

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: **A43-00068**
Date Received: 6/15/1989
Receipt No: S008271
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: LARRY KINCADE 208-645-2346
Address: HC 61 BOX 1240
MALTA ID 83342
AND/OR
Name: DARLENE KINCADE 208-645-2346
Address: HC 61 BOX 1240
MALTA ID 83342

2. Date of Priority: APR 30, 1872

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	19	NW	SW	NW		CASSIA
			NE	NE	SW		CASSIA

5. Description of diverting works:
WEIR, HEADGATE, DITCH...SEE ATTACHED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.290		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 282.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/275 BEEF STOCK, 8 HORSES, 25 SHEEP

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	19	NE		SW		IRR	18.0
			NW		SW		IRR	20.0
			SW		SW		IRR	10.0
			SE		SW		IRR	20.0
			NE		SE		IRR	18.0
			NW		SE		IRR	19.0
			SW		SE		IRR	30.0
			SE		SE		IRR	35.0
			Section Acres					170.0
		20	SE		SW		IRR	35.0
			Section Acres					35.0
			Total Acres					205.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-00070B, 00071B, 00073B, 00074B, 00476

14. Remarks:
WATER ALSO USED FOR STOCK IN SECTIONS 19 & 20.
A43-07139...SPRING RUNOFF ALSO USED ON ADDITIONAL 37 ACRES IN
SW QTR, SEC 19.
ORIGINALLY CLAIMED 1.88, COMBINED WITH 1.41 CFS (BASED ON A
PROPORTIATE SHARE OF AN UNSPECIFIED REDISTRIBUTION AMT). SEE
COPY OF CASE ATTACHED.

8-12-98: CHANGED P/U PER ORIG CLAIM FROM RANGE 25E TO-26E - VH

9/30/98 tf; OWNERSHIP CHANGED HELLWINKEL TO KINCADE PER 1409(6)
AND QUITCLAIM DEED REC'D 9/10/97.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

July 9, 1996

KARL J. DREHER
DIRECTOR

DAVID J OR JULIE A HELLWINKEL
PO BOX 104
WELLINGTON NV 89444

RECEIVED

JUL 11 1996

Re: Snake River Basin Adjudication (SRBA) Water Resources
Notices of Claim No. A43-00068, A43-00070B, A43-00071B,
A43-00073B, A43-00074B, A43-00190, A43-00476, A43-07139,
A43-10505, A43-10509, A43-10510 & A43-10511
Change of Address

Dear Claimants,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim(s) or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Claimant Signature

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 07/08/96
Time 15:47:29

Go to Page ____

Page: 1

A43-00068	A43-00070B	A43-00071B	A43-00073B	A43-00074B
A43-00190	A43-00476	A43-07139	A43-10505	A43-10509
A43-10510	A43-10511	R43-00068	R43-00070B	R43-00071B
R43-00073B	R43-00074B	R43-00190	R43-00476	R43-07139
R43-10509	R43-10510	R43-10511		

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

20900
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED
APR 20 1995
Department of Water Resources

DAVID J HELLWINKEL
JULIE A HELLWINKEL
HC 61 BOX 1240
MALTA ID 83342

PO Box 104
Walla Walla WA 99144

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

In Re Snake River Basin Adjudication Case)
No. 39576)

Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

21183
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED
APR 20 1995
Department of Water Resources

DAVID J HELLWINKEL
JULIE A HELLWINKEL
HC61 BOX 1240
MALTA ID 83342

PO Box 104
Wilmington DE 19844

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): See attached
Adjudication Claim No(s): See attached
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant David Hellwinkel
HC 61 Box 1240, Malta, Id. 83342
4. New Owner/Claimant(s) Larry and Darlene Kincaid
Name Connector (Check one): [] and, [] or, ☒ and/or
New Mailing Address HC 61 Box 1240
City, State and ZIP Code Malta, Id. 83342
New Telephone Number (208) 645-2346
5. Date you acquired the property 2-28-94
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Larry Kincaid
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

KACD 9/10/97 Per Communication Doc by F.H.

229555

QUITCLAIM DEED

FOR VALUE RECEIVED, DAVID J. HELLWINKEL aka DAVID HELLWINKEL, a divorced man, of 50 Box 104 Wellington, Nevada, 89444, hereinafter called the "Grantor" hereby remises, releases and forever quitclaims unto Larry Kincade and Darlene Kincade, husband and wife, of HC 61, Box 1240, Malta, Idaho 83342, hereinafter called the "Grantee", all interest now held or hereafter acquired by Grantor in the premises, in Cassia County, Idaho, described as follows, to wit:

See Exhibit "A" attached hereto and incorporated herein by reference as thought set forth at length.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever, including all rents and profits. It is Grantor's intention that Grantee have such property as her sole and separate property and that it no longer be held as or deemed to be the community property of the parties.

DATED this 28th day of ^{February} ~~January~~, 1994.

David J. Hellwinkel
David J. Hellwinkel

Nevada
STATE OF ~~IDAHO~~)
Lyon) ss.
County of Cassia)

On this 28th day of ^{February} ~~January~~, 1994, before me the undersigned a Notary Public in and for said State, personally appeared David J. Hellwinkel, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Ronee L. Bybee
Notary Public for ~~Idaho~~ Nevada
Residing at Burley, Idaho Smith, Neva
Commission Expires:

June 13, 1994

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and Lots 1 and 2

Section 27: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and Lots 3 and 4

ALSO, a tract of land in Sections 26 and 27, Township 13 South, Range 24 East, Boise Meridian, designated as H. E. Survey #207, and described as follows:

Beginning at corner No. 1 from which the South quarter corner of Section 34, Township 13 South, Range 24 East, Boise Meridian, bears South 5°10' West 92.61 chains;
Running thence North 75°20' West 9.78 chains to corner No. 2;
Thence North 0°24' West 31.0 chains to corner No. 3;
Thence South 68°06' East 44.46 chains to corner No. 4;
Thence North 87°22' East 38.54 chains to corner No. 5;
Thence South 1°45' East 8.01 chains to corner No. 6;
Thence South 78°48' West 50.20 chains to corner No. 7;
Thence South 88°15' West 20.85 chains to corner No. 1, the Point of Beginning.

EXCEPTING THEREFROM the following described property:

Beginning at corner No. 4 of H. E. Entry Survey #207 in Sections 26 and 27, Township 13 South, Range 24 East, Boise Meridian;
Thence North 68°06' West toward corner No. 3 a distance of 23.80 feet;
Thence North 52°02' West a distance of 328.80 feet;
Thence North 58°00' West 139.90 feet to point A, the point of Beginning;
Thence North 55°55' East 164.58 feet to Point B;
Thence North 5°57' East 251.51 feet to Point C;
Thence North 83°26' West 254.26 feet to Point D;
Thence North 83°26' West 219.05 feet to Point E;
Thence South 9°54' East 300.50 feet to Point F;
Thence South 68°35' East 275.15 feet to Point A, the Point of Beginning, together with a roadway 10 feet on each side of a line beginning at Point A, thence Eastward 60 rods, thence Southeasterly to Forest Service road.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: S $\frac{1}{2}$

Section 20: W $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes, being a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 19, and a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20, Township 13 South, Range 26 East, Boise Meridian.

207202

QUITCLAIM DEED

FOR VALUE RECEIVED, JULIE HELLWINKEL, does hereby release, remise, grant, bargain, sell, convey and forever quitclaim unto DAVID HELLWINKEL, whose present address is HC61 Box 1240, Malta, Idaho, 83342, the following described premises, located in Cassia County, State of Idaho, to-wit:

SEE EXHIBIT "B-1"

together with appurtenances.

DATED this 17th day of April, 1990.

Julie Hellwinkel
Julie Hellwinkel

STATE OF IDAHO)
) ss.
County of Minidoka)

On the 17th day of April, 1990, before me the undersigned Notary Public in and for said State, personally appeared Julie Hellwinkel, 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 first above written.

(SEAL)

Anna Bradley
Notary Public;
Residing at Idaho
My Commission Expires: 10/12/92

QUITCLAIM DEED

EXHIBIT "B-1"

Page 1 of 2

LEGAL DESCRIPTION

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: NW, NWSEK, and Lots 1 and 2

Section 27: NWNEK, SEKNEK, and Lots 3 and 4

ALSO, a tract of land in Sections 26 and 27,
Township 13 South, Range 24 East of the Boise
Meridian, designated at H. E. Survey No. 207, and
described as follows:

Beginning at corner No. 1 from which the South
quarter corner of said Section 34, bears South
8°10' West 92.61 chains;
Running thence North 75°20' West 9.78 chains to
corner No. 2;
Thence North 0°24' West 31.0 chains to corner
No. 3;
Thence South 68°06' East 44.46 chains to corner
No. 4;
Thence North 87°22' East 38.54 chains to corner
No. 5;
Thence South 1°45' East 8.01 chains to corner
No. 6;
Thence South 78°48' West 50.20 chains to corner
No. 7;
Thence South 88°15' West 20.85 chains to corner
No. 1, the Point of Beginning.

