 ft	hole excavated next to stream for CMP to be installed	4 ft
4	spring stream	perennial	3 ft	trench for outlet pipeline from pump site to edge of wetlands	50 ft

TOTAL STREAM IMPACTS (Linear Feet):

27 LIST EACH WETLAND IMPACT, INCLUDING MECHANIZED CLEARING, FILL, EXCAVATION, FLOOD, DRAINAGE, ETC.

Attach site map with location of EACH impact listed; attach additional sheet(s).

Activity Number	Wetland Type (Emergent, Forested, Scrub/Shrub)	Distance to Waterbody (Linear Feet)	Description of Impact (purpose of road crossing, impoundment, culvert, etc.)	Impact Size (Acres or Square Feet)
1	emergent	0	install collection and pumping system in the spring stream and adjacent area	200 sq ft.
2				
3				
4				

TOTAL WETLAND IMPACTS (Linear Feet): 50

28 AUTHORIZATION OF AGENT: I hereby authorize the Agent (listed in Block 3 of this application) to act in my behalf in the processing of this application and to furnish all information, drawings, maps, and supplemental information in support of this application.

Signature of Applicant

Date

29 CERTIFICATION: Application is hereby made for permit, or permits, to authorize the work and uses of the work as described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein, or I am acting as the duly authorized agent for the applicant.

Signature of Applicant

Date 5-14-10

Signature of Agent

Date

* The application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent, if the authorization statement in both Blocks 3 & 28 have been completed and signed. 18 USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT

Provide the name, physical address, and telephone number of ALL adjacent property owners.

This includes adjacent property owners with ownership located on both sides of the near stream bank AND/OR all other ownership on the waterway that may be affected by the proposed activities/project. Also, include homeowner or community associations within the proposed project area.

CONTACT INFORMATION - OWNERSHIP NEAR STREAM BANK

DOWNSTREAM NOTIFICATION

Name: I owns the land on all 4 sides of spring & stream

Mailing Address:

City: State: Zip:

PH #:() E-mail:

UPSTREAM NOTIFICATION

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

CONTACT INFORMATION - OWNERSHIP ON WATERWAY

Name: I hold all of the water rights for this spring

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Name:

Mailing Address:

City: State: Zip:

PH #:() E-mail:

Attach as many additional sheets as needed.

Bill Wickel Spring Development Project

In 2008 I applied for and received funds from NRCS's EQIP to install an irrigation system for one of my hay fields and to develop a better stockwater system for my corrals. The motivation for this project was the fact that the Elba-Almo highway was to be rebuilt in the near future and I was afraid that it would impact my operation. And as it was, the rebuilding of the road did impact the water source for my corrals. For as long as I can remember, the water from the spring located just west of the corrals, has always ran down along the roadway, through the corrals and then on along the road, east for a ½ mile where it empties into Conner Creek. At one time there was a small (100ft x 100 ft) pond associated with the spring but over the years, the discharge valve has failed and the pond has become a small wetlands filled with cattails, willows, wild roses and Russian Olives. There is one major spring and numerous seeps to provide the old pond bottom with water to maintain the wetlands environment.

With the construction of the road, about 40 ft of the old dam was removed, to accommodate installing a new head gate and culvert to carry the water under the road to a concrete diversion box on the south side of the road. From here the water can go into an open head ditch for flood irrigation or be injected into a buried mainline that was supposed to have been installed on the south side of the highway for a sprinkler irrigation system (yet to happen). In the process of installing the head gate, the construction company dug through the clay lens that is responsible for bringing the water to the surface and holding the surface water in the pond. They dug approximately 4 feet below the pond bottom to install the gate, thus destroying the integrity of the clay lens. This opening may drain the water from the pond area at a higher rate, thus decreasing the amount of water available to maintain the wetland environment. To resolve this issue, the head gate, gate should be removed, and a short standpipe installed in the head gate structure to better control the level of the water in the pond area. The area where the clay lens was excavated needs to be re-sealed with clay, so the water can't percolate out the bottom. Some type of valve would have to be installed on the standpipe so the water level could be controlled. The construction company was supposed to re-build the dam, so the pond could be re-established but it hasn't happened yet.

