

04/15/2003

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

RIGHT NUMBER: 23-10259
NAME AND ADDRESS: BRET HINCKS
PO BOX 142
IRWINJ ID 83428

JOANNE HINCKS
PO BOX 142
IRWIN ID 83428

SOURCE: SPRING

TRIBUTARY: PALISADES CREEK

QUANTITY: 0.200 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION:

T01N R44E S26 SESENE Within BONNEVILLE County Source: SPRING

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

IRRIGATION

04/15 10/31

0.200 CFS

PLACE OF USE: STOCKWATER Within BONNEVILLE County

T01N R44E S26 NESE

IRRIGATION Within BONNEVILLE County

T01N R44E S26 NESE 4.3

4.3 ACRES TOTAL

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

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: A23-10259
Date Received: 9/29/1989
Receipt No: E010921
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELVIN HINCKS
Address: P.O. BOX 594
PALISADES, ID

208-483-2545

83437

AND/OR

Name: MILDRED HINCKS
Address: P.O. BOX 594
PALISADES, ID

208-483-2545

83437

2. Date of Priority: JAN 01, 1900

3. Source: UNNAMED SPRING

Trib. to: PALISADES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	44E	26	NE	SE			BONNEVILLE

5. Description of diverting works:
DITCHES FROM SPRING TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 40 HORSES

A23-10259

Page

1

Date: 09/29/89

MICROFILMED
NOV 06 1992

A2310259



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	26	NE	SE		IRR	10.0
			NE	SE		STOCK	

Section Acres 10.0

Total Acres 10.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Mildred Hincks Date: 9/29/89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Sept 19 89 Valleen Ward
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/99

April 14, 2003

I am 86 years old, and I remember when I was a little girl.

The spring on Palisades's creek being used to eragate these ten acres.

The spring was also used for watering the garden and stock watering.

Mildred Hincks

Contacts Data Entry Form

23-10259

Owner Type _____ Full Name BRET HINCKS Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

MAILED REQUEST FOR EVIDENCE OF PRIORITY 4/3/02
NO KNOWN PRIOR DISCREPANCIES ON PALISADES CK.

CHANGE OF OWNERSHIP R100 3/14/03.
4/14/03 NO ONE HOME LEFT CARD TO CALL ME @ 589-4921 (LOW)
4/14/03 MET w/ BRET HINCKS - OWNER - VISITED POD / POL.
HE WILL GET EVIDENCE TO SUPPORT ~ 1917 FROM
HIS MOTHER.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 44E, Sec. 26, _____, NE, SE County: BONNEVILLESource: SPRING Tributary: PALISADES CK

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>1N</u>	<u>44E</u>	<u>26</u>		<u>NESE</u>	<u>BONNE</u>	<u>SPRING</u>

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

TRIA
PALISADES CK.Other rights from this POD? NONE - GPS'd SPRING - NO TAG

Document how the POD and Source were verified and/or Pump and Motor data:

PUMPED OR GRAVITY? GRAVITY - DITCHED TO POOL

Transfers Changing POD _____

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/01/1900 Claimed Basis: BURecommended Priority Date: 1917 Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCE REQUESTED 4/3/03.

4/14/03 Discussed the 1900 claim priority date w/ Brod (son & now owner). Explained that 1900 will not work because of the Roxburg Decree (1910), so this priority must be later than 1910 - He says his mother is 86... so that looks like 1917. He will get a statement from her.



Place Of Use Data Entry Form

Claim Number: _____

____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	26	NESE		BONN		10	PANG/Stock

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	26	NESE		BONN			PANG
			"					Stock

Total Acres _____

Document how the POU was verified:

SOME QUESTION OF DRAUGHTED ACRES - SEE ATTACHED GIS.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRrig	4/15	10/31	0.20	
Stock	1/1	12/31	0.02	

Overall Diversion Rate _____ Overall Diversion Volume 0.20

Document how the Period of Use and/or Diversion Rate were verified:

STOCK NOT ADDITIVE. // SOD DEPT STD IRRIG SEASON.
SPRING OUTPUT IS VERY LOW DUE TO POOR WINTER. CAN
NOT MEASURE.

