

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 43-13039
Date Received: 6/8/01
Receipt No:
Received By: *X* 5024033

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WYNELL F WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208)645-2581

ARDEN EUGENE WICKEL
2337 E 1500 S
MALTA ID USA 83342

Phone: (208)645-2581

2. Date of Priority: 06/30/1985

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:

WELL, PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.48	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

COPY

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	7	NE	NE	IRRIGATION	10
			SW	NE	IRRIGATION	1
			SE	NE	IRRIGATION	10
			Section Acres		21	
13S	27E	8	SW	NW	IRRIGATION	29
			SE	NW	IRRIGATION	7
			NW	SW	IRRIGATION	20
			SW	SW	IRRIGATION	2
Section Acres		58				
Total Acres		79				

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: 43-4212 & 43-4213

14. Remarks:

EXPANSION CLAIM ON 43-4213 PER IDAHO CODE 42-1416b.

15. Basis of Claim: Beneficial Use

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): Robert E. Wick Date: 6/8/01

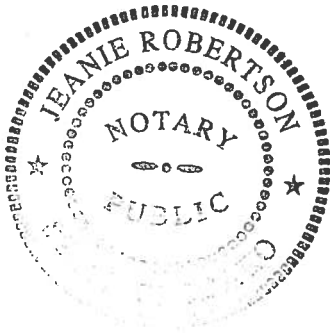
Date:

State of Idaho)
County of Twin Falls, Id.) SS.

Subscribed and sworn (or affirmed) before me this 8th.
of June 20 01

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

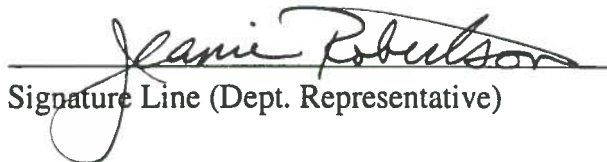
COPY

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)

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

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

In Re SRBA	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 43-13039
_____	)	

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 43-13039 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 43-13039

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

SOURCE: GROUND WATER

QUANTITY: 0.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 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: 06/30/1985

POINT OF DIVERSION: T13S R27E S07 SESWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.64 CFS

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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

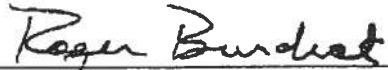
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 42-4213 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

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

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): 43-13039

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 43-13039 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: 22

DISTRICT COURT-SRBA
STATE OF IDAHO

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

In Re SRBA	)	Subcase 43-13039
	)	(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 June 8, 2001, claiming 1.48 cfs from groundwater to irrigate 79 acres in Cassia County from March 15 to November 15 with a priority date of June 30, 1985, 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 .64 cfs to irrigate 79 acres within a 133 acre place of use.

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 43-13039 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-13039*.

DATED August 20, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-13039

2002 AUG 20 PM 4:22

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: 0.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 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: 06/30/1985

POINT OF DIVERSION: T13S R27E S07 SESWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.64 CFS

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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

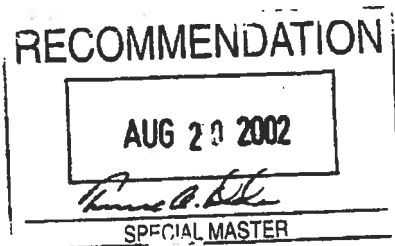
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 42-4213 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

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

2002 AUG 20 PM 4: 22

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
JULIE MESSICK

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

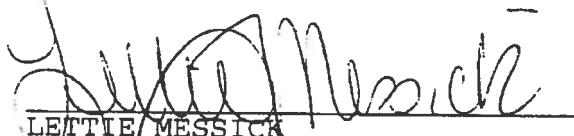
Water Right(s): 43-13039

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

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

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

DATED August 20, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
08/20/02

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4: 22

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 43-13039

CERTIFICATE OF MAILING

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

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

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

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

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk
PAGE 1
08/20/02

07/09/2002

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

RIGHT NUMBER: 43-13039

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: 0.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 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: 06/30/1985

POINT OF DIVERSION:

T13S R27E S7 SESWNE 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	0.640 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

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

133 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 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE 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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 42-4213 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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 43-13039

(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)

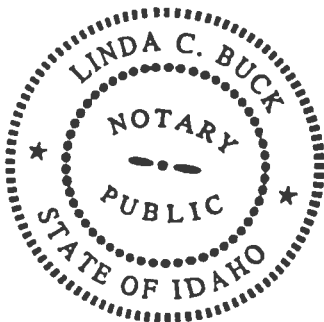
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002
Linda C. Buck



