

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: A43-00127A
Date Received: 5/11/1989
Receipt No: S007087
Received By: th

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN R. PARKE 208-645-2595
Address: HWY CARRIER 72, BOX 2008
MALTA, ID 83342

AND/OR

Name: ADA PARKE 208-645-2595
Address: HWY CARRIER 72, BOX 2008
MALTA, ID 83342

2. Date of Priority: APR 01, 1894

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	7	SW	SE	SE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	7	SW	NE		IRR	10.0
			SE	NE		IRR	7.0
			NE	SW		IRR	29.0
			SE	SW		IRR	39.0
			NE	SE		IRR	11.0
			NW	SE		IRR	19.0
			SW	SE		IRR	33.0
			SE	SE		IRR	24.0
						Section Acres	172.0
		18	NE	NW		IRR	36.0
						Section Acres	36.0
						Total Acres	208.0

55 ac.
within
Decreed
P/u

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:
A43-00233, 04215, 02550A

14. Remarks:
GROUNDWATER & CASSIA CREEK WATER ALSO USED ON ACRES. 208 ACTUAL IRRIGATED ACRES.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 4/08/1929

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): *Glen Parker* Date: _____
Date: 5/11/89

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of May 19 89 *Lori White*
Notary Public

Seal

Residing at TF
My Commission Expires 5/89



**DO
NOT
FILM**

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

APRIL 8 1994

ARADEN EUGENE WICKEL
WYNELL F WICKEL
HC 61 BOX 1010
MALTA ID 83342

RE: ADJUDICATION CLAIM(S) A43-04213, A43-04212, A43-00127 & A43-10457
in the name of GLEN R KNUAU AND DONA KUNAU

Dear Mr. & Mrs. Wickel:

Thank you for sending to us the NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form on April 3, 1993. We apologize for the length of time it has taken to review your claims. I can change the name and address on the claims, however, in looking at A43-00127, I do have some questions. Our computer system shows it is not a valid adjudication claim, the status shows a Z code (proof report enclosed). I would suggest that you plan on coming in to our office here in Twin Falls, at your convenience, and visiting with an adjudication agent to review your legal papers that you received when you purchased this property.

These are busy time and the agents are out in the field a lot, so it probably would be wise to call 736-3033 and made an appointment with an agent before traveling in to Twin Falls. Should you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

2 1994-04-08



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

APR 02 1993

DATE OF CLOSING: 3-8-93

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED EXHIBIT

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: #43-04213, #43-04212, #43-00127, #43-10457

[] Name and Address of Former Owner/Claimant(s)(Seller): Glen R. Kunau and Dona Kunau
1941 Miller Avenue
Burley, Idaho 83318

[] New Owner/Claimant (Purchaser): Arden Eugene Wickel and Wynell F. Wickel

[] New Mailing Address: NEW ADDRESS!
HC 61
Box 1010
MAIDA
83342

[] New Telephone Number: _____

[] Does the change in ownership result in a new owner? yes no
If yes, then describe the portion of ownership transferred, if any, in a splitting of _____
Kunau's are transferred
in water right #4
in a splitting of

[] Attach proof of ownership, describe proof attached: #43-001
83342
03-28-1994
(proof of ownership must describe ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): Arden E. Wickel
Wynell F. Wickel

[] Signature of Former Owner/Claimant(s): Glen R. Kunau
Dona Kunau

(Signature of former claimant(s) is not attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4/12/94 By: SC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/12/94 By: SC

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Wynell
F. Wickel

✓

Incoming Call
Outgoing Call
Returning Call

300

123-00127 (-00127A)
-04212 ✓ in files
-04213 ✓
-10457 ✓

TO:

H

WICKEL, ARDELL W.

DATE:

03-28-1994

MRS. (WICKEL) WICKEL

FROM:

WICKEL WICKEL

862-3346

FILE:

WICKEL - AT. CLAIM

Closed: 03-08-93

Filed: 04-02-93

FILE NO:

SUBJECT:

OWNERSHIP CHANGE TURNED IN

04-02-1993, CLOSING 03-08-1993

REMARKS:

WHAT STATUS?

- 1) & under name - pull changes reviewed
- 2) pull files - & under.
- 3) TT WICKEL: review status or lack of it.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

- 1) send cc to client
- 2) note new address
- 3) move to top of pile for next-in-line processing per staff.

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: Commencing at the Northeast corner of said Section 7, running thence South 3926.4 feet to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7; thence South 89°7' West along the South line of said Government Subdivision 2000 feet; thence North 15°47' West 1286.8 feet; thence North 17°20' East 1174.5 feet; thence North 6°40' West 1585 feet; thence North 89°23' East 2184 feet to the Place of Beginning.

