

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 43-13680

Priority: December 03, 2013

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that WILLIAM K WICKEL  
1726 SOUTH ELBA ALMO RD  
ELBA ID 83342 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated June 07, 2010; and has  
submitted Proof of Beneficial Use on December 03, 2013. An examination confirms water is diverted from:

**SOURCE**

UNNAMED SPRING

Tributary: CASSIA CREEK

and a water right has been established as follows:

**BENEFICIAL USE**

STOCKWATER

**PERIOD OF USE**

01/01 to 12/31

**DIVERSION RATE**

0.04 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED SPRING  
CASSIA County

NW1/4SW1/4NW1/4

Sec. 23, Twp 13S, Rge 25E, B.M.

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13S | 25E | 23  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Diversion and use of water in accordance with this right shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this right shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43-C.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

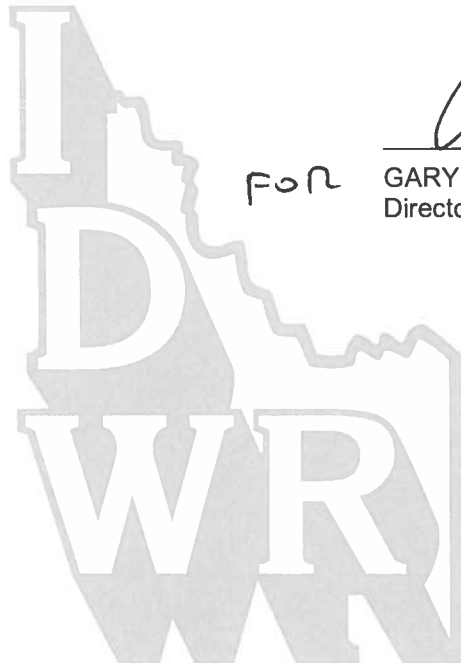
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 43-13680

5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Spring source locally known as Wickel House Spring.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 3<sup>rd</sup> day of June, 2014.