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: 43-13039

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: 0.640 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 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: 06/30/1985

POINT OF
DIVERSION:

T13S R27E S7 SESWNE 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	0.640 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

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

133 ACRES TOTAL

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

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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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 42-4213 PURSUANT TO SECTION
42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

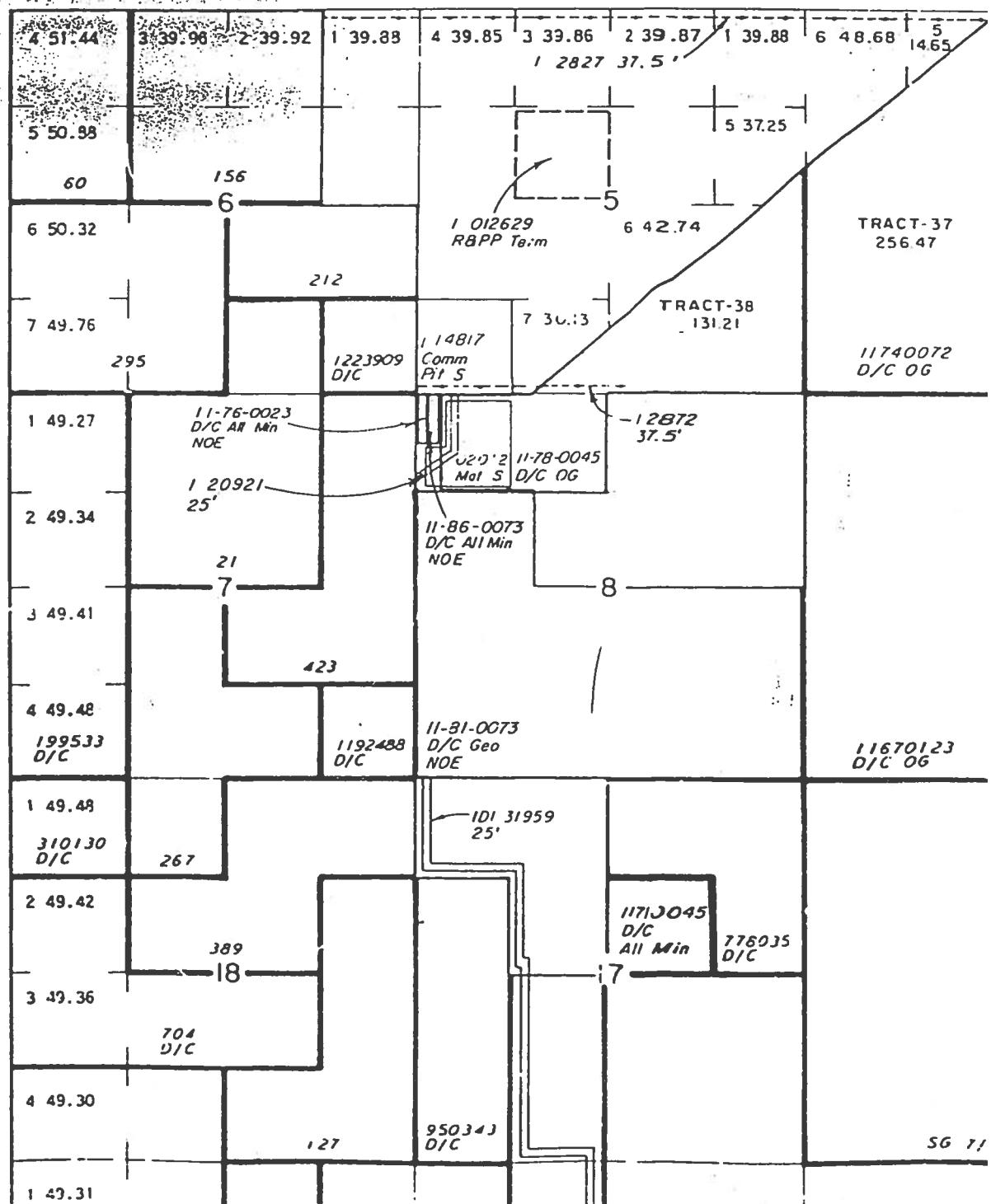
THE POU DESCRIBES MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO POU;

"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

MT PLAT

[illegible]