Currently, I have a blue canvas dam across the spring stream, to create a small basin so I can pump from the spring. As far back as I can remember, there has been a pump at this location, to provide water to the yard area of the houses. Currently, I have a small pump sitting in a wooden crate which is connected to two above ground garden hoses; one of which just dumps the water back into the spring stream. The other hose extends up the hill, to a buried line that provides water to the yard area. At one time, it appears that the main spring was once dug out for some reason or another as there is a resemblance of a trench back into the bank, but I don't remember anything about it. Most of the area is covered with algae, watercress and duckweed so it is hard to determine what is really there.

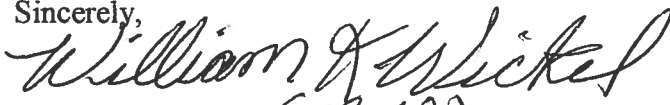
From the designs and talking to NRCS staff, the project will consist of excavating a 2 ft wide x 1 ft deep trench, starting a short distance out from the bank, and continuing

downstream for approximately 20 feet. This trench will be filled with graded 2-3" cobble stone to serve as a filter for two 4" socked drainpipes that will be embedded within the cobble stones. Connected to the drainpipes will be a 2" PVC pipe which will carry water to a 3 ft high x 36" CMP pump structure that will be installed to serve as a sump to house a small submersible pump capable of pumping ≈ 10 gpm.. Adjustments to the installation of the CMP may need to be made to compensate for the depth to the clay lens. The integrity of the clay lens is of major concern and efforts will be made to keep it intact as much as possible. From the CMP there will be a 3" overflow pipe which will extend downstream to a point where it can be day lighted. Both of the two pipes connected to the CMP will be buried within the spring channel to a minimal depth to prevent them from freezing during the winter months, when I will be using the system the most. Underneath the CMP a concrete structure will be installed as a base for the CMP. This structure will be pre-fabricated off site. The 1.25" PVC pump discharge line to the pump house will be buried approximately 36" to prevent it from freezing during the winter. This line will pass through approximately 50 ft of what could be classified as wetlands because of the cattails present. The rest of the 150 ft to the pump house is through grass. All the material excavated for this line will be used as the back-fill once the line is installed. A power source will be installed with the waterline. The trenches will be dug with whatever type of backhoe can safely be used. There is the possibility that most of the trenches will have to be hand dug because of the clay lens, flowing water and adjacent wet soils. However the trenches are dug, care will be taken to do a little damage as possible to the existing conditions. Efforts will be made to make sure some of the root masses are replanted in the top layers of the backfill so the vegetation will reestablish itself. Due to the nature of the vegetation and the presence of water, I believe that the areas we disturb will quickly heal.

The spring is located on my property and I own all the land adjacent to the spring and that which the stream flows through, either to Conner Creek or the fields that are irrigated with the spring water. If the water was to enter either Conner Creek or Cassia Creek, I still own the land on both sides of the creeks. This project will not impact either of the two creeks or any of the adjacent landowners or downstream water users. It is a very small project, with a minimal amount of environmental disturbance. The long term benefits far out weight any possible short term problems. I have the water rights for this spring and the amount of water I will be using for the stockwater system will be very limited as the troughs will all be floated, thus controlling the water used.

I want to be pro-active pertaining to my livestock operation. Developing a clean reliable water source for my corrals is the first of several changes that I want to do, to make my facilities more efficient and environmentally friendly.

