

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 43-4212
Date Received: 7/3/89
Receipt No: S008435
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

WYNELL F WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208) 645-2581

ARDEN EUGENE WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208) 645-2581

2. Date of Priority: 04/01/1894

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:

COFFER DAM, SUMP POND, PUMP STATION, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/15	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

COPY

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	7	NW	NE	IRRIGATION	23
			SW	NE	IRRIGATION	10
			NE	NE	IRRIGATION	26
			SE	NE	IRRIGATION	16
Section Acres						75
13S	27E	8	SW	NW	IRRIGATION	29
			SE	NW	IRRIGATION	7
			NW	SW	IRRIGATION	20
			SW	SW	IRRIGATION	2
Section Acres						58
Total Acres						133

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:

14. Remarks:

P/D MOVED FROM SESE, SEC 7 TO THAT SHOWN IN ITEM 4 TO ACCOMODATE NIEGHBOR'S
CHANGE IN IRRIGATION FROM FLOOD TO SPRINKLER
WATER WAS TRANSFERRED FROM 60 ACRES IN SECTION 7 TO 60 ACRES IN SECTION 8 BECAUSE
MALTA AREA FLOODS DESTROYED BOTTOM GROUND IN SECTION 7
***** OWNERSHIP CHANGE 3/31/94 BY JG

AMENDED CLAIM TO INCLUDE ACTUAL IRRIGATED ACRES. 6/8/01 jr

15. Basis of Claim: Statutory Claim

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):

Arden E. Wicke

Date:

6/8/01

Date:

State of Idaho

County of

Twin Falls, Id.

SS.

Subscribed and sworn (or affirmed) before me this

8th.

of

June 2001

Jeanie Robertson

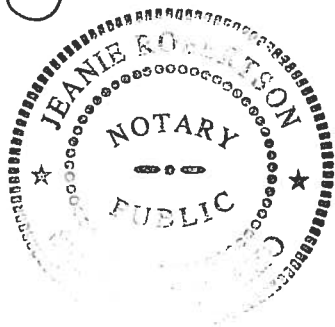
Notary Public

Residing at

Twin Falls, Id.

My commission Expires

9-23-06



Idaho Department of Water Resources Receipt

Receipt ID S024033

Payment Amount Date Received Region Status

Payment Type Check Number

COPY

Payer

Comment	43-4212 AND 43-4213 AMENDED TO ADD 53 acres	\$53.00
	43-13039 EXPANSION CLAIM	\$50.00

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$103.00	ADJUDICATION FILING FEE	0337		44503	1155


Signature Line (Dept. Representative)

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: **A43-04212**
Date Received: 7/ 3/1989
Receipt No: S008435
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ARDEN EUGENE WICKEL 208-645-25⁸¹75
Address: HC61 BOX 1010
MALTA ID 83342

Name: WYNELL F WICKEL 208-645-25⁸¹75
Address: HC61 BOX 1010
MALTA ID 83342

2. Date of Priority: APR 1, 1894

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

4. Point of Diversion:

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

5. Description of diverting works:
COFFER DAM, SUMP POND, PUMP STATION, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	2.000		

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

8. Total consumptive use is 240.0 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	NE	NE		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	7	SE	NE		IRR	10.0
						Section Acres	20.0
		8	SW	NW		IRR	35.0
			SE	NW		IRR	5.0
			NW	SW		IRR	18.0
			SW	SW		IRR	2.0
						Section Acres	60.0
						Total Acres	80.0

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:

A43-04213

14. Remarks:

P/D MOVED FROM SESE, SEC 7 TO THAT SHOWN IN ITEM 4 TO ACCOMODATE NIEGHBOR'S CHANGE IN IRRIGATION FROM FLOOD TO SPRINKLER.

WATER WAS TRANSFERRED FROM 60 ACRES IN SECTION 7 TO 60 ACRES IN SECTION 8 BECAUSE MALTA AREA FLOODS DESTROYED BOTTOM GROUND IN SECTION 7.

OWNERSHIP CHANGE 3/31/94 BY JG.

15. Basis of Claim: STATUTORY CLAIM

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 Rive Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pa 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 3-8-93

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: IRRIG #43-04213, IRRIG #43-04212, IRRIG #43-00127, Stk #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: Route #1 Box 45 HC61 BOX 1010
Oakley, Idaho 83346 MALTA ID 83342
- ☐ New Telephone Number: (208) 862 - 3207

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Kunau's are transferring all of their interest, if any,
in water right #43-00127 which may or may not result
in a splitting of a water right.

- ☐ Attach proof of ownership, describe #43-00127 Deed from Hadfield to Wake to Kunau proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Arden E. Wickel Date 3-8-93
Wynell F. Wickel Date 3-8-93
- ☐ Signature of Former Owner/Claimant(s) Glen R. Kunau Date 3-8-93
Dona Kunau Date 3/8/93

(Signature of former claimant(s) is not required if proof of ownership is 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

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 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 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>
BLM	
Warm Creek	460
Point Springs	551
Meadow Creek	459

FOREST SERVICE

Sublett Forest	222
Cold Springs	389

KARHART 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 Clearfield, State of Utah, parties of the first part, and J. E. Eake and Thora G. Eake, 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 3926.4 feet to the Southeast corner of the Northeast quarter of the Southeast quarter (NESEK) 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 15 deg. 47 min. West 1262.2 feet, thence North 17 deg. 20 min. East 1174.5 feet, thence North 6 deg. 40 min. East 1385 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 covered 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: A s. f. of the waters of Hart River with date of priority of April 1, 1894.

Together with any and all other water, water rights, water privileges, and water ditch and ditches 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 420 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 therewith 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 as the liability 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 KARHART 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 Clearfield, 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.

the parties of the first part, and their heirs and assigns, forever, and 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 KARHART and by these presents forever DEFEND.

State of Utah }
County of Davis }

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

The parties of the first part, and their heirs and assigns, forever, and 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 KARHART and by these presents forever DEFEND.

In testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Seal:
(If required)

STATE OF IDAHO
COUNTY OF CASSIA

On this 11th day of May, 1940, before me, J. E. Eake, 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 testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Notary Seal)

Filed for record

Fee: 80¢.

Witnesses

KNOW ALL MEN by these presents, that Wells Hadfield and Sylvia A. Hadfield, his wife, 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:

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

The parties of the first part, and their heirs and assigns, forever, and 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 KARHART and by these presents forever DEFEND.

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°27' 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 1545 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, 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, a distance of 1018 feet, thence West 30 feet to the West boundaryline 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 384-386. 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 Bude

here to, 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 to 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 DEFEND.

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)
County of Cassia) SS.

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.

Fees \$4.50

april 15, 1960

Frank B. Kearns, County Recorder

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 Alethea 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 DEFEND.

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

W. A. Parsons
Notary Public for Idaho

underlined, a
E. W. van Tven an
of the mortgage
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to execute said i
real affixed there

IN WITNESS
the day and year

(NOTARIAL SEAL)

Filed for record
April 15, 1960

Fees \$4.50

22nd day of January

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of Cassia County
Winnemuccia, Nevada
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STATE OF IDAHO

County of Cassia

Notary

W. A. Parsons

50838

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 89°07' West along the South line of said Government Subdivision 2,000 feet, thence North 15°47' West 1,286.8 feet, thence North 17°20' East 1,174.5 feet, thence North 6°40' West 1,585 feet, thence North 89°23' 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 89°23' West 520 feet, thence North 466.67 feet, thence North 89°23' 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 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 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
appearedLEX H. KUNAU and CELIA KUNAU,
husband and wifeknown to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the sameNotary Public
Burley, Idaho
Residing at
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- 50838
Frank B. Kiama
Ex-Officio Recorder
By *Barbara Mei*
Deputy.
Fees \$ 1.00
Mail to:

INSTRUMENT No.

