

SRBA

SUBCASE SUMMARY REPORT 65-03983

[Return to SRBA Home Page](#)

SRBA
05-31-2000

SUBCASE SUMMARY REPORT

HTML12

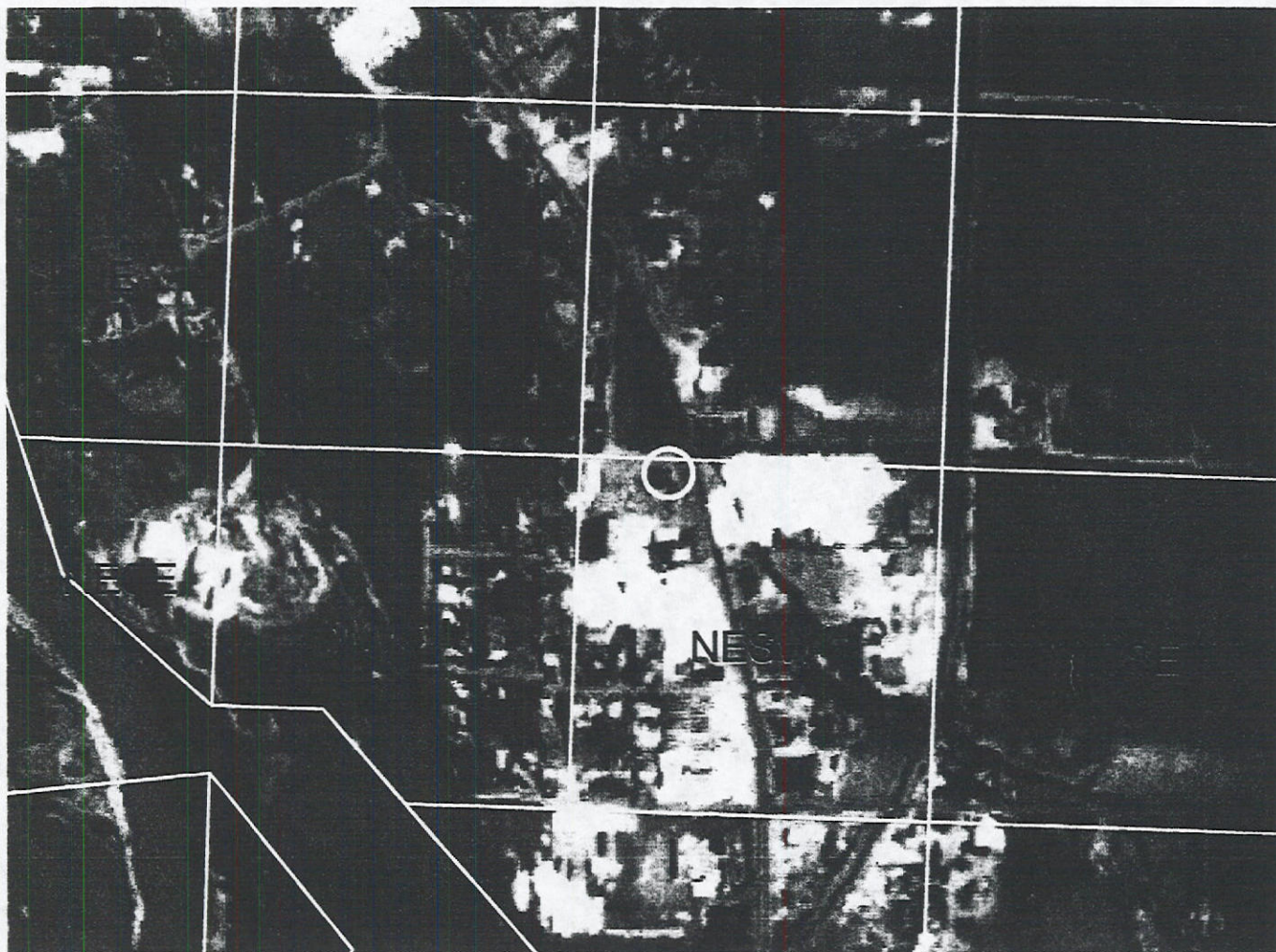
SUBCASE: 65-03983 FILE#: 00000
CLAIMANT: HELLINGA, WILLIAM JAMESSTATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,****** PARTIES INVOLVED ******WILLIAM JAMES HELLINGA C PRO SE
VIRGINIA HELLINGA C PRO SE****** ROA ENTRIES ******