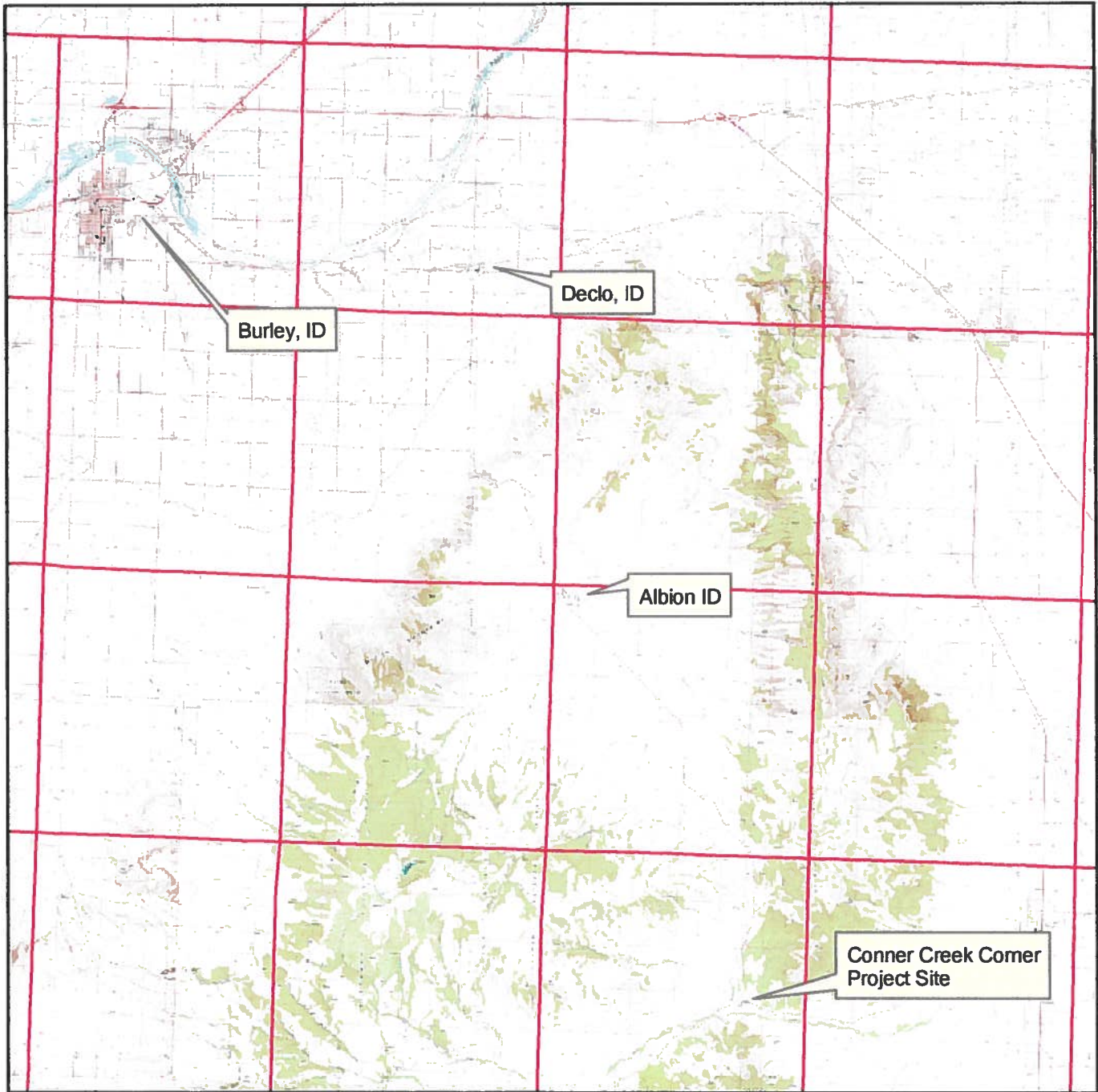
Sincerely,


Bill Wickel (Bill)

404 Permit Project Location Map CONNER CREEK 7.5 QUAD

Customer(s): WILLIAM K WICKEL
1726 Elba Almo Rd
Elba, ID 83342

Legal Description: T 13S R 25E Section 23
113deg. 30' 39.3" W 42deg. 16' 45.55" N
utm 292952.6 - 4683856.33