50838

✓

Incoming Call
Outgoing Call
Returning Call

300

413-00127 (-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 - & change.
- 3) TT WICKEL: review status or lack of it.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

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

OWNER
CODE
NAME & ADDRESS
C ARDEN EUGENE WICKEL
C WYNELL F WICKEL
HC61 BOX 1010
MALTA ID 83342

PRIORITY
DATE
11/30/1971

WATER USE
STOCKWATER

USE PERIOD
FROM TO
01-01 12-31

DIVERSION
RATE
0.12 CFS

DIVERSION
VOLUME

TOTAL DIVERSION:
0.12 CFS

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion: T13S R27E S07 NESWNE

Stage: BENEFICIAL USE

CASSIA County

Place of use Legal Description for: STOCKWATER											
			NE			NW			SW		
			NENE			NENE			NENE		
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Water Right Number - R43-10457

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +
 *** C - CURRENT OWNER ***
 WICKEL ARDEN EUGENE
 1 - HC61 BOX 1010
 2 -
 3 -
 City- MALTA
 Phone - 208-000-0000
 1 - HC61 BOX 1010
 2 -
 3 -
 City- MALTA
 Phone - 208-000-0000
 State- ID Zip- 83342

WICKEL

WYNELL F

City- MALTA
Phone - 208-000-0000

State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
KUNAU

GLEN R

 1 - 1941 MILLER AVE
 2 -
 3 -
 City- BURLEY
 Phone - 208-678-5310

State- ID Zip- 83318

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
 11/30/1971 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
 GROUNDWATER

+ - - - - Point of Diversion - - - - - +
 Twn Rng Sec Tract Lot RFlg County
 13S 27E 7 NE SW NE (31) CASSIA

+ - - - - Water Use - - - - - +
 Code Description Period From Period To Diversion Rate Diversion Volume
 04 - STOCKWATER 01/01 12/31 0.120

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
 0.120 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	6	SE SE			04	STOCKWATER	(31) CASSIA	
13S	27E	7	NE NE			04	STOCKWATER	(31) CASSIA	
13S	27E	7	NW NE			04	STOCKWATER	(31) CASSIA	
13S	27E	7	SW NE			04	STOCKWATER	(31) CASSIA	
13S	27E	7	SE NE			04	STOCKWATER	(31) CASSIA	
13S	27E	8	SE NW			04	STOCKWATER	(31) CASSIA	
13S	27E	8	NE SW			04	STOCKWATER	(31) CASSIA	
13S	27E	8	NW SW			04	STOCKWATER	(31) CASSIA	
13S	27E	8	SW SW			04	STOCKWATER	(31) CASSIA	
13S	27E	8	SE SW			04	STOCKWATER	(31) CASSIA	

Water right number - R43-10457 Prefix Translation: RESEARCH

Turn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	8	NE SE				04	STOCKWATER	(31) CASSIA
13S	27E	8	NW SE				04	STOCKWATER	(31) CASSIA
13S	27E	8	SW SE				04	STOCKWATER	(31) CASSIA
13S	27E	8	SE SE				04	STOCKWATER	(31) CASSIA

Total Acres:

- - - Diversion Means - 6"x80' WELL, PIPE, STOCK TANKS
- - - Non-Irrigation Use - STOCKWATER, 500 RANGE CATTLE
- - - Other Rights for Same Use - NONE

Remarks - - - - -
PARCEL NOS. RP13S27E069000, RP13S27E070150, RP13S27E083175
No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - -

- - - - - Conditions of Approval - - - - -
No Conditions of Approval found.
Decree Plaintiff - - - - - Decree Defendant - - - - -
Decree Date - - - - -
00/00/0000

Comments - - - - -
Date: 04/21/1992 User Id: SMITH Subject: COPIED FROM REMARKS
CLAIMED S1/2 OF SEC 8 FOR P/U.
Date: 04/12/1994 User Id: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 4/2/93 ORIGINAL OWNERS GLEN R & DONA KUNAU NEW OWNES ARDEN EUGENE AND WYNELL F WICKEL. ORIGINAL OWNERS SIGNED FORM AND LEGAL DESCRIPTION SUBMITTED.

- - - Audit Fields - - -
04/12/94 GIVENS

Adjudication Rights Dates and Flags Area - - - - -
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 - 06/09/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S007861 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARDEN EUGENE WICKEL	04/01/1894	IRRIGATION	03-01 11-15	2.00 CFS	
C	WYNELL F WICKEL					
	HC61 BOX 1010					
	MALTA ID 83342					
	(208) 645-2575					
					TOTAL DIVERSION: CONSUMPTIVE USE:	240.00 AFA

Water Source: RAFT RIVER Tributary to: SNAKE RIVER Stage: STATUTORY CLAIM

Point(s) of Diversion: T13S R27E S07 SWSME CASSIA County

Place of use Legal Description for: IRRIGATION											
			NE			NW			SW		
T	R	S	NE	NW	SE	NE	NW	SW	NE	NW	SE
13S	27E	7	10	10	10	10	10	10	10	10	10
13S	27E	8	10	10	10	10	10	10	10	10	10
			10			35			18		
			05			05			02		
			05			05			02		
			18			02					
			02								

Water Right Number - R43-04212

Prefix Translation:

RESEARCH

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WICKEL

ARDEN EUGENE

1 - HC61 BOX 1010
2 -
3 -

State- ID Zip- 83342

WICKEL

WYNELL F

City- MALTA
Phone - 208-645-2575
1 - HC61 BOX 1010
2 -
3 -

State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
KUNAU

GLEN R.

1 - 1941 MILLER AVE.
2 -
3 -
City- BURLEY
Phone - 208-678-5310

State- ID Zip- 83318

+ - - Priority Date - - +
04/01/1894+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
RAFT RIVER+ - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

13S 27E 7 SW SW NE (31) CASSIA

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

01 - IRRIGATION 03/01 11/15 2.000

+ - - Total Div. Rate - + + - - Total Div. Volume - +
2.000+ - - Total Consumptive Use - + + - - KW Usage - +
240.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	27E	7	NE NE		10.0	01	IRRIGATION	(31) CASSIA
13S	27E	7	SE NE		10.0	01	IRRIGATION	(31) CASSIA
13S	27E	8	SW NW		35.0	01	IRRIGATION	(31) CASSIA
13S	27E	8	SE NW		5.0	01	IRRIGATION	(31) CASSIA
13S	27E	8	NW SW		18.0	01	IRRIGATION	(31) CASSIA
13S	27E	8	SW SW		2.0	01	IRRIGATION	(31) CASSIA

Total Acres: 80.0

Receipt Number	-	X7777777	Water District	-
POU Ownership Flag	-	Y	Federal/State Indicator	-
Name Connector	-		Presumption Flag	-
			Notice of Error Flag	-



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, likely belonging to Judy Givens.

Judy Givens
Adjudication Secretary

/jg

1650

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: A43-04212
Date Received: 6/27/1989
Receipt No: 5008435
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN R. KUNAU 208-678-5310
Address: 1941 MILLER AVE.
BURLEY, ID 83318

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	Lot	County
13S	27E	7	SW	SW	NE		CASSIA

5. Description of diverting works:
COFFER DAM, SUMP POND, PUMP STATION, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	2.000		

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

8. Total consumptive use is 240.0 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	NE	NE		IRR	10.0
			SE	NE		IRR	10.0

Section Acres 20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	8	SW		NW		IRR	35.0
			SE		NW		IRR	5.0
			NW		SW		IRR	18.0
			SW		SW		IRR	2.0
							Section Acres	60.0
							Total Acres	80.0

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:
A43-04213

14. Remarks:
P/D MOVED FROM SESE, SEC 7 TO THAT SHOWN IN ITEM 4 TO
ACCOMODATE NIEGHBOR'S CHANGE IN IRRIGATION FROM FLOOD TO
SPRINKLER.
WATER WAS TRANSFERRED FROM 60 ACRES IN SECTION 7 TO 60
ACRES IN SECTION 8 BECAUSE MALTA AREA FLOODS DESTROYED BOTTOM
GROUND IN SECTION 7.

15. Basis of Claim: STATUTORY CLAIM

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 R Korman Date: June 29, 1988

Date: _____

State of Idaho)
County of tf) SS.