EXCEPTING THEREFROM the following described
property:

Beginning at corner No. 4 of H.E. Entry Survey
No. 207 in Sections 26 and 27, Township 13 South,
Range 24 East of the Boise Meridian; thence North
68°06' West toward corner No. 3 a distance of
23.80 feet; thence North 52°02' West a distance
of 328.80 feet; thence North 58°00' West 139.90
feet to a Point A, the Point of Beginning;
Thence North 55°55' East 164.58 feet to Point B;
Thence North 5°57' East 251.51 feet to Point C;
Thence North 83°26' West 254.26 feet to Point D;
Thence North 83°26' West 219.05 feet to Point E;
Thence South 9°54' East 300.50 feet to Point F;
Thence South 68°35' East 275.15 feet to Point A,
the Point of Beginning, together with a roadway
10 feet on each side of a line beginning at
Point A, thence Eastward 60 rods, thence
Southeasterly to Forest Service road.

-Continued-

Range 24 East of the Boise Meridian, Thence North
68°06' West toward corner No. 3 a distance of
23.80 feet; thence North 52°02' West a distance
of 328.80 feet; thence North 58°00' West 139.90
feet to a Point A, the Point of Beginning;
Thence North 55°55' East 164.58 feet to Point B;
Thence North 5°57' East 251.51 feet to Point C;
Thence North 83°26' West 254.26 feet to Point D;
Thence North 83°26' West 219.05 feet to Point E;
Thence South 9°54' East 300.80 feet to Point F;
Thence South 68°35' East 275.15 feet to Point A,
the Point of Beginning, together with a roadway
10 feet on each side of a line beginning at
Point A, thence Eastward 60 rods, thence
Southeasterly to Forest Service road.

-Continued-

EXHIBIT "B-1" Page 2 of 2

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: S $\frac{1}{4}$

Section 20: W $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM that portion deeded to the State of Idaho for
highway purposes, being a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said
Section 19, and a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20,
Township 13 South, Range 26 East of the Boise Meridian.

207202
CASSIA COUNTY, IDAHO
APR 21 11 AM '77
Jesse A. Shattley
2/15
K: 112 Bureau
Day 487
Burdley, J. L.

USDA-FHA
Form FHA 460-1
(Rev. 2-2-72)

207202

Portion 1 (Chattel)
Portion 5 (Real Estate)

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS That the United States of America, as grantor and the following described item

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00068 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

September 10, 1997 1:49pm

NAME:
KINCADE, LARRY AND DARLENE

RE:
OWNERSHIP CHANGE RECD
A43-00068 ET AL IN THE
NAME OF ORIG CLAIMANT
HELLLWINKEL.

RECIEVED MANILA ENVELOPE TODAY FROM KINCADE AND TELEPHONED TO
ACKNOWLEDGE RECEIPT OF THE 1409 ETC.

NOANSWER AT 11:55 AM SO LEFT A MESSAGE ON THE RECORDER SAYING THAT
WE WERE SWAMPED HERE AT THE OFFICE AND IT WOULD BE SOME WEEKS
BEFORE I COULD LOOK OVER THE MATERIALS AND GET THEM TO THE STAFF
PERSON WHO WOULD DO THE WORK. SUGGESTED THEY COULD CALL WITH ANY
QUESTIONS.

SD-5301-3

Idaho Department of Water Resources
Copy Selected Data to Multiple Claims

Date: 06/08/9
Time: 15:42:0

Source Claim Number: R43-00070B

File to Copy From: AJ

Destination Claim Numbers:

A43-00068__	A43-00071B__	A43-00073B__	A43-00074B__	A43-00476__
R43-00068__	R43-00071B__	R43-00073B__	R43-00074B__	A43-00476__
A43-00070B__	__-__	__-__	__-__	__-__
__-__	__-__	__-__	__-__	__-__
__-__	__-__	__-__	__-__	__-__
__-__	__-__	__-__	__-__	__-__

(Enter=Copy to Above Claims & Go to AJ2)
(GOLD2=Submit Batch Job)

(GOLD8=Cancel)

(Menu

date Records updated
6-8-95
KKC

P/U for township was
incorrectly data entered as
255. Township was changed
to 265. and a remark noting
change was entered.

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: A43-00068
Date Received: 6/15/1989
Receipt No: S008271
Received By: W

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DAVID J. HELLWINKEL 208-645-2256
Address: HC 61 BOX 1240
MALTA, ID 83342

AND/OR

Name: JULIE A. HELLWINKEL 208-645-2256
Address: HC 61 BOX 1240
MALTA, ID 83342

2. Date of Priority: APR 30, 1872

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	19	NW	SW	NW		CASSIA
			NE	NE	SW		CASSIA

5. Description of diverting works:
WEIR, HEADGATE, DITCH...SEE ATTACHED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.290		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 282.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/275 BEEF STOCK, 8 HORSES, 25 SHEEP

A43-00068

Page 1

Date: 06/19/89

RECEIVED
MICROFILMED
MAR 02 1993
JUN 28 1989
Department of Water Resources
Southern Region Office

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	25E	19	NE		SW		IRR	18.0
			NW		SW		IRR	20.0
			SW		SW		IRR	10.0
			SE		SW		IRR	20.0
			NE		SE		IRR	18.0
			NW		SE		IRR	19.0
			SW		SE		IRR	30.0
			SE		SE		IRR	35.0
Section Acres								170.0
		20	SE		SW		IRR	35.0
Section Acres								35.0
Total Acres								205.0

26E
Corrected
6-8-95
KJC

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-00070B, 00071B, 00073B, 00074B, 00476

14. Remarks:

WATER ALSO USED FOR STOCK IN SECTIONS 19 & 20.

A43-07139...SPRING RUNOFF ALSO USED ON ADDITIONAL 37 ACRES IN SW QTR, SEC 19.

ORIGINALLY CLAIMED 1.88, COMBINED WITH 1.41 CFS (BASED ON A PROPORTIATE SHARE OF AN UNSPECIFIED REDISTRIBUTION AMT). SEE COPY OF CASE ATTACHED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SEARS

Decree Plaintiff

vs

BERRYMAN

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): *David J. Hellmink* Date: *June 27, 1989*
Julie A. Hellmink Date: *6-27-89*

State of Idaho)
County of *Cassia*) SS.

Subscribed and sworn (or affirmed) before me this *27th* day
of *June* 19 *89* *Rosella Heddo*
Notary Public

Seal

Residing at *Malta, Idaho*
My Commission Expires *April 6 1993*

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 _____

Date Received _____

Receipt Number _____

RECEIVED

JUN 8 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DAVID J. AND JULIE A. HELLWINKEL Phone (208) 645-2256Mailing Address HC 61 BOX 1240, MALTA, IDAHO Zip 833422. Date of Priority (Only one (1) per claim) 4-30-18723. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. a. Location of existing point of diversion is: Township 13S Range 26E Section 19-20,
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

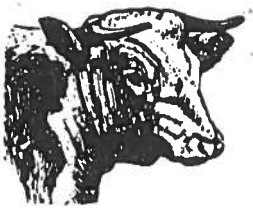
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversions are as per exhibits filed
with existing IDWR permitted rights #43-0068, 43-0070B 43-0476, 43-0071B, 43-0073B
and 43-0074B. Two diversions from Cassia Creek exist.

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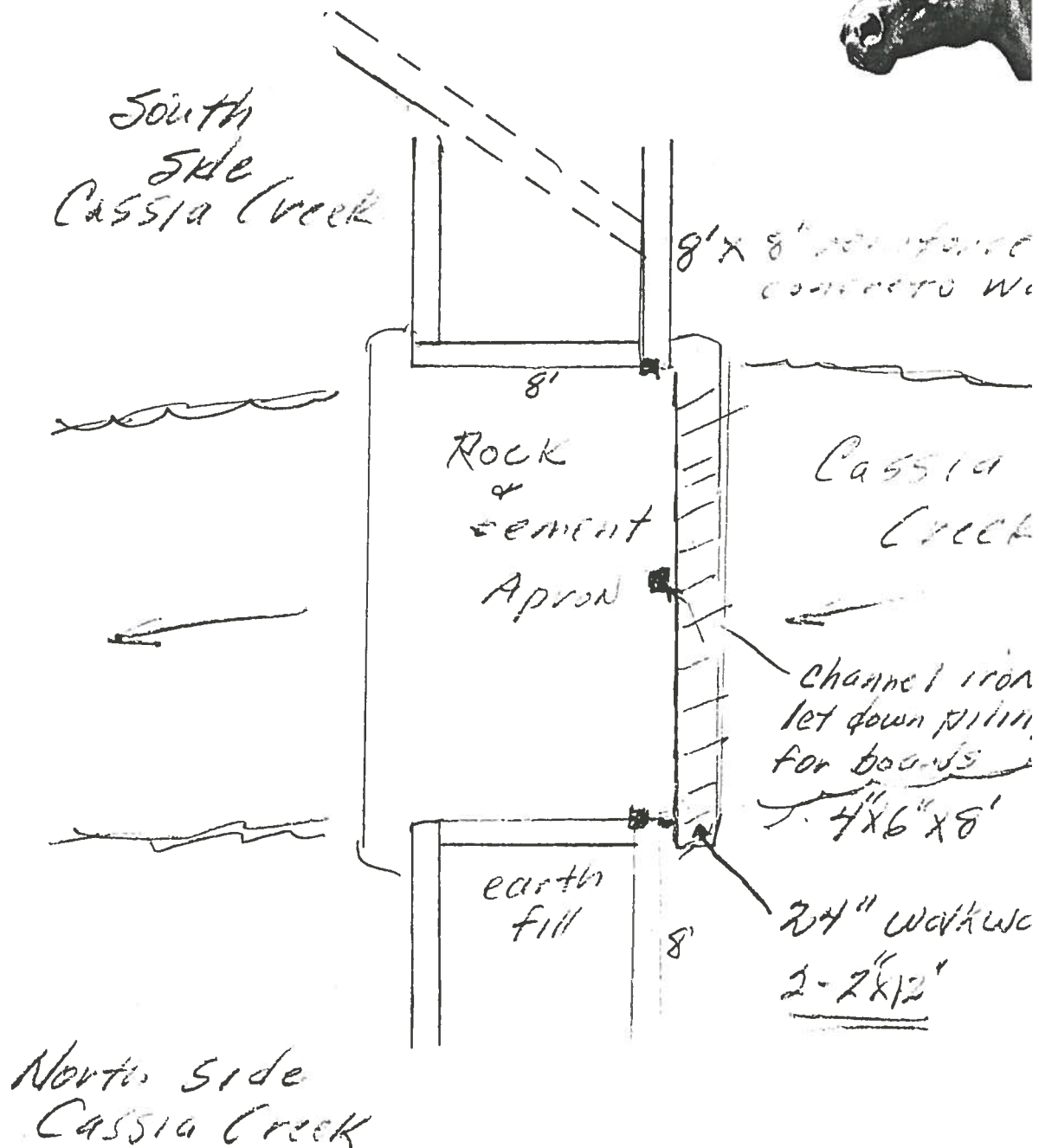
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Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