08-26-1998	ADMIN CHANGE COMING PER DON SHAFF/IDWR	AZ	09-30-1998
05-03-2000	IDWR REPORT APRIL 2000: INVESTIGATING FURTHER	AZ	11-01-2000

[Return to SRBA Home Page](#)

Idaho Department of Water Resources

65-03983

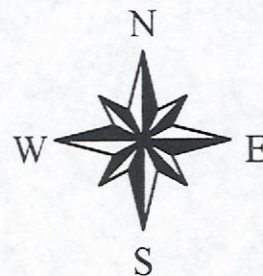


T08N R05W S03

SIGN
HERE



Prepared by D. Shaff
Date: 5/19/00



RECEIVED

JUL 15 1994

WATER RESOURCES
WESTERN REGION

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-03983
Date Received: 7/15/94 4-18-90
Receipt No: X 9
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM JAMES HELLINGA or Virginia
Address: STAR ROUTE
PAYETTE ID 83661

2. Date of Priority: JAN 1, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	05W	3	NE	SW			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	3	NE	SW		DOMEST	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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):

Virginia Hellinger

Date: 7-14-94

Date: _____

State of Idaho)

County of

Payette

) SS.

Subscribed and sworn (or affirmed) before me this

14th day

of

July

19

94

Pamela Wells
Notary Public

Seal

Residing at

Trinidad, Idaho

My Commission Expires

3-99

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: 65-03983

DATE RECEIVED: 4-18-90

RECEIPT NO: X 7- - - -

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: WILLIAM JAMES HELLINGA
ADDRESS: STAR ROUTE
PAYETTE, ID

83661

RECEIVED
APR 18 1990

2. DATE OF PRIORITY: JAN 01, 1959

Department of Water Resources

3. SOURCE: GROUNDWATER

TRIB. TO: _____

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
09N	05W	3	NE	SW			PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. TOTAL QUANTITY APPROPRIATED IS:

0.040 C.F.S. (AND/OR) 1.20 A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
09N	05W	3	NE	SW		DOMEST	

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

65-03983

PAGE

1

DATE: 01/23/90

1077

MICROFILMED
OCT 18 1996

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

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): William Hellusa DATE: 4-12-90
Virginia Hellusa DATE: 4-12-90

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

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 _____

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Hellinga, William

CLAIM IDENT. NO. AG5-3983

DATE RECEIVED 4-18-90

RECEIPT # X 9

AMOUNT \$

- | | YES | NO | Required Info? |
|--|--|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☐ | ☒ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | ☒ N/A | ☐ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | ☒ N/A | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☐ | ☒ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☒ Exempt | ☐ | |

MICROFILMED

OCT 18 1996

23. Should this claim be data entered?

YES

NO

Claim reviewed by: SPW

Date 5-27-94

Claim data entered by: _____

Date _____

Claim is being returned to claimant:

☒ (Yes) ☐ (No)

Claimant is being notified of modifications:

☐ (Yes) ☒ (No)

Comments: _____

COPY

~~DECLERED ATTACHED~~ AMENDED
RECOMMENDATION

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 DEC 17 AM 10 36

AMENDED DIRECTOR'S REPORT

Subcase No. 65-3983

RECEIVED

DEC 19 2003

In Re SRBA

Twin Falls County Civil Case No. 39576

Department of Water Resources

RECEIVED

DEC 22 2003

WATER RESOURCES
WESTERN REGION

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

December 12, 2003

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

This Amended Director's Report corrects certain clerical errors contained in the prior description of this water right.

Respectfully submitted this 12th day of December, 2003.