Reviewer: _____

Date: _____

April 2, 2003

**Bret Hincks
P.O. Box 142
Irwin ID 83428**

RE: EVIDENCE OF PRIORITY FOR WATER RIGHT CLAIM 23-10259

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim referenced above, shows a Priority Date of July 1, 1900, for the unnamed spring.

I have enclosed a photo illustration of the immediate area showing parcel ownership according to the Bonneville County Assessor. Please indicate on the photo the location of the spring and the 10 acres that are owned and irrigated by you.

Please return the annotated photo with the evidence of priority.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

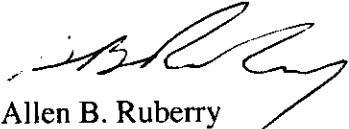
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your 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"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy) 23-10259

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
23-10260	23-10259				

The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts. **\$25**
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

ELVIN HENCKS

4. New Owner/Claimant(s)

BRET HENCKS & JOANNE HENCKS

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. 142

City, State and ZIP Code

TRUMAN ID, 83428

New Telephone Number

208.483-3201

5. Date you acquired the property

AUG 1996, JUNE 1992

DELOG AR
3/28/03

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>JC</u>	Date <u>3/14/03</u>	Fee <u>\$25</u>
Received by <u>JC</u>	Date <u>3/14/03</u>	Receipt No. <u>EO 28565</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

3/14/03

PMO100 - PARCEL MASTER INQUIRY

11:28:14

PARCEL: RP 01N44E267471 A

F10= ,
F17=DD F19=SP

F12=RC
F23=AG

HINCKS, BRET &
HINCKS, JOANNE

4,

CHANGE DATE: 11 06 2000

P O BOX 142

Previous Deed Numbers

CODE _____
DE _____
E _____

IRWIN ID 83428-0142
820 PALISADES CR RD

1034466 QC
830233 AF
830232 WD

CAT	RY	QUANTITY	UN	VA
12	1998	4240	AC	31
32	1998			1
34	1998			29

OTHER

F3=Exit F12=Cancel

TOTALS 4240 62

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

1034466 NOV 6 '00 PM 3:33

1034466

QUITCLAIM DEED

THIS INDENTURE is made this 31 day of ^{October}~~August~~, 2000, by and between **WILLIAM T. HOLDEN**, a married man dealing with his sole and separate property, and **THE PAPPAS TRUST** dated August 29, 1996, **JOHN A. PAPPAS** and **ANN H. PAPPAS**, co-trustees, the "Grantor," and **BRET HINCKS** and **JOANNE HINCKS**, husband and wife, whose mailing address is PO Box 142, Irwin, ID 83428, the "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Bonneville, State of Idaho, to-wit:

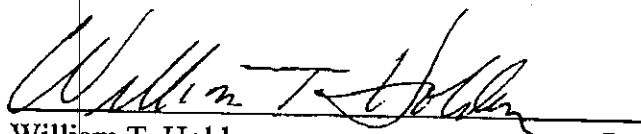
See Exhibit "A", attached hereto.

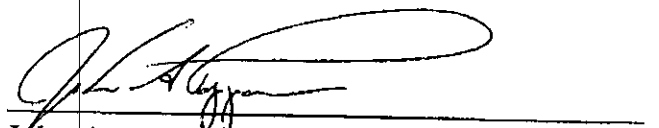
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

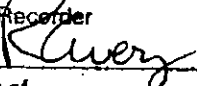
TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

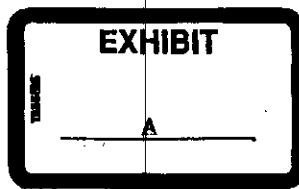
In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


William T. Holden

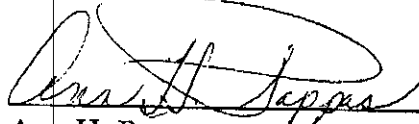

John A. Pappas, co-trustee of The Pappas Trust,
dated August 29, 1996

INSTRUMENT NO.	1034466
DATE	11-6-00
INST. CODE	220
IMAGED PGS	3
FEE	9.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By 	Deputy
Request of	