LESS the following three exceptions:

Exception #1: Commencing at the Northeast corner of said Section 7, running thence South on the East line of said Section 7 for 466.67 feet; thence South 89°23' West 520 feet; thence North 466.67 feet; thence North 89°23' East 520 feet to the Place of Beginning.

Exception #2: Beginning at a point on the East boundary line of said Section 7, 1963.2 feet South of the Northeast corner thereof; running thence West parallel with the North boundary line of said Section 1912 feet; thence in a generally southerly direction parallel with the West boundary line of the land in said Section, Township and Range heretofore conveyed by Wells Hadfield and Sylvia A. Hadfield, his wife, to the parties of the first part (Jay E. Wake and Thora G. Wake, husband and wife) a distance of 1018 feet; thence West 30 feet to the West boundary line of the said tract conveyed by the Hadfields; thence South along the West boundary line of the said Hadfield land to the South boundary line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7; thence East along the South boundary line of the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7 to the East boundary line of said Section; thence North along the East boundary line of said Section 1963.2 feet to the Place of Beginning.

Exception #3: Beginning at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7; thence South 89°23' West 520 feet to the True Point of Beginning; Thence South 660 feet; thence West 140 feet; thence North 330 feet; thence Northwesterly 338 feet more or less to a point on the North boundary line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, which is 215 feet West of the True Point of Beginning; thence East along the North boundary line 215 feet to the True Point of Beginning.

(Continued)

TOGETHER WITH an easement in and through, and the right to the use of that certain irrigation ditch, over, upon and across the said premises, known as the Hadfield ditch, and any branch ditches leading therefrom, for the purpose of transporting and conveying water for irrigation purposes through the said ditch and ditches for the irrigation of the real estate formerly owned by Wells Hadfield, as evidenced by WARRANTY DEED recorded December 7, 1940 as Instrument No. 137310 in Book 45 of Deeds on page 530, records of Cassia County, Idaho. Said easement runs across Exception #2, for the benefit of above described property.

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN

Section 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ EXCEPT for the East 165 feet thereof.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

RESERVING to Kunaus, their successors, assigns and legal representatives an easement for ingress and egress running along and parallel with the southern boundary of the SW $\frac{1}{4}$ of Section 8 for the limited purpose of ingress and egress to the East 165 feet of the SW $\frac{1}{4}$ of Section 8 and the SE $\frac{1}{4}$ of Section 8 for the purpose of moving cattle and ingress and egress for the purpose of conducting a livestock business. Kunaus shall be responsible for all damage done to Wickels' property as a result of Kunaus' use of the easement and shall not interfere with Wickels' use of Wickels' property.

SUBJECT TO:

General taxes for the year 1993 and subsequent years.

AGREEMENT FOR ELECTRIC SERVICE, dated May 23, 1985, between Raft River Rural Electric Cooperative, Inc., an Idaho Rural Electric Cooperative of Malta, and Glen Kunau and Dona Kunau, recorded December 12, 1985 as Instrument No. 174763 on Film No. 177, records of Cassia County, Idaho. NE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, Twp. 13 South, Rge. 27 E.B.M. Well located on the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7.

AGREEMENT FOR ELECTRIC SERVICE, dated February 17, 1988, between Raft River Rural Electric Cooperative, Inc., an Idaho Rural Electric Cooperative of Malta, and Alvin Neddo/Rosella Neddo, recorded April 18, 1988 as Instrument No. 194820 on Film No. 197, records of Cassia County, Idaho. SE $\frac{1}{4}$ of Sec. 6, Twp. 13 South, Rge. 27 E.B.M. Booster located on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6.

AGREEMENT FOR ELECTRIC SERVICE, dated June 12, 1992, between Raft River Rural Electric Cooperative, Inc., and Glen Kunau, recorded July 1, 1992 as Instrument No. 219773 on Film No. 236, records of Cassia County, Idaho. NE $\frac{1}{4}$ of Sec. 7, Twp. 13 S., Rge. 27 E.B.M. and has a well on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7.

<u>Water Right</u>	<u>Priority Date</u>	<u>CFS</u>	<u>Total Acres</u>	<u>Description</u>
43-04213	04/15/1959	2.500	80.0	Irrigation
43-04212	04/01/1894	2.000	82.0	Irrigation
43-10457	11/30/1971	.12		Stockwater

Kunaus transfer to Wickels all interest Kunaus have, if any, in Water Right Number 43-00127 describing priority date 04/01/1894 and 4.000 cfs but make no warranty concerning the same.