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

DONALD V. SHAFF
Adjudication Technical Support Section Manager

CERTIFICATE OF SERVICE

I certify that on December 15, 2003, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. **Original to:**

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. **Copies to:**

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Randy Walker
11511 Payette Heights Rd.
Payette, ID 83661

Randy Walker
1213 Power Ave
Payette, ID 83661

Virginia Hellinga
William James Hellinga
Star Rt
Payette, ID 83661

Payette County Courthouse
1130 3rd Ave N, Room 106
Payette, ID 83661

Fifth Third Bank
Madisonville Operations Ctr
Mail Drop 1 MOC 2K
Cincinnati, OH 45263



Signature of person delivering form

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

RIGHT NUMBER: 65-3983

NAME AND ADDRESS:

VIRGINIA HELLINGA
WILLIAM JAMES HELLINGA
STAR RT
PAYETTE ID 83661

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.040 CFS
1.200 AFY
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1959

POINT OF DIVERSION:

T08N R05W S3 NESW Within PAYETTE County
T09N R05W S3 NESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE:

DOMESTIC within PAYETTE County
T08N R05W S03 NESW
T09N R05W S03 NESW

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 IS
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

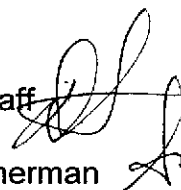
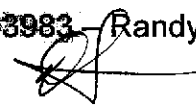
Property known as Lot 13, Block 1, South Park Subdivision with address 1213 Power Avenue.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RECEIVED

DEC 15 2003

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: Don Shaff 
FROM: Sally Sherman 
DATE: July 3, 2003
RE: Lienholder of ~~#65-3983~~ Randy Walker 

Today I spoke with the Payette County Assessor and Recorder (642-6012) in an attempt to find out the name of the lienholder of Randy Walker's property. Ms. Walker sent IDWR a letter 9/8/03 stating she filed bankruptcy and the property had gone back to the lender.

Deed of Trust— instrument no. 281494
Warranty Deed— instrument no. 281493
Lot 13, Blk 1, South Park Subdivision (8N 5W S03 NESW)

Randy W. Walker, bought Hellinga's property 5-27-1999. Lienholder was Republic Mortgage, who sold it to the Fifth Third Bank (800/375-1745).

I called Fifth Third Bank (in Cincinnati) and was told by customer service that without a SSN or additional information they couldn't help me. She also told me their Legal Dept. and their Collections Dept. would ask for the same.

Ms. Walker's address had not changed, and she still occupies the property. The Payette Heights Rd. address is her mailing address; the Power Ave. address is the site address.

SCANNED

DEC 03 2003

Handwritten signature: Randy Walker

September 8, 2003

RECEIVED

SEP 11 2003

Department of Water Resources

Dear Sir:

The letter is to notify you that I no longer own said enclosed property.
I filed bankruptcy and it has gone back to the lender.

Sincerely yours

Handwritten signature: Randy Walker

Randy Walker

RECEIVED

DEC 15 2003

WATER RESOURCES
WESTERN REGION

SCANNED

SEP 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

September 2, 2003

RECEIVED
KARL J. DREHER
Director

SEP 11 2003

Department of Water Resources

RANDY WALKER
11511 PAYETTE HEIGHTS RD
PAYETTE ID 83661-5008

RE: Snake River Basin Adjudication (SRBA)
Water Right #65-3983

Dear Mr. Walker:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by September 30, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at 1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

RECEIVED

DEC 15 2003

WATER RESOURCES
WESTERN REGION

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

SCANNED

SEP 11 2003



RECEIVED

SEP 11 2003

Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 22, 2003

Randy Walker
1213 Power Ave =
Payette, ID 83661

in South Park Subd. w/m city limits.

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #65-3983

Dear Mr. Walker:

I am writing on behalf of the Idaho Department of Water Resources (IDWR). To date, IDWR has not received a response to its letter of April 29, 2003, notifying you of a problem with the ownership and legal description of your water right.

If IDWR does not receive the change of ownership documents or otherwise hear from you within 30 days from the date of this letter, IDWR will be forced to withdraw its recommendation of your water right to the Snake River Basin Adjudication Court. Withdrawing the recommendation will prevent a decree of your water right in the SRBA at this time.

Submitting the previously requested documents will allow your water right claim to move forward and will allow IDWR to assist the SRBA to decree your water right correctly. At this point, the location of your home appears not to match the water right claim. For your reference, I am attaching a copy of IDWR's April 29, 2003 letter to you. Please call Don Shaff at (208) 327-7932 if you have any questions.