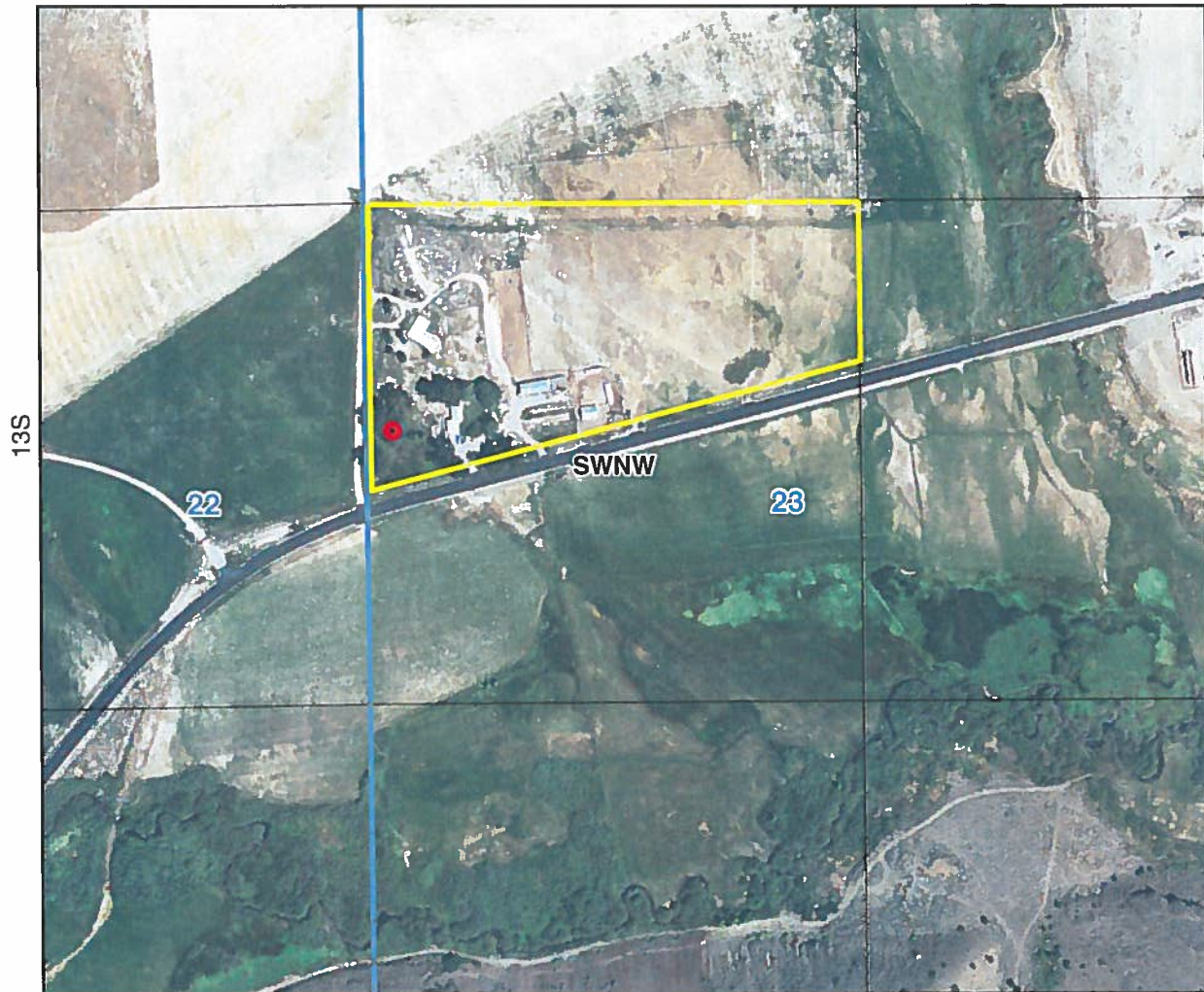
for

  
\_\_\_\_\_  
GARY SPACKMAN  
Director

State of Idaho  
Department of Water Resources  
**Attachment To Water Right License**  
43-13680

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

25E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 4, 2014

WILLIAM K WICKEL  
1726 SOUTH ELBA ALMO RD  
ELBA ID 83342

RE: License No. 43-13680

**Issuance of License**

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt  
Southern Region Manager

Enclosure(s)

cc: D L EVANS BANK

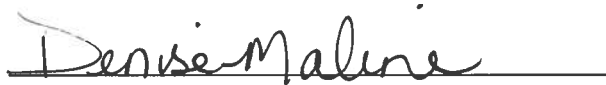
## **CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 43-13680**

**WILLIAM K WICKEL  
1726 SOUTH ELBA ALMO RD  
ELBA ID 83342**

**D L EVANS BANK  
PO BOX 87  
TWIN FALLS ID 83303**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 43-13680**

**RECEIVED**  
**APR 08 2014**  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Date of Priority: December 03, 2013

Maximum Diversion Rate: 0.04 CFS

Comes now WILLIAM K WICKEL  
1726 SOUTH ELBA ALMO RD  
ELBA ID 83342 and represents to the Director of the Idaho Department  
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 43-13680, and requests that the permit be changed as follows:

Source: UNNAMED SPRING

Tributary: CASSIA CREEK

**BENEFICIAL USE****PERIOD OF USE****RATE OF DIVERSION**

STOCKWATER

01/01 to 12/31

0.04 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED SPRING

NW1/4SW1/4NW1/4

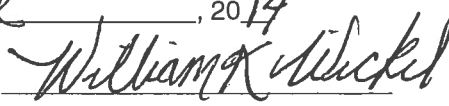
Sec. 23, Twp 13S, Rge 25E, B.M.

CASSIA County

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13S | 25E | 23  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at  
permit holder's own risk. Signed this 4 day of April, 2014

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 43-13680**

FOR DEPARTMENT USE ONLY

Preliminary check by HS Fee = \$1100 Received by HS # \$03941 Date 4-8-14

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

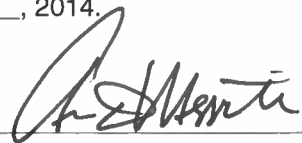
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 43-13680 with the following:

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43-C.
2. Stockwater use is for 6 horses and 300 range cattle.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. Diversion and use of water in accordance with this right shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this right shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. Spring source locally known as Wickel House Spring.

Witness my hand this 3<sup>rd</sup> day of June, 2014.

FOR

  
GARY SPACKMAN  
Director