

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 43-4213
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)
ARDEN EUGENE WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208) 645-2581

WYNELL F WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208) 645-2581

2. Date of Priority: 04/15/1959

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

225'X18" WELL, 20HP TURBINE, 30HP CYNTRIFICAL PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/15	2.5	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
43-4213				06/08/2001	

COPY

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

WATER WAS TRANSFERRED FROM 60 ACRES IN SEC 7 TO 60 ACRES IN SEC 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

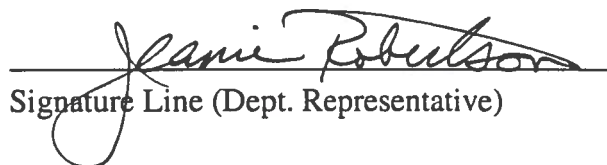
COPY

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: **A43-04213**
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 208-645-2575
Address: HC61 BOX 1010
MALTA ID 83342

Name: WYNELL F WICKEL 208-645-2575
Address: HC61 BOX 1010
MALTA ID 83342

2. Date of Priority: APR 15, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
225'X18" WELL, 20HP TURBINE, 30HP CYNTRIFICAL PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	2.500		

7. Total Quantity Appropriated is:
2.500 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:
A43-04212

14. Remarks:

WATER WAS TRANSFERRED FROM 60 ACRES IN SEC 7 TO 60 ACRES IN SEC 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 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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

RECEIVED

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

APR 02 1993

DATE OF CLOSING: 3-8-93

Department of Water Resources
Southern Region Office

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

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

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

[] Water Right Number(s) Assigned by IDWR: IRRIC #43-04213, IRRIC #43-04212, IRRIC #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: NEW ADDRESS!
HC 61
Box 1010
MALTA
83342
03-28-1994

[] New Telephone Number: _____

[] Does the change in ownership require a new owner? yes no
If yes, then describe the portion of the water right transferred to the new owner:
Kunau's are transferred to new owner:
in water right #43-00127
if any,
result
in a splitting of

[] Attach proof of ownership, describe proof attached: #43-00127
to Kunau
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
Wynell F. Wickel

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

(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: SG

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/12/94 By: SG

Claim Numbers of Split, if any:

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

TELEPHONE MEMORANDUM

✓

Incoming Call

300

Outgoing Call

Returning Call

TO:

H

DATE:

03-28-1994

FROM:

WICKEL WICKEL

FILE:

WICKEL - AT. CLAIM

FILE NO:

SUBJECT:

OWNERSHIP CHANGE TURNED IN
04-02-1993, CLOSING 03-08-1993

REMARKS:

WHAT STATUS?

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

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

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

443-00127 (-00127A) in files
-04212 ✓
-04213 ✓
-10457 ✓

WICKEL, ARDELL W.
MRS. (WICKEL) WICKEL

862-3346

closed: 03-08-93

iled: 04-02-93

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

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 NE $\frac{1}{4}$ 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.

Description

AUMs

BLM

Warm Creek	460
Point Springs	551
Meadow Creek	459

FOREST SERVICE

Sublett Forest	222
Cold Springs	389

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

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COUNTY OF CASS

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Sylvia A. Hadfield (Son)

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Walter W. Steed, Jr.
Notary Public, residing at Clearfield, Pa.

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George Booth, Jr., County Recorder.

Fee: \$1.20.

THIS DEED, made this 1st day of January in the year of our Lord one thousand nine hundred and sixty-two, between JAY E. WAKE and THORA G. WAKE, husband and wife, of Burley, Cassia County, Idaho, parties of the first part, and OLSEN 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 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 1585 feet, thence North 89°23' East 2184 feet to the place of beginning, excepting and excluding therefrom the following specified tracts, to-wit:

1. Commencing at the Northeast corner of said Section Seven (7), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, running South on the East line of said Section 466.67 feet, thence South 89°23' West 520 feet, thence North 466.67 feet, thence North 89°23' East 520 feet to the place of beginning.
2. Beginning at a point on the East boundary line of said Section Seven (7), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, 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

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15, 1962.

Recorder

62 Bude

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.

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. *April 15, 1960*
Fees: \$4.50

Frank B. Kearns, County Recorder

#206027 ~~JUN 1960~~

SPECIAL WARRANTY DEED (\$4.40 Revenue Stamps Attached)

THIS INDENTURE, Made this 8th day of April, A. D. 1960 BETWEEN NORTHWESTERN AND PACIFIC HYPOTHEKBANK, the party of the first part, and Fred E. Haynes and Aletha O. 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. T. Onda
Agent for

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

IN WITNESS WHEREOF, the day and year

(NOTARIAL SEAL)
Filed for record April 15, 1960.
Fees: \$4.75

#206011 ~~JUN 1960~~
THIS INDENTURE, Made this 8th day of April, A. D. 1960 BETWEEN NORTHWESTERN AND PACIFIC HYPOTHEKBANK, the party of the first part, and Fred E. Haynes and Aletha O. 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.

STATE OF IDAHO
County of Cassia

Notary Public
W. T. Onda
Agent for

80838

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, Idahothe 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. Wells Hadfield and Sylvia 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
appeared
LEX 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 12/31/1978STATE 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 93-80838
Frank B. Kearns
Ex-Officio Recorder
By Barbara MaiFees \$ 100
Mail to: Deputy.

INSTRUMENT No.

80838

Water Right Number - R43-04213

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 - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/15/1959 17 SOUTHERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

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

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

01 - IRRIGATION 03/01 11/15 2.500

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
2.500 240.0+ - - - - Place of Use - - - - - +
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

Water Right Number - R43-04213

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 - - +
04/15/1959+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

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

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

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

01 - IRRIGATION 03/01 11/15 2.500

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

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	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

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	- 07/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		PDU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

OWNER NAME & ADDRESS
C ARDEN EUGENE WICKEL
C WYNELL F WICKEL
HC61 BOX 1010
MALTA ID 83342
(208) 645-2575

PRIORITY DATE 04/15/1959 IRRIGATION

WATER USE

USE PERIOD FROM 03-01 TO 11-15

DIVERSION RATE 2.50 CFS

DIVERSION VOLUME 240.00 AFA

TOTAL DIVERSION: 2.50 CFS
CONSUMPTIVE USE:

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM

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

Place of use legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac	NE NE	NE NE	NE NE	NE NE	
13S 27E 7 : 10	10	10	10	10	40
13S 27E 8 : 10	10	10	10	10	40
TOTAL ACRES	80.0	80.0	80.0	80.0	320.0

POU County: CASSIA

Other Rights: A43-04212

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

OWNERSHIP CHANGE 3/31/94 BY JG.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag: C



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,


Judy Givens
Adjudication Secretary

/jg

APR 11 1994

130

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: A43-04213
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 15, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
225'X18" WELL, 20HP TURBINE, 30HP CYNTRIFICAL PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	2.500		

7. Total Quantity Appropriated is:
2.500 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

A43-04213

Page 1

Date: 06/27/89

MICROFILMED

MAR 04 1993

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:
A43-04212

14. Remarks:
WATER WAS TRANSFERRED FROM 60 ACRES IN SEC 7 TO 60 ACRES IN SEC 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): Glenn R. Kuman Date: June 29, 1988

Date: _____

State of Idaho)
County of TF) SS. h

Subscribed and sworn (or affirmed) before me this 29 day
of June 19 89 Lawrence White
Notary Public