575 Highway 88 • Gardnerville, NV 89410 • (702) 265-2031



1988 started
to be complete fall
1989
To replace old
rock diversion dam.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 10/15 amount UNDETERMINED or AMOUNT

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) UNDETERMINED (SEE REMARKS) (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum. ** 2.6 cfs 4-30-1872 time

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 54% proportionate share of 1872 rights. (estimate of)

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
13S	26E	19																	
13S	26E	20	No acres irrigated currently as water has not been proportionately redistributed. Water would be used to irrigate acreage claimed under existing permitted water rights as filed upon, totalling 205 acres.																

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
4.11 c.f.s per permits 43-0068, 43-0070B, 43-0476, 43-0071B, 43-0073B and 43-0074B. or None ()

14. Remarks: This notice of claim is filed on the basis of a Eleventh Judicial Court decision in Beecher, et al. vs. Cassia Creek Irrigation Co. Inc. on August 2, 1945. Pursuant to this decree, 34 c.f.s was to be redistributed proportionately to water users on Cassia Creek. Based upon the above permits, we have 4.11 c.f.s permitted right and claim a proportionate share of any redistribution under this decree. (See copy of case attached)
The amounts of proportionate redistribution have not been determined.

Last Name HELLWINKEI Ident No. _____

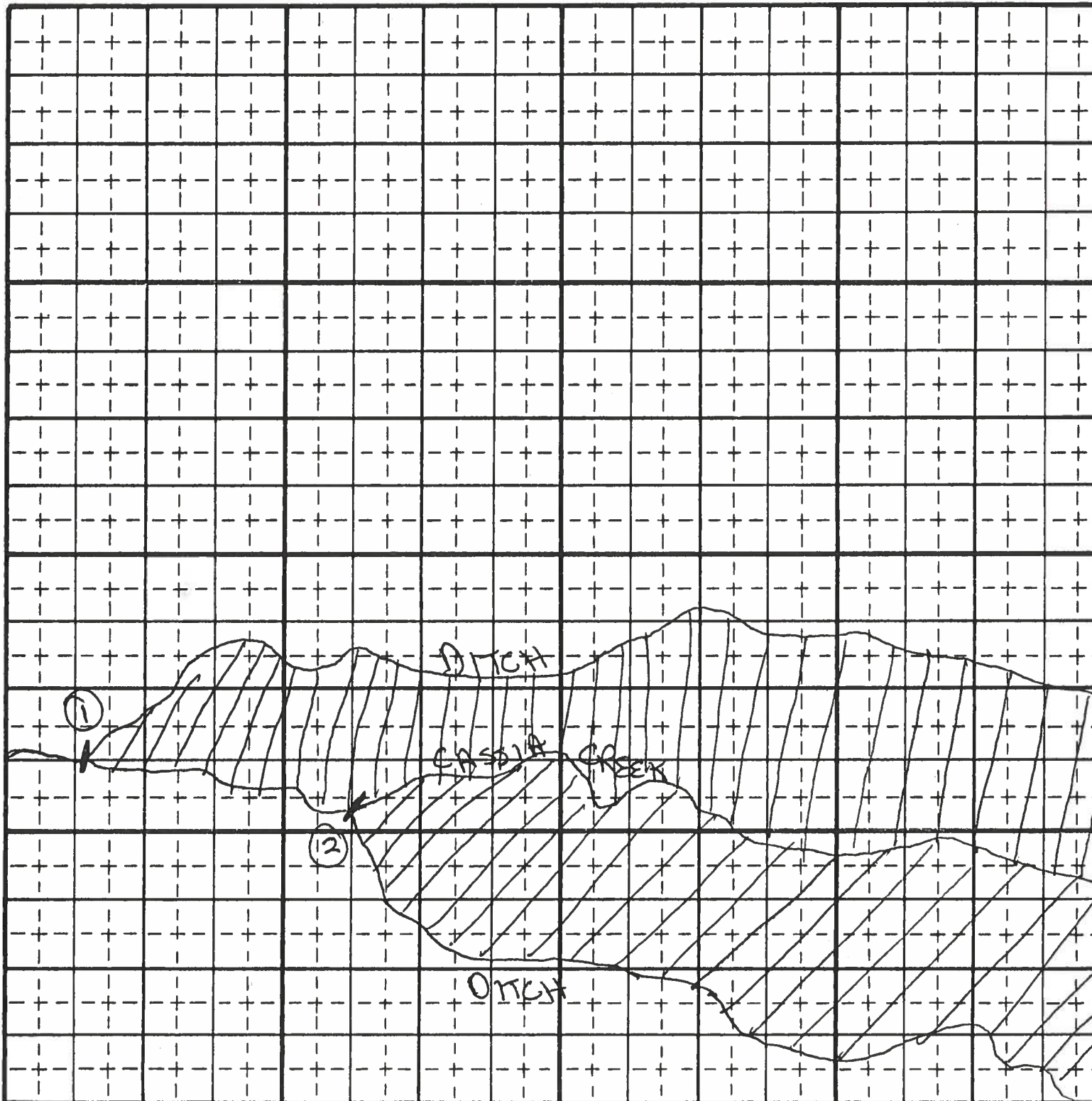
Copies: White-State, Yellow-Claimant

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: ~~3~~ ^{XXXX} inches equals 1 mile
8 inches

TOWNSHIP 13 SOUTH
RANGE 26 E. SECT.

NORTH



2 DIVERSIONS

SOUTH

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Last Name HELLWINKEL Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court Eleventh Judicial Case Number June 1943, Aug. 1945 Decree Date April 30, 1872

Plaintiff vs Defendant Clifford Beecher, et al. vs. Cassia Creek Irrigation Company, Inc.

(see attached)

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 -4-

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

David J. Hellwinkel

Date

6-8-89

Julie A. Hellwinkel

Date

6-8-89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)

County of Cassia)

SS.

Subscribed and sworn (or affirmed) before me this

7th

day of

June

1989

SEAL

Notary Public

Rosella Nedda

Residing at

Malta Id.

My Commission Expires

April 6 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name HELLWINKEL

Ident. Number _____

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

CLIFFORD BECKER, LOT UDY, ALBERT COTTLE, REUBEN WARD,
C. L. SEARS, ART M. WARD, ESTHER PARKE, H. F. DEARLWIFF,
MAOOTE E. SCOTT, W. E. WILLIAMS, A. J. UDY, LARENZO DARRINGTON,
GARRETT HUTCHINSON, C. S. GAMBLE, H. W. WICKEL, LEWIS WICKLE,
RICHARD KOSSMAN, MRS. J. S. HUTCHINSON, E. R. PARTISH, R. C. WAKE,
and F. M. KOSSMAN,

Plaintiffs,

vs.

D E C R E E

CASSIA CREEK IRRIGATION COMPANY, INC., a corporation, and
JAMES SPOFFORD, State Reclamation Engineer of the State of
Idaho, substituted for E. V. BERG, who was Commissioner of
Reclamation of the State of Idaho prior to January 4, 1943,

Defendants.

The above entitled action came on regularly for trial on the 14th day of November, 1942, at the court house
Cassia County, Idaho, Honorable James W. Porter, District Judge, presiding; plaintiffs appeared in person and by their
attorneys, H. A. Baker, Esquire, of Rupert, Idaho, and James R. Bothwell, Esquire, of Twin Falls, Idaho; the defendant
Cassia Creek Irrigation Company, Inc., a corporation, appeared by its officers and its attorney, W. G. Dissell, Esquire,
of the firm of Bissell & Bird, of Grading, Idaho; and the defendant, E. V. Berg, as Commissioner of the Department of
Reclamation of the State of Idaho, appeared in person and by his attorney, Leo M. Drenahan, Assistant Attorney General.