Dr. 758738 Night Mail Train
 10/10/19, at Watlington only, 2500 not dispo
 public access
 Dr. 01/02/2019 10:00 PM 12/10/19 19:00
 Sec 5-3C MW

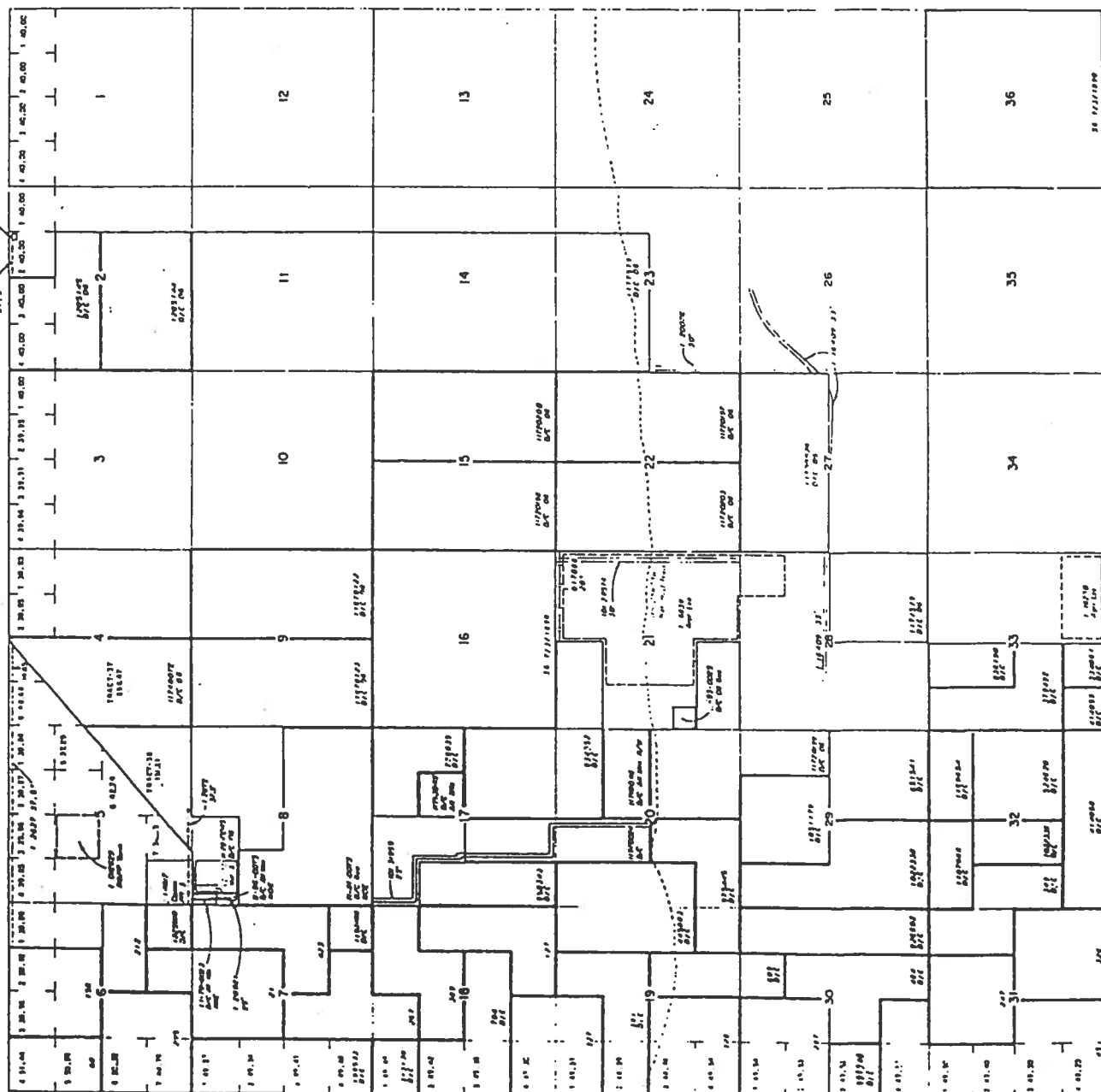
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW

Quantity To	Quantity To
100	100

101. 47° 14' 4" N
102. 113° 16.2'

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

SCALE IN CHAIRS



VERIFIED BY *8/6/10/01*

06/12/2001

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

RIGHT NUMBER: 43-13039

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

SOURCE: GROUND WATER

QUANTITY: 0.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4213 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: 06/30/1985