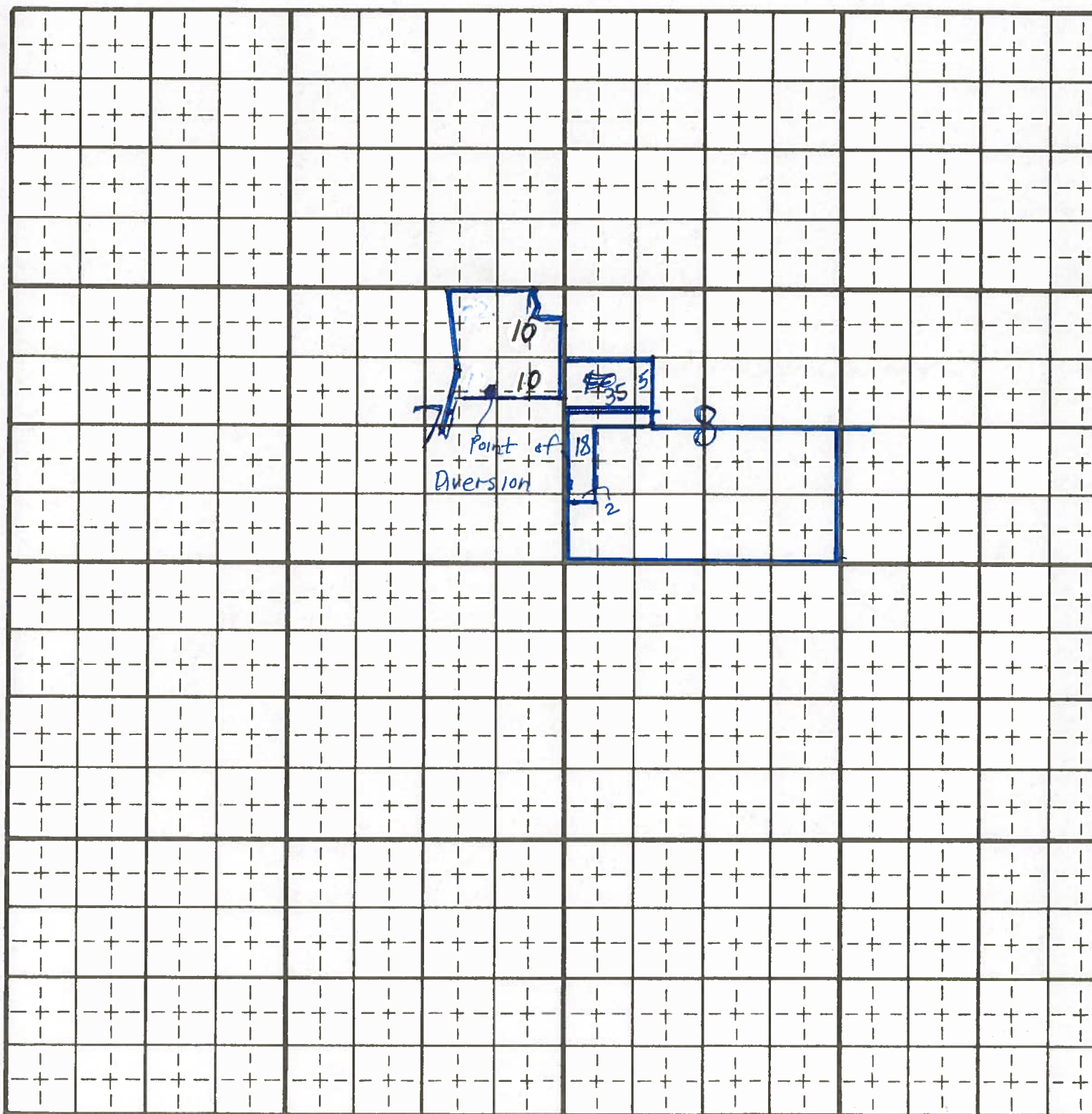
Seal

Residing at TF
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.



WAKE WELL

2.5 cfs

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 Ck. 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.
LW

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.

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

MICROFILMED

MAR 04 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3031

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04213
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 Case No. 39576 _____	)))))	ORDER OF PARTIAL DECREE For Water Right 43-04213
---	-----------------------	---

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 43-04213 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 OCT 10 2002 By _____ Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04213

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

SOURCE: GROUND WATER

QUANTITY: 1.08 CFS
216.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 43-13039 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 216 AF.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION: T13S R27E S07 NESWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.08 CFS 216.00 APY

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

USE OF THIS RIGHT WITH RIGHT NO. 43-04212 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.

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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
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): 43-04213

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 43-04213 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

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 43-04213
) (Wickel)
Case No. 39576)
) SPECIAL MASTER REPORT

Findings of Fact

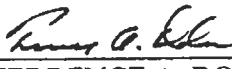
Wynell and Arden Wickel, 2337 East, 1500 South, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on July 3, 1989, claiming 2.5 cfs from groundwater to irrigate 133 acres in Cassia County from March 1 to November 15 with a priority date of April 15, 1959, based on beneficial use. The Director 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 1.08 cfs to irrigate 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 43-04213 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04213*.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04213

202 AUG 20 PM 4:25
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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

SOURCE: GROUND WATER

QUANTITY: 1.08 CFS
216.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13039 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 216 AF.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION: T13S R27E S07 NESWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.08 CFS 216.00 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 43-04212 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.

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.

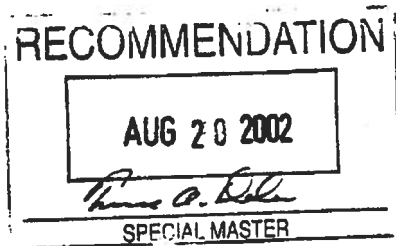
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
Presiding Judge of the
Snake River Basin Adjudication



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

Case No. 39576

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

Water Right(s): 43-04213

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

202 AUG 20 PM 4: 25

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

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 43-04213

CERTIFICATE OF MAILING

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

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

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

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

CERTIFICATE OF MAILING

[Signature]
LETTIE MESSICK
Deputy Clerk

PAGE 1
08/20/02

07/11/2002

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

RIGHT NUMBER: 43-4213

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

WYNELL F WICKEL
2337 E 1500 S
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.08 CFS
216.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13039 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.08 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 216 AF.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION:

T13S R27E S7 NESWNE 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	1.080 CFS 216.00 AFY

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	SENW	7.0
T13S R27E S08	NWSW	20.0	T13S R27E S08	SWSW	2.0

133
~~138~~ 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. 43-04212 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.

RIGHT NO. 43-13039 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

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.

RECEIVED

FEB 19 2002

Department of Water Resources
Southern RegionIN 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 43-04213

(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 OfficeAddress: 1387 South Vinnell Way
Boise, Idaho 83709-1657Daytime Phone: see below

Name & Address of Attorney, if any:

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

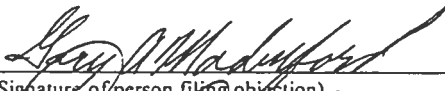
F.

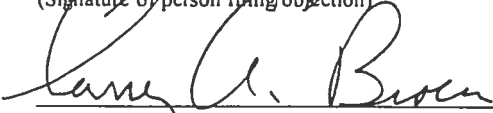
VERIFICATION (Must be Completed)

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)

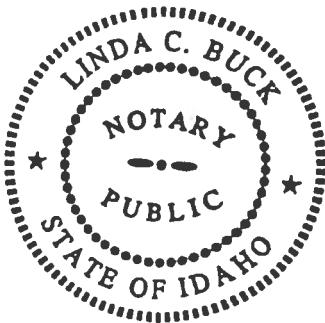
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(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: 43-4213

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: GROUND WATER

TRIBUTARY:

QUANTITY: 1.080 CFS
216.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13039 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.08 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 216 AF.

