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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA) **Subcase 43-04212**
) **(Wickel)**
Case No. 39576)
) **SPECIAL MASTER REPORT**

Findings of Fact

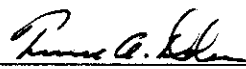
Wynell and Arden Wickel, 2337 East, 1500 South, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on July 3, 1989, claiming 2 cfs from the Raft River to irrigate 133 acres in Cassia County from March 1 to November 15 with a priority date of April 1, 1894, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim for irrigation from March 15 to November 15.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On August 14, 2002, the Wickels, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Wynell and Arden Wickel are entitled to a partial decree adjudicating a water right under claim 43-04212 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04212*.

DATED August 20, 2002.

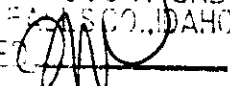


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-04212

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DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO
FILED 

NAME AND ADDRESS: ARDEN EUGENE WICKEL
WYNELL F WICKEL
2337 E 1500 S
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R27E S07 SWSWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE:	Irrigation		Within Cassia County
	T13S R27E S07	NENE 26.0	NWNE 23.0
		SWNE 10.0	SENE 16.0
	S08	SWNW 29.0	SENE 7.0
		NWSW 20.0	SWSW 2.0
	133.0 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 133 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-4212, 43-4213, & 43-13039.

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 54 ACRES IN A SINGLE
IRRIGATION SEASON.

THE USE OF WATER UNDER THIS RIGHT WITHIN THE SENW, SECTION 8,
T13S, R27E, IS LIMITED TO THE W 1/2 W 1/2 OF THAT PLACE OF USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED; in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

AUG 20 2002


SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

AUG 21 2002

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 43-04212

LETITIE MESSICK
Deputy Clerk

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-04212

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ARDEN EUGENE WICKEL
WYNELL F WICKEL
2337 E 1500 S
MALTA, ID 83342
Phone: 208-645-2581

CERTIFICATE OF MAILING

[Signature] PAGE 1
08/20/02
LETTIE MESSICK
Deputy Clerk