Subscribed and sworn (or affirmed) before me this 29 day

of June 19 89

Lois Wanta
Notary Public

Seal

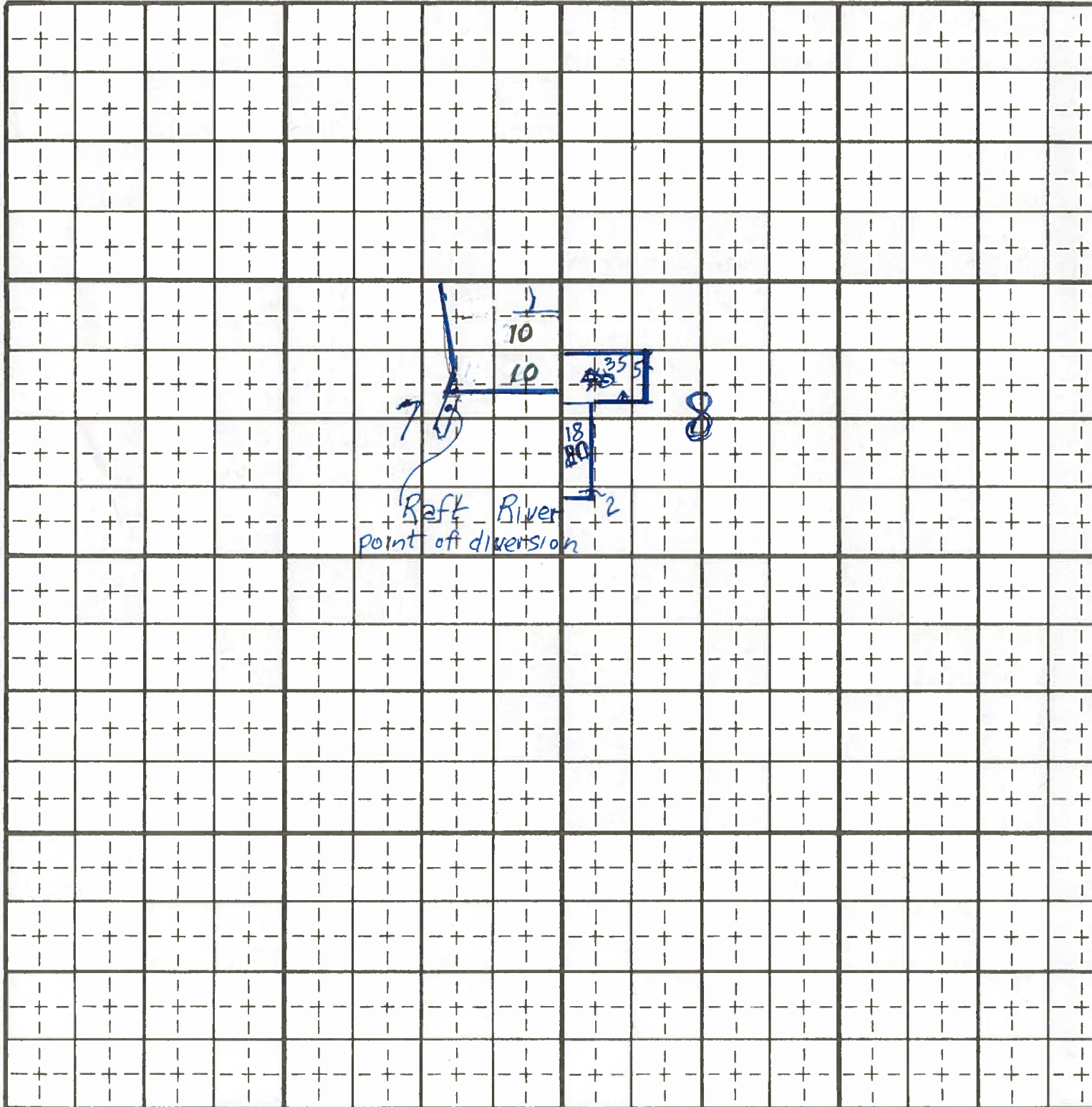
Residing at rk

My Commission Expires 5/94

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 13 S, RANGE 27 E.B.M.



Raft River 2, cfs
April 1 1894

MICROFILMED
MAR 04 1993

Last Name

KUNAU

Ident No.

Copies: White-State, Yellow-Claimant

Date Received

RECEIVED
JUN 09 1989

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

GLEN R. KUNAU

Name of Claimant

1941 MILLER AVE

Post Office Address

BURLEY ID 83318

City, State, Zip Code

CASSIA

County(s) where Place of Use is located

June 8 1989

Date Claim Originally Due

Cassia Cr. Decreed rights & wells
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

DAVE, I was able to finish 1/2 their filings
but line started backing up. Mr. Kunau
has been attempting to file since May. He
agreed to file this extension and will begin to
Claimant requests an extension to June, 1989.
finish next week.
CW

Glen R. Kunau
Signature

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 7/1, 1989.

Signed this 13 day of June, 1989.

MICROFILMED

MAR 04 1993

David B. Shaw
Director or his designated agent
DAVID B. SHAW



ate of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-303

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04212
GLEN R. KUNAU
1941 MILLER AVE.

BURLEY

ID 83318

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By _____	Clerk
_____	Deputy Clerk

**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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 43-04212
_____	)	

On August 20, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-04212 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 10, 2002


 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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

OCT 10 2002

By _____ Clerk

Deputy Clerk

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 SWNW 29.0 SENW 7.0 NWSW 20.0
	S08	
	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.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 10 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-04212

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-04212 was mailed
on October 10, 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

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/10/02

RECEIVED

AUG 21 2002

Department of Water Resources

AUG 20 PM 4:25

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

2002 AUG 20 PM 4:25

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

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 SENW 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, & 43-11039.

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

[Signature]

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4: 25

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

Case No. 39576

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 43-04212

On August 20, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 20, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
08/20/02

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4: 25

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

CERTIFICATE OF MAILING

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


LETITIE MESSICK
Deputy Clerk
PAGE 1
08/20/02

07/09/2002

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

RIGHT NUMBER: 43-4212

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

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 S7 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S07	NENE	26.0	T13S R27E S07	NWNE	23.0
T13S R27E S07	SWNE	10.0	T13S R27E S07	SENE	16.0
T13S R27E S08	SWNW	29.0	T13S R27E S08	SENE	7.0
T13S R27E S08	NWSW	20.0	T13S R27E S08	SWSW	2.0

133
80 ACRES TOTAL

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.

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.

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.

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: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-127.

Robertson, Jean

Subject: 43-4212, 4213, 13039 SF5
Due Date: Tuesday, July 16, 2002

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Robertson, Jean
Requested By: McHugh, Candice

Jean -- Below is an email from Larry at BLM. Just send the completed attachment to Vicki and I. Thanks

Called and talked to Arden Wickel this morning. He agreed to settle the the above-referenced subcases by adding the following remark to his water rights:
THE USE OF WATER UNDER THIS RIGHT WITHIN THE SENW, SECTION 8, T13S, R27E, IS LIMED TO THE W1/2W1/2 OF THAT PLACE OF USE.

JR

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

A. Subcase 43-04212

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Arden Eugene Wickel

Address: 2337 E. 1500 S.; Malta, ID. 83342

Name: Wynell F. Wickel

Address: 2337 E. 1500 S.; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

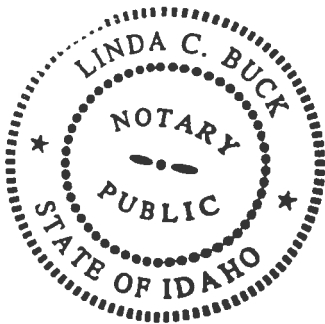
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Carly A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Arden Eugene Wickel
Address: 2337 E. 1500 S.; Malta, ID. 83342

Name: Wynell F. Wickel
Address: 2337 E. 1500 S.; Malta, ID. 83342

Name:
Address: ;

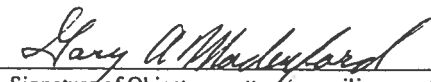
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4212

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

WYNELL F WICKEL
2337 E 1500 S
MALTA ID 83342

-MIXED POU

-THE PLACE OF USE IDENTIFIED BELOW
CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T13S R27E S7 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
2.000 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S07	NENE	26.0	T13S R27E S07	NWNE	23.0
T13S R27E S07	SWNE	10.0	T13S R27E S07	SENE	16.0
T13S R27E S08	SWNW	29.0	T13S R27E S08 BLM	SENW	7.0
T13S R27E S08	NWSW	20.0	T13S R27E S08	SWSW	2.0

133 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.

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.