A tract of land in the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 1 North, Range 44 East of the Boise Meridian lying South of Palisades Creek Road and West of the following described line:

Beginning at a point on the South line of the Northeast 1/4 of the Southeast 1/4 of Section 26 that is S.89°48'14"W. 777.37 feet from the Southeast Corner of said Northeast 1/4 of the Southeast 1/4 of Section 26, Township 1 North, Range 44 East of the Boise Meridian; running thence N.16°12'43"E. 208.75 feet to a point on the Northwesterly bank of Palisades Creek; thence N.21°42'51"W. 158.0 feet to a point in an existing fence line; thence N.21°42'51"W. along said fence line 448 feet more or less to the Southerly line of Palisades Creek Road.

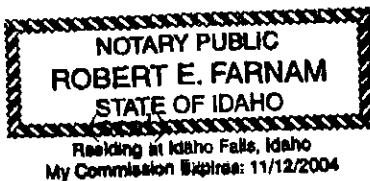


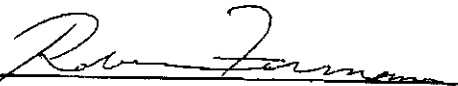
Ann H. Pappas, co-trustee of The Pappas Trust,
dated August 29, 1996

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 31 day of ^{October} ~~August~~, 2000, before me, the undersigned, a notary public in and for said State, personally appeared William T. Holden, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

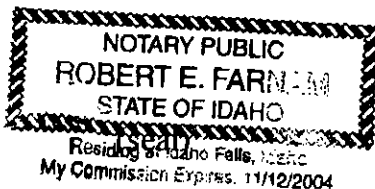



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/12/2004

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21 day of August, 2000, before me, the undersigned, a notary public in and for said State, personally appeared John A. Pappas and Ann H. Pappas, known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of The Pappas Trust, dated August 29, 1996, and acknowledged to me that they executed the same as such co-trustees.

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 Idaho Falls, Idaho
My Commission Expires: 11/12/2004

G:\WPDATA\REF9901\deed0821.qd.wpd:jht/sldc

F30232

BONNEVILLE COUNTY
CLERK

WARRANTY DEED

92 JUN 19 PM 4:11

WARRANTY DEED made this 11th day of June, 1992, between MILDRED J. HINCKS, a widow, whose mailing address is P. O. Box 584, Palisades, Idaho 83437, herein referred to as Grantor (whether one or more, male and/or female), and BRETT J. HINCKS, a married man, but dealing with his sole and separate property, whose mailing address is P. O. Box 563, Palisades, Idaho 83437, herein referred to as Grantee (whether one or more male and/or female), witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate situate in the County of Bonneville, State of Idaho:

See Exhibit A attached hereto.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whatsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.

Mildred J. Hincks
Mildred J. Hincks

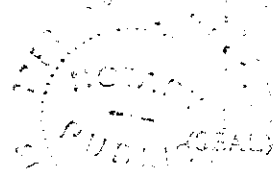
STATE OF IDAHO)

County of Bonneville) ss.

On this 11th day of June, 1992, before me, Craig P. Machan the undersigned, a Notary Public in and for the State of Idaho, personally appeared MILDRED J. HINCKS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she 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.

Craig P. Machan
Notary Public for State of Idaho
Residing at: 1111 1st St.
My Commission Expires: 12/31/95



WARRANTY DEED

EXHIBIT A

PARCEL 1: Commencing at the Southwest Corner of the NE 1/4 of the SE 1/4 in Section 26, Township 1 North, Range 44 East of the Boise Meridian, running thence East 0°6'30" South 90°6'30" East a distance of 202.64 ft., running thence North 37°58'30" East a distance of 229.52 ft., running thence North 19°50' West a distance of 438.67 ft., running thence South 52°50'30" West a distance of 18.58 ft., running thence South 67°16'30" West a distance of 172.69 ft., to a point of intersection with the West line of the NE 1/4 of the SE 1/4 of said Section 26, running thence South along the West line of said NE 1/4 of the SE 1/4 of said Section 26, a distance of 571.40 ft. to the place of beginning.