<u>Description</u>	<u>AUMs</u>
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BLM

Warm Creek	460
Point Springs	551
Meadow Creek	459

FOREST SERVICE

Sublett Forest	222
Cold Springs	389

WARRANT DEED

THIS INSTRUMENT, Made this 28th day of May, in the year of our Lord one thousand nine hundred and forty, between Wells Hadfield and Sylvia A. Hadfield, his wife, of Gearfield, State of Utah, parties of the first part, and J. E. Lake and Thora G. Lake, his wife, of Malta, County of Cassia, State of Idaho, parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten thousand FIVE HUNDRED DOLLARS (\$2,500.00) lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate in the County of Cassia, State of Idaho, to-wit:

The true course of the Eastern boundary line of Section 7, Township 13 South, Range 27 East 3rd Meridian, being considered as true North and South as given by the Government field notes. Commencing at the Northeast corner of Section 7, Township 13 South, Range 27 East 3rd Meridian, running thence South 3926.1 feet to the Southeast corner of the Northeast quarter of the Southeast quarter (NE1/4SE1/4) of said Section 7, thence South 89 deg. 7 min. West along the South boundary line of the last said government subdivision 2000 feet, thence North 45 deg. 47 min. West 1280.2 feet, thence North 17 deg. 20 min. East 1174.5 feet, thence North 6 deg. 40 min. West 1585 feet, thence North 89 deg. 23 min. East 2184 feet to the place of beginning, containing 193.2 acres, more or less; together with the following water right decreed to Wells Hadfield, in the District Court of the United States for the District of Idaho, Southern Division, in that certain action entitled Albion-Idaho Land Company, v. Jobe Adams, et al, to-wit: 4 s. f. of the waters of Raft River with date of priority of April 1, 1894.

Together with any and all other water, water rights, water privileges, and water rights and interests belonging or in anywise appertaining, and all improvements thereon.

Excepting and reserving from the above described real estate the following tract of land, to-wit: Commencing at the Northeast corner of Section 7, Township 13 South, Range 27 East 3rd Meridian, running thence South on the east boundary line of said Section 7 (the same being considered as true South, according to the Government field notes), 466.67 feet, thence South 89 deg. 23 min. West 520 feet, thence North 466.67 feet, thence North 89 deg. 23 min. East 520 feet, to the place of beginning, containing 5.57 acres more or less, together with all water rights and water privileges thereunto belonging or in anywise appertaining.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto in anywise or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in the same as in the equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns, forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

This deed is made subject to the taxes, levies and assessments taxed, levied and assessed against the said premises for the year 1939 and all subsequent years.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered in the presence of;

Wells Hadfield (Seal)

Walter W. Steed, Jr.

Sylvia A. Hadfield (Seal)

State of Utah }
County of Davis }

On this 28th day of May, 1940, before me, Walter W. Steed, Jr., a Notary Public, in and for said State, personally appeared Wells Hadfield and Sylvia A. Hadfield, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Walter W. Steed, Jr.
Notary Public, residing at Gearfield, Ida.

My commission expires Sept. 10 - 1941.

Filed for record at request of K. E. Lowe at 1:35 P. M., June 17, 1940.

Fee: \$1.20.

George Booth, Jr., County Recorder.

and
parties
of the
first
part
and
parties
of the
second
part
to-wit:

Parties of the
South of the line

together with
rights appertaining

The grant of
said tract and
that he will
and will forever
was wherefore

In witness
1940.

Seal
(12)

STATE OF Idaho

COUNTY OF Cassia

On this 11th
personally appeared
Secretary, and
most and each
and voluntary
authorized to be
Board of Direct

In witness
above mentioned

(Notary Seal)

Filed for record

Fee: 80¢.

113595

KNOW ALL MEN
and hereinafter
Dollar, to-wit:
of which is the
heirs, executor
shall and they
WALTER W. STEED, JR.
Notary, being

Pipe to be
the NW cor.
continues E.
a right and
along the N.
S. 22 East.

together with
rights appertaining

The grant of
said tract and
that he will
and will forever
was wherefore

WITNESSETH, That the said parties of the first part, for and in consideration of the conveyance to them of certain real estate by the parties of the second part, and of the payment to them from the parties of the second part of the sum of One Thousand Eight Hundred Fifty Dollars (\$1,850.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate situated in the County of Cassia, State of Idaho, and particularly described as follows, to-wit:

Tract No. 1:

Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Thirteen (13) South, Range twenty-seven (27) East, Boise Meridian.