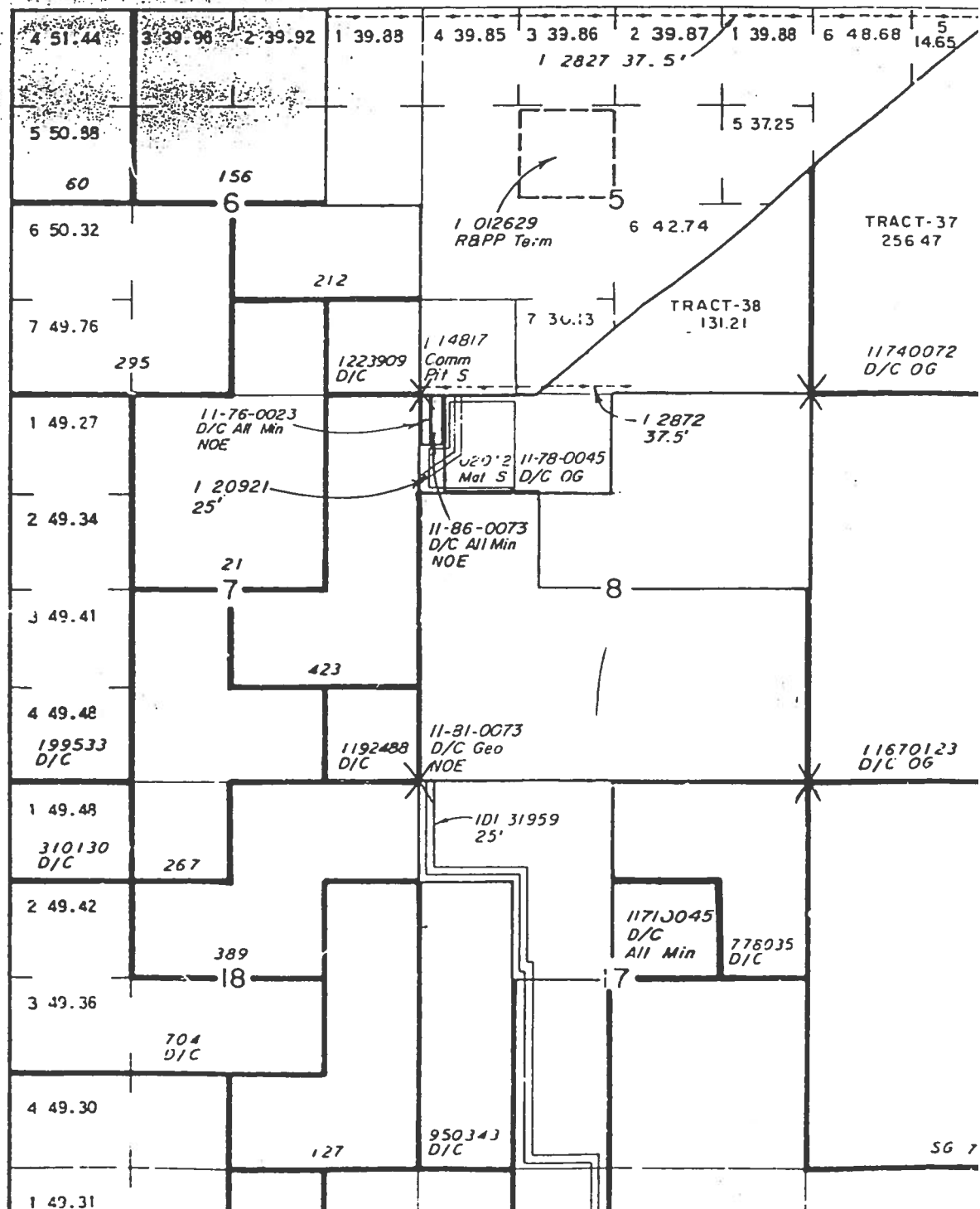
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-127.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE POU DESCRIBES MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO POU;

"THE USE OF WATER UNDER THIS RIGHT WITHIN SENW, S08,
T13S, R27E, IS LIMITED TO W2W2 OF THAT PLACE OF USE."

#20



CASSIA COUNTY
ELECTORAL DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

NY 258750 Anti Nazi Test
Investig. Information on T. Goss not denote
Public Access

DN 012629 H B P F L E N J I N L S E T e m 1 2 / 1 8 / 1 9 9 7
S e c 3 5 E N W

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
JUL 2 2011	

201 22nd A. A.
201 113th 2nd 0

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH.

SCALE in CHAINS

Page 135

VERIFIED BY

6/12/01

06/12/2001

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

RIGHT NUMBER: 43-4212

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R27E S7

SWSWNE

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 S7	NENE	26	T13S R27E S7	NWNE	23
T13S R27E S7	SWNE	10	T13S R27E S7	SENE	16
T13S R27E S8	SWNW	29	T13S R27E S8	SENE	7
T13S R27E S8	NWSW	20	T13S R27E S8	SWSW	2

133 ACRES TOTAL

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

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

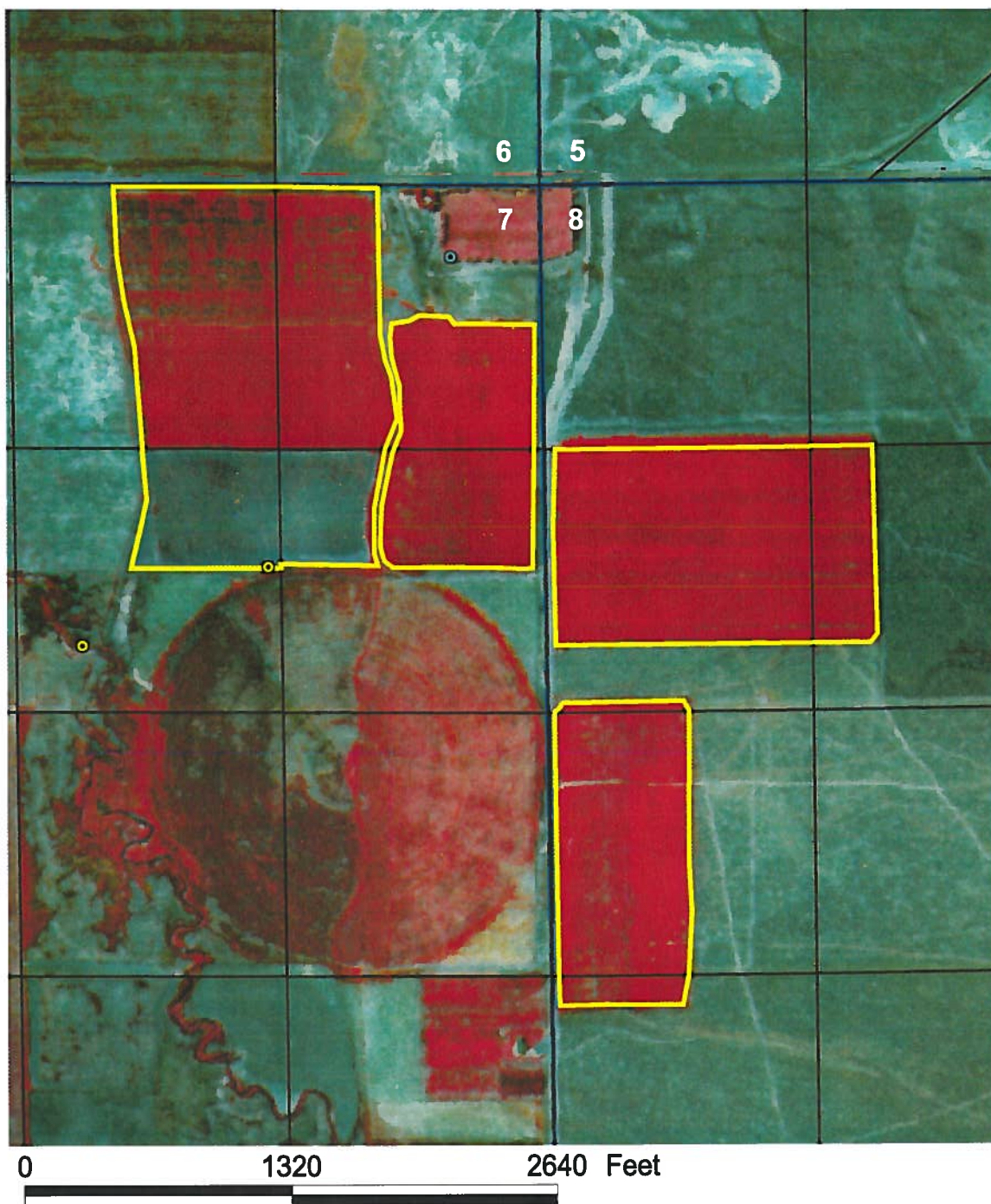
THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-127.