PRIORITY DATE: 04/15/1959

POINT OF
DIVERSION:

T13S R27E S7 NESWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.080 CFS
216.00 AFY

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	<u>T13S R27E S08 BLM</u>	<u>SENW</u>	<u>7.0</u>
T13S R27E S08	NWSW	20.0	T13S R27E S08	SWSW	2.0

133 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-04212 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, 43-4231, & 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: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 43-13039 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION
42-1416B, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

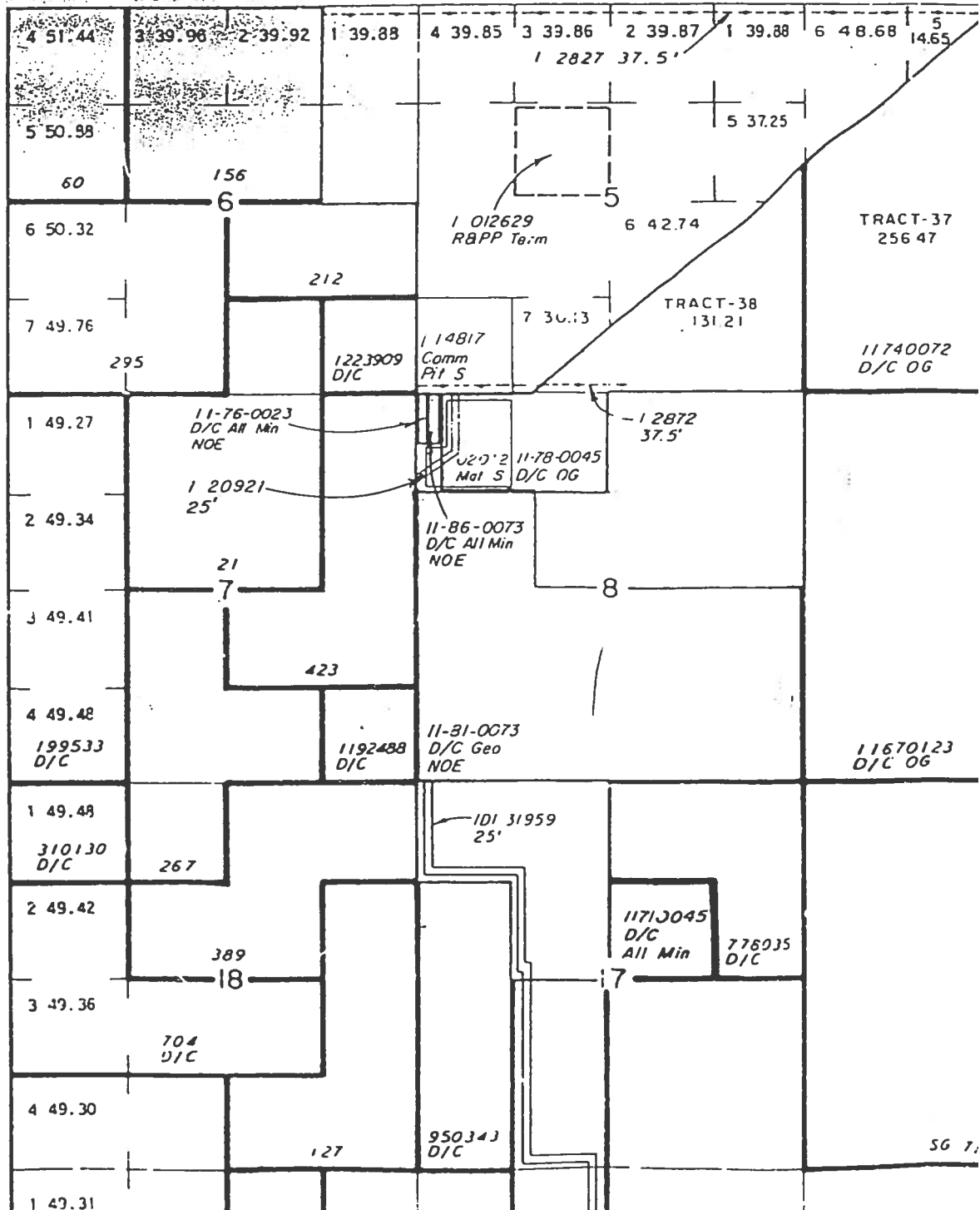
THE POU DESCRIBES MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO POU:

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

#20

TOWNSHIP 13 SO

T13S R27E



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

CASSIA COUNTY
JULY DISTRICT SEC 3

MT PLAT

[illegible]

10, 2507 10 April 1951 Text
History, of information only, does not describe
public access

AN35-C 385
12/18/1997 10:09 AM 107 NINJAW JDO 629210 MD

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO AREA OF
UNIDENTIFIED DOCUMENTS.

COMMITTEE TO	COMMITTEE TO
THE 50th	

101.42° 14.8' A	USE PLATS:
103.113° 14.2' 0	GEN

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

SCALE in Chains

133
 134

VERIFIED BY 6/12/01

06/12/2001

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

RIGHT NUMBER: 43-4213

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

SOURCE: GROUND WATER

QUANTITY: 1.08 CFS
216 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13039 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 216 AF.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION: T13S R27E S7 NESWNE 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	1.08 CFS 216.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R27E S7	NENE	26	T13S R27E S7	NWNE	23
T13S R27E S7	SWNE	10	T13S R27E S7	SENE	16
T13S R27E S8	SNNW	29	T13S R27E S8	SENW	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 THIS RIGHT WITH RIGHT NO. 43-04212 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, 43-4231, & 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.