Legend

 Township and Range

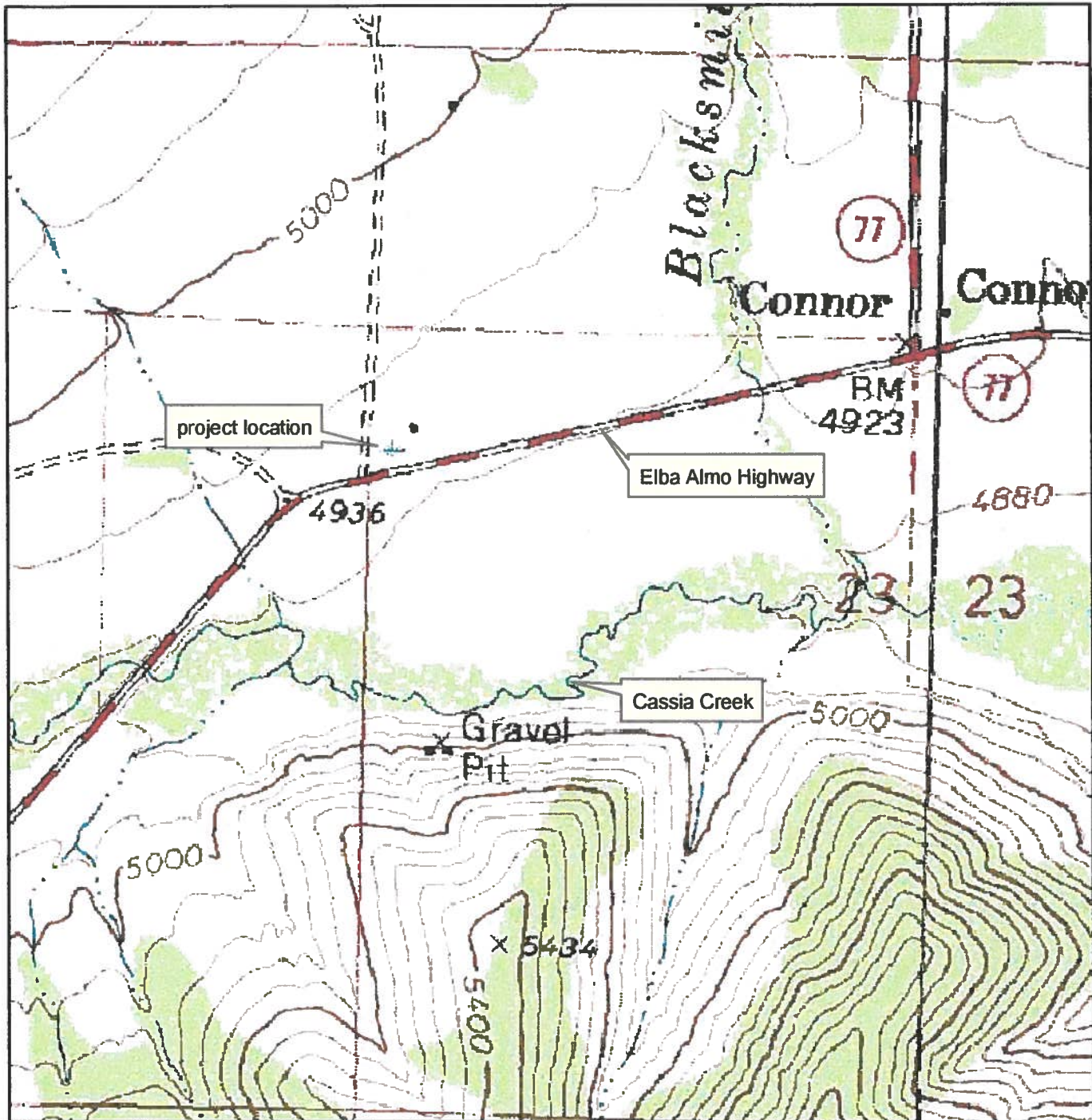
9,800 0 9,800 19,600 29,400 39,200
Feet



404 Permit Project Location Map CONNER CREEK 7.5 QUAD

Customer(s): WILLIAM K WICKEL
1726 Elba Almo Rd.
Elba, ID 83342

Legal Description: T 13S R 25E Section 23
113deg. 30' 39.3" W 42deg. 16' 45.55" N
utm 292952.6 - 4683856.33