Water Right 43-4212

1

Idaho Department of Water Resources

43-04212, 43-04213, & 43-13039



RECOMMENDED PLACE OF USE
DATA ENTRY ON JUNE 12, 2001
TWP 13S, RNG 27E, SEC. 7 & 8

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

43-4212 & 43-4213

6-12-01

Initial Recommendations were mailed for these two rights, with the accompanying layout showing a large parcel, owned by the claimants and obviously irrigated, had never been claimed. An appointment was scheduled with Mr. & Mrs. Wickel to go over the problems. Both of these were filed as statutory claims for 80 acres each. The '62 and '68 aerial photos show only about 54 acres were irrigated, Even though around 133 acres were irrigated by 1987. I explained that since the area was designated as a Critical Groundwater Management Area in 1963 and closed to further development, only the 54 acres could be recommended and the rest would need to be claimed in an expansion claim, per 42-1416.

They amended the two claims up to 133 acres and paid additional acre fees of \$53.00, for the 53 acres not previously paid for. ($133 - 80 = 53$)

They also filed an expansion claim 43-13039 for the 79 additional acres. ($133 - 54 = 79$)

A43-04212 4/1/1894 2 cfs 80 Ac.

- this is actually a part of decreed right 43-127 for 4 cfs (other 2 cfs has been claimed and recommended by Parke as 43-127A)
- will recommend the 2 cfs for this right on the 54 acres irrigated before 1963
- this is over the inch per acre standard but the 2 cfs has not been claimed by anyone else, was decreed in the past to the property, and probably rarely makes it to the property anymore anyway

→ R43-04212 4/1/1894 2 cfs 54 Ac./133 Ac. p

A43-04213 4/15/1959 2.5 cfs 80 Ac.

- there were some old deeds in the file which mentioned the well and pump and were recorded at the Cassia County Courthouse on 4/15/1960. I will allow the claimed priority date.
- will reduce the diversion rate to 1.08 cfs (54 for the 54 acres) and a volume of 216 AF (54 x

→ R43-04213 4/15/1959 1.08 cfs/216 AF 54/133 p

A43-13039 6/30/1985 1.48 cfs 79 Ac.

- filed as an expansion of 42-4213 with no additional diversion or volume
- diversion rate ($1.08 \div 133 \times 79 = 0.64$)

→ R43-13039 6/30/1985 0.64 cfs 79/133 pp.

IRRIGATION AND DRAINAGE REPORT

APPROVED
BUREAU OF THE SUDGET
FORM NO. 40-833

THE FEE PROPERTY DESCRIBED IN APPLICATION FOR LOAN OR
LAND BANK OF SPOKANE and/or THE LAND BANK COMMISSIONER

143-4212
143-4213

NOTE TO APPLICANT—Sections of this statement that apply to your water rights and water supply must be completely filled out, otherwise the form will be returned to you for completion. Answer all questions under "General" and all questions under other headings that apply to your rights.

GENERAL

- Number of acres irrigated: By gravity 75 pump 75 subirrigation total
- Irrigation commenced about the year 1894 Water rights are claimed by right of 1894
(Use, decree, permit, license, certificate, contract, water stock)
- In years of average run-off, the supply for irrigation is about the following per cent of amount of water needed:
June 1 %, July 1 %, July 15 %, August 1 %, August 15 %, September 1 %
- If private or partnership pump, state: Source Acres served Lift 45 feet
(Well, lake, stream, ditch)
Legal subdivision in which pump is located Percentage of applicant's ownership of pumping plant
Type of motor Electric H.P. of motor 15HP Capacity of pump 125 inches Annual cost for pumping \$50.00 month
(Electric, gas, tractor)
- Is land in organized diking or drainage district? Has such district a bonded or other debt obligation?
- Total average annual irrigation, diking, drainage and ditching cost for this farm (include pumping, storage, maintenance and all other irrigation costs) \$

PRIVATE WATER RIGHTS

Includes rights based on use, decree, permit, license, certificate or contract

- Priority and source of rights are as follows (list each right of different priority or source separately):

Acres Irrigated	Date of Priority	Amount (Minors inches)	Stream	Ditch Name or Number	Location of Area Now Served (North, east, south, west, or central portion of irrigated area)
<u>75</u>	<u>1894</u>	<u>100</u>	<u>Batt River</u>	<u> </u>	<u> </u>

- Ditches.
(a) Ditch identified by Name or Number

(b) Approximate total

(c) If ditch is owned by Richard

- Names and addresses long period of years.

- What supplemental
- Has there been any

ck to see if the 1894 priority date claimed is verified with this data.

KKC

4212
may be
43-00127
just
change in
P/O reflected in
claim.

1-31-92

COMPANY OR DISTRICT WATER RIGHTS

- Name of Irrigation Company, District or Project Irrigation Dist 2-C Total acres served by project
No. of acres of your farm served by this project 75 If incorporated, number of shares owned by undersigned
Yearly assessments per (Acres, share) for debt service \$; operation and maintenance \$
other \$; total \$ 50.00 approx (If land is served by more than one company or district, give same information with respect to other company or district, under No. 15.)
- Does project maintain lateral up to your farm? If not, state your interest in lateral and names of other users, if any.

Approximate total length of lateral ; type of construction Approximate total length of flumes and pipelines maintained on the lateral on farm ditches Age of these structures

DRAINAGE

- Name of organized drainage or diking district Acres in this farm assessed
Yearly assessments per acre \$ Acres alkali Additional drainage contemplated by private or district construction. If so, explain (Is—is not)

ADDITIONAL DATA

-

I or We hereby certify that the foregoing report is true to the best of my (our) knowledge and belief.

Date

Gary E. Shaker

Applicant(s)

Second sheet is the typed copy of the original hand filled out. (this copy both signed with original note.)

IRRIGATION AND DRAINAGE REPORT

Approved
Bureau of the Budget
Form 40 R 935

PROPERTY DESCRIBED IN APPLICATION FOR LOAN
THE FEDERAL LAND BANK OF SPOKANE

NOTE TO APPLICANT—Sections of this statement that apply to your water rights and water supply must be completely filled out, otherwise the form will be returned to you for completion.

DISTRICT OR COMPANY RIGHTS

UNIT th., a.f., m.l., ac., etc.	NO. UNITS	NAME OF ORGANIZATION	ACRES IRRIGATED	PUMP	SPRINKLER
			1894		

Does project maintain lateral up to your farm? If not, state your interest in lateral and names of other users, if any

Electric

15

PRIVATE RIGHTS

125 Inches

50.00 Month

AMOUNT AND PRIORITY	EVIDENCED BY Use, Decree, Permit, Certificate, License	SOURCE STREAM, SPRING, WELL, DRAIN, ETC.	DITCH NAME OR NUMBER	ACRES IRRIGATED	PUMP	SPRINKLER

Length of ditch from headgate to the farm Applicant's interest in ditch per cent

If ditch is owned in partnership, give names of other persons interested and extent of their interest

Names and addresses of at least three disinterested persons who have been familiar with use of water on this land over a long period of years:

How long has water right been used continuously by you? years; Has there been any controversy in recent years regarding your water or ditch rights? If so, explain

FARM IRRIGATION FACILITIES

IRRIGATION WELL: Location Richard Kossman; Drilled by A. C. Wake; Diameter 6 inches; Depth feet

Drilling cost \$; Static water level (depth below base of pump); Water level when pumping

Casing length; Name and address of well driller

PUMPING PLANT:

Cost: New \$; Year; Purchased from

Motor: Type; H.P.; Volts; R.P.M.; New year

Pump: Type; Discharge g.p.m. thru open pipe thru sprinkler; New year

Pumping Lift: Water to base of pump feet; Base of pump to high ground feet; Total feet

PIPE LINES:

Cost (include cost of all pipe not included in sprinkler cost): New \$; Year

Buried: Kind; Diameter; Length; Diameter; Length; Diameter; Length

Other: Kind; Diameter; Length; Diameter; Length; Diameter; Length

SPRINKLER SYSTEM:

Irr. Dist. 8-C

Cost: New \$; Year; Purchased from

Portable Main Line: Diameter; Length; Diameter; Length; Diameter; Length

Portable Lateral: Diameter; Length; Diameter; Length; Diameter; Length

Sprinklers: No.; Capacity g.p.m.; Operating pressure pounds; Spacing x

POWER:

Name of Company

Annual Power Bill: 19 \$; 19 \$; 19 \$; 19 \$

DRAINAGE AND DIKING

Name of organized drainage or diking district

Acres in this farm assessed; Water table is: (X) Static; Rising; Falling; Controlled

Private Drains: Covered; length; size; inches; Open; length; depth; feet

Alkali: Slightly; acres; Spotted; acres; Badly; acres; Discuss adequacy and condition of drainage system:

PRIVATE DIKES:

Length; Height; feet; Slopes (Land; Water); Year built

Applicant's interest; per cent; Highest flood or tide; year; History of protection, breaks, leakage, etc.:

This statement attaches to and is to be considered a part of an application for loan made by me, the undersigned, to The Federal Land Bank of Spokane. The statements herein made are correct to the best of my knowledge and belief.