Sincerely,

Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources

RECEIVED

DEC 15 2003

WATER RESOURCES
WESTERN REGION

Cc: Don Shaff
Jan Shurte

SCANNED

SEP 11 2003

SCANNED
SEP 02 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

RECEIVED
SEP 11 2003
Department of Water Resources

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

April 29, 2003

RANDY WALKER
1213 POWER AVE
PAYETTE ID 83661

RECEIVED
AUG 20 2003

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #65-3983

Dear Mr. Walker:

The previous owner of your property and water right advised us today in a telephone conversation that you are the new owner of the property and water right. I have enclosed a copy of the Recommendation of this water right for your information. The water right is still in the name of the previous owner.

There is a problem with your water right which you are able to correct. The legal description shown at the bottom of the enclosed map does not match your Power Avenue address. You can see this difference when you look at the recommended water right and compare it to the map. Due to this suspected error with the legal description, the finalizing of the water right in the SRBA has not occurred.

If you are the current owner of this property, we require the enclosed Notice of Change of Water Right Ownership form be submitted before we can change our records. Please mark on the enclosed map where your home is and include it when you submit the change of ownership form.

Since this claim is still pending in the SRBA, *there is no fee* to change the ownership.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region

Enclosures:

Recommended Water Right #65-3983

Map

Form 42-248/42-1409(6)

cc: Previous Owners

RECEIVED
DEC 15 2003

WATER RESOURCES
WESTERN REGION

SCANNED

SEP 11 2003

C. Kelly Sherman

September 8, 2003

RECEIVED

SEP 11 2003

Department of Water Resources

Dear Sir:

The letter is to notify you that I no longer own said enclosed property.
I filed bankruptcy and it has gone back to the lender.

Sincerely yours

Randy Walker

Randy Walker



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

September 2, 2003

RECEIVED
K. J. DREHER
Director

SEP 11 2003

Department of Water Resources

RANDY WALKER
11511 PAYETTE HEIGHTS RD
PAYETTE ID 83661-5008

RE: Snake River Basin Adjudication (SRBA)
Water Right #65-3983

Dear Mr. Walker:

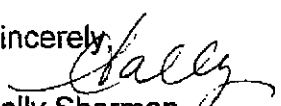
Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by September 30, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at 1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.



RECEIVED

SEP 11 2003

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

August 22, 2003

Randy Walker
1213 Power Ave
Payette, ID 83661

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #65-3983

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Sincerely,

A handwritten signature in black ink, appearing to read "Garrick L. Baxter".

Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources

Cc: Don Shaff
Jan Shurte

SCANNED
SEP 02 2003

FROM JAN SHURTE
TO DON SHAFF
SUBJECT ATTACHED INFO.

DATE 8-19-03

DON - NOTHING HAS HAPPENED ON THIS ONE. DO
WE WANT TO LET IT GO FORWARD TO DECREE?
I WASN'T SURE IF YOU HAD SPOKE WITH THESE
PEOPLE OR NOT - IT'S STILL THE SAME STATUS
IN THE SRBA SUMMARY SHEET.

Jan
SIGNATURE

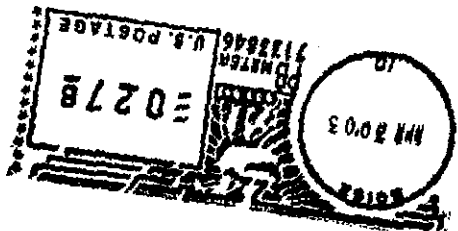
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
MAY - 6 2003

Department of Water Resources

WILLIAM & VIRGINIA HELLINGA
8500 ALDEN RD
PAYETTE ID 83661



PRESSON.
FIRST CLASS

HELL500* 856612001 1502 06 05/03/03
FORWARD TIME EXP RTN TO SEND
HELLINGA
8500 ALDEN RD #10
PAYETTE ID 83619-5536
RETURN TO SENDER
83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 29, 2003

COPY
RANDY WALKER
1213 POWER AVE
PAYETTE ID 83661

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #65-3983

Dear Mr. Walker:

The previous owner of your property and water right advised us today in a telephone conversation that you are the new owner of the property and water right. I have enclosed a copy of the Recommendation of this water right for your information. The water right is still in the name of the previous owner.

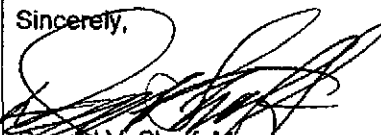
There is a problem with your water right which you are able to correct. The legal description shown at the bottom of the enclosed map does not match your Power Avenue address. You can see this difference when you look at the recommended water right and compare it to the map. Due to this suspected error with the legal description, the finalizing of the water right in the SRBA has not occurred.

