Richard Kincheloe
Stephanie Kincheloe
20521 Pear Lane
Caldwell Idaho 83607

05/15/07

Clerk of the District Court
Snake River Basin Adjudication
Po Box 2707
Twin Falls ID 83303-2707

Dear Clerk of the District Court:

In the beginning of the Snake River Adjudication process, we (Richard & Stephanie Kincheloe) filled out a notice of claim to a water right on 12/21/89 for two separate properties with individual claims.

Claim # 63-28239 is correct.
Claim # 63-28238 was claimed by the Kincheloe's in appropriate legal description on January 8, 1990 in TO3NR04W. Section 23 SWNWSW.
It looks like IDWR contractor recommended the use for the house claimed under 63-28239 and did not recognize this claim as for a separate property, therefore IDWR recommendation was changed to match the contractors research and therefore partially decreed on the wrong property.

The Kincheloe's respectfully request the partial decree for 63-28238 be set aside and re-issue a partial decree for the appropriate piece of property under the claim number.

Attatched are GIS maps created by Danni Smith at IDWR and supporting claim/contractor documents as evidence in this matter.

We deeply apologize for this oversight until now. My wife and I are in the orchard business and retail produce and I have a second job during the winter months. We were so immersed in our work we simply overlooked the error until just recently.

Sincerely,

Richard Kincheloe

2000 MAY 31 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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 63-28238

NAME AND ADDRESS: RICHARD L KINCHELOE
STEPHANIE R KINCHELOE
20521 PEAR LN
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 07/01/1912

POINT OF DIVERSION: T03N R04W S15 NESW Within Canyon County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Canyon County
T03N R04W S15 NESW

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

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

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.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication


R3348300000
KINCHELOE RICHARD L
03N04W23NWSW
63-28238
AS CLAIMED
WILLIAMSON ORCHARDS INC


63-28238 as Decreed
KINCHELOE RICHARD L
R3340700000
ESW


63-28239
KINCHELOE RICHARD L
R3340700000
R3340600000
03N04W15NESW
KINCHELOE RICHARD L
DAHLIN DAVID R

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 A63-28238
Date Received 1-3-90
Receipt Number W0074J6

RECEIVED
JAN 08 1990
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Only Use Is less than 13,000 gallons per day, Filing Fee $25

Typewriter or Print in ink

Kinchloe

1. Name of Claimant (s) Richard K & or Stephanie R. Phone (208 459-2557
Mailing Address 30521 Pearson Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) 7/1/1912

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. Location of point of diversion is: Township 3N Range 4W
Section 23, SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
County of Canyon
Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use of the diversion works as constructed and as enlarged, and the depth of each well 6 inch casing, 153 ft deep, 1/2 HP Submersible pump.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)
For Domestic purposes from 1/1 to 12/31 amount .04
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed is .04 (cfs)

8. Total consumptive use claimed is _____ acre feet

9. Other Rights from which Domestic Supply is furnished (Please give number of house, Irrigation, Stockwater, Type and number of livestock)
1/domestic

MICROFILMED
AUG 02 1994

10. Place a "D" for domestic and "S" for stockwater use in the correspondi[illegible] place of use below.

			NE 1/4			NW 1/4			SW 1/4			SE 1/4							
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
32	NW	23									D										

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes ✓ No ____
If your answer is no, describe in Remarks below the land on which you have a claim for water right.

13. [illegible] any other water rights for all the same lands and the same purposes as described above. ____ or None (✓)

14. Remarks: ____

15. Basis of Claim (check one) Beneficial Use ✓ Notice ____ License ____ Decree ____
If application, identify Water Right Number: ____
Court ____ Case Name ____ Date of Decree ____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

✓ Signature of Claimant (s) Lillian Kincheloe Date 12/21/89

____ Date ____

For Organizations: I do solemnly swear or affirm that I am ____ Title of ____ Organization, that I have signed the foregoing document in the space below at ____ Title ____ Organization and that the statements contained in the foregoing document are true and co[illegible]

Signature of Authorized Agent ____

Title and Organization ____ Date ____

State of Idaho Idaho
ss.
County of Canyon

MICROFILMED
AUG 02 1994

Subscribed and sworn to me this 21 day of December 89

SEAL

John K. Noyes
15410 Homedale Rd
Caldwell, Idaho 83605

Commission Expires Sept 21, 1994

Kincheloe Idaho

AJ550RMF
(DD-2C)

STATE DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS FINDING REQUIRING REPORT

05/02/95 02:26:00
PAGE 1

WATER RIGHT NUMBER - 63-25236 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (CD) NUMBER -

+ - - - - - - - - LAST NAME - - - - - - + + - - FIRST NAME - - + + - - - - - - - - - - ADDRESS - - - - - - - - - - - - - - - - - +

*** C - CURRENT OWNER ***
KINCHELOE RICHARD L
1 - 20521 PEAR LN
2 -
3 -
CITY- CALDWELL STATE- ID ZIP- 83605
PHONE - 208-459-3657

KINCHELOE STEPHANIE K
1 - 20521 PEAR LN
2 -
3 -
CITY- CALDWELL STATE- ID ZIP- 83605
PHONE - 208-459-2657

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - - +
07/01/1912 14 WESTERN J - BENEFICIAL USE

+ - - - - - - - - SOURCE - - - - - - - - - - - - - - - + + - - - - - - - - TRIBUTARY - - - - - - - - - - - - - - - - - +
GROUNDWATER

+ - POINT OF DIVERSION - +
TWN RNG SEC TRACT LOT REFLG COUNTY DIVERSION NAME

03N 04W 15 NE SW SW NW SW (27) CANYON

+ - - - - - - - - - - - - - - - - - - -

WATER RIGHT NUMBER - 33-20236 PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/29/93 SMITH

+ -COMMENTS- +
NO COMMENTS FOUND

+ - ADJUDICATION RIGHTS DATES AND FLAGS AREA - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-	
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	- 01/06/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	-	P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-	
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- W007436	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-	POD OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-	

AR 33407-000

DATA ENTRY

ENTERED 3-7-94/PS

CHECKED 5-22-94

Photocopy
Application
Water Right(s)
Maps & Plats
Field Survey
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 14 1993

CERTIFIED
FEB 08 1994
WATER EXAMINER

PROOF
NOV 15 [illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-28239

WATER RIGHT NUMBER: 63-28239

Owner Type	Name and Address
Current Owner	STEPHANIE R KINCHELOE 20521 PEAR LN CALDWELL, ID 83605 (208)459-2857
Current Owner	RICHARD L KINCHELOE 20521 PEAR LN CALDWELL, ID 83605 (208)459-2857

Priority Date: 06/01/1910

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4SW1/4 Sec. 15, Twp 03N, Rge 04W, B.M.

CANYON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	15									X								

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO 1R334070000

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-28239

Remarks:

Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 5/31/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:


63-28239
KINCHELOE RICHARD L
R3340700000
R3340600000
03N04W15NESW
KINCHELOE RICHARD L
DAHLIN DAVID R

2000 MAY 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
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	)	Water Right 63-28239

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STEPHANIE R KINCHELOE
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CALDWELL, ID 83605

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B Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F

CERTIFICATE OF MAILING

I certify that on 5/15, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: _____
   Address: _____

3. One copy to the party who filed the objection at the following address:

   Name: _____
   Address: _____

4. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   PO Box 44449
   Boise, ID 83711-4449

   United States Department of Justice
   Environment & Natural Resource Division
   550 West Fort Street, MSC 033
   Boise, ID 83724

Your signature or signature of attorney mailing on your behalf