Jay E. Shaker

Date February 18, 1959

Applicant(s)

143-4212

WARRANTY DEED

THIS INDENTURE, Made this 21st day of January in the year of our Lord one thousand nine hundred and sixty, between JAY E. WAKE and THORA G. WAKE, husband and wife, of Burley, Cassia County, Idaho, parties of the first part, and GLEN R. KUNAU, whose wife is Dona Kunau, and LEX H. KUNAU, whose wife is Celia Kunau, as tenants in common, all of Burley, 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 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 3926.4 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 $89^{\circ} 23'$ West 520 feet, thence North 466.67 feet, thence North $89^{\circ} 23'$ 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, 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, a distance of 1018 feet, thence West 30 feet to the West boundaryline 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 following: (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 384-386. 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 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 DEFEND.

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

_____(SEAL)
Jay E. Wake

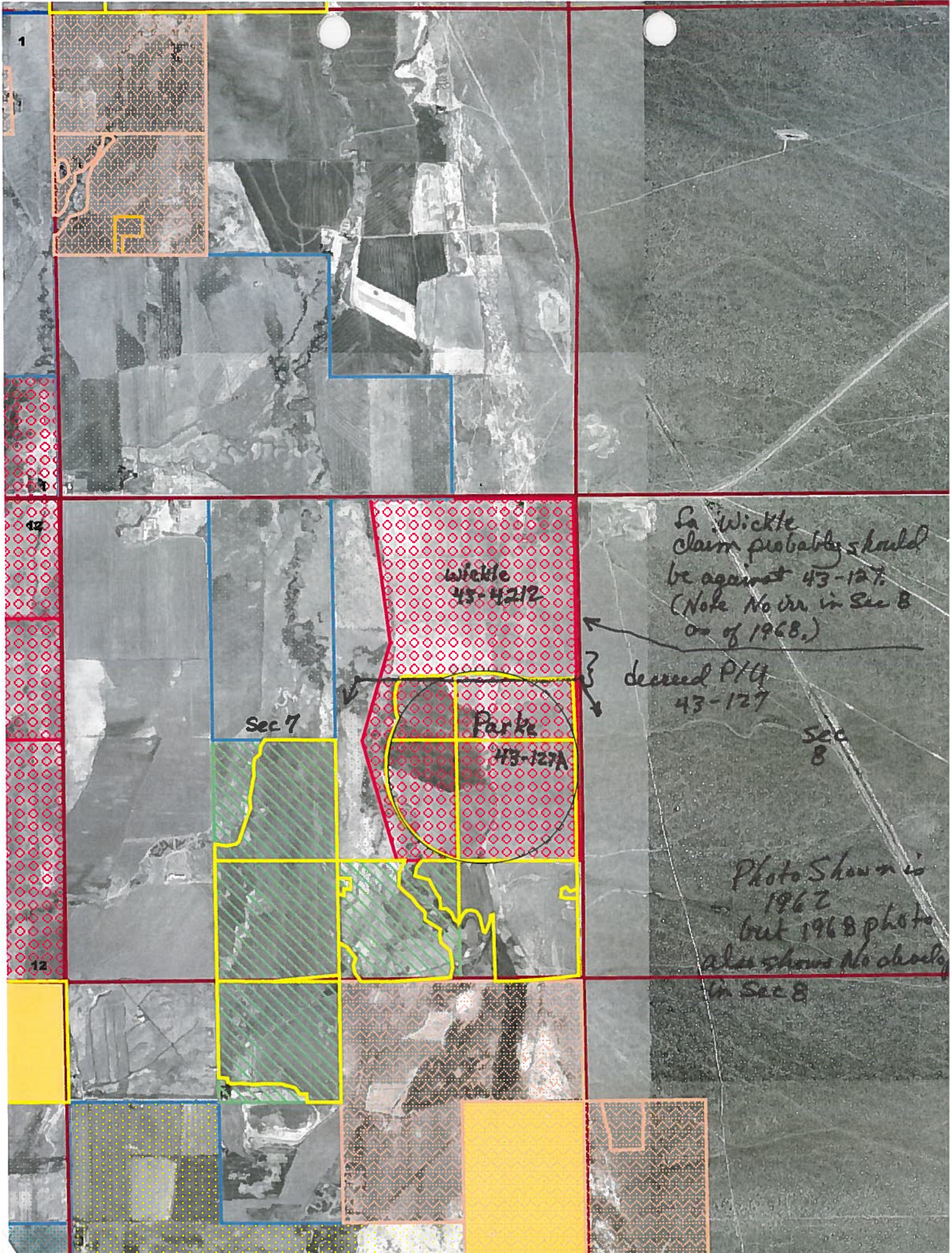
_____(SEAL)
Thora G. Wake

STATE OF IDAHO)
) ss.
County of Cassia)

On this 14 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.

Notary Public for Idaho,
residing at Burley, Idaho.



1

12

12

Sec 7

Wickie
43-1272

Parke

43-127A

La Wickie
claim probably should
be against 43-127.
(Note No. in Sec 8
on of 1968.)

decreed P/U
43-127

Sec
8

Photo shown is
1962
but 1968 photo
also shows No. above
in Sec 8

VERIFIED BY

04/09/2001

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

RIGHT NUMBER: 43-4212

NAME AND ADDRESS: ARDEN EUGENE WICKEL
WYNELL F WICKEL
HC61 BOX 1010
MALTA, ID 83342

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.6 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-04213 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R27E S7

SWSWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
1.60 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S7	NENE	10	T13S R27E S7	SENE	10
T13S R27E S8	NENW	~~0.4~~	T13S R27E S8	NWNW	~~1.6~~
T13S R27E S8	SWNW	29	T13S R27E S8	SENW	7
T13S R27E S8	NWSW	20	T13S R27E S8	SWSW	2

80 ACRES TOTAL

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT WITH RIGHT NO. 43-04213 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-127.

Water Right 43-4212

43-04212 & 43-04213



RECOMMENDED PLACE OF USE
DATA ENTRY ON APR. 9, 2001
TWP 13S, RNG 27E, SEC. 7 & 8

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

A43-04212
A43-04213

AGENT

CLAIMED ACRE TOTAL 8

82

2

JPEG LAYOUT

⑦ ⑧

10
10

1.6 ↓

4 ↓

29 7



20

2

- WR 43-317

- 4/1/1894 priority date

- from Cassia Creek for 3.175 cfs

- for NE $\frac{1}{4}$, NENW & SENW, & NESE & NWSE Sec. 7

- claimed by Simplot for 158.7 acres

→ disallowed by KKC for non-use from 1970 → 1987

- (remarks state it overlaps with 43-318)

WR 43-318

- 4/1/1894 priority date

- from Cassia Creek for 3.175 cfs

- for NWNE, SWNE, NWSE Sec. 7

- claimed by Simplot for 160 acres

→ disallowed by KKC for non-use from 1970 → 1987

- (remarks state it overlaps with 43-317)

WR 43-127

- 4/1/1894 priority date

- from Reft River for 4 cfs

- for NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of Sec. 7

- claimed by Parke in 43-127A for 2 cfs in Sec. 7 & 18^{on 2080}

- recommended for 2 cfs & limited to 100 A. by KKC

WR 43-4212

- seems to be for other 2 cfs of this right

- orig. filed for 80 acres in NE $\frac{1}{4}$ of Sec. 7

- AT claimed moved 60 acres to Sec. 8

no info
nt. for Simplot

WR 43-127 4/1/1894
4 cfs

(E 1/2)
NE & SE 1/4's of Sec. 7

AJ 43-127A

claimed by Ada & Glen Parke for 2 cfs

+ reom. for 2 cfs leaving 2 cfs available

43-04212 claimed by Wickel seems to match 43-127
- except they claimed in Sec. 8 also, which is not
in decree, and does not show irrig. in 1968
- notes in remarks say 60 acres moved over to
Sec. 8 because floods destroyed bottom lands
in Sec. 7

- claim 80 Ac.