If you are the current owner of this property, we require the enclosed Notice of Change of Water Right Ownership form be submitted before we can change our records. Please mark on the enclosed map where your home is and include it when you submit the change of ownership form.

Since this claim is still pending in the SRBA, *there is no fee* to change the ownership.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,



Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region

Enclosures:

Recommended Water Right #65-3983

Map

Form 42-248/42-1409(6)

cc: Previous Owners

SRBA

SUBCASE SUMMARY REPORT 65-03983

[Return to SRBA Home Page](#)

SRBA
05-31-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-03983 FILE#: 00000
CLAIMANT: HELLINGA, WILLIAM JAMES

STATUS: ADMIN PROCEED PENDING
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

WILLIAM JAMES HELLINGA	C PRO SE
VIRGINIA HELLINGA	C PRO SE

**** ROA ENTRIES ****

08-26-1998	ADMIN CHANGE COMING PER DON SHAFF/IDWR	AZ	09-30-1998
05-03-2000	IDWR REPORT APRIL 2000: INVESTIGATING FURTHER	AZ	11-01-2000

[Return to SRBA Home Page](#)

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, April 25, 2000 3:35 PM
To: Warnijes, Anita
Cc: Shurte, Jan; Shaff, Don
Subject: FW: 65-03983 Status

Hi Anita - Attached is Don's reply to Lori concerning 65-03983. My opinion on this one is that since they have not filed an objection or submitted any further information we should decree as recommended. I am cc'ing Don this message, so he can agree or disagree - you might check with him. Do we need an NCAP or how do we let the Court know to go ahead and decree. Since a NAP was not done it seems maybe Dave can just tell them to go ahead? I don't know. Could you check with Becky or someone for me since your so close?

Then, on 51-12892 & 61-07037 we are currently creating NCAP's for the Court. The first one had a NAP filed due to it being an enlargement claim and since it was not protested or objected to, it can be recommended. I'm not sure how to formulate the NCAP but we will find a way. The other one has had a Transfer issued and we will do the NCAP based on the transfer.

65-02864 - I found this one is still an unapproved transfer, in Steve Lester's office, so we still need more time on it. I have never requested an extension on a NAP - is there a process for this or can we just tell the Court? Could you ask Becky about this also? Steve is sending the transfer to the State office this week for approval.

That's all folks - let me know if you have any questions. Jan

-----Original Message-----

From: Harris, Lori
Sent: Tuesday, April 25, 2000 1:46 PM
To: Shurte, Jan
Subject: FW: 65-03983 Status

-----Original Message-----

From: Shaff, Don
Sent: Monday, April 24, 2000 11:49 AM
To: Harris, Lori
Subject: RE: 65-03983 Status

Oh yes, I have been bit and have the same itch. I think this originated when I found a dozen or so B65 D&S's in Basin 67. We withdrew the Director's Report (I vaguely recall.) on nearly all. This one apparently is by the present legal in Basin 67, but apparently the claimants maintain they are south of the line actually in Basin 65. I have received nothing to prove where they are, and they have not objected. You supplied me a copy of my e-mail. I have not moved from the present square but would invite or entertain any suggestions or help.

Thanks,

Don

208/327-7932

dshaff@idwr.state.id.us

-----Original Message-----

From: Harris, Lori
Sent: Monday, April 24, 2000 10:31 AM
To: Shaff, Don
Cc: Shurte, Jan; Harris, Lori
Subject: 65-03983 Status