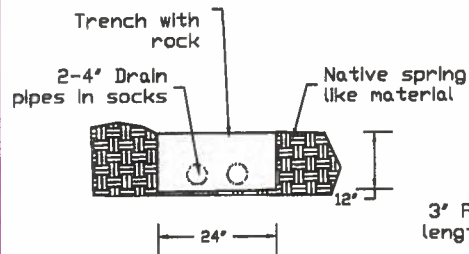
Legend

 Township and Range

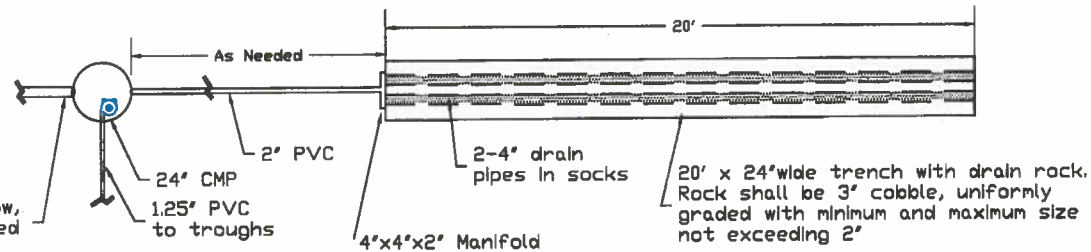
440 0 440 880 1,320 1,760
Feet



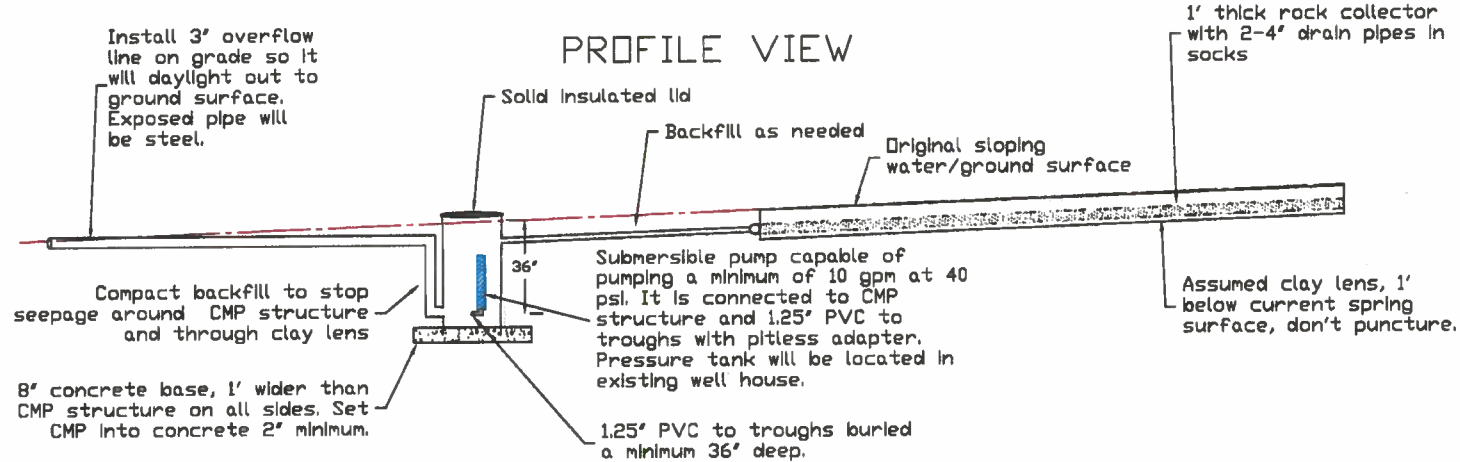
COLLECTOR TRENCH



PLAN VIEW



PROFILE VIEW



Date	May 10
Designed	ABW
Drawn	ABW
Checked	
Approval	

Bill Wickel
Spring Development near house
East Cassia SCD Cassia County, ID

NRCS
Natural Resource Conservation Service
United States Department of Agriculture