Tract No. 2:

Commencing at the Northeast corner of Section Seven (7), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, running thence South 3426.4 feet to the Southeast corner of the Northeast quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7), thence South 89°7' West along the South line of said Government Subdivision 2,000 feet, thence North 15°47' West 1286.8 feet, thence North 17°20' East 1174.5 feet, thence North 6°40' West 1585 feet, thence North 89°23' East 2184 feet to the place of beginning, excepting and excluding therefrom the following specified tracts, to-wit:

1. Commencing at the Northeast corner of said Section Seven (7), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, running South on the East line of said Section 466.67 feet, thence South 89°23' West 520 feet, thence North 466.67 feet, thence North 89°23' East 520 feet to the place of beginning.
2. Beginning at a point on the East boundary line of said Section Seven (7), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, 1061.2 feet South of the Northeast corner thereof, running thence West parallel with the North boundary line of said Section 1912 feet, thence in a generally southerly direction parallel with the West boundary line of the land in said section, township and range heretofore conveyed by Wells Hadfield and Sylvia A. Hadfield, his wife, to the parties of the first part, a distance of 1018 feet, thence West 30 feet to the West boundary line of the said tract conveyed by the said Hadfields, thence South along the West boundary line of the said Hadfield land to the South boundary line of the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7), thence East along the South boundary line of the North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of said Section Seven (7) to the East boundary line of said section, thence North along the East boundary line of said Section 1963.2 feet to the place of beginning.

TOGETHER With all improvements upon the premises hereby conveyed and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest of the said parties of the first part therein, including without limitation thereto the following appurtenances to-wit: (1) The right to the use of two (2) second feet of the waters of Raft River with date of priority of April 1, 1894; (2) The irrigation well located upon the premises hereby conveyed, together with the right to the water pumped therefrom for irrigation of said premises, the irrigation pump and electric motor for the operation thereof, as well as all other apparatus and equipment of every kind or nature used in connection with the said well, pump and motor and all right of the parties of the first part in and to capital credits with the Raft River Rural Electric Cooperative, Inc., in connection with the sale by said company of electric energy for use in consumption upon the said premises; (3) All grazing privileges owned or held by the parties of the first part for the grazing of livestock on the public domain of the United States of America under the supervision and management of the Bureau of Land Management as well as all grazing privileges so owned or held for the grazing of livestock upon the National Forest of the United States under the supervision and control of the United States Forest Service.

This deed is made subject to the followings: (1) All taxes, levies and assessments taxed, levied or assessed against the said premises for the year 1960 and all subsequent years. (2) That certain mortgage, dated the 26th day of May, 1955, between the parties of the first part herein as Mortgagors and Kales E. Lowe, Executor of the Estate of S. T. Lowe, deceased, as Mortgagee, given to secure the payment of the principal sum of \$6,000.00, filed for record and recorded in the office of the County Recorder of Cassia County, Idaho, on the 3rd day of June, 1955, in Book 43 of Mortgage Records at pages 344-346. The parties of the first part certify and declare that they have paid all of the interest accruing upon the indebtedness secured by such mortgage from the date thereof until the 15th day of December, 1959, and that

62 Buda

There is, at the date of this deed, unpaid upon the principal amount of the said mortgage debt the sum of \$2,500.00 principal, together with interest thereon from the 15th day of December, 1959, until paid, at the rate of seven per cent (7%) per annum. The parties of the second part hereto by the acceptance of this deed do undertake, assume and agree to pay the principal and interest remaining unpaid and secured by said mortgage as herein specified.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEPEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Jay E. Wake (SEAL)
Jay E. Wake

Thora G. Wake (SEAL)
Thora G. Wake

STATE OF IDAHO)
) SS.
County of Cassia)

On this 22nd day of January, 1960, before me, the undersigned, a Notary Public in and for said State, personally appeared Jay E. Wake and Thora G. Wake, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Wm. A. Parsons
Notary Public for Idaho,
residing at Burley, Idaho.

(NOTARIAL SEAL)

Filed for record at request of Cassia County Abstract Co. at 3 o'clock P. M., April 15, 1960.

Fee: \$4.50

April 15, 1960

Frank B. Kearns, County Recorder

#206027 JUNE 1960

SPECIAL WARRANTY DEED (\$4.40 Revenue Stamps Attached)

THIS INDENTURE, Made this 8th day of April, A. D. 1960 BETWEEN NORTHWESTERN AND PACIFIC HYPOTHEKBANK the party of the first part, and Fred E. Haynes and Aletha G. Haynes, husband and wife, parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Four Thousand and no/100 \$4,000.00) - - - DOLLARS, lawful money of the United States, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Confirm unto the said parties of the second part, and to their heirs and assigns, the following described real property situate and being in the County of Cassia, State of Idaho, to-wit:

Lot Two (2), Section One (1), Township Ten (10) South, Range Twenty-four (24), E.B.M., Excepting therefrom all highway right-of-ways and pole line easements now in use or in any-wise affecting said premises.