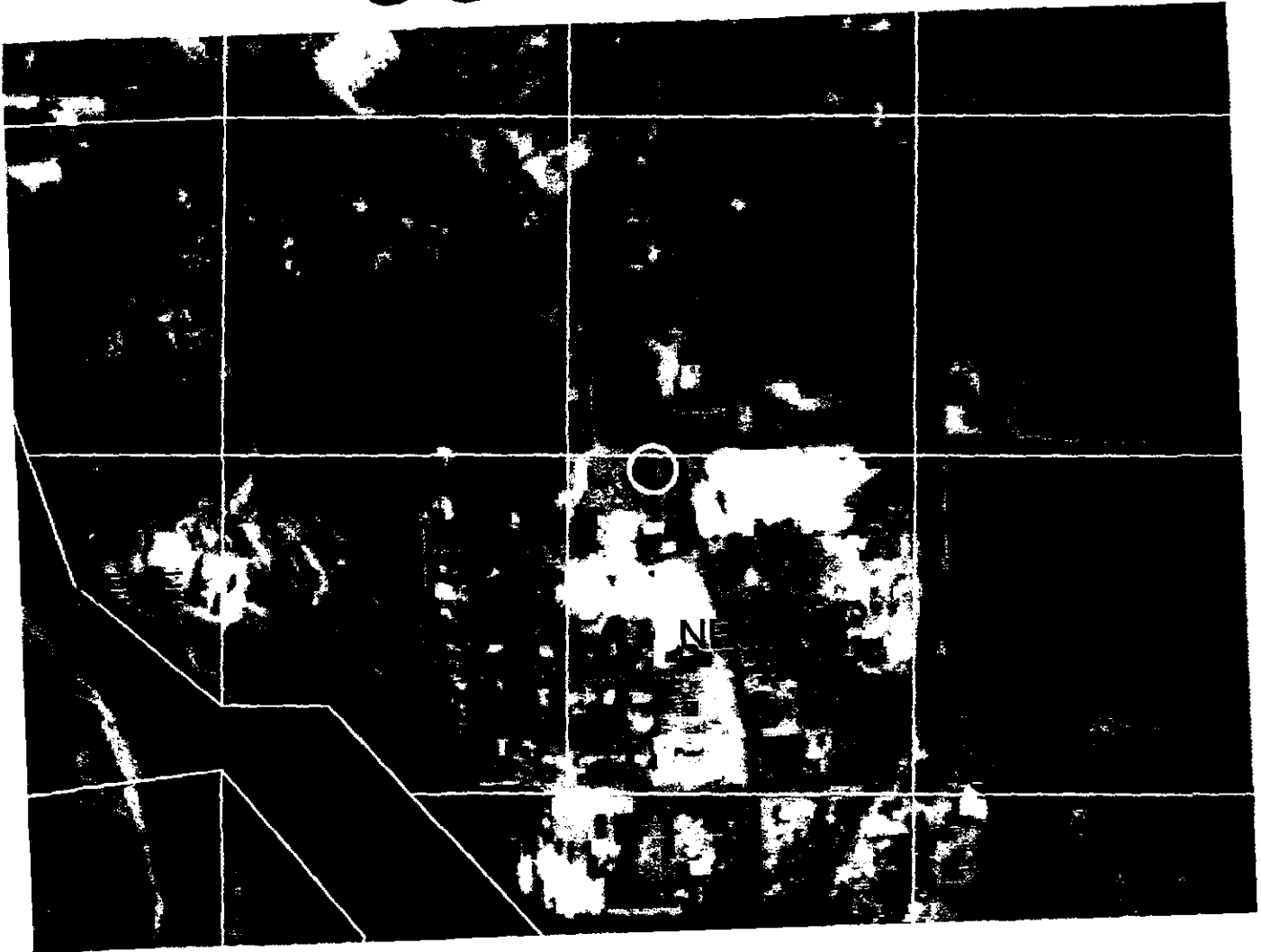
Don,

I am going to try and joggle your memory regarding 65-03983/William & Virginia Hellinga. Per information that Anita

has on NAP's that have been filed and she is trying to update for the court, this claim was supposed to have had something filed, but I cannot find any actual record of a NAP. There is a copy of an e-mail from you dated 8-28-98 stating that there is a possible legal description error and that the claimant has been advised the objection process is available to correct the legal descriptions. Then on IWATRs the status shows **ADMIN. PROCEED PENDING** and **ADMINISTRATIVE CHANGE COMING PER DON SHAFF**. Does this sound familiar? Do you have any further information at your office? Thanks for your help.