File Name

Drawing Name

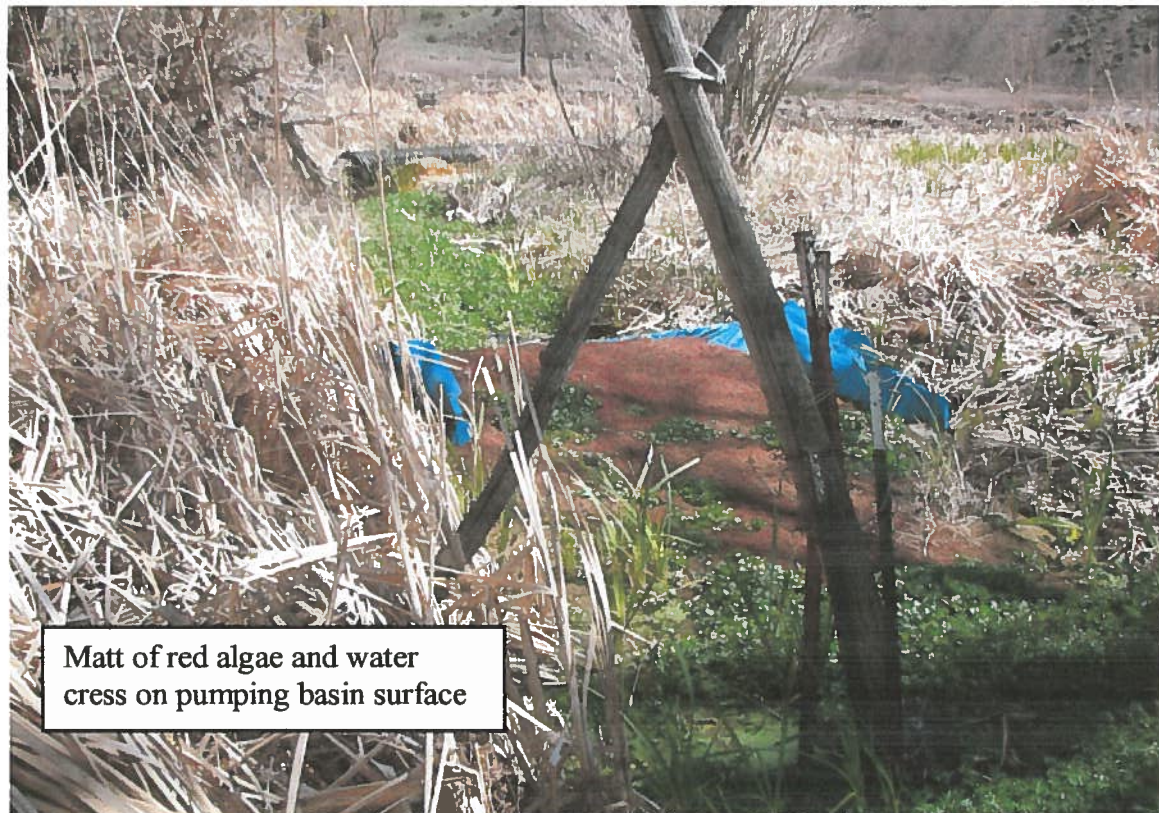
Sheet 2 of 2



Head gate installed by high construction company



Looking across old pond area from pump







Excavated clay lens



Excavated dam and head gate



Spring head site



Spring and pump site

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-77

WATER RIGHT NUMBER: 43-77

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM A WICKEL 1724 S ELBA ALMO RD MALTA, ID 83342-8651 (208)638-5547
Current Owner	NATELLA WICKEL 1724 S ELBA ALMO RD MALTA, ID 83342-8651 (208)638-5547
Security Interest	D L EVANS BANK PO BOX 87 TWIN FALLS, ID 83303 (208) 736-5700

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4SW1/4NW1/4	Sec. 23, Twp 13S, Rge 25E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	22	9.6			34.0									4.4				48.0
13S	25E	23						32.0	22.0		12.0								66.0

Total Acres: 114

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-77

1. E56 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 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-75 AND 43-77.
2. C18 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.

Remarks:

Comments:

1. KCHRISTE 5/12/2000 COPIED FROM REMARKS

Comment: THIS SPRING WATER IS USED TO SPRINKLE IRRIGATE NEW SEEDINGS. THE P/U WAS AMENDED TO REFLECT THE ACRES ACTUALLY IRRIGATED AND THE IRRIGATION PURPOSES WAS ALSO AMENDED TO CORRECT AN APPARENT DATA ENTRY ERROR. KKC ***** CLAIMANT AMENDED POINT OF DIVERSION TO THE NW QUARTER OF SEC 23 RATHER THAN THE SW QUARTER OF SEC 23. KKC 12-1-98.