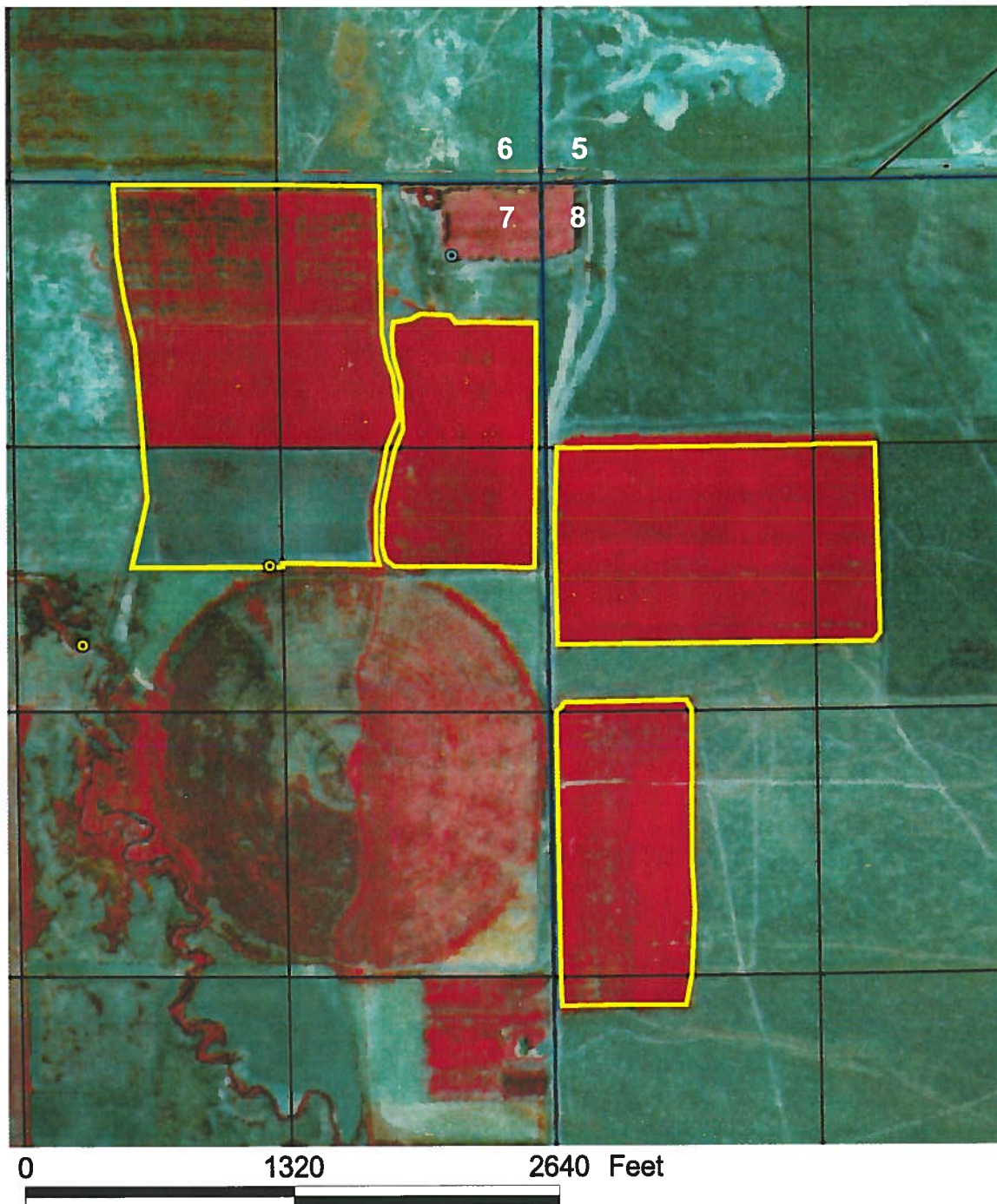
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 43-13039 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

Water Right 43-4213

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

GIS ACRE TOTAL 133

SHAPE NOS.

343-POD.SHIP

POS.	DESCRIPTION
------	-------------

42-4212 } 54 Ac.
42-4213 }

43-13039- 79Ae
(expansion)

BF TABLES UPDATED

43-DBPOU.DBF

43-DBPOD.DBF

LEG LAYOUT



54.4

An aerial photograph of a landscape, possibly a wetland or marsh, with a grid overlay. The grid is composed of dark lines. Several areas are highlighted in red, and each red area is outlined with a yellow border. The red areas are labeled with handwritten numbers: 54.4, 19.95, 35.7, and 22.7. The background is a mix of green and brown, with some white areas that could be snow or water. There are two white circular marks at the top of the image, likely punch holes. A large, irregular red area is visible in the lower-left quadrant, and a smaller, more rectangular red area is in the upper-right quadrant.

19.95

35.7

22.7

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 42-1416b

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. pp1

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 4)

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

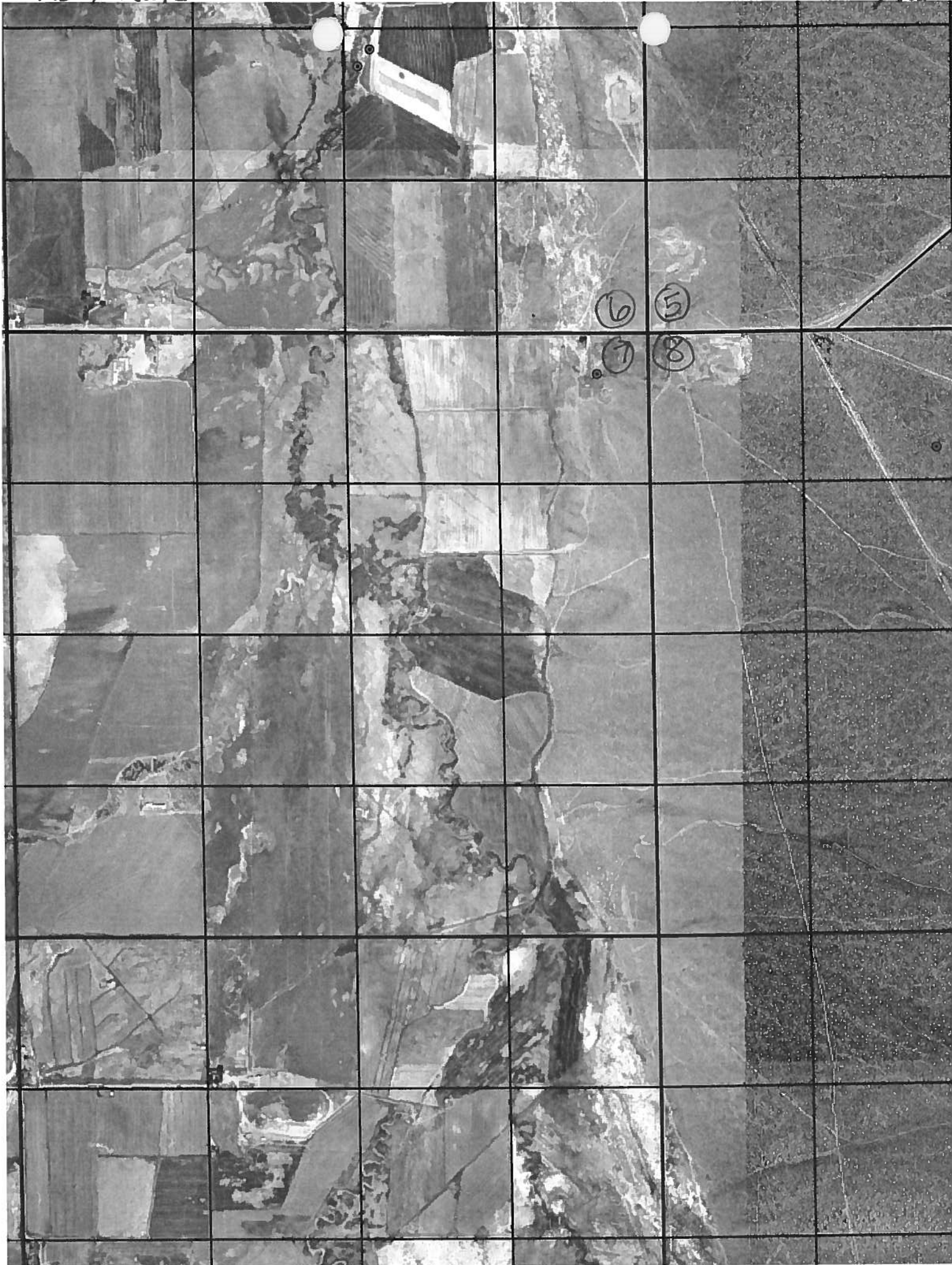
A43-13039 6/30/1985 1.48 cfs 79 Ac.