TO HAVE AND TO HOLD, The said premises, with the appurtenances, unto said parties of the second part, and to their heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said parties of the second part, that it, the said party of the first part, its successors and assigns, all and singular, the premises hereinabove conveyed, described and granted, with the appurtenances, unto the said parties of the second part, their heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party of the first part, shall and will WARRANT and forever DEPEND.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be duly executed the day and year first above written.

NORTHWESTERN AND PACIFIC
HYPOTHEKBANK

E. P. Combs
Agent and A.T. 1960

County of Cassia
undersigned, a Notary Public for the State of Idaho, that executed the instrument to be used and purposes to execute said instrument and affixed there

IN WITNESS of the day and year

(SEAL) (SEAL)

Filed for record April 15, 1960

Fee: \$4.50

#206027 JUNE 1960

thousand nine hundred and thirty County Winchester, White second parts

IN WITNESS WHEREOF, the said party of the first part, for and in consideration of the sum of One thousand and no/100 \$1,000.00, lawful money of the United States, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Confirm unto the said parties of the second part, and to their heirs and assigns, the following described real property situate and being in the County of Cassia, State of Idaho, to-wit:

Lot Two (2), Section One (1), Township Ten (10) South, Range Twenty-four (24), E.B.M., Excepting therefrom all highway right-of-ways and pole line easements now in use or in any-wise affecting said premises.

TO HAVE AND TO HOLD, The said premises, with the appurtenances, unto said parties of the second part, and to their heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said parties of the second part, that it, the said party of the first part, its successors and assigns, all and singular, the premises hereinabove conveyed, described and granted, with the appurtenances, unto the said parties of the second part, their heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party of the first part, shall and will WARRANT and forever DEPEND.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be duly executed the day and year first above written.

NORTHWESTERN AND PACIFIC
HYPOTHEKBANK

E. P. Combs
Agent and A.T. 1960

thousand nine hundred and thirty County Winchester, White second parts

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Lot Two (2), Section One (1), Township Ten (10) South, Range Twenty-four (24), E.B.M., Excepting therefrom all highway right-of-ways and pole line easements now in use or in any-wise affecting said premises.

TO HAVE AND TO HOLD, The said premises, with the appurtenances, unto said parties of the second part, and to their heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said parties of the second part, that it, the said party of the first part, its successors and assigns, all and singular, the premises hereinabove conveyed, described and granted, with the appurtenances, unto the said parties of the second part, their heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party of the first part, shall and will WARRANT and forever DEPEND.

S0838

QUITCLAIM DEED

For Value Received LEX H. KUNAU and CELIA KUNAU, husband and wife

do hereby convey, release, remise and forever quit claim unto GLEN R. KUNAU and DONA KUNAU,
husband and wife, 1941 Miller Avenue, Burley, Idaho

the following described premises, to-wit: Township 13 South, Range 27 East, Boise Meridian

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7: Commencing at the Northeast corner of said Section 7, running thence South 3,926.4 feet to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7, thence South 8997' West along the South line of said Government Subdivision 2,000 feet, thence North 15047' West 1,286.8 feet, thence North 17020' East 1,174.5 feet, thence North 6940' West 1,585 feet, thence North 89023' East 2,184 feet to the place of beginning, EXCEPTING AND EXCLUDING therefrom the following tracts, to-wit:

Commencing at the Northeast corner of said Section 7, running thence South on the East line of said Section 7 466.67 feet, thence South 89023' West 520 feet, thence North 466.67 feet, thence North 89023' East 520 feet to the place of beginning.

Beginning at a point on the East boundary line of said Section 7, 1,963.2 feet South of the Northeast corner thereof, running thence West parallel with the North boundary line of said Section 1,912 feet, thence in a generally Southerly direction parallel with the West boundary line of the land in said Section, Township and Range heretofore conveyed by Wells Hadfield and Sylvia A. Hadfield, his wife, to Jay E. Wake and Thora G. Wake, husband and wife, a distance of 1,018 feet, thence West 30 feet to the West boundary line of the said tract conveyed by the Hadfields, thence South along the West boundary line of the said Hadfield land to the South boundary line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7, thence East along the South boundary line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7 to the East boundary line of said Section, thence North along the East boundary line of said Section 1,963.2 feet to the place of beginning.Beginning at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7, thence South 89023' West 520 feet to the true point of beginning; thence South 660 feet, thence West 140 feet, thence North 330 feet, thence Northwesterly 338 feet more or less to a point on the North boundary line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 which is 215 feet West of the point of beginning, thence East along the North boundary line 215 feet to the true point of beginning.