Water Supply Bank:

Idaho Department of Water Resources Receipt

Receipt ID: S031444

Payment Amount \$20.00 Date Received 5/19/2010 10:06 AM Region SOUTHERN
Payment Type Check Check Number 1442
Payer Wickel, Bill
Comments Joint Application for Permit Bill Wickel Basin 43

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$20.00	STREAM CHANNEL PROTECTION FEES	64123	0229	21		1155



Signature Line (Department Representative)

Copy Sent to ^{ISWR}
Corps, State
Lands

Hahn, Carrie

From: Bassista, Tom
Sent: Wednesday, May 19, 2010 10:37 AM
To: Hahn, Carrie; Golart, Aaron
Cc: Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

Carrie:

I just briefly went through this and the water rights my cover some or all of this work. Can you please have one of your water right agents review and determine if the applicant is ok to proceed with the work.

Aaron-if the Corps in Boise is going to work on the 404 permit perhaps you can also follow up for IDWR (if needed).

Thanks,

Tom Bassista, Stream Protection Specialist
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
Phone (208) 525-7161
Fax (208) 525-7177
tom.bassista@idwr.idaho.gov

From: Hahn, Carrie
Sent: Wednesday, May 19, 2010 10:16 AM
To: Golart, Aaron; Bassista, Tom
Subject: Bill Wickel Joint App Basin 43

<< File: BILL WICKEL-0001.pdf >>

Robertson, Jean

From: Hahn, Carrie
Sent: Wednesday, May 19, 2010 12:17 PM
To: Robertson, Jean
Subject: FW: Bill Wickel Joint App Basin 43

From: Golart, Aaron
Sent: Wednesday, May 19, 2010 11:23 AM
To: Bassista, Tom; Hahn, Carrie
Cc: Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

Tom,

They attached a copy of the WR to the application and at a glance appears to be ok. The location does not appear to be close to a perennial stream so I wonder if it would be jurisdictional water? Thoughts? I will forward to the Corps.

Aaron

From: Bassista, Tom
Sent: Wed 5/19/2010 10:36 AM
To: Hahn, Carrie; Golart, Aaron
Cc: Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

Carrie:

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Tom Bassista, Stream Protection Specialist

Idaho Department of Water Resources

Eastern Regional Office

900 North Skyline Dr., Suite A

Idaho Falls, ID 83402-1718

Phone (208) 525-7161

Fax (208) 525-7177

tom.bassista@idwr.idaho.gov

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<< File: BILL WICKEL-0001.pdf >>

Robertson, Jean

To: Golart, Aaron; Bassista, Tom
Cc: Hahn, Carrie; Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

Aaron and Tom,

Carrie gave me this to review. I found some notes I made from a fax I received from Les Young, a Soil Conservationist with the NRCS in Burley, last December. He described this situation and I told him the only right I could find was 43-77, which was for irrigation and no mention of stock water. I told him Mr. Wickel needed to file a new application for permit for the stock water and we could process it as long as it fell under the domestic exemption which would limit it to a total use of 13,000 gallons per day. So far, I don't believe we've received any application. Jeanie

From: Hahn, Carrie
Sent: Wednesday, May 19, 2010 12:17 PM
To: Robertson, Jean
Subject: FW: Bill Wickel Joint App Basin 43

From: Golart, Aaron
Sent: Wednesday, May 19, 2010 11:23 AM
To: Bassista, Tom; Hahn, Carrie
Cc: Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

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Aaron

From: Bassista, Tom
Sent: Wed 5/19/2010 10:36 AM
To: Hahn, Carrie; Golart, Aaron
Cc: Merritt, Allen
Subject: RE: Bill Wickel Joint App Basin 43

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Priority Date: 04/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4SW1/4NW1/4	Sec. 23, Twp 13S, Rge 25E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	22	9.6			34.0									4.4				48.0
13S	25E	23							32.0	22.0			12.0						66.0

Total Acres: 114

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-77

1. E56 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 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-75 AND 43-77.
2. C18 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.

Remarks:

Comments:

1. KCHRISTE 5/12/2000 COPIED FROM REMARKS

Comment: THIS SPRING WATER IS USED TO SPRINKLE IRRIGATE NEW SEEDINGS. THE P/U WAS AMENDED TO REFLECT THE ACRES ACTUALLY IRRIGATED AND THE IRRIGATION PURPOSES WAS ALSO AMENDED TO CORRECT AN APPARENT DATA ENTRY ERROR. KKC ***** CLAIMANT AMENDED POINT OF DIVERSION TO THE NW QUARTER OF SEC 23 RATHER THAN THE SW QUARTER OF SEC 23. KKC 12-1-98.