Commencing at a point that is South 90°6'30: East a distance of 202.64 ft.; running thence North 37°58'30" East a distance of 229.52 ft. from the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 26, Township 1 North, Range 44 East of the Boise Meridian running thence North 37°58'30" East a distance of 219.79 ft., running thence North 19°50' West a distance of 438.67 ft., running thence South 52°50'30" West a distance of 194.95 ft., running thence South 19°50' East a distance of 438.67 ft. to the place of beginning.

PARCEL 2: The NW 1/4 of Section 36, Township 1 North, Range 44 East of the Boise Meridian.

INSTRUMENT NO.
DATE
COUNTY OF
STATE OF

640112
11/25/91
Bonneville
Idaho

820233

BORN

92 JUN 16 PM 4:11

820233

AFFIDAVIT OF SURVIVORSHIP

Mildred J. Mincks
Mildred J. Mincks
County of Bonneville
Idaho

MILDRED J. MINCKS, being first duly sworn, on her oath deposes and states:

1. She is the surviving widow of ELVIN VALL MINCKS who died November 25, 1991, while residing in Bonneville County, Idaho.
2. An original copy of the Certificate of Death for Elvin Vall Mincks is attached hereto as Exhibit A.
3. On April 12, 1983, Elvin Vall Mincks and your affiant caused an Agreement to Pass Property at Death to be recorded in the office of the Bonneville County Recorder as Instrument No. 640112, a true and correct copy of which is attached hereto as Exhibit B.
4. At the time of his death, Elvin Vall Mincks and this affiant were husband and wife living together and owned as their community property the following described real property and all personal property of any nature whatsoever in the possession of or belonging to the two parties. Said real property located in Bonneville County, Idaho, and is more specifically described as follows, to-wit:

See Exhibit C attached hereto and incorporated herein by reference.
5. The said real property has been paid for and all estate and inheritance taxes against the same have been discharged out of the community funds of the decedent and this affiant, and there are no debts at the present time against the same to the knowledge of this affiant.
6. Following the death of the decedent, this affiant has paid all of the community debts of the decedent and this affiant, and to the best of her knowledge and belief, there are no outstanding obligations

AFFIDAVIT OF SURVIVORSHIP

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of the estate of the decedent at this time which might be a lien or encumbrance against the above described property.

7. That upon the death of Elvin Vail Hincks, your affiant as surviving spouse became vested with all the community interest of her deceased husband, and thereafter, to the present date said property remains the sole and separate property of your affiant.

IN WITNESS WHEREOF, the undersigned has executed this affidavit this ____ day of May, 1992.

Mildred J. Hincks
Mildred J. Hincks

SUBSCRIBED AND SWORN to before me this 16 day of June, 1992.

(SEAL)

Craig P. Macken
Notary Public for State of Idaho

Residing at: State Falls

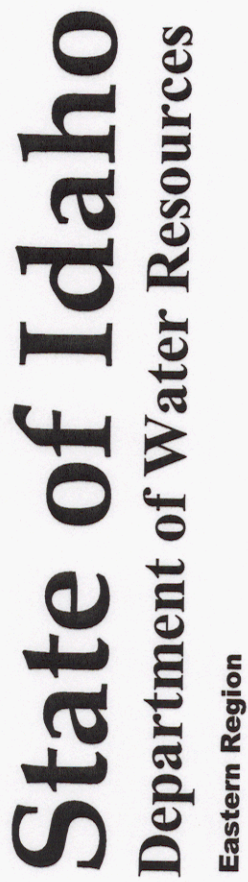
My Commission Expires: 2-13-93

Log for claim 23-10259

Spatial Dynamics LTD

6/14/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	26	NESE	10	25	POD placement? / Indiscernible
Totals:			10	25	