All grazing privileges owned or held by the parties of the first part for the grazing of livestock on the public domain of the United States of America under the supervision and management of the Bureau of Land Management as well as all grazing privileges so owned or held for the grazing of livestock upon the National Forest of the United States under the supervision and control of the United States Forest Service, together with their appurtenances.

All water rights.

Dated: December 20, 1974

*Lex H. Kunau*STATE OF IDAHO COUNTY OF Cassia
On this 20th day of December, 1974,
before me a notary public in and for said State personally
appeared
LEX H. KUNAU and CELIA KUNAU,
husband and wifeknown to me to be the persons whose names are
subscribed in the within instrument, and acknowledged to
me that they executed the sameNotary Public
Residing at Burley, Idaho
Comm. Expires 7-1-1978STATE OF IDAHO COUNTY OF Cassia
I hereby certify that this instrument was filed for record at
the request of CASSIA COUNTY ABSTRACT CO
at 38 minutes past 1 o'clock P.M.
this 23 day of Jan
1975 in my office, and duly recorded in Book
of Deeds at page Film 93 - S0838
Frank B. Kearns
Ex-Officio Recorder
By Barbara Mai Deputy.
Fees \$ 1.00
Mail to:

INSTRUMENT No. S0838

12/07/2000

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

RIGHT NUMBER: 43-127A

NAME AND ADDRESS: ADA PARKE
GLEN R PARKE
HWY CARRIER 72 BOX 2008
MALTA, ID 83342

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2 CFS

VERIFIED BY KKC

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-127A, 43-233,
43-2550A, AND 43-11237

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R27E S7

SWSESE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
2.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S18	NENW	36	T13S R27E S7	SWNE	10
T13S R27E S7	SENE	20	T13S R27E S7	NESW	29
T13S R27E S7	SESW	39	T13S R27E S7	NESE	39
T13S R27E S7	NWSE	18	T13S R27E S7	SWSE	26
T13S R27E S7	SESE	27			

244 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 244 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-127A, 43-233, 43-2550A, AND
43-11237.

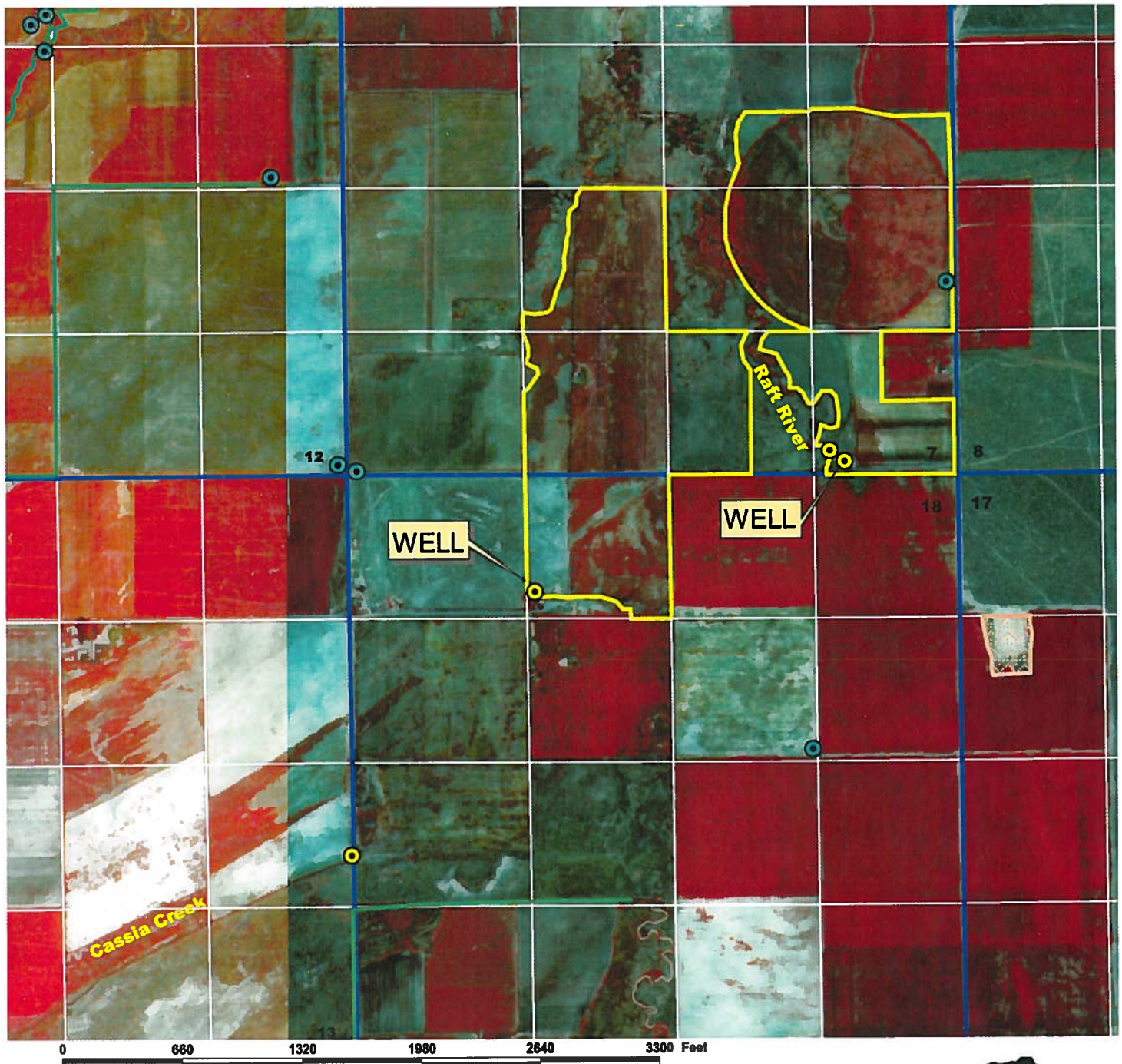
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