Lori

Idaho Department of Water Resources
65-03983

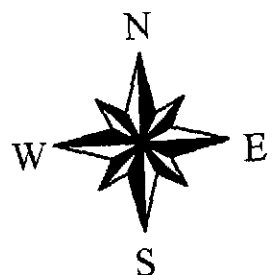


T08N R05W S03

**SIGN
HERE**



Prepared by D. Shaff
Date: 5/19/00





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

RECEIVED

JUN 09 2000

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 2000

William J. and Virginia Hellinga
1213 Power Ave.
Payette, ID 83661-3392

6-6-00 response

RE: Snake River Basin Adjudication (SRBA)
Water Right Claim #65-03983

Dear Mr. and Mrs. Hellinga:

We need your assistance before the SRBA Court can issue a decree of your water right. I have enclosed a printout with an orange circle on what I believe is your home and water right on Power Avenue. The address is different than what we have for you in our records. We cannot change the address in our records unless you sign, date and return this letter to me.

Additionally, if this IS your current address and the location of your water right, please also sign and date the page with the map on it and return that page as well. I have enclosed a postage-paid envelope for your convenience. Please return this letter and the map page to me immediately.

Please contact me if you have any questions or concerns.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

**SIGN
HERE**

DVS:ss:region
Enclosures:
GIS Map
Postage-paid Envelope

Signature

Date

From: DWR03::DSHAFF 26-AUG-1998 10:23:47.07
To: SSHERMAN DWR80::JSHURTE
CC: DSHAFF
Subj: 65-03983

Plz file in
65-03983

Looks like the legal description for this water right is wrong rather than actually in Basin 67. The claimant has been advised the objection process is available to correct the water right legal descriptions. Don

AJ0749NP
No. R65-03983

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM JAMES HELLINGA	01/01/1959	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
C	VIRGINIA HELLINGA					
	STAR RT					
	PAYETTE ID 83661			TOTAL DIVERSION:	0.04 CFS	1.20 AFA
	(208) 642-4428					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T09N R05W S03

NESW

PAYETTE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
09N	05W	3	:																	:
			:																	:

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Dates: Exam Made Date:

Verified Date:

03/10/1998

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 03/10/98 CWALKER

AJ5809NP
No. R65-03983

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/27/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM JAMES HELLINGA	01/01/1959	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
C	VIRGINIA HELLINGA STAR ROUTE RT PAYETTE ID 83661 (208) 642-4428					
TOTAL DIVERSION:					0.04 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T09N R05W S03

NESW

PAYETTE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09N	05W	3	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: PAYETTE

Conditions of Approval:

- add NW: 1 home*
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
 - N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 02/25/98 JSHURTE 02/26/98 AJU3-JSH

WR5809NP
No. 65-03983

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/27/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM JAMES HELLINGA STAR ROUTE PAYETTE ID 83661	01/01/1959	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T09N R05W S03

NESW

PAYETTE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
09N	05W	3	:																			:
			:																			:

Pou County: PAYETTE

Dates:	App. Received:	Priority Date:	01/01/1959
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 7, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

VIRGINIA HELLINGA
STAR ROUTE
PAYETTE ID 83661

Dear Mrs. Hellinga;

I am enclosing two Notices of Claim to a Water Right. One copy is for you to keep, the other one is for you to sign and have notarized. Be sure to add your name to this claim.

Thank you for your diligence in this matter.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

MICROFILMED
OCT 18 1996

To Linda
 Date 7/7 Time 3:00 ☐ AM ☒ PM
WHILE YOU WERE OUT
 M Virginia Hellinga
 of _____
 Phone () 642-4428
 Area Code Number Extension

TELEPHONED	☐	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐

☐ RETURNED YOUR CALL ☐

Message She needs you
to send again the
paperwork you sent
before. She needs
to sign it again.

Operator _____

OFFICIAL®

009000

MICROFILMED

OCT 18 1996

CLAIMANT'S NAME:

Virginia Hellinga

705-5105
DATE:

7-7-94

COUNTY:

Payette

EMPLOYEE:

Linda Werner

She will have claim notarized ~~and~~ today
& return, Extend for 30 days.

MICROFILMED

OCT 18 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

William or Virginia Hellinga
Star Route
Payette, ID 83661 642-4428

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s). SEE NEXT PAGE.

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

MICROFILMED

OCT 18 1996

Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

X Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

Other: _____

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), ~~with the requested fee~~ (if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

NO
FEE
DUE

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LW:1

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

MICROFILMED

OCT 18 1996

April 17-1990

Dear Sirs,

The water we have and
you want us to pay for it,
we cannot drink it, wash our
cloths in it, and a good lot of the
time bath in it because of May
Dropping.

Virginia Hellinga

MICROFILMED

OCT 18 1996