GIS = 80 Ac.

43-4213

- original filing in June of 1983 shows 82 Ac, all in
NE 1/4 of Section

- AT claim is for 80 Ac, 20 in Sec. 7 and 60 in Sec. 8

R PROOF

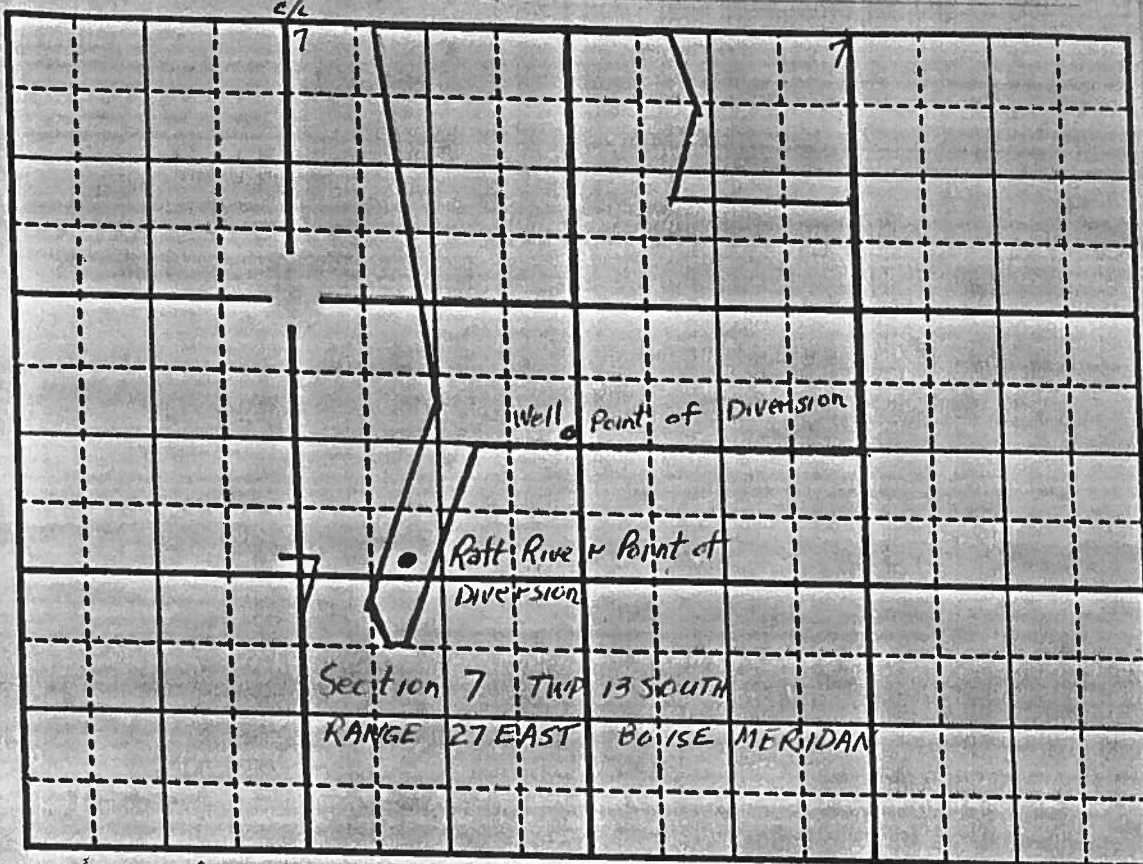
CVR

MAPS

PHOTOS

MISC

(8) Remarks There may be a permit on file for this water, which is used to supplement the water from the well on a companion Claim to Water Right. This water has been used for beneficial purposes during the five years preceding this Claim, and 50 years or more before



Scale: 2 inches equal 1/4 mile. (See attached map for point of diversion)

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Eden R. Hansen
(Claimant)

Sworn to before me this 24th day of June, 19 81.

Judith C. Mailer
Notary Public
Residing at Burley, Idaho

My commission expires July 2, 1986

FOR DEPARTMENT USE ONLY

Received by LH Date 6/29/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by LH Date 6/29/83
\$30.00 fee received by LH Date 6/29/83 \$290.00
Published in South Idaho Press
Dates 7/9 & 7/10/83

SD-0611-2 Basin: 43 Startin Water Right: 00127

S E L	Water		O W N	Priority		STG/ STS	Source		Use Desc	S Y S
	Right No.	Name Last, First		Date						
-	43-00127	HADFIELD, WELLS	C	04/01/1894	D/		RAFT RIVER		IRR	WR
-	A43-00127	SPLIT RIGHT	C	04/01/1894	/Z		RAFT RIVER SPLIT RIGHT		IRR	AJ
-	A43-00127A	PARKE, GLEN R PARKE, ADA	C C	04/01/1894	D/		RAFT RIVER		IRR	AJ

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

03/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 43-127

Owner Type Name and Address
Current Owner WELLS HADFIELD

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

Source Tributary to
RAFT RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	/	/	4 CFS		

Total Diversion 4 CFS

Location of Point(s) of Diversion:

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		NENE NESE			NWNE NWSE			SWNE SWSE			SENE SESE	

Remarks:

1. General P/U INCOMPLETE. SEE DECREE.

Dates:

Licensed Date:
Decreed Date: 04/08/1929
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number: 43B
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Water Right 43-127

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-127A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ADA PARKE
Current Owner	GLEN R PARKE
	HWY CARRIER 72 BOX 2008
	MALTA, ID 83342
	(208)645-2595

Priority Date: 04/01/1894
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary to</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	2 CFS		
Total Diversion			2 CFS		

Location of Point(s) of Diversion:

RAFT RIVER	SWSESE	Sec. 07	Township 13S	Range 27E	CASSIA County
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IRRIGATION Use:
 Acre Limit: 208

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		SWNE	10		SENE	7						
				NESW	29		SESW	39						
				NESE	11		NWSE	19		SWSE	33		SESE	24
		18		NENW	36									

Total Acres: 208

Remarks:

1. General GROUNDWATER & CASSIA CREEK WATER ALSO USED ON ACRES. 208 ACTUAL IRRIGATED ACRES.

Dates:

Licensed Date:
 Claim Received Date:
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Water Right 43-127A

Other Information:

Receipt Number(s): S007087
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-127A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ADA PARKE
Current Owner	GLEN R PARKE
	HWY CARRIER 72 BOX 2008
	MALTA, ID 83342
	(208)645-2595

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2 CFS		
Total Diversion			2 CFS		

Location of Point(s) of Diversion:

RAFT RIVER	SWSESE	Sec. 07	Township 13S	Range 27E	CASSIA County
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IRRIGATION Use:
Acre Limit: 100

Place(s) of use:

Place of Use	Legal Description: IRRIGATION	CASSIA County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	18		NENW	36									
		7		SWNE	10		SENE	20						
				NESW	29		SESW	39						
				NESE	39		NWSE	18		SWSE	26		SESE	27

Total Acres: 244

Conditions of Approval:

- 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:

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

Water Right 43-127A

3. Quantity

11237.

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

Dates:

Licensed Date:
Claim Received Date: 05/11/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/7/00 4:30:19 PM	kchrste			In Process
POD	12/7/00 4:31:31 PM	kchrste			In Process
POU	12/7/00 4:45:41 PM	kchrste			In Process
Priority Date	12/7/00 4:30:47 PM	kchrste			In Process
Quantity	12/7/00 4:50:27 PM	kchrste			In Process
Season	12/7/00 4:48:41 PM	kchrste			In Process
Source	12/7/00 4:33:13 PM	kchrste			In Process
Summary	12/7/00 4:52:30 PM		12/7/00 4:52:30 PM	kchrste	Complete
Use	12/7/00 4:47:44 PM	kchrste			In Process

Other Information:

Receipt Number(s): S007087
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	12/7/00 4:30:18 PM	kchrste	1. Appointment has not been scheduled. Comment for 1: DESK TOP REVIEW COMPLETED Edited PLS
POD	12/7/00 4:32:50 PM	kchrste	Edited point location
POD	12/7/00 4:32:31 PM	kchrste	1. (NO) The basis is not beneficial use.
POD	12/7/00 4:31:30 PM	kchrste	2. (NO) Parent right does not have a Point of Diversion.
			4. (NO) There is not evidence that there has been a change in the Point of Diversion.
			6. (YES) The file contains all the necessary information to verify the POD.
			Comment for 6: REVIEWING FILE AND AERIAL PHOTOS
			8. (NO) Point of Diversion remark was not required.
			9. (NO) Point of Diversion condition was not required.
POU	12/7/00 4:45:40 PM	kchrste	1. (YES) The POU is required.
			2. (NO) The basis of claim is not beneficial use.
			3. (YES) The Parent Right has a POU.
			4. (NO) The claimed POU can not be verified using the water right file.

Priority Date	12/7/00 4:30:45 PM	kchrste	5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: REVIEWING THE CLAIM FILE AND AERIAL PHOTOS. 12. (YES) POU remark was required. 13. (NO) POU condition was not required. 1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	12/7/00 4:50:25 PM	kchrste	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (NO) The claimed diversion rate and/or volume can not be verified using the water right file. 5. (YES) A flow measurement was required. Comment for 5: DIVERSION SYSTEM IS STURCTURE IN RAFT RIVER TO EARTH DITCH . ASSUME THAT THE DITCH CAPACITY EXCEEDS DECREED RATE. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	12/7/00 4:48:39 PM	kchrste	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	12/7/00 4:33:11 PM	kchrste	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (NO) The claimed source can not be verified using the water right file. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: REVIEWING MAPS AND AERIAL PHOTOS 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	12/7/00 4:52:28 PM	kchrste	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is a split right. 10. (NO) This is not a combined right. 11. (YES) Documents were linked or attached to this file. 12. (YES) Set the verification date.
Use	12/7/00 4:47:43 PM	kchrste	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (NO) The claimed purpose of Use can not be verified using the water right file. 4. (NO) There is not evidence that there has been a change to the purpose of

use.

9. (YES) The file contains all the necessary information to verify the purpose of use.

11. (NO) Purpose of Use remark was not required.

12. (NO) Purpose of Use condition was not required.

SD-0611-2 Basin: 43 Startin ater Right: 00317

S	O	S
E	W	Y
L	N	S
Water	Priority	Use
Right No.	Date	Desc
Name	STS	Source
Last, First		
43-00317	TAYLOR, WINSLOW R.	C 04/01/1894 D/ CASSIA CREEK IRR WR
A43-00317	J R SIMPLOT COMPANY	C 04/01/1894 D/ CASSIA CREEK IRR AJ
R43-00317	J R SIMPLOT COMPANY	C 04/01/1894 D/ CASSIA CREEK IRR AJ

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

*old decree appurtenant to POU,
- no claim from Cassia Creek -*

43-317

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 43-317

Owner Type Name and Address
Current Owner WINSLOW R TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	/	/	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

Place(s) of use:

Place of Use Legal Description: IRRIGATION						CASSIA County								
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		NENE			NWNE			SWNE			SENE	
				NENW			SENW							
				NESE			NWSE							

Remarks:

- General SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. APPEARS TO OVERLAP 43-0318.

Dates:

Licensed Date:
Decreed Date: 10/18/1928
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:

Water Right 43-317

Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-317

Owner Type Name and Address
Current Owner J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 83707

Attorney GRAY YOUNG OR TERRY UHLING
 ENV AND REGULATORY AFFAIRS
 J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 837070027
 (208)389-7318

Also Known As SIMPLOT
 BOISE, ID 83707

Original Owner WINSLOW R TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK	SESE	Sec. 11	Township 13S	Range 26E	CASSIA County
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IRRIGATION Use:
Acre Limit: 158.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		NWNE	16		SWNE	15						
				NENW	35	1	NWNW	38.7		SENE	40			
				NWSE	14									

Total Acres: 158.7

Remarks:

1. General SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. APPEARS TO OVERLAP 43-0318.

Water Right 43-317

Dates:

Licensed Date:
Claim Received Date:
Decreed Date: 10/18/1928
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C007327
State or Federal: S
Owner Name Connector:
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-317

Owner Type Name and Address
Current Owner J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 83707

Attorney GRAY YOUNG OR TERRY UHLING
 ENV AND REGULATORY AFFAIRS
 J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 837070027
 (208)389-7318

Also Known As SIMPLOT
 BOISE, ID 83707

Original Owner WINSLOW R TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Disallowed

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK	SESE	Sec. 11	Township 13S	Range 26E	CASSIA County
--------------	------	---------	--------------	-----------	---------------

IRRIGATION Use:
Acre Limit: 158.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		NWNE	16		SWNE	15						
				NENW	35	1	NWNW	38.7		SENE	40			
				NWSE	14									

Total Acres: 158.7

Remarks:

- General FORFEITED/ABANDONED DUE TO NON-USE FROM 1970 TO 1987.

Dates:
Water Right 43-317

Licensed Date:
 Claim Received Date: 06/08/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 10/18/1928
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/9/01 3:45:05 PM	kchrste			In Process
Summary	1/9/01 3:55:39 PM		1/9/01 3:55:39 PM	kchrste	Complete

Other Information:

Receipt Number(s): C007327
 State or Federal: S
 Owner Name Connector:
 Water District Number: 43C
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Priority Date	1/9/01 3:45:03 PM	kchrste	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (NO) The claim is not recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Summary	1/9/01 3:55:37 PM	kchrste	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 4. (NO) A portion of the claim is being recommended. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (YES) Documents were linked or attached to this file. 12. (YES) Set the verification date.

SD-0611-2 Basin: 43 Startin ater Right: 00318

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Desc	S
43-00318		TAYLOR, THOMAS JR.	C	04/01/1894	D/	CASSIA CREEK	IRR
		TAYLOR, LENA	C				WR
A43-00318		J R SIMPLOT COMPANY	C	04/01/1894	D/	CASSIA CREEK	IRR
R43-00318		J R SIMPLOT COMPANY	C	04/01/1894	D/	CASSIA CREEK	IRR

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

*old decree appurtenant to POU,
- no claim from Cassia Creek*

43-318

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 43-318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LENA TAYLOR
Current Owner	THOMAS JR TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	/	/	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7		NWNE NWSE			SWNE							

Remarks:

1. General SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. APPEARS TO OVERLAP 43-0317.

Dates:

Licensed Date:
Decreed Date: 10/18/1928
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:

Water Right 43-318

Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-318

Owner Type Name and Address
Current Owner J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 83707

Attorney GRAY YOUNG OR TERRY UHLING
 ENV AND REGULATORY AFFAIRS
 J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 837070027
 (208)389-7318

Also Known As SIMPLOT
 BOISE, ID 83707

Original Owner LENA TAYLOR
Original Owner THOMAS JR TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK SESE Sec. 11 Township 13S Range 26E CASSIA County

IRRIGATION Use:
Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7	1	NWNW	10	2	SWNW	50						
			3	NWSW	50	4	SWSW	50						

Total Acres: 160

Remarks:

1. General SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. APPEARS TO OVERLAP 43-0317.

Water Right 43-318

Dates:

Licensed Date:
Claim Received Date:
Decreed Date: 10/18/1928
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C007327
State or Federal: S
Owner Name Connector:
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-318

Owner Type Name and Address
Current Owner J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 83707

Attorney GRAY YOUNG OR TERRY UHLING
 ENV AND REGULATORY AFFAIRS
 J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 837070027
 (208)389-7318

Also Known As SIMPLOT
 BOISE, ID 83707

Original Owner LENA TAYLOR
Original Owner THOMAS JR TAYLOR

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.175 CFS		
Total Diversion			3.175 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK	SESE	Sec. 11	Township 13S	Range 26E	CASSIA County
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IRRIGATION Use:
Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	7	1	NWNW	10	2	SWNW	50						
			3	NWSW	50	4	SWSW	50						

Total Acres: 160

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 1970 TO 1987.

Dates:
Water Right 43-318

Licensed Date:
 Claim Received Date: 06/08/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 10/18/1928
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/9/01 3:56:19 PM	kchrste			In Process
Summary	1/9/01 3:58:51 PM		1/9/01 3:58:51 PM	kchrste	Complete

Other Information:

Receipt Number(s): C007327
 State or Federal: S
 Owner Name Connector:
 Water District Number: 43C
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Priority Date	1/9/01 3:56:18 PM	kchrste	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (NO) The claim is not recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Summary	1/9/01 3:58:49 PM	kchrste	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (YES) Documents were linked or attached to this file. 12. (YES) Set the verification date.