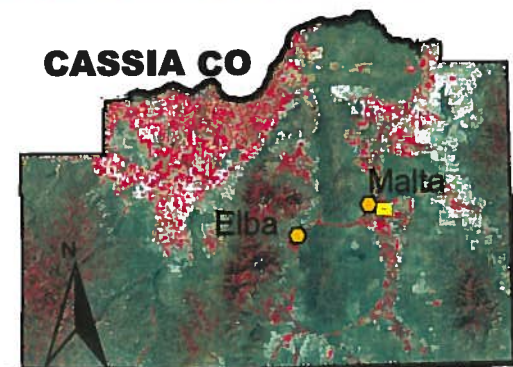
RECOMMENDED PLACE OF USE FOR
43-127A, 43-233, 43-2550A AND 43-11237.



PLACE OF USE
TWP 13S, RNG 27E, SEC 7 & 18
Data entry on December 7, 2000

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

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



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 12-5-2000

File: 43-127a parke sys analysis

Prepared by Kelly K Christensen

**43-127A, 43-233 SURFACE WATER RIGHTS
43-2550A, 43-4215, AND 43-11237 GROUND WATER RIGHTS**

43-233 was decreed from Cassia Creek and the claim identifies two points of diversion. I am recommending one point of diversion. The claimed point of diversion in TWP 13S, RNG 26E, SEC 21, NESE is a point where Cassia Creek divides into two channels. There is a control structure at that point but no measuring devices. The watermaster just makes an estimate of the required water when dividing the water between the two channels.

The Cassia Creek channel across much of TWP 13S, RNG 26E, SEC 13 has been straightened and is basically now just a large ditch. The claimed and recommended point of diversion is at the point where the channel reaches the eastern border of section 13 and then turns north. Nye and Parke are the two last users of Cassia Creek water on this system.

The claimed place of use is entirely within the decreed place of use and appears to represent the historical irrigated place of use rather than the place of use as it existed in 1987. I am accepting the claimed place of use as claimed within the PP/U. I am recommending the 127 claimed acres at 2.00 cfs which is less than one inch per acre, therefore no diversion rate limits are required.

43-127A was decreed to a majority of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of sec 7. The claimed place of use for this right includes a majority of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of sec 7 which represents approximately $\frac{1}{2}$ of the decreed place of use. Therefore, I accept the claimed rate of 2.00 cfs as a valid proportionate share of the base right.

Wickel claims the other $\frac{1}{2}$ of the decreed place of use under 43-4212 that identifies a majority of the elements of 43-127. I anticipate that Wickel will claim against the remaining unclaimed portion of 43-127. (Status as of 12-5-2000). I found approximately 98 acres within the decreed place of use claimed by Parke. As Parke's share of 43-127 is 2.00 cfs which equates to 100 acres at one inch to the acre I am recommending this right with an effective accomplished transfer of 2 acres within the PP/U with no limitations to the diversion rate.