- filed as an expansion of 43-4213 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 ppv

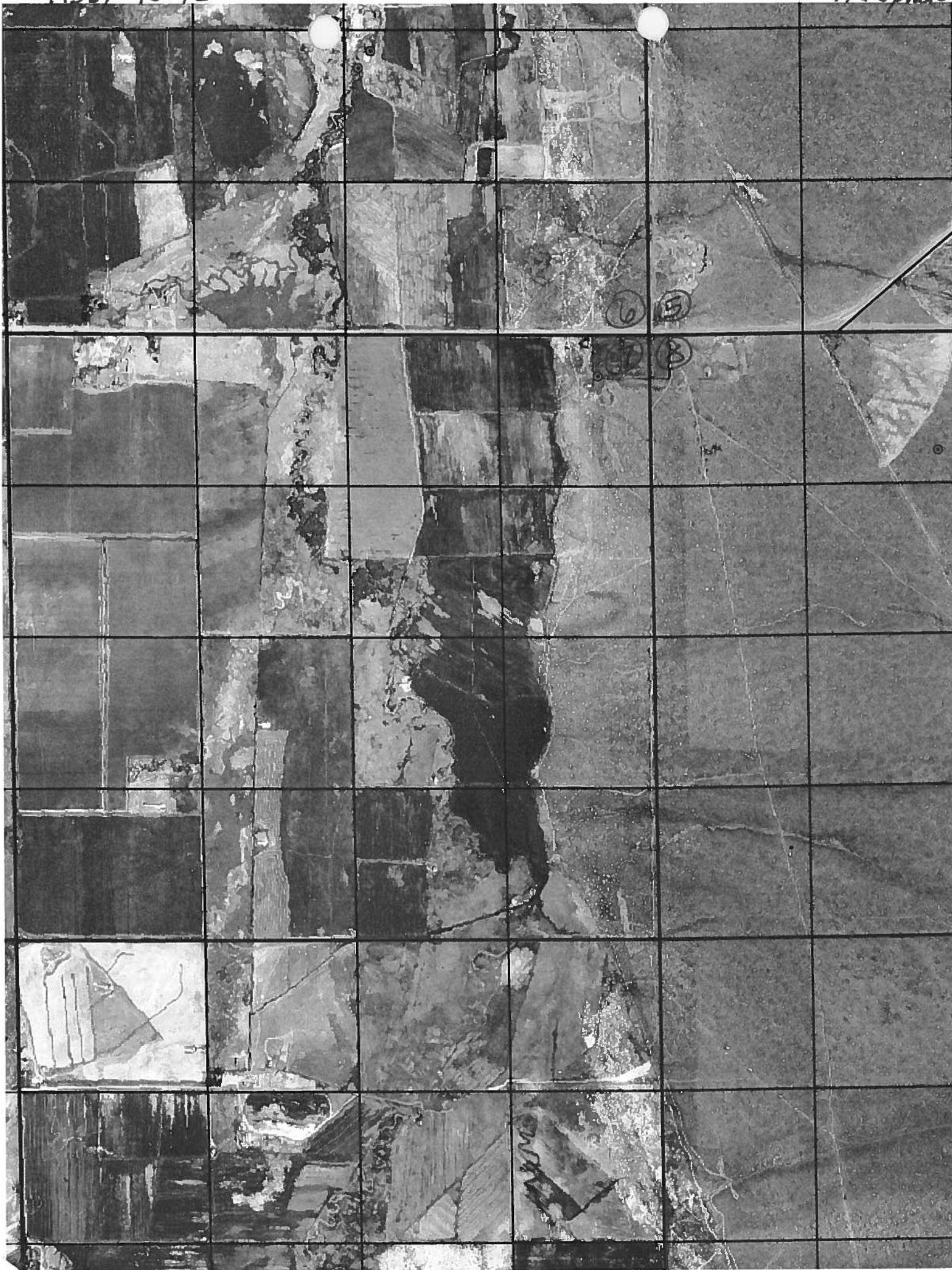
T13S, R27E

1962 photo



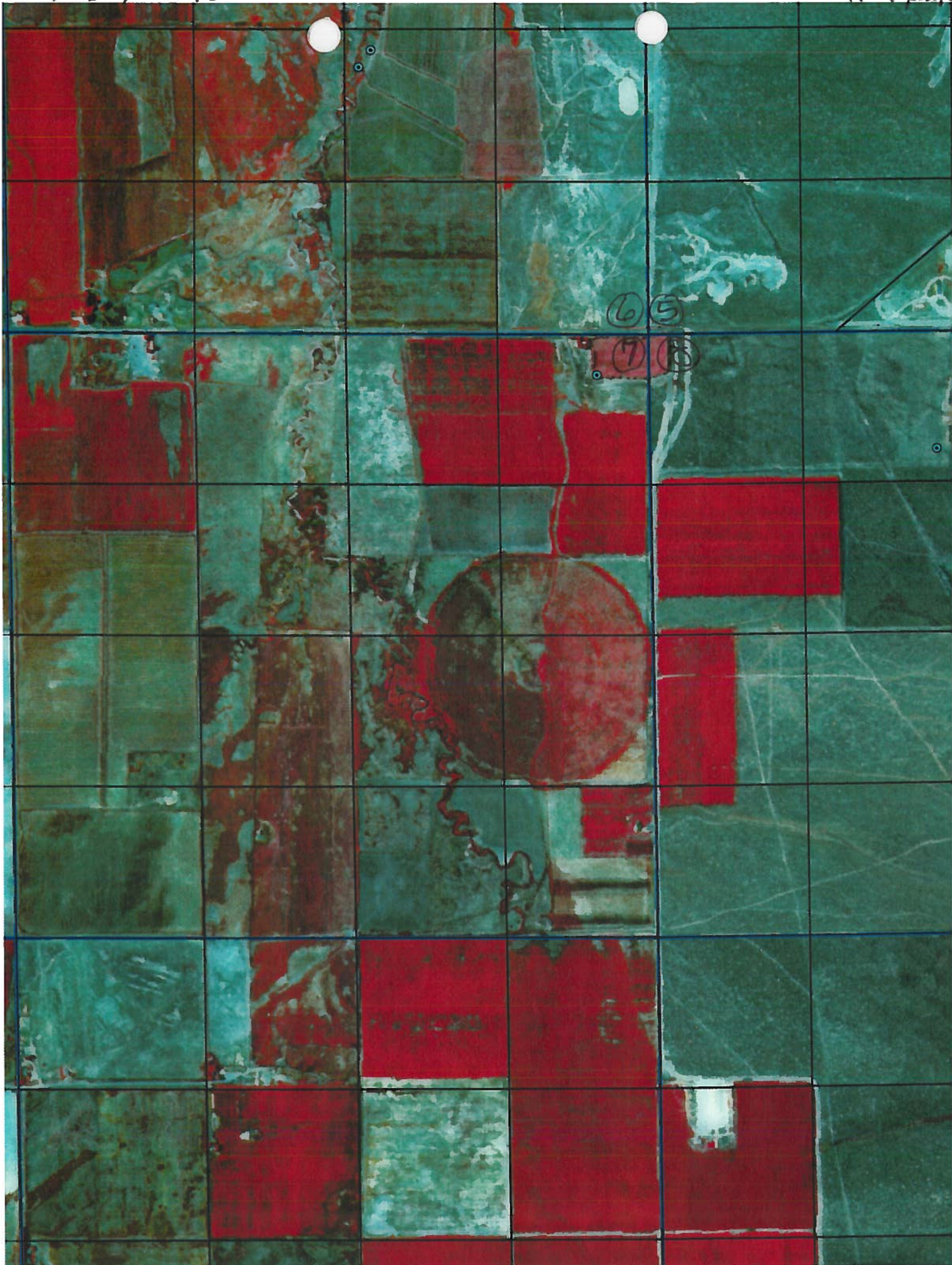
T135, R27E

1968 photo



T 135, R27E

1987 photo



IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 3091

Prepared: 12/28/9

Crop Year: 9

Page:

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
518-58-3021 S GENE WICKEL HC ROUTE MALTA	139.0	133.5	133.5	133.5	NONE	ACTIVE
ID 83342 0000						

CRP: .0

IFM: N

RECON. REF. NO.: A30162

OFAY NORMAL PLANTED ACRES: .0

No. of Tracts: 1

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	MW	RW	HG	CWTE	CWNA	PCW
8303	139.0	133.5	133.5	Y	0	N	N	N	N								N
IDENTIFIER																	
OWNER																	

EE-24 S-7 T-13 R-27
1 - GENE WICKEL, 2 - WYNELL WICKEL





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

A43-04213
qk

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WICKEL, ARDEN EUGENE & WYNELL F
HC 61 BOX 1010
MALTA ID 83342

RE: Information about historical water diversion flow rate

Dear Wateruser:

This past December IDWR sent a letter to you requesting your assistance in providing information about flow rates from certain diversions (copy attached). These letters are being sent to claimants with identified rights that have not previously been confirmed (measured) either through the licensing process or by decree. IDWR desires to make the most accurate recommendation to the SRBA Court and this requires your participation and cooperation, pursuant Idaho Code §42-1410.

One advantage of providing good, verifiable information to us is that the flow rate that we recommend will be the full measure of your water right as developed. Another benefit is that disputes over the recommendation are minimized. Lastly, documentation for flow rate will likely be dated and may support evidence of priority determination.

In the absence of good information about historical diversion flow rates IDWR may conclude any of three less desirable alternatives:

- 1) Recommend disallowal of right.
- 2) Recommend a flow rate limited to a licensed rate, if a licensed diversion is part of the system, but with additional diversion volume if the use and diversion capacity is documented to have occurred before 1963.
- 3) Recommend the right as an expansion in a critical ground water area, §42-1416B I.C., which limits the flow rate AND volume to the licensed quantity. This provision also sets the priority at 6/30/1985, regardless of development date between 1963 and 1985.

Thank you for your attention to this matter and we look forward to your quick response and documentation relating to this request. Water Resource Agents from the department may be contacting you in the near future should field work be required to finalize recommendations. Inquiries related to this diversion rate information request should be made to Scott King or Cindy Bird at (208) 327-7900. Inquiries about other aspects of your claim should be made to the Southern Region Office (208) 736-3033.

Sincerely,

Scott King
Scott King

Enclosures



7 8 10 11
12 13

T.8303

17.8

NHEL/W

2
17.4

NHEL/W

3
15.5

NHEL/W

4
21.8
NW
HEL

HEL
2
30

5
38.0

3
77.0

HEL

4
1.8
HEL

6
29.0
NHEL/W

6
7.6

7
3.9

10
14.7
NHEL/W

11
13.4
HEL

18

17

MEMORANDUM

RECEIVED
OCT - 5 2000
Department of Water Resources
Southern Region

To: File, A43-04213
From: Scott King *SK*
Date: September 29, 2000

Subject: Recommendations for flow rate

Review of information submitted by Wickel appears to support the claimed flow of 2.5 cfs for the above right. However, the claim is for only 80 acres of irrigation. Wickel's current practice of sprinkler irrigation likely would not justify a recommendation for flow exceeding the standard one-inch-per-acre. Historic flood irrigation practices may have required diversions exceeding the standard rate. I suggest recommending the right for 0.02 cfs per irrigated acre up to 2.5 cfs.

Record ID 239	Measured Flow:
Water Right No. A43-04213	Designed Flow:
Name Arden E. and Wynell F. Wickel	HP/Eff Flow: 2.60 cfs <---Max
pod 13S27E7SESWNE	Sprinkler Flow:
year: 1959	Pivot/System Flow:
Flow Measurement: gpm =	
Curve/Pump Design: gpm =	
Horsepower / Efficiency Method	
Horsepower 20 hp	
PWL 50 ft	
Disch Psi 1 psi	
PUMP Eff Estimate 0.77 %	
TDH 52 ft	
OHP 15.4 hp	
Flow 1166 gpm = 2.60 cfs	
System Method:	
No Lines	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$
Birds per line	C= 1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles 0	r= 0.0000 ft Nozzle radius
Nozzle size in	A= 0.00000 ft^2 Nozzle area
Nozzle pressure psi	h= 0 ft Head
Flow per nozzle 0.00 gpm	g= 32.2 ft/sec^2 Gravitational constant
Sprinkler Flow 0 gpm	Q= 0.000 cfs Flow per nozzle
Percent Leaks %	= 0.000 gpm Flow per nozzle
Total Flow 0 gpm =	
Pivot / System rating gpm =	

Comments / Data Supplied:

Returned the completed form on April 3, 2000.

From the system information provided has a total rate of 2.54 cfs. This is a combined diversion of 4 wheel lines, 2 handlines and 21 birds.

The completed form indicates that in 1959 the depth to water was 18 ft when the pump was off. This discharge value seem very high. The depth of water chart indicates a water level of 60 ft. The PWL was adjusted to a reasonable level for the system.

From the system information I was use the 2.54 cfs as the maximum.

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form

Flow Analysis Performed by: Cindy Bird

Date: 5/8/00

Page 2 of 3

Record ID	239	Measured Flow:	
Water Right No.	A43-04213	Designed Flow:	
Name	Arden E. and Wynnell F. Wickel	HP/Eff Flow:	
pod	13S27E7SESWNE	Sprinkler Flow:	1.01 cfs
year:	1999	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower		0 hp	
PWL		0 ft	
Disch Psi		0 psi	
Eff Estimate	0.73	%	
TDH		0 ft	
OHP		hp	
Flow		gpm	=
System Method:			
No Lines	2	Nozzle Equation: $Q = C \cdot A \cdot \sqrt{2 \cdot g \cdot h} / \sqrt{1 - r^4}$	
Birds per line	42	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	84	r=	0.0059 ft Nozzle radius
Nozzle size	9/64 in	A=	0.00011 ft^2 Nozzle area
Nozzle pressure	65 psi	h=	150 ft Head
Flow per nozzle	4.76 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	400 gpm	Q=	0.011 cfs Flow per nozzle
Percent Leaks	12 %	=	4.760 gpm Flow per nozzle
Total Flow	454 gpm	=	1.01 cfs
Pivot / System rating		gpm	=

Comments / Data Supplied:

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: **Cindy Bird**

Date: **5/8/00**

Page 3 of 3

Record ID	239	Measured Flow:	
Water Right No.	A43-04213	Designed Flow:	
Name	Arden E. and Wynnell F. Wickel	HP/Eff Flow:	
pod	13S27E7SESWNE	Sprinkler Flow:	1.54 cfs
year:	1999	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower		hp	
PWL		ft	
Disch Psi		psi	
Eff Estimate		%	
TDH	0	ft	
OHP		hp	
Flow		gpm	=
System Method:			
No Lines	4	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	32	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	128	r=	0.0059 ft Nozzle radius
Nozzle size	9/64 in	A=	0.00011 ft^2 Nozzle area
Nozzle pressure	65 psi	h=	150 ft Head
Flow per nozzle	4.76 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	609 gpm	Q=	0.011 cfs Flow per nozzle
Percent Leaks	12 %	=	4.760 gpm Flow per nozzle
Total Flow	692 gpm		
			1.54 cfs
Pivot / System rating		gpm	=

Comments / Data Supplied:

239

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

A4304213 ARDEN E.
WICKEL WYNELL F
13S27E7SESWNE

RECEIVED

APR 3 2000

Department of Water Resources

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: 2.5 cfs (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

Pumps ARE General Electric 5K 364DP 6007
Booster pump 5K 204JL 158A

3) Pumping system characteristics:

Diversion rate can be determined by using power, pumping lift, discharge pressure, and estimated pumping efficiency. If the system has changed over time, you can provide information for several system configurations.