Water Right(s):
23-10259

**Place of Use: T1N, R44E
(part of) Sec. 26 NESE**

**Point(s) of Diversion: T1N, R44E
Sec. 26 SESENE**



LEGEND



Point of Diversion



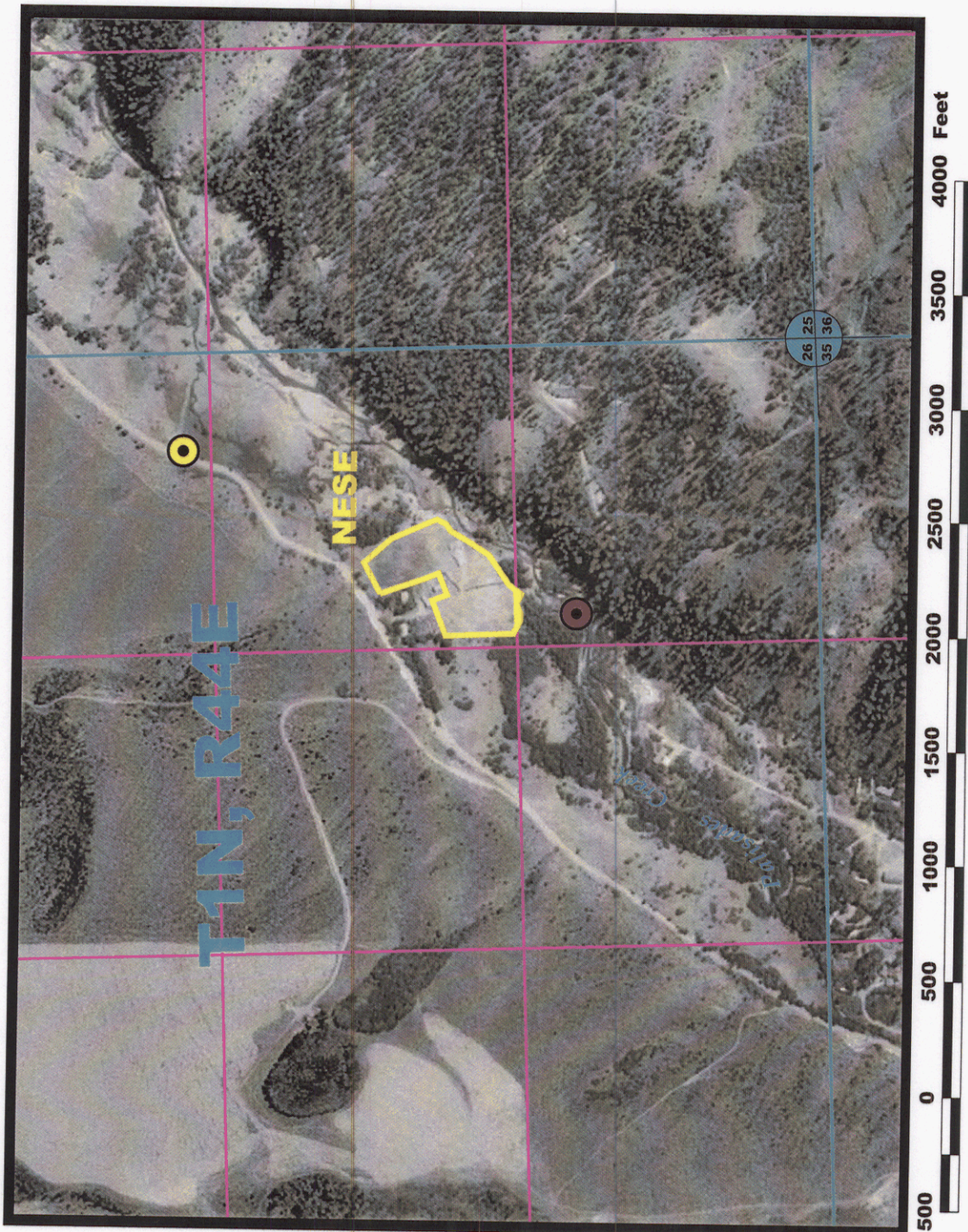
Place of Use



Section



Quarter-Quarter



**GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: April 2003**

T1N, R44E

WEEKS

HINCKS PAPPAS

WEEKS

HINCKS

WEEKS

OWNERSHIP

Palisades Creek

26 25

35 36

Water Right Claim Number 23-10259
Township , 1N44E

06/14/2001