Whereupon, evidence both oral and documentary was offered on behalf of the respective parties, the trial con-
tinuing up/and including November 23, 1942, when it was concluded, and the action was thereupon submitted to the Court
to await the filing of briefs by counsel for the respective parties and for decision; and the briefs having been filed
and the Court on this day having filed its decision in writing in the form of Findings of Fact and Conclusion of Law,
and now being fully advised in the premises,

It is ORDERED, ADJUDGED AND DECREED as follows, to-wit:

I

That the Certificate of Water Right, Transferred Right No. 619, issued by E. V. Berg, Commissioner of Recla-
mation of the State of Idaho, under date March 21, 1941, to the Cassia Creek Irrigation Company, Inc., a corporation,
defendant herein, by which the rights to the use of 34.8 cubic feet per second of the waters of Raft River and Cassia
Creek were declared to have been abandoned as to certain lands and made appurtenant to other lands, as set forth in
said Certificate of Water Right, copy of which has been inserted in Finding of Fact No. VI, shall be and the same is
hereby cancelled, set aside, and held for naught.

II

That the Cassia Creek Irrigation Company, Inc., a corporation, defendant herein, is the owner of certain water
rights on Raft River and Cassia Creek in the County of Cassia, State of Idaho, said water being originally decreed to
the Albion Idaho Land Company by a decree of Judge C. C. Cavanah of the District Court of the United States, for the
District of Idaho, in the case of ALBION LAND CO. vs. JOSE ADAMS ET AL., said decree bearing date of October 23, 1928,
for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 8-C, in the
County of Cassia, State of Idaho, to-wit:

The S $\frac{1}{2}$ of the N $\frac{1}{2}$; the N $\frac{1}{2}$ of the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 17; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$
of Sec. 18; the NE $\frac{1}{4}$; the E $\frac{1}{2}$ of the SW $\frac{1}{4}$; and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 19; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the
S $\frac{1}{2}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the S $\frac{1}{2}$ of the NW $\frac{1}{4}$; and the SW $\frac{1}{4}$
of Sec. 31, in Twp. 11 S., R. 27 East, Boise Base and Meridian.

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 6; the W $\frac{1}{2}$ of Sec. 7; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the N $\frac{1}{2}$ of the NW $\frac{1}{4}$;
the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 18; the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 19, Twp. 12 S., R. 27 East, Boise Base and Meridian.

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 1; the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sec. 12; the E $\frac{1}{2}$ of the E $\frac{1}{2}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13;
and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 24, in Twp. 12 S., R. 26 East, Boise Base and Meridian.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho (now
State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324.

III

That the right to the use of 34 cubic feet per second of the waters of Raft River and Cassia Creek upon the
lands hereinabove described, to which said water was made appurtenant by decree as above set forth, is hereby confirmed,
and the lands to be irrigated under such rights and to which said water rights are hereby confirmed and shall become
appurtenant for irrigation and domestic purposes, are described as follows, to-wit:

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S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 25; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 27; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 33; NW $\frac{1}{4}$ & S $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ & E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 34; NE $\frac{1}{4}$, Sec. 36; all in Twp. 13 S., R. 24 East, Boise Base and Meridian.

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 2; E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 12; all in Twp. 14 S., R. 24 East, Boise Base and Meridian.

E $\frac{1}{2}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 22; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 29; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Lots 3 & 4, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30; all of Sec. 31; all of Sec. 32; W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 33; all in Twp. 13 S., R. 24 East, Boise Base and Meridian.

Lots 1, 2, 3, 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5; all of Sec. 6; all except E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 7; W $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 8; NW $\frac{1}{4}$, Sec. 17; all in Twp. 14 S., R. 25 East, Boise Base and Meridian.

E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 24; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 25; E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 36; all in Twp. 12 S., R. 26 East, Boise Base and Meridian.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 1; S $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12; E $\frac{1}{2}$ & SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11; all of Sec. 13; all except N $\frac{1}{2}$ of NW $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ & SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 15; E $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ & NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21; E $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 22; (all except S $\frac{1}{2}$ of SE $\frac{1}{4}$ & S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 23; E $\frac{1}{2}$ & NW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ & NE $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24; all in Twp. 13 S., R. 26 East, Boise Base Meridian.)

S $\frac{1}{2}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 19; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 30; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, of Sec. 31; all in Twp. 12 S., R. 27 East, Boise Base Meridian.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Lots 4, 5, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 6; all except E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 7; N $\frac{1}{2}$ & SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 18; N $\frac{1}{2}$ of NW $\frac{1}{4}$, Sec. 19; all in Twp. 13 S., R. 27 East, Boise Base and Meridian.

situates, lying and being in the County of Cassia, State of Idaho, and said water to be limited at all times to an amount actually needed and beneficially used for such purpose, the amounts of water not to exceed and the priority dates being as follows, to-wit:

Amounts of Water	Priority Dates
2.6 cubic feet per second	1.88/350 CFS total =
4.0 cubic feet per second	540 proportionate share
.8 cubic feet per second	
9.2 cubic feet per second	
1.2 cubic feet per second	
2.8 cubic feet per second	
1.6 cubic feet per second	
6.0 cubic feet per second	
1.6 cubic feet per second	
.8 cubic feet per second	
3.4 cubic feet per second	
34.	

April 30, 1872
May 31, 1873 limited to July 1
May 31, 1878
May 31, 1882 limited to July 1
April 30, 1883
May 31, 1883 limited to July 1
September 11, 1883
January 1, 1886 limited to July 1
March 7, 1886
November 30, 1886
May 31, 1888 limited to July 1

That the water right hereby transferred has heretofore been diverted from Raft River at six diversion points within the space beginning in Section 24, T. 12 S., R. 26 E. B.M. and ending in Section 17, T. 11 S., R. 27 E. B. M. upon what is commonly known as the Bar M Ranch.

That the water hereby transferred shall hereafter be conducted to the new places of use through a series of diversions on Raft River and Cassia Creek and its tributaries lying in Section 30-31, Twp. 12 S., R. 27 E. B.M.; Sections 25-36, Twp. 12 S., R. 24 E. B.M.; Sections 4-7-18, Twp. 13 S., R. 27 E. B.M.; Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Twp. 13 S., R. 24 E. B.M.; Sections 14, 21, 22, 23, 24, 28, 29 and 31, Twp. 13 S., R. 25 E. B.M.; Sections 25, 27, 28, 33, 36, Twp. 13 S., R. 24 E. B.M.; Sections 1, 2, 3, 11, 12, Twp. 14 S., R. 24 E. B.M.

That delivery of the transferred water by the said Cassia Creek Irrigation Company, Inc., a corporation, shall be by rotation; provided, nevertheless, that at all times when there is sufficient water in Cassia Creek and its tributaries to entitle the hereinafter named water users, or each or any of them, to divert water under their decreed water right and priority date thereof, as established by the Federal decree entitled ALBION IDAHO LAND CO. v. JOBE ADAMS ET AL., and which has been entered in the records of the Department of Reclamation of the State of Idaho (now State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324, none of the transferred water shall be diverted above any such water users point of diversion on Cassia Creek or its tributaries so that such diversion would leave insufficient water at such water users headgate to fill his water right. (The names of the water users, their amounts of water decreed, and the earliest date of priority, and the stream from which their rights are diverted, to which this provision shall apply, being as follows:

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Aug. 2, 1945
MAR 02 1993

NAME	AMOUNTS OF WATER DECREED	EARLIEST DATE OF PRIORITY	STREAM
Clifford Beecher	2.72 S.F.	April 30, 1872	Cassia Creek
Lot Udy	2.2 S.F.	May 13, 1873	Cassia Creek
Albert Cottle	2.00 S.F.	June 15, 1873	Cassia Creek
Reuben Ward	2.74 S.F.	April 30, 1874	Cassia Creek
J. L. Sears	3.00 S.F.	April 30, 1874	Cassia Creek
Art M. Ward	2.48 S.F.	Dec. 31, 1874	Cassia Creek
Ether Parke	2.00 S.F.	March 1, 1879	Cassia Creek
I. F. Deardorff	16.00 S.F.	April 1, 1879	Cassia Creek
Laggie E. Scott	8.1 S.F.	April 30, 1880	Cassia Creek
E. Williams	8.2 S.F.	April 30, 1880	Cassia Creek
J. Udy	1.2 S.F.	April 30, 1880	Cassia Creek
Aronso Darrington	1.2 S.F.	April 30, 1880	Cassia Creek
Arrett Hutchinson	4.0 S.F.	April 30, 1880	Cassia Creek
S. Gamble	2.9 S.F.	April 30, 1880	Cassia Creek
W. Wickel	2.00 S.F.	May 31, 1881	Cassia Creek
ewis Wickel	1.9 S.F.	April 1, 1881	Cassia Creek
Richard Kossman and		July 15, 1881	Cassia Creek
M. Kossman	1.4 S.F.	March 1, 1882	Raft River
S. J. S. Hutchinson	1.9 S.F.	April 30, 1882	Cassia Creek
R. Parish	.8 S.F.	April 1, 1883	Cassia Creek
C. Wake	1.4 S.F.	March 1, 1882	Raft River

PROVIDED, also, that when the total flow of Cassia Creek is 21.54 cubic second feet of water at the three-way diversion point on Cassia Creek, the transferred water rights are no longer good to any extent and shall be disregarded.

PROVIDED, also, that the water saved by eliminating the transmission loss between the three-way diversion point on Cassia Creek and the upper and southernmost diversion point where the water has heretofore been diverted from Raft River in Section 24, Township 12 South, Range 16 E. 1/4, Cassia County, Idaho, shall become and the same is hereby confirmed and made appurtenant to all of the lands of the water users of Raft River and Cassia Creek lying and being in Water District No. 8-C, Cassia County, Idaho, with priority dates as established by the Federal decrees in the case of Albion Land Company vs. Jobe Adams, et al., entered in the records of the Commissioner of Reclamation of the State of Idaho (now State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324; each land owner to receive a proportionate share of said water upon the basis of his decreed right or rights, as aforesaid.