Year	Well pump motor horsepower	Booster pump(s) motor horsepower	Depth to water, pump off (ft)	Depth to water, pump on (ft)	Discharge pressure (psi)
1959	20hp		18ft		open
1970	20hp	30 HP			~~65 PSI~~ OPEN
Present	60HP	30 HP			65 PSI

4) Irrigation System:

Please provide description of the water delivery system. State number of lines and birds, nozzle size, and operating pressure(s) of impact-type sprinkler systems; designed rated flow for pivot systems. As above, if various systems have been used through the years, provide year as well. Example:

1963 to 1974 – Well pump open discharges to ditches for flood irrigation using 50 siphons per set. Siphons were 1.5 inch diameter, 5 feet long.

1975 to 1984 – Six wheel lines with 32 birds per line, 5/32 inch nozzles operating at 60 to 70 psi at the sprinklers.

1985 to present – Eight tower center pivot with impact sprinklers and end gun, no corner catcher, designed for 1150 gpm. Also solid set hand lines in corners which operate separate of the pivot, operating a total of 250 birds per set, 9/64 inch nozzles operating at 65 to 75 psi at the sprinklers.

1959 Well pumped open discharges to ditches to flood irrigation. cut out in ditches
~~1984~~ 1984 when to sprinklers 6 handlines plus 16 birds 9/64 nozzles at 65 PSI
 Present - 4 wheel lines 32 birds 9/64 nozzles 65 psi plus 2 ~~21~~ ²¹ birds total 84 birds 9/64 nozzles 65 psi

5) Other information:

Please also include any other information that you feel may indicate maximum historic diversion rate for your well.

Pumps good in spring 5 go down in late August early September

4 wheel lines 1.54 cfs.
 + hand lines. 1.01 cfs
 2.54

NFLA PANELS ABOVE MUST BE COMPLETED. LEAVE OTHER PANELS BLANK.

NON FO

**GIVE ACCURATE DESCRIPTION — COPY FROM DEED
(USE SUPPLEMENTAL SHEET IF NECESSARY)**

Form FLB 40 (Rev. 7-54)

143-4213

D. PURCHASE TERMS OF FARM: I acquired, or am about to acquire, this property in the following manner:

DATE ACQUIRED	ACRES	FROM WHOM ACQUIRED (IF RELATIVE, STATE RELATION)	CASH PAYMENT	MORTGAGE OR CONTRACT	TRADE VALUE OF	TOTAL PURCHASE PRICE
1938	100	Wells Hadfield	\$1200			\$1200
	320	Richard Pedmore	2500			2500

Improvements have since been made on the property valued at \$5000.00 and described as follows: Basement house
Barn 1100.00 Land leveling, pump & pressure
system, irrigation well, etc. and pump 2500.

E. PERSONAL STATEMENT: (If there are applicants other than husband and wife, a statement must be attached, giving the information requested below in regard to each such applicant.)

I am a native of Burley, Cassia, Idaho and Idaho a citizen of the United States; am Single Married;

age 42; wife's age 42; have children, namely 1 boys, 1 girls, of which 11 boys aged 11, and 13 girls aged 13, are now living at home on this land. I have not been divorced.

I was married to my present wife in 1938 (Year). My principal occupation is Custodian for Cassia County Schools. The principal part of my

income is derived from farming. My actual residence is now at Burley Idaho (Is—Is Not)

which is 4.0 miles from this property. This land is farmed Tenant (Personally—Through an Agent—Tenant) and

I do not exercise substantial control and direction of this farm. I is a personal (Am—Am Not)

representative of a deceased farmer who owned this farm. This farm is rented or under lease on the following terms: (Is—Is Not)

Under agreement expiring 20 (Date). If you do not now own or live on this farm state if and when you plan to move

thereto and briefly outline plan of operation:

I have farmed 20 years; on this place 20 years; in this locality 20 years. I do not have an income other than (Do—Do Not)

from this land. Source of other income and approximate average annual amount (Discuss) Custodian for Cassia County Schools

I am not an officer, director, or employee or a member of the family of an officer or director of the Federal Land Bank, Federal (Am—Am Not)

Intermediate Credit Bank or Bank For Cooperatives. If so, explain

I am not liable on other loans thru any Federal Land Bank. (Name of bank, amount, date, location of security) (Am—Am Not)

Other applications than this have not been made on this farm, as follows: (Give disposition, dates, amounts, and names of (Have—Have Not)

applicants) I have not filed, withdrawn, cancelled, or had cancelled or rejected, another application for loan with a national farm loan (Have—Have Not)

association or a Federal Land Bank: (Give date, amount, number, agency, description of land)

For the purpose of procuring said loan, I represent that the statements in this application are true and that I have suppressed no information which would adversely affect the value of the property described. I agree to maintain and make payable to the bank insurance on permanent insurable improvements to the amount required and that all insurance now or hereafter placed upon the mortgaged property shall be made payable to the bank; to furnish, at my expense, within 15 days from the date of request therefor, abstract or other evidence of title to all property offered as security for said loan, acceptable in form, showing title perfect in me and the mortgage securing said loan a first lien upon the property described, such title evidence to be retained by the bank until said loan is paid, and then to be delivered to the person who is at such time the owner of said land, as his property; to pay the bank, and the association through which the loan is made, all fees approved by the Farm Credit Administration. I hereby apply for membership in any association through which a bank loan is closed and I subscribe for stock therein in the amount of \$5.00 for each \$100.00 of the loan granted.

It is agreed that any approval of my application shall be subject to laws, regulations and interest rates in effect at the time of closing, and may be withdrawn or modified at any time prior to the recording of the mortgage based thereon.

If title to this land is held jointly, authority is hereby given Jay E. Stake to act for and on behalf of all of the undersigned in all matters pertaining to this application and any loan made hereunder.

Date 2-18-59 (Sign here)

A43-4213

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 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.

VERIFIED BY *[Signature]* 4/9/01
04/09/2001

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

RIGHT NUMBER: 43-4213

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

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS
320 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-04212 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION: T13S R27E S7 NESWNE 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	1.60 CFS 320.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
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. 43-04212 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 - Beneficial Use

Water Right 43-4213

Idaho Department of Water Resources

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

CLAIM NUMBER 43-04212 DATE _____
43-04213 AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 80
 GIS ACRE TOTAL 80

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	27E	7	10			10												
GIS				10			10												2
RECOM																			2
CLAIM	13S	27E	8							35	5			18	2				
GIS								.4	1.6	29	7			20	2				6
RECOM																			6
CLAIM																			
GIS																			
RECOM																			

343-POU.SHP _____
 SHAPE NOS. _____

343-POD.SHP _____
 NOS. DESCRIPTION _____

BF TABLES UPDATED _____
 43-DBPOU.DBF _____
 43-DBPOD.DBF _____
 LEG LAYOUT _____

⑦ ⑧

10
10

1.6 .4
29 7



20

2

43-4213 (1986)
Original stat. claim was for 80 Ac. in NE 1/4 Sec. 7

NWNE	NE NE
22	28
SWNE	SE NE
10	20

80 Ac.

ASCS shows

22	15.5
8.4	6.4

52 Ac.

only appear irrigated in '62 & '68 photos

claimed 80 Ac. in Adj. - 20 in Sec. 7 & 60 in Sec. 8

all these acres are actually expansion acres

and only 52 from original stat. claim can be recommended @ 1.04 cfs

- amend claim?

- file app. for others?

43-4212 portion of 43-127

claimed 2 cfs

if only 52 Ac. irrig in 62, only rec. for 1.04 cfs

7

only 54 acres can be rec. and 1.08 cfs for ea. st.
irrig. about 133 Ac.

132
- 54
79 Ac. app. 1.08
- 54
78 app.

A43-04213

- deed filed w/ original filing
- no AP in file (except other info with 43-04212)
- original filing was in NE $\frac{1}{4}$ of Sec. 7 for 80 Ac. filed in June of 1983 (by Kuneau)
- sold to Wick in 1994
- Kuneau also made AT filing in June of 1989 showing 60 acres had been moved over to Sec. 8
- Kuneau bought from Wake in Jan of 1960 (deed mentions pump)
- information from Scott says it appears to support the claimed flow of 2.5 cfs, but since only 80 Ac. irrigated, limit to .02 per acre up to 80 Ac. (1.6 cfs)
- '62 & '68 photo show no irig. in area of Sec. 8
- '87 photos do show irig. in area
- ASCS map shows 3 more fields under irrigation (17.8, 17.4, 15.5 = 50.7 acres) & print-out of info from ASCS says 133.5 irig. cropland
 - claim states 60 acres were moved over to Sec. 8 cause of flooding in Sec. 7
 - looks like both are still being irrigated in
 - will serv. as claimed in Sec. 8 - other 50.5 Ac. in NENE & NWNE of Sec. 7 are not claimed for, or recommended

R PROOF

CVR

MAPS

PHOTOS

MISC

—

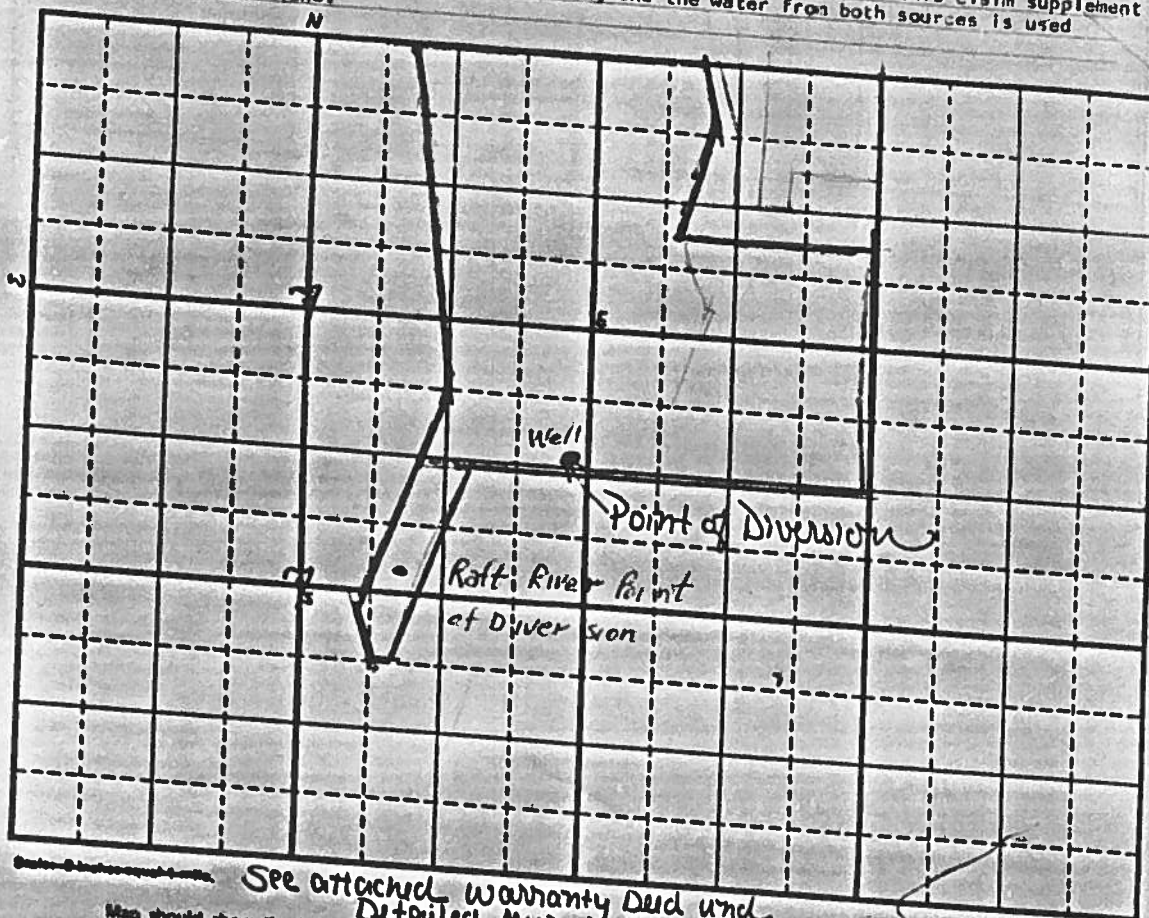
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(8) Remarks: This well is fair, allow, and the water level drops as the irrigation season progresses. The water from the surface claim made together with this claim supplement each other during the irrigation season, and the water from both sources is used on the same land.



See attached Warranty Deed and Detailed Map
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.

Sworn to before me this 24th day of June, 1983.

Eden R. Hunan
(Claimant)

Judith C. Mauer
Notary Public
Residing at Burley, Idaho

My commission expires July 2, 1986

FOR DEPARTMENT USE ONLY

Received by LH Date 4/29/83
Prelim. check by LH Date 7/9/84
\$30.00 fee received by LH Date 6/29/83 #29080
Published in South Idaho Press
Dates 7/10 & 7/26/84

Exception filed by: _____
Forwarded to claimant by: _____
Date: _____

RECEIVED

JUN 29 1983

Department of Water Resources
Southern District Office

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, co-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 boundary line of the said tract conveyed by the said Hadfields, thence South along the West boundary line of the said Hadfield land to the South boundary line of the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7), thence East along the South boundary line of the North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of said Section Seven (7) to the East boundary line of said section, thence North along the East boundary line of said Section 1963.2 feet to the place of beginning.

TOGETHER With all improvements upon the premises hereby conveyed and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest of the said parties of the first part therein, including without limitation thereto the following appurtenances to-wit: (1) The right to the use of two (2) second feet of the waters of Raft River with date of priority of April 1, 1894; (2) The irrigation well located upon the premises hereby conveyed, together with the right to the water pumped therefrom for irrigation of said premises, the irrigation pump and electric motor for the operation thereof, as well as all other apparatus and equipment of every kind or nature used in connection with

the said well, pump and motor and all right of the parties of the first part in and to capital credits with the Raft River Rural Electric Cooperative, Inc., in connection with the sale by said company of electric energy for use in consumption upon the said premises; (3) All grazing privileges owned or held by the parties of the first part for the grazing of livestock on the public domain of the United States of America under the supervision and management of the Bureau of Land Management as well as all grazing privileges so owned or held for the grazing of livestock upon the National Forest of the United States under the supervision and control of the United States Forest Service.

This deed is made subject to the 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 whosoever, 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)

Thora G. Wake (SEAL)

STATE OF IDAHO)
) ss.
County of Cassia)

On this _____ 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.