POINT OF DIVERSION: T13S R27E S7 SESWNE 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	0.64 CFS

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	SWNW	29	T13S R27E S8	SENW	7
T13S R27E S8	NWSW	20	T13S R27E S8	SWSW	2

133 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 133 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-4212, 43-4213, & 43-13039.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

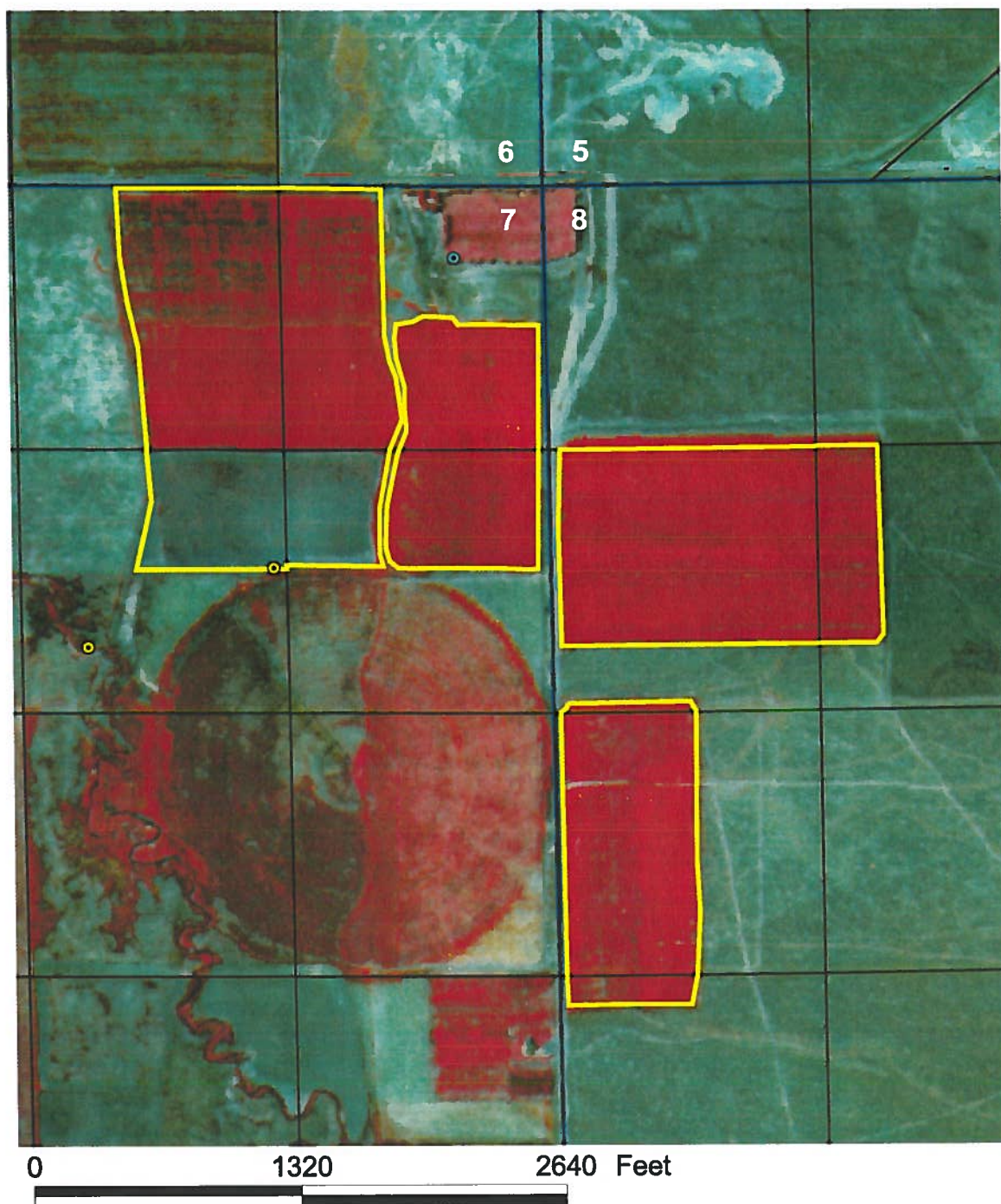
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 42-4213 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right 43-13039

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



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



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

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

43-4212 & 43-4213

6-12-01

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

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

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

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

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

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

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 Ac

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

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

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