IV

That a new certificate of water right shall be issued by James Spofford, State Reclamation Engineer of the State of Idaho, in lieu of Certificate of Water Right, Transferred Right No. 618, which has been cancelled and held or naught by this decree, and that said new certificate shall in all respects be in accordance with the terms and provisions of this decree.

V

That plaintiffs shall recover their costs against the defendant, Cassia Creek Irrigation Company, Inc., taxed at \$56.25.

Dated this 1st day of June, 1943.

/s/ James W. Porter
District Judge

AL)
tified: Nov. 13, 1959
nk Kearns, Clerk of the District Court
/s/ Georgia Anderson
5309, Cassia County, In Book 9 of
ements pages 186-188
ived: Nov. 16, 1959
rded: Dec. 2, 1959

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MAR 02 1993

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

Clifford Beecher, Lot Udy, Albert Cottle, Reuben Ward,
C. L. Sears, Art M. Ward, Esther Parke, H. P. Deardorff,
Maggie E. Scott, W. E. Williams, A. J. Udy, Lorenzo Darrington,
Garrett Hutchinson, C. S. Gamble, H. W. Wicel, Lewis Wickel,
Richard Kossman, Mrs. J. S. Hutchinson, A. R. Parish, R. C. Wake,
and F. M. Kossman,

Plaintiffs

-vs-

AMENDMENT

TO DECREE

Cassia Creek Irrigation Company, Inc., a corporation,
and E. V. Berg, Commissioner of Reclamation of the
State of Idaho,

Defendants.

Whereas the above entitled action came regularly on for trial on the sixteenth day of November 1942, at the court house, Cassia County, Idaho, the Honorable James W. Porter, district judge, presiding. And whereas, thereafter, the court on the first day of June, 1943 made and entered its finding of facts, conclusion of law and decree in said action; and whereas said cause was duly appealed to the Supreme Court of the State of Idaho, and after hearing, duly had before the said Supreme Court on such appeal; the Supreme Court of the State of Idaho rendered its decision and opinion on the twenty-first day of December, 1944, and whereas, no motion or application for rehearing having been filed, in due course a mandate was issued herein by said Supreme Court of the State of Idaho, and duly filed in this court directing said District Court to make certain changes and amendments in said finding of facts and decree. Now, therefore, in compliance with said decision and mandate, it is ordered, adjudged and decreed, that the said decree as originally entered in this action be amended as follows, viz.

-I-

That paragraph three of said decree be amended by striking therefrom all that part of said decree beginning with the words "Thenames of the water users and amounts of water decreed and the earliest day of priority, and the streams from which their rights are diverted to which under this provision applies being as follows," And ending with the words "R. C. Wake" in the last line of said paragraph above the provision. And that the following be inserted herein in lieu thereof. That each of the plaintiffs are entitled to divert and use the water of Cassia Creek, with the priority and in the amount and with the points of diversion, mentioned and set out in the decree rendered in the case of Albion Idaho Land Company, corporation, vs. John Adams, and others, defendants, said decree being entered in the United States District Court, District of Idaho, which decree is dated October 21, 1928, and amended January 8, 1929, and not otherwise.

That said decree be further amended by striking out the first proviso immediately following the words "R. C. Wake", and that in lieu thereof there be inserted the following provision, provided, also, That when the total flow of Cassia Creek is less than 21.4 cubic second feet of water at the three-way diversion point on Cassia Creek, measured with no diversions from the creek, except to the "Bar M" decree with priority of April 30, 1872, and the Beecher, Sears, and Ward rights of equal priority, the transferred rights are no longer good, to any extent, and shall be disregarded.

Dated at Chambers in Twin Falls, Idaho, in said District on this 2nd day of August, 1945.

/s/ James W. Porter
District Judge

EAL)
Certified: Nov. 13, 1959
Frank Kearns, Clerk of the District Court
/s/ Georgia Anderson
152119 in Book 9 of
Judgments - page 415
Received Nov. 16, 1959
Recorded: Dec. 2, 1959

MICROFILMED
MAR 02 1993

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: A43-00068
Date Received: 6/15/1989
Receipt No: S008271
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID J. HELLWINKEL 208-645-2256
Address: HC 61 BOX 1240
MALTA, ID 83342

AND/OR

Name: JULIE A. HELLWINKEL 208-645-2256
Address: HC 61 BOX 1240
MALTA, ID 83342

2. Date of Priority: APR 30, 1872

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	19	NW	SW	NW		CASSIA
			NE	NE	SW		CASSIA

5. Description of diverting works:
WEIR, HEADGATE, DITCH...SEE ATTACHED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.880		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 282.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/275 BEEF STOCK, 8 HORSES, 25 SHEEP

A43-00068

Page 1

Date: 06/15/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	19	NE	SW		IRR	18.0
			NW	SW		IRR	20.0
			SW	SW		IRR	10.0
			SE	SW		IRR	20.0
			NE	SE		IRR	18.0
			NW	SE		IRR	19.0
			SW	SE		IRR	30.0
			SE	SE		IRR	35.0
						Section Acres	170.0
		20	SE	SW		IRR	35.0
						Section Acres	35.0
						Total Acres	205.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-00070B, 00071B, 00073B, 00074B, 00476

14. Remarks:

WATER ALSO USED FOR STOCK IN SECTIONS 19 & 20.

A43-07139...SPRING RUNOFF ALSO USED ON ADDITIONAL 37 ACRES IN SW QTR, SEC 19.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SEARS

Decree Plaintiff

BERRYMAN

vs

Decree Defendant

MICROFILMED
MAR 02 1993

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

43-00068

Date Received

Receipt Number

RECEIVED

JUN 7 1989

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources
Southern Region Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David J. and/or Julie A. Hellwinkel Phone (208) 645-2256Mailing Address HC 61 Box 1240, Malta, Idaho Zip 833422. Date of Priority (Only one (1) per claim) April 30, 18723. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. a. Location of existing point of diversion is: Township 13 South Range 26 East Section 19, No. ban
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of CassiaAdditional points of diversion if any: 1) South bank SW 1/4 NW 1/4 SW 1/2, Township 13 South
Range 26 East Section 19 of the Boise Meridian.

b. If instream flow, beginning point of claimed instream flow is:

Township 13 South Range 26 East Section 19, SW 1/4 of NW 1/4 of SW 1/4,Govt. Lot B.M., County of Cassiaending point is: Township 13 South Range 26 East Section 20, SW 1/4 of NW 1/4 ofSW 1/4, Govt. Lot B.M., County of Cassia5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See attached exhibits

MICROFILMED

MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 10/15 amount 1.88 or _____

For Stockwater purposes from 1/01 to 12/31 amount .09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.88 (cfs) and/or (b) 94 (acre feet)

8. Total consumptive use claimed is 282 acre feet per annum. (94 x 3)

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater for 275 cattle, 8 horses, 25 sheep

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
13S	26E	19									18	20	10	20	18	19	30	35	
13S	26E	20												35					
Sections	19	& 20									S	S	S	S	S	S	S	S	

Total number of acres irrigated 205

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

12. Do you own the property listed above as place of use? Yes xx No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

See remarks below - acres above are cumulative total of rights. or None ()

14. Remarks:

All water rights irrigate a total of 205 acres, as above, per the Jobe Adams Decree. This includes permits #43-0068, 43-0070B, 43-0476 , 43-0073B, 43-0074B. The 205 acres above described does not include the rights under permit 43-0071B on Chokecherry Creek for .26 cfs irrigating an additional ^{07/34} 75 acres. Only 13 acres under this Permit 43-0071B are included in the cumulative total.

Last Name HELLWINKEL Ident No. _____

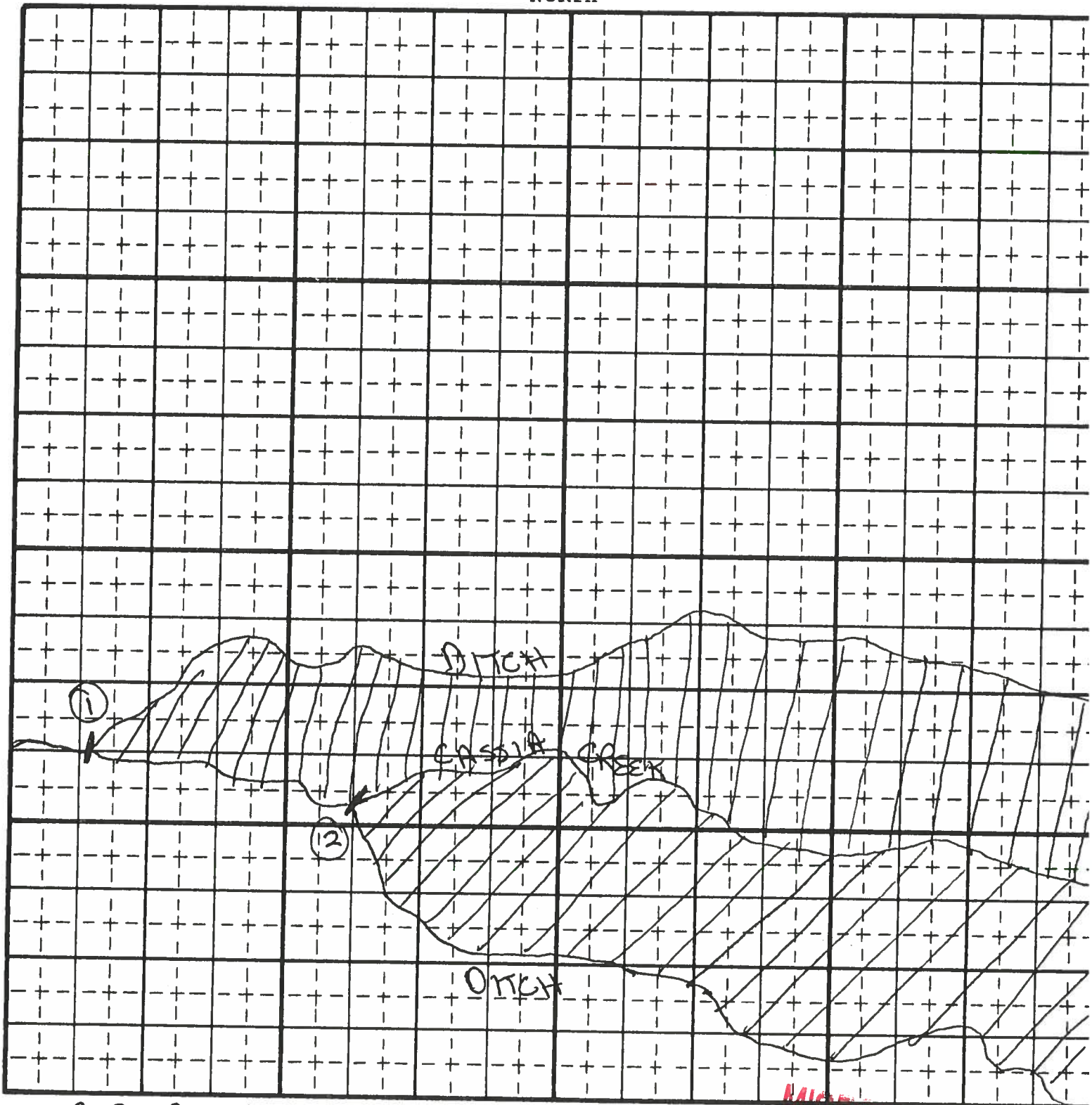
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: ~~XXXX~~
8 inches equals 1 mile

TOWNSHIP 13 SOUTH
RANGE 26 E. SECT.

NORTH



2 DIVERSIONS

SOUTH

MICROFILMED
MAR 02 1993

Last Name HELLWINKEL Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree xx

If applicable provide IDWR Water Right Number 43-0068

Court Fifth Judicial Dist. Case Number 12238 Decree Date 4-30-72

Plaintiff vs Defendant Wallace Seaw and Ramona Seaw vs Glenn Benjamin and Virginia Benjamin
(see attached)

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 6

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

David J. Hellwinkel

Date 5-6-89

Julie A. Hellwinkel

Date 6-6-89

Julie A. Hellwinkel

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
) SS.

County of Cassia)

Subscribed and sworn (or affirmed) before me this 6th day of June 19 89

SEAL

Notary Public

Rosella Reddo

Residing at Malta, Idaho

My Commission Expires

April 6, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
MAR 02 1993

Last Name HELLWINKEL Ident. Number _____

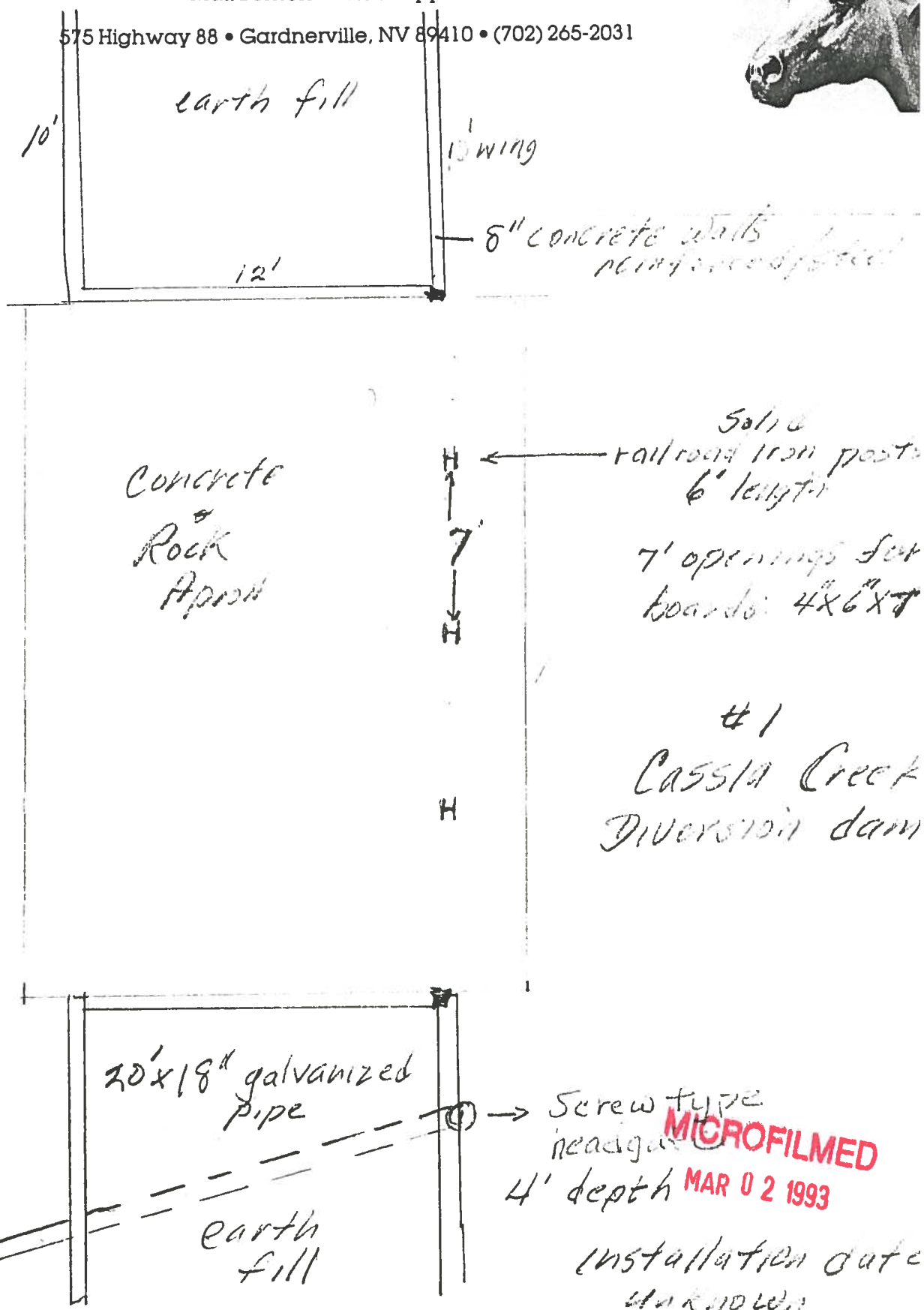
Copies White-State, Yellow-Claimant

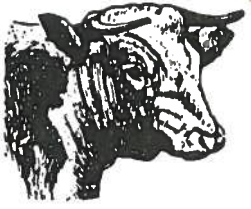


Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

575 Highway 88 • Gardnerville, NV 89410 • (702) 265-2031

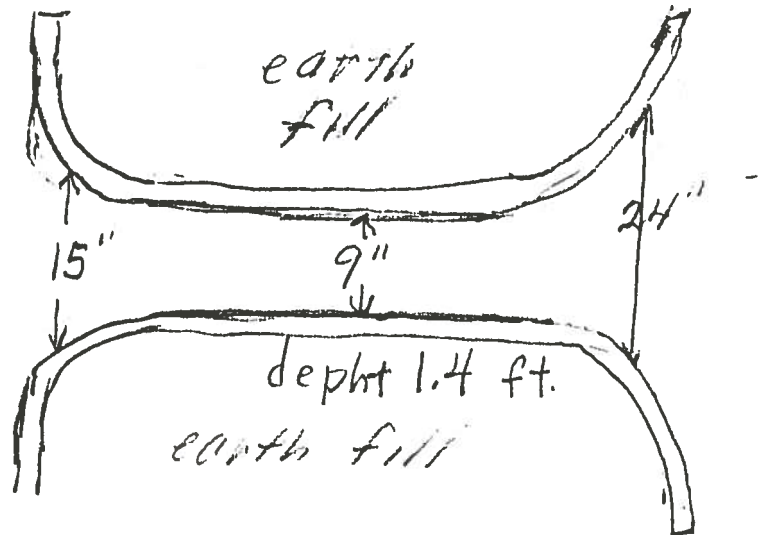




Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

575 Highway 88 • Gardnerville, NV 89410 • (702) 265-2031



Hellwink
Passia Creek

Weirs for water measure
North Side #1 Diversion
& South Side #2 Diversion

MICROFILMED
MAR 02 1993

14-1284

10.16
Josephine

PARSONS SMITH, STONE & FLETCHER
ATTORNEYS
BURLEY, IDAHO

PARSONS, SMITH, STONE & FLETCHER
Attorneys for Defendants, Berryman
137 West 13th Street
P O Box 910
Burley, Idaho 83318
Tel. No. (208) 678-8382

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

WALLACE SEARS and RAMONA
SEARS, husband and wife,
Plaintiffs,

Case No. 12218

vs.

PROCEEDINGS ON REMAND, FINDINGS
OF FACT, CONCLUSIONS OF LAW,
AND JUDGMENT.

GLENN BERRYMAN and VIRGINIA
BERRYMAN, husband and wife,
et al,
Defendants.

The above-entitled action was tried on April 4, 1978.
An Amended Judgment and Decree was entered on the 17th day of
November, 1978. An appeal was taken from the Amended Judgment and
Decree. The Supreme Court of the State of Idaho affirmed the
Amended Judgment and Decree with the exception of the issue as to
25 inches of the 1879 water, which was part of the Sadie Beecher
water in the Jobe Adams decree. The Supreme Court remanded the
case to the District Court to determine who was entitled to the
said 25 inches of the 1879 Sadie Beecher water.

The matter was accordingly set for hearing on November
12, 1981. Lawrence H. Duffin appeared for the plaintiffs and
William A. Parsons, of Parsons, Smith, Stone & Fletcher, for the
defendants, Glenn Berryman and Virginia Berryman. Josephine
Page 1 - Proceedings on Remand, Findings
of Fact, Conclusions of Law,
and Judgment

RECEIVED
JUL 15 1981
FBI - BURLEY

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BOULEVARD, IDAHO

1 priority of April 30, 1872, for the use by Norman Brothers,
2 successors in interest to Berrymans, on the following property:

3 The South Half (S $\frac{1}{2}$) of Section 19, and the West
4 Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section
5 20, Township 13 South, Range 26 East Boise Meridian,
6 excepting therefrom that portion deeded to the
7 State of Idaho for highway purposes, being a
8 portion of the North Half of the Southwest Quarter
9 (N $\frac{1}{2}$ SW $\frac{1}{4}$) and the North Half of the Southeast Quarter
10 (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 19, and a portion of the North-
11 west Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of
12 Section 20 of Township 13 South, Range 26 East
13 Boise Meridian, Cassia County, Idaho.

14 C. The water rights of the plaintiff, Wallace Sears
15 and Ramona Sears, with the current Findings and Conclusions and
16 based on the previous Judgment are:

- 17 (1) .36 c.f.s., or 18 inches, with a
18 priority of April 30, 1872.
- 19 (2) .34 c.f.s., of 17 inches, with a
20 priority date of April 30, 1873.
- 21 (3) 1.2 c.f.s., or 60 inches, with a
22 priority date of April 30, 1879.
- 23 (4) 1.77 c.f.s. or 88.50 inches with a
24 priority date of April 1, 1894.
- 25 (5) .20 c.f.s., or 10 inches with a
26 priority date of April 27, 1910.

27 for the irrigation to the lands described in paragraph A hereof.

28 D. The water rights of Norman Brothers, successors in
29 interest to Berrymans, with the current Findings and Conclusions,
30 and based on the previous Judgment are:

- 31 (1) 2.38 c.f.s. or 119 inches with a
32 priority date of April 30, 1872 (.24 c.f.s. or
33 12 inches of which are from Spring Tunnel).
- 34 (2) .26 c.f.s. or 13 inches with a
35 priority date of April 30, 1873.
- 36 (3) 1.31 c.f.s. or 65.50 inches with a
37 priority date of April 1, 1894.
- 38 (4) .16 c.f.s. or 8 inches with a priority
39 date of April 27, 1910, from Side Hill Springs.

40 for irrigation of the lands described in paragraph B hereof.

41 E. These Findings and Conclusions are reflective of
42 the amount of water each party has for irrigation of the described

MICROFILMED
MAR 02 1993

PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS
BOISE, IDAHO

1 a predecessor interest, and that water decreed to Clifford
2 Beecher and Hazel Beecher in the Jobs Adams Decree as follows:

3 (a) 2.38 c.f.s. or 119 inches with a
4 priority date of April 10, 1872 (.24 c.f.s. or
5 12 inches of which .24 from Spring Tunnell).

6 (b) .24 c.f.s. or 12 inches with a
7 priority date of April 10, 1873.

8 (c) 1.11 c.f.s. or 63.50 inches with a
9 priority date of April 1, 1894.

10 (d) .16 c.f.s. or 8 inches with a
11 priority date of April 27, 1910, from Side Hill
12 Springs.

13 for the irrigation of the following described real property:

14 The South Half (S $\frac{1}{2}$) of Section 19, and the
15 West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of
16 Section 20, Township 13 South, Range 26 East,
17 Boise Meridian, excepting therefrom that portion
18 deeded to the State of Idaho for highway purposes,
19 being a portion of the North Half of the Southwest
20 Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and the North Half of the Southeast
21 Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 19, and a portion of
22 the Northwest Quarter of the Southwest Quarter
23 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20 of Township 13 South,
24 Range 26 East Boise Meridian.

25 with no points of diversion located in the Southwest Quarter
26 (SW $\frac{1}{4}$) of Section 19, Township 13 South, Range 26 East, Boise
27 Meridian.

28 3. The Water Master of District 43-C shall distribute
29 the water decreed to Sadie Beecher and the water decreed to
30 Clifford Beecher and Hazel Beecher in the amounts and for the
31 lands described in paragraphs 1 and 2 of this Judgment.

32 4. Wallace Sears and Ramona Sears and Norman Brothers,
a partnership, are hereby permanently enjoined from asserting any
rights to the Sadie Beecher water except as decreed in this
Judgment.

DATED this 18th day of JUNE, 1982.

[Signature]
District Judge

Page 5 - Proceedings on Remand, Findings
of Fact, Conclusions of Law,
and Judgment

APPROVED

MICROFILMED
MAR 02 1993

DAVID HE
JULIE HE
HC 61

DAVID AND JULIE HELLWINKEL
HC 61 BOX 1240
IDAHO 83342
-2256

*Need check
Returned
for \$912.00*

RECEIVED

N 7 1989

ent of Water Resources
thern Region Office

ater rights filed
re directing these
ons when we were in

Enclosed
pursuant to the
claims to your attention as
your office last week.

A summary of our claims and the computed filing fee is as follows:

Permit #	Priority Date	c.f.s.	Acres	Filing Fee
43-0068	4-30-1872	1.88	94	\$ 144.00
43-0070B	4-30-1872	.26	13	63.00
43-0476	4-30-1872	.24	12	62.00
43-0071B	4-30-1873	.26	13	63.00
43-0073B	4-01-1894	1.31	65	115.00
43-0074B	4-27-1910	.16	8	58.00
		4.11	205	505.00
43-07139	3-09-1979	1.50	75	~~125.00~~ 87.00
Beneficial	4-27-1910	.10	5	55.00
43-00190	1885	1.00	50	105.00
Beneficial	1885	.40	20	70.00
Beneficial	1885	.30	15	65.00
Domestic/stock	1944	N/A	N/A	25.00
		7.41	370	\$ ~~950.00~~ 912.00

We have enclosed our check for \$950.00 in payment of the filing fee. We have also included \$7.50 for our subscription to the docket sheet in 1989.

If there is anything we have forgotten or if you have questions, please contact us. Julie's work number is (208)645-2211. Thank you for your assistance when we were in.

Sincerely,

Julie Hellwinkel
David and Julie Hellwinkel

Water Right Number - 43-00068

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
NORMAN BROTHERS

1 -

2 -

3 -

City-

Phone -

State-

Zip-

*** O - ORIGINAL OWNER ***

BEECHER

CLIFFORD

1 -

2 -

3 -

City-

Phone -

State-

Zip-

BEECHER

HAZEL

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
04/30/1872+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - +
CASSIA CREEK+ - - - - Tributary - - - - +
RAFT RIVER+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County
13S 26E 19 NW SW (31) CASSIA+ - - - - Description - - - - +
Code Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

1.880

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.880

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	25E	19	NE SW			01	IRRIGATION	(31) CASSIA	
13S	25E	19	NW SW			01	IRRIGATION	(31) CASSIA	
13S	25E	19	SW SW			01	IRRIGATION	(31) CASSIA	
13S	25E	19	SE SW			01	IRRIGATION	(31) CASSIA	
13S	25E	19	NE SE			01	IRRIGATION	(31) CASSIA	
13S	25E	19	NW SE			01	IRRIGATION	(31) CASSIA	
13S	25E	19	SW SE			01	IRRIGATION	(31) CASSIA	
13S	25E	19	SE SE			01	IRRIGATION	(31) CASSIA	
13S	25E	20	NW SW			01	IRRIGATION	(31) CASSIA	
13S	25E	20	SW SW			01	IRRIGATION	(31) CASSIA	

MICROFILMED
MAR 02 1993

Water right number - 43-00068 Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres:

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-0070B, 0476, 0071B, 0073B, 0074B

P/U INCOMPLETE, SEE FILE

Remarks

No Conditions of Approval found.

- - - Decree Plaintiff	- - - +	+ - - - Decree Defendant	- - - +	+ - Decree Date	- +
SEARS		BERRYMAN		06/18/1982	

- - - Audit Fields -

- - - Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/18/1982				

MICROFILMED
MAR U 2 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

E-mail address: kchrste@idwr.state.id.us

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 2001

COPY

LARRY KINCADE
1781 E HWY 77
MALTA ID 83342

RE: RESPONSE TO NOTICE OF ERROR FILINGS

Dear Larry

Enclosed are the preliminary recommendations as updated. Please review them to determine if they are satisfactory.

As I have not received any evidence of priority for 43-10510 (the spring irrigation on the hillside north of the home site on Clyde Creek), that claim is still recommended for disallowal. To allow me time to complete the data entry to update the recommendation for this claim as valid, I need the information before the end of next week. Beyond next week the database is 'locked' for further changes until after the director's report has been submitted to the court. Assuming that the information does not come in in time, you would be required to file an objection to the recommendation for 43-10510 and then follow the court procedures to get the recommendation changed.

Please give me a call if you have any questions.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

enclosures

05/10/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-68

DARLENE KINCADE

~~HC 61 BOX 1240~~ 1781 E Hwy 77

MALTA ID 83342

Telephone Number: (208)645-2346

LARRY KINCADE

~~HC 61 BOX 1240~~

MALTA ID 83342

Telephone Number: (208)645-2346

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-13-01 SIGNATURE: Darlene Kincade

Please print your name: Darlene Kincade

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

06/15/2001

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

RIGHT NUMBER: 43-68

NAME AND ADDRESS: DARLENE KINCADE
LARRY KINCADE
1781 E HWY 77
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.88 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476, AND 43-7139.

PRIORITY DATE: 04/30/1872

POINT OF DIVERSION: T13S R26E S19 LOT 3 SWNWSW Within CASSIA County
T13S R26E S19 LOT 3 SENWSW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	1.88 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County						
T13S R26E S19	NESW	21	T13S R26E S19	LOT 3	NWSW	11
T13S R26E S19	SESW	7.8	T13S R26E S19		NESE	17
T13S R26E S19	NWSE	19	T13S R26E S19		SWSE	26
T13S R26E S19	SESE	33	T13S R26E S20		NWSW	5.6
T13S R26E S20	SWSW	37				

177.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-68, 43-70B, 43-71B, 43-73B, AND 43-476.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 187.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476, AND 43-7139.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

LARRY Kincade

10-19-99

A43-00068 claimed @ 3.29 CFS. Remarks indicate 1.88 from
 - 00070B decreed right 00068 (Both J. Adams decree & Sears vs Barry
 5ANC
 P/U
 00071B The balance of 1.41 CFS from 1872 water identified
 00073B in the Beecher vs. Cassia Cr Irr Co (amended). The basis
 00074B for the proportionate share of the Beecher Water not
 Common System clear. Some evidence indicates that all water
 (K to include) identified in the Beecher vs Cassia Cr Irr Co. Was
 00071B abandoned.

If this right proves valid as claimed it should be renumbered to a 10,000 series claim to better represent a combined right.

The other 4 rights claim a common P/U

The claimed P/U includes the riparian area around Cassia Creek and GIS found the P/U to be near the 205 claimed acres.

Using GIS the irrigated place of use is approximately 132 acres. This excludes the riparian area around Cassia Creek.

On assumed data entry error exists in Sec 20 SE SW. It appears that it should be the SW SW. A portion of the ²⁰⁵ P/U includes acres irr under 43-07139

43-00476. Claimed source is Tunnel Spring. Claimed system is to allow Tunnel Spring water to flow into Cassia Cr and to divert an equivalent amount through the same system identified for the 4 rights listed above.

A43-00476 cont.) Need to identify the original system/source and the date of the change. (last decree was dated June 18, 1982)

A43-07139 claimed as a permit, field exam in 1984 licensed in 1990. Recommendation made based primarily on license data. P/U acres shifted based upon GDS layout. Need to verify remarks concerning O.L. with Cassia Cr rights.

43-16509. P/U South of Sears Cassia Cr irrigated P/U. Problems with legal descriptions on P/U. Claim form generated for possible amendment to P/U.

A43-00074B. Source in Sears vs Berryman indicates Side Hill Spring. claim just talks about Cassia Creek. Need to identify issues.

Preliminary analysis.

This claim appears to represent a combined total of 1.88 CFS as identified on the allocations data base and approximately 54% of 1872 decreed water as identified in the Beacher vs Cassia Creek Irr. Company dec.

A call to Sharla Curtis asking for explanation of difference between Decreed rate of 2.38 CFS & the data base rate of 1.88 CFS was made on 5-4-99. Ans below

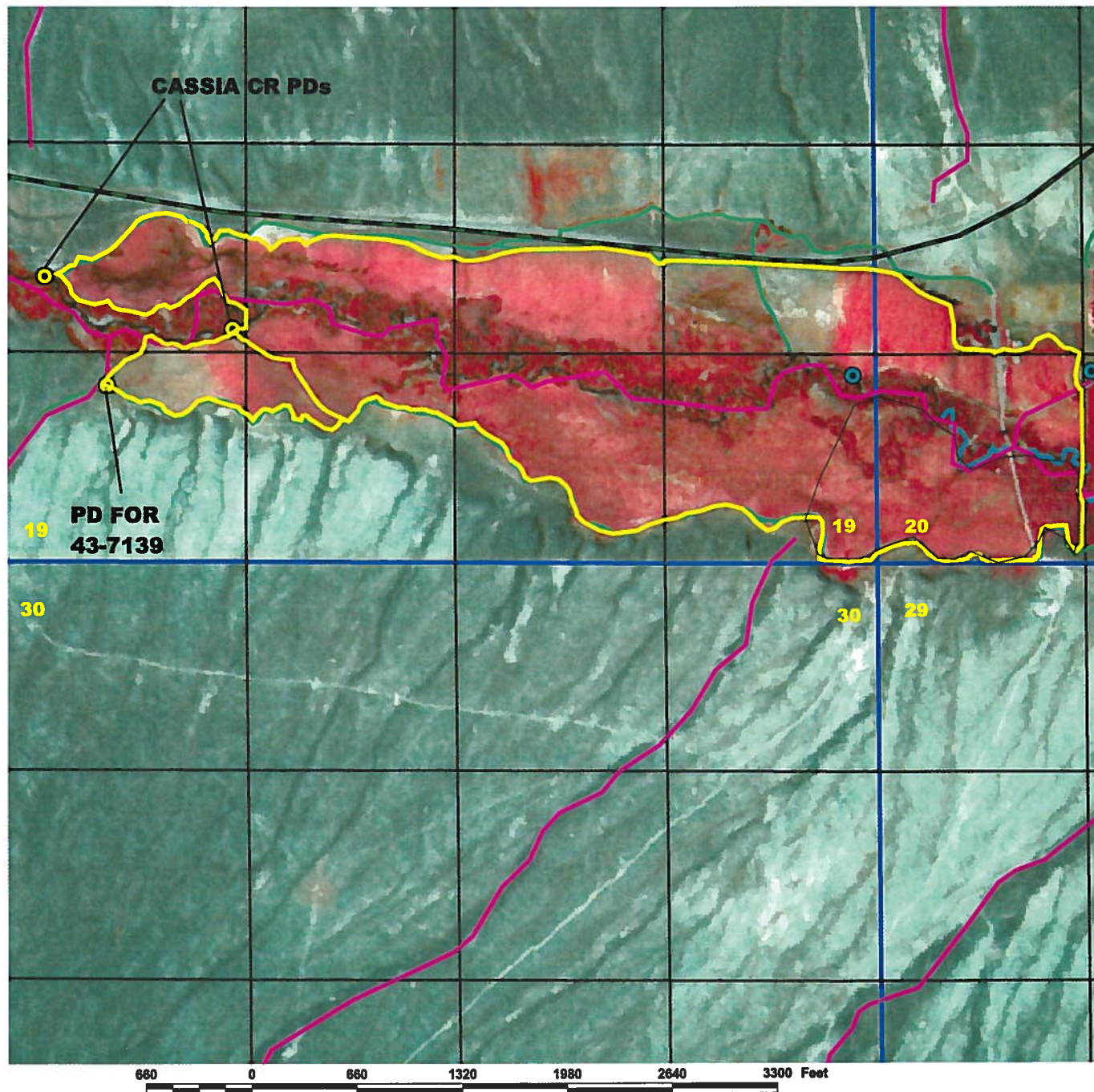
XKC



{ Claimed separately as;	43-00068	was decreed for	1.88 CFS
	43-00070B	(split in Sears vs Berryman)	.26 CFS
	43-00476		.24 CFS - Source Tunnel Spring
A43-00068@	3.28 cfs	(includes Stockwater)	2.38 CFS - Court decree rate
A43-00070B	0.26 cfs	(includes Stockwater) or	2.14 CFS from Cassia Creek
A43-00476	0.24 cfs	" "	

Idaho Department of Water Resources

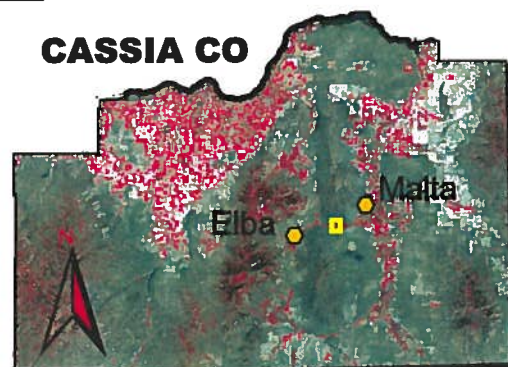
**RECOMMENDED PLACE OF USE FOR
43-68, 43-70B, 43-71B, 43-73B, 43-74B, AND 43-7139**



PLACE OF USE
TWP 13S, RNG 26E, SEC 19 & 20
Data entry on February 23, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



E222

T 14178

D72

T 14178
E199

24/19
25/30

30/29