Water Supply Bank:

Robertson, Jean

From: Young, Les - Burley, ID [Les.Young@id.usda.gov]
Sent: Monday, March 08, 2010 4:04 PM
To: Robertson, Jean
Subject: RE: Wickel question

I don't know if I ever thanked you for this information, so just in case – THANKS. Now that I have you 'battered up' I have a question – probably a problem. Ted Tracy of William H. Tracy of J. E. Tracy Inc has a spring that they use for irrigation on one of their fields south of Almo, ID in T15S R24E sec 26 – north west corner, that they would like to develop into a stock-watering system by piping it to two troughs, one located in the adjacent field and one in the field to the east of it. They want to do this so they can use it during the winter months – keep the cows out of the mud and spring site. It would be a flow through system with the over flow going back into the old channel which ends up I don't know. I think it just sinks into the ground somewhere along the way. During the summer months, they would continue to irrigate with it. Along with this water, there is a new home that was built just to the west of the spring site. After it was build, it basement filled with water, so they had to put a French drain around the home to keep it dry. The drain daylights just to the west of the spring, so the two water sources run together. I looked on your web site for water rights and couldn't find anything for Tracy's but they claim they have a right. Also, what do they need to do, to be able to use the water from the house drain? I might add, that most of the irrigation of the field is from another source of water and Jed has told me that the spring and drain water is there year around, but it increases when there is fields being irrigated upstream from them. I would appreciate hearing from you as soon as possible because Ted had some surgery so he can't ride a horse but he can watch someone install a stock water system. Thanks for your help a head of time Les Young Soil Conservationist Burley NRCS field office

From: Robertson, Jean [mailto:Jean.Robertson@idwr.idaho.gov]
Sent: Monday, December 28, 2009 11:26 AM
To: Young, Les - Burley, ID
Subject: Wickel question

Hello Les,

I found his rights under William A Wickel. Right 43-77 is from a spring and perhaps the right you are talking about. It is for irrigation and doesn't mention stockwater at all though. If you give me a little more information, like the legal description of the area where this spring is located, I could do a little more checking and see if there is a stockwater right there. If there isn't, we could process a new application for permit for the stockwater use as long as it falls under the domestic exemption which would limit it to a total use of 13,000 gallons per day. Jeanie

<<WRProof Report1.RTF>> <<wickel.jpg>>

Machine -
Re - do - ad
7/27/10

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13680

WILLIAM K WICKEL
1726 SOUTH ELBA ALMO ROAD
MALTA, ID 83342

Point of Diversion SWSWNW S23 T13S R25E CASSIA County Source WICKEL HOUSE SPRING Tributary CASSIA CREEK

Use: STOCKWATER 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/7/2010

Place Of Use: STOCKWATER

T13S R25E S23 SWNW

Application proposes to divert up to 0.04 cfs from an unnamed spring, locally known as Wickel House Spring, for stockwater purposes. The point of diversion is proposed to be located within the spring, located approximately 2.5 miles east & 4.7 miles north of Elba. Applicant proposes to use the water for troughs associated with corrals located on ground adjacent to the spring.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 8/23/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 8/5/2010 and 8/12/2010

2010-07-27 15:42:27.456

Machine
6/23/10

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13680

WILLIAM K WICKEL
1762 SOUTH ELBA ALMO ROAD
MALTA, ID 83342

Point of Diversion SWSWNW S23 T13S R25E CASSIA County Source WICKEL HOUSE SPRING Tributary CASSIA CREEK

Use: STOCKWATER 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/7/2010

Place Of Use: STOCKWATER

T13S R25E S23 SWSW

Application proposes to divert up to 0.04 cfs from an unnamed spring, locally known as Wickel House Spring, for stockwater purposes. The point of diversion is proposed to be located within the spring, located approximately 2.5 miles east & 4.7 miles north of Elba. Applicant proposes to use the water for troughs associated with corrals located on ground adjacent to the spring.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 7/19/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/1/2010 and 7/8/2010

2010-06-23 12:00:13.139