43-2550A is a portion of the original right that was split through transfer 3126 approved in 1985. The claim matches the elements of the right as transferred. The right was licensed for two points of diversion but the A portion currently shows only one point of diversion on the database (as claimed). After reviewing the transfer (3126) it appears that the second point of diversion was missed in data entry.

43-11237 is an expansion within a critical groundwater area and was claimed under 43-1416B. I found 244 irrigated acres, which agrees with the combined total acres for 43-2550A and this claim. (196 ac + 48 ac = 244 ac) I am recognizing this right as valid as the irrigated acres can be identified in the 1987 NAPP aerial photography. The recommended diversion rate is calculated as follows, 2.70 cfs licensed rate / 244 total irrigated acres * 48 acres under this claim = **0.53 cfs**. The diversion volume is based upon the licensed acres. 196 ac * 4 af = **784 afa**.

43-4215 was claimed with a 1960 priority date from one of the wells licensed under 43-2550. I am recognizing that well under 43-2550A also. A licensing field exam was conducted for 43-2550 in July of 1967 and the system capacity for the two wells was determined to be the licensed rate of 2.90 cfs.

I am recommending this claim for **DISALLOWAL**. No lawful appropriation shown. The 1967 field exam established the irrigated acres and system capacity as of the date of the field exam. This contradicts the elements of the claim.

GENERAL SYSTEM ANALYSIS

The total found place of use is 244 acres and has been claimed in part under the four claims recognized as valid. I am recommending each right with the total PP/U identified but limited to the total acre limit within each rights decreed and/or licensed place of use. All rights when combined are limited to 1 inch per acre.

CONTINUES

7

233 decreed
P/U

SWNE

SENE

decreed
P/U
124

K-3126
RE 2550

100%
drilled
up

30.4

11.1

6.8

18.3

10.4

39.5

29.1

15

P/D
well

36.5

P/D well

18

2
17.4 NHEL/W

3
15.5 NHEL/W

1 NHEL/W
1.9

1355
T 1586

3
77.0 HEL

5
9.6 NHEL/W

6
7.6 NHEL/W

7
3.9

8
50.5 NHEL/W

9
8.1 NHEL/W

10
14.7 NHEL/W

12 + 7
13 18

NHEL/W

12
35.9
13
24.5

NHEL/W

CGWMA -List to pull on September 7, 2000

43-07208	Scott Knudsen
43-07209	Roland Allen Land & Livestock
43-07211	Kirtland Yates
43-07212	Warr Bros
43-07218	D. Jay Harper
43-07220	Glen Parke
43-07299	Interstate Feeders Inc
45-07576	Conrad Land & Livestock
45-07578	Howard Conrad
45-07579	Hepworth Farms
45-07607	Lambert Produce Inc
45-07665	Lambert Produce Inc
45-07666	Lambert Produce Inc.
45-07667	Lambert Produce Inc.



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORN
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

RE: Application for Permit in Critical Ground Water Area

Dear Applicant:

Our office has initiated a review of applications for permits to appropriate the public waters of the State of Idaho that have been held without action for many years. One type of application being held is those which propose development of ground water within an established critical ground water area. Our records indicate you have filed such an application. (Please find attached a computer printout describing your application)

Our office intends to dispose of all applications seeking ground water development in critical areas by denying the applications. Before initiating this action our office intends to provide you opportunity to withdraw your application and request a refund of the filing fees that have been paid.

Please review this matter and if you wish to withdraw your application please complete the enclosed form. If our office does not receive a withdrawal by September 1st, 2000 your application will be forwarded to the IDWR State Office with a recommendation it be denied. Any denial will be in the form of a preliminary order which you may request reconsideration or judicial review pursuant to procedural rules.

If you have questions, please feel free to contact this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

22
4
12/21/94

Water Right Number - A43-00127 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT RIGHT

- 1 -
- 2 -
- 3 -

City- N State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
HADFIELD

WELLS

- 1 -
- 2 -
- 3 -

City- N State- ID Zip- 0
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1994 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
RAFT RIVER SNAKE RIVER
SPLIT RIGHT

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

65N 46E 36 (99) SUBSCRIPTION

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

4.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.000 0.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | |
|-----|-----|---|-------|----|------------|------|--------|
| 13S | 27E | 7 | NE NE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | NW NE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | SW NE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | SE NE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | NE SE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | NW SE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | SW SE | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 27E | 7 | SE SE | 01 | IRRIGATION | (31) | CASSIA |

Total Acres:

+ - - - - Diversion Means -

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 12/17/1991 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - 438 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |