

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: **A43-00074B**
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 27, 1910

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	0.160		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 24.0 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:

A43-00068, 00070B, 00476, 00071B, 00073B

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.

8-12-98: DATA ENTRY CORRECTED FROM RANGE 25E TO 26E PER ORIG CLAIM - VH

10/1/98 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: / /

SEARS

Decree Plaintiff

BERRYMAN

vs

Decree Defendant

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..

229555

QUITCLAIM DEED

FOR VALUE RECEIVED, DAVID J. HELLWINKEL aka DAVID HELLWINKEL, a divorced man, of 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.

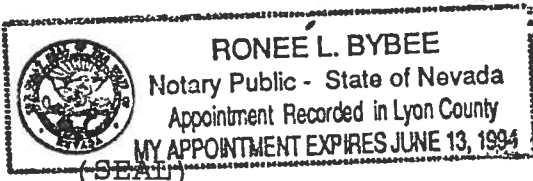
DATED this 28th day of February, 1994.

David J. Hellwinkel
David J. Hellwinkel

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

On this 28th day of February, 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, Nevada
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 $\frac{1}{2}$ 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.

Exhibit A

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)

A. David Bradley
Notary Public;
Residing at Malta, 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: N½, N½SE½, and Lots 1 and 2

Section 27: N½NE½, SE½NE½, 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
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
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-

EXHIBIT "B-1"

Page 1 of 2

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 58°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-

EXHIBIT "B-1" Page 2 of 2

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 26 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 $\frac{1}{2}$ 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
J. A. Shetty
APR 21 11 AM '77
CASSIA COUNTY, IDAHO
REC'D
15:00
Day 487
Dunley, J. A.

107202
USDA-FHA
Form FHA 460-1
(Rev. 2-2-72)

Portion 1 (Chattel)
Portion 5 (Real Estate)

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, That the United States of America, as owner and holder, of the following described land

LK 7-30-97

SD-0601-2 Last Name: HELLWINKEL

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	HELLWINKEL						
-	DAVID J	A+R C	A43-10505	04/01/1944	GROUNDWATER	0.060	43 DOMEST 04 STOCK
-	DAVID J	A+R C	A43-10509	04/27/1910	SPRINGS	0.100	04 STOCK 01 IRR
-	DAVID J	A+R C	A43-10510	01/01/1885	THREE SPRIN	0.400	04 STOCK 01 IRR
-	DAVID J	A+R C	A43-10511	01/01/1885	TWO SPRINGS	0.300	43 DOMEST 04 STOCK 01 IRR
-	DAVID J	C	R43-00068	04/30/1872	CASSIA CREE	3.290	01 IRR 04 STOCK
-	DAVID J	C	R43-00070B	04/30/1872	CASSIA CREE	0.260	01 IRR 04 STOCK
-	DAVID J	C	R43-00071B	04/30/1873	CASSIA CREE	0.260	01 IRR 04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

RECEIVED

MAY 13 1997

Department of Water Resources
Southern Region

LK 7-30-97

SD-0601-2 Last Name: HELLWINKEL

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
HELLWINKEL							
DAVID J	A+R	C	A43-00068	04/30/1872	CASSIA CREE	3.290	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00070B	04/30/1872	CASSIA CREE	0.260	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00071B	04/30/1873	CASSIA CREE	0.260	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00073B	04/01/1894	CASSIA CREE	1.310	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00074B	04/27/1910	CASSIA CREE	0.160	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00190	04/30/1885	CASSIA CREE	1.000	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-00476	04/30/1872	TUNNEL SPRI	0.240	01 IRR
							04 STOCK
DAVID J	A+R	C	A43-07139	03/09/1979	RUNOFF AND	1.500	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Licensed
5-24-90

SRBA Claims...

RECEIVED

MAY 13 1997

Department of Water Resources
Southern Region

LK 7-30-97

SD-0601-2 Last Name: HELLWINKEL

STATE

S	O	First	W	Water	Priority	Total	Use
E		Name	N	Right No.	Date	Diversion	Code Desc
L							
-	-	HELLWINKEL	-	-	-	-	-
-	-	DAVID J.	C	43-07139	03/09/1979	UNNAMED STR	1.500 01 IRR
-	-	JULIE A.	C	43-07139	03/09/1979	UNNAMED STR	1.500 01 IRR

*WATER RT filed for in adjudication...
has now gone to license.*

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Continue) (GOLD 7=This Query)

(Menu _____)

RECEIVED

MAY 13 1997

Department of Water Resources
Southern Region

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.

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: A43-00074B
Date Received: 6/15/1989
Receipt No: S008271
Received By:

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 27, 1910

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	0.160		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 24.0 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	~~25E~~ 26E corrected 6-8-95 KKL	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:

A43-00068, 00070B, 00476, 00071B, 00073B

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

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): _____ 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 _____



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

KARL J. DREHER
DIRECTOR

July 9, 1996

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-5301-3

Ida Department of Water Resources
Copy Selected Data to Multiple Claims

Date: 06/08/95
Time: 15:42:01

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

443-00074B

Date Received

Receipt Number

RECEIVED

NOTICE OF CLAIM

JUN 7 1989

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 Julie A. Hellwinkel Phone (208) 645-2256

Mailing Address HC 61 Box 1240, Malta, Idaho Zip 83342

2. Date of Priority (Only one (1) per claim) 4/27/1910

3. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 13S Range 26E Section 19,
NW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: NE 1/4 NE 1/4 SW 1/4 of Section 19.

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. See attached exhibits.

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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 .16 or 8

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) .16 (cfs) and/or (b) 8 (acre feet)

8. Total consumptive use claimed is 24 acre feet per annum. (8 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:

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									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 Snakecherry Creek
for .26 cfs irrigating an additional 75 acres.

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Last Name HELLWINKEL Ident No.

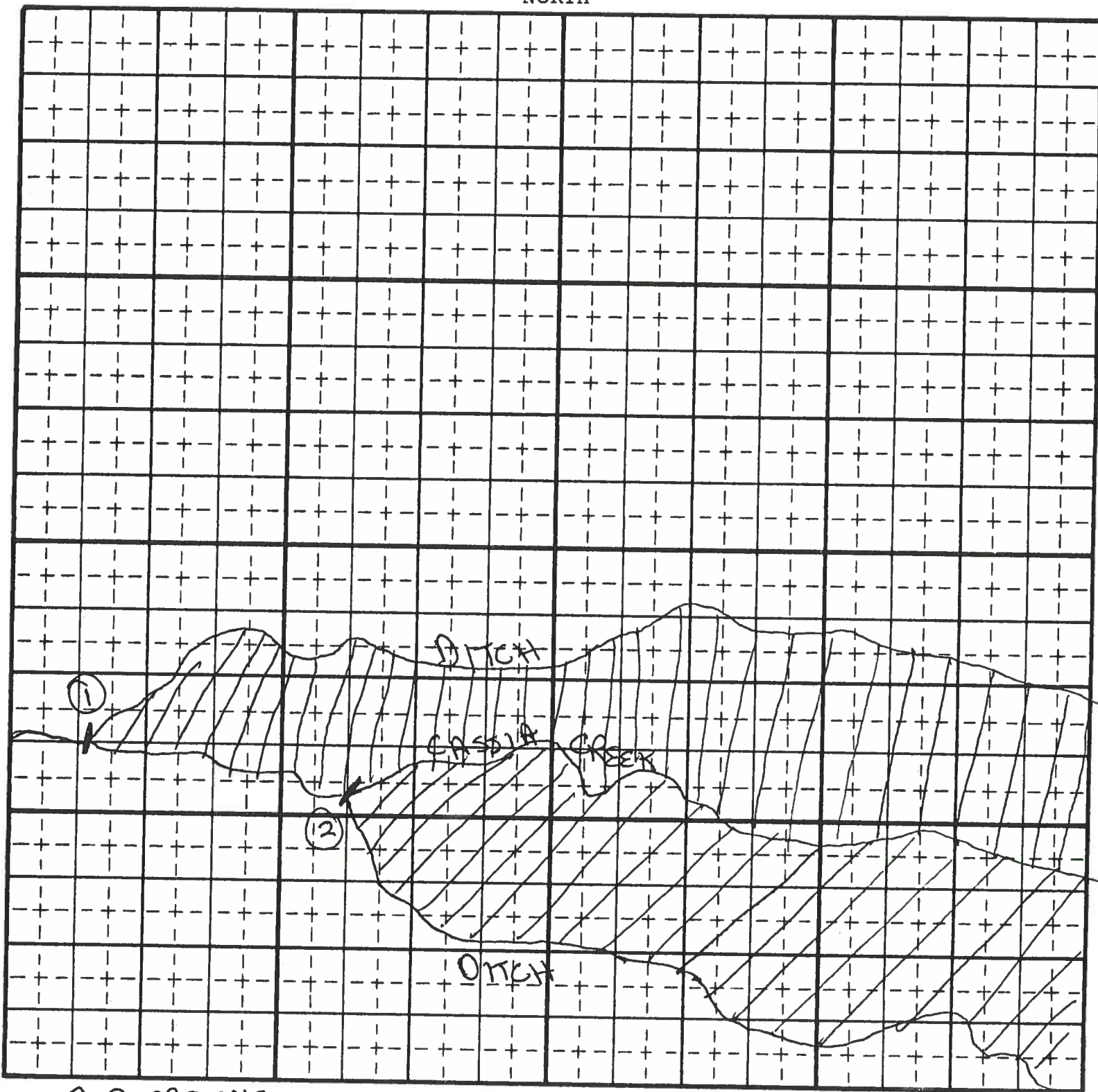
Copies: White -State, Yellow-Claimant

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

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

TOWNSHIP 13 SOUTH
RANGE 26 E. SECT. 19

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 43-0074B

Court Fifth District Case Number 12238 Decree Date 4-27-1910

Plaintiff vs Defendant Sears vs. Bengman (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 -3-

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 6-6-89

Julie Hellwinkel Date 6-6-89

Julie Hellwinkel

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

_____ Title _____ of _____, that I have signed the foregoing

document in the space below as _____ of _____

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 6th day of June 1989

SEAL

Notary Public Russell Hedder

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 _____

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MAR 02 1993

Last Name HELLWINKEL Ident. Number _____

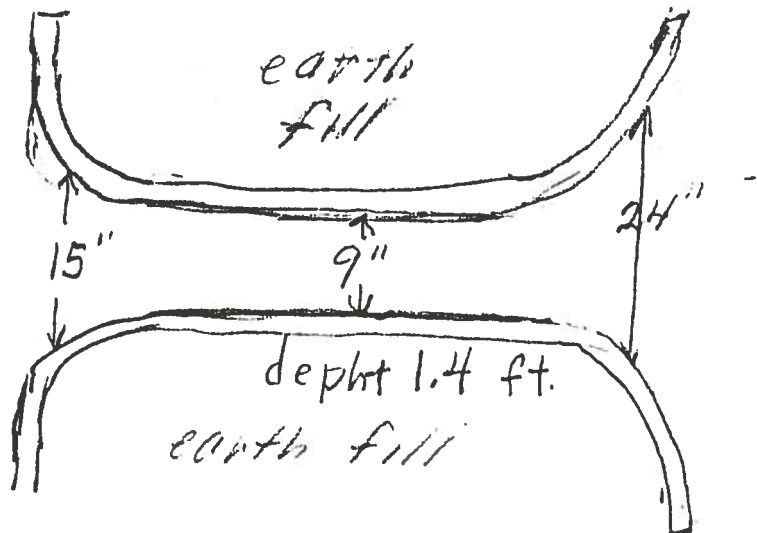
Copies White-State, Yellow-Claimant



Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

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



Heliwinked
Passia Creek

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

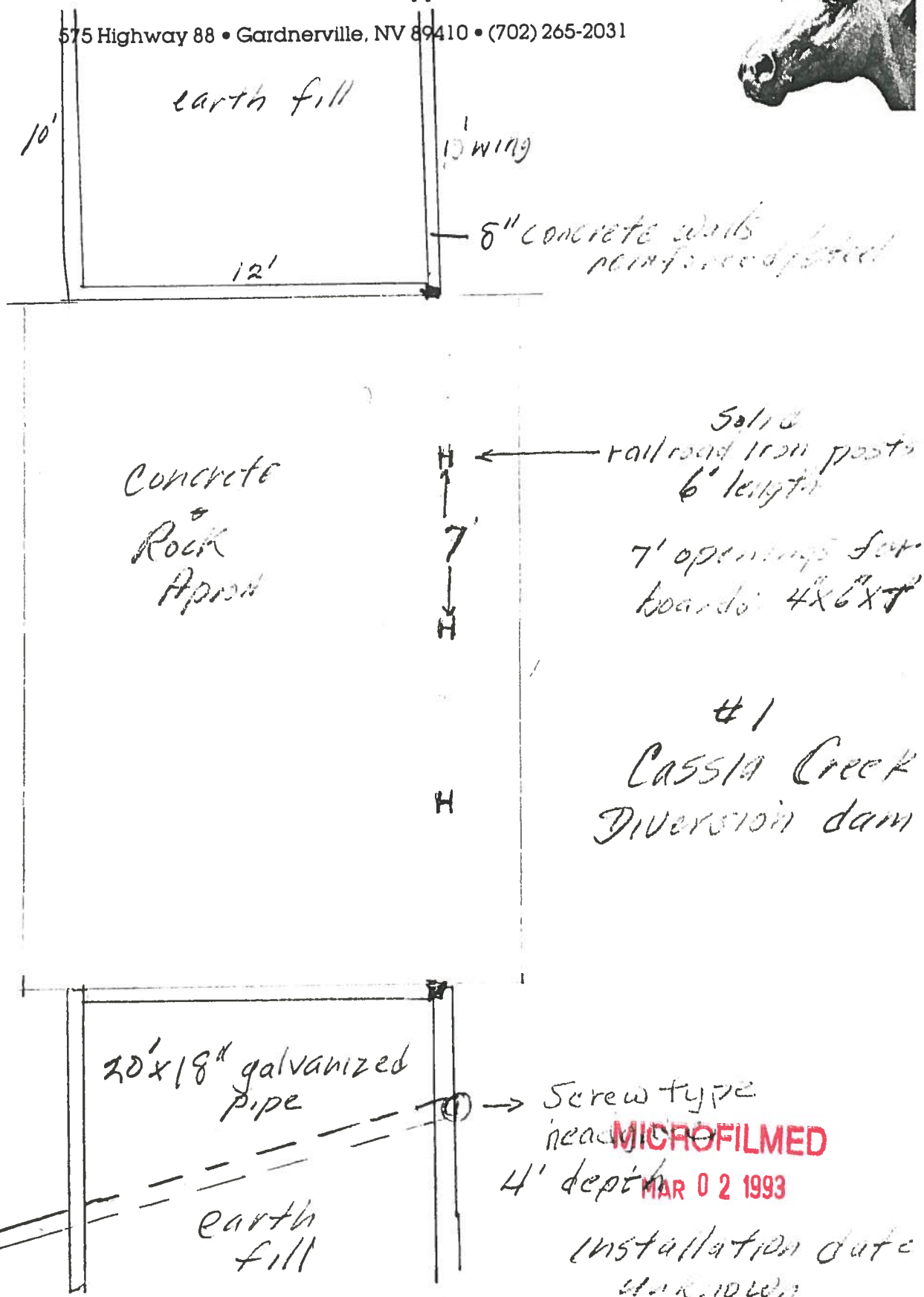
MICROFILMED
MAR 02 1993



Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

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



MICROFILMED

MAR 02 1993

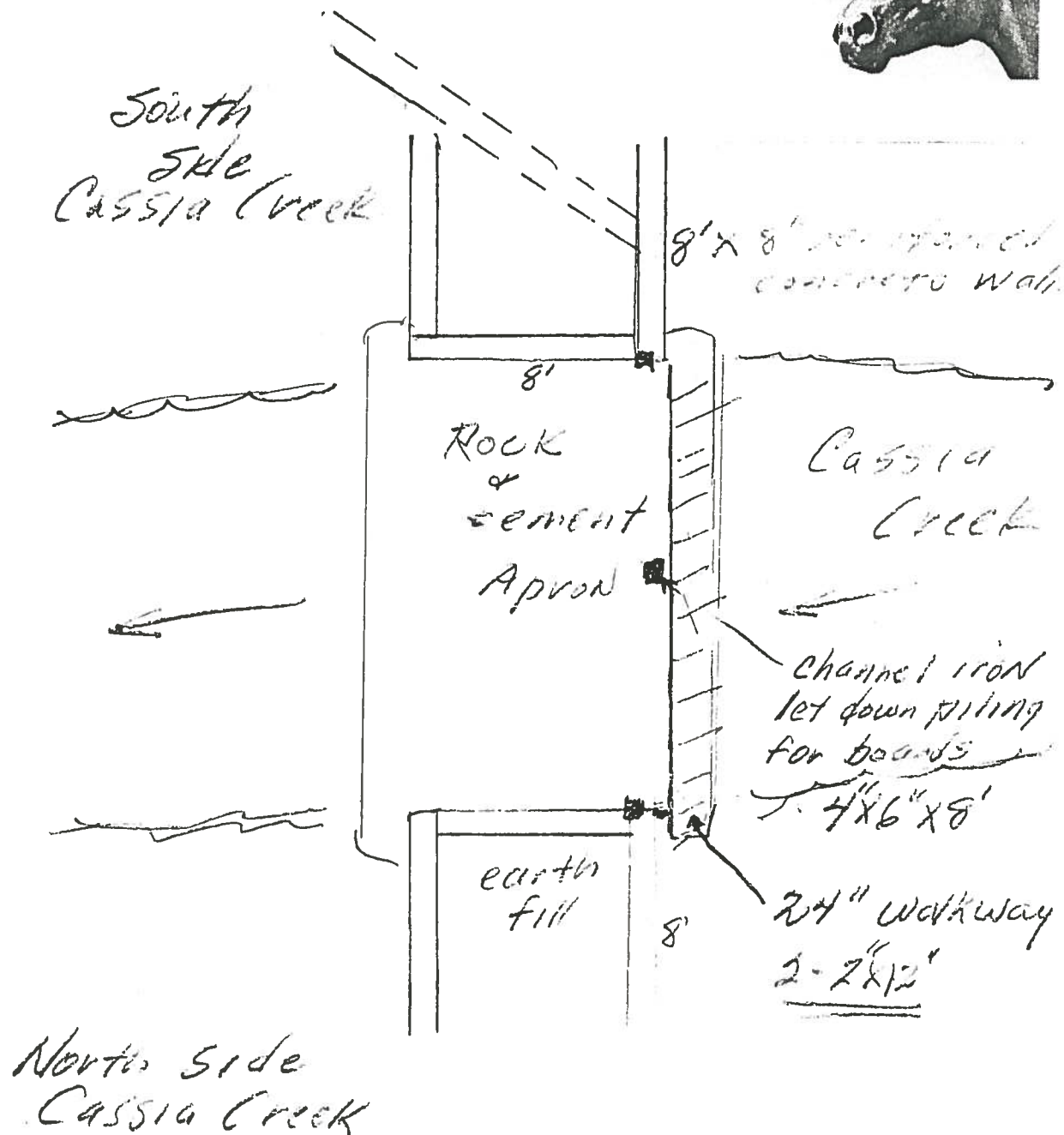
Installation date
4/10/93



Western Nevada Livestock Appraisal

Matt Benson • Senior Appraiser

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



North Side
Cassia Creek

To replace old
rock diversion dam.

1988 started
to be complete fall
1989

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MAR 02 1993

14-128-1

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

Josephine Berryman

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

WALLACE BEARS and RAMONA
BEARS, husband and wife,

Plaintiffs,

vs.

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

Defendants.

Case No. 12218

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

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

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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 plaintiffs, Wallace Beaman
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 Tunnell).
- 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

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PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS AT LAW
BOISE, IDAHO

1 a predecessor interest, and that water decreed to (1) for
2 Beecher and Hazel Beecher in the Jobe 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 from Spring Tunnel).

6 (b) .37 c.f.s. or 13 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:

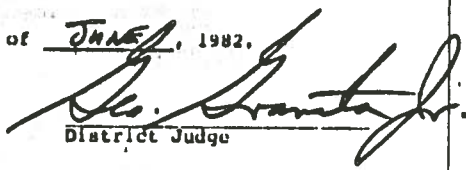
14 The South Half (S $\frac{1}{2}$) of Section 19, and the
15 West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of
16 Section 20, Township 13 South, Range 26 East
17 Boise Meridian, excepting therefrom that portion
18 deeded to the State of Idaho for highway purposes,
19 being a portion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

33 DATED this 18 day of JUNE, 1982.

34 
District Judge

35 Page 5 - Proceedings on Remand, Findings
36 of Fact, Conclusion of Law,
37 and Judgment

38 APPROVED

39 
40

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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

Department of Water Resources
Northern Region Office

D.L. EVANS
(208) 673-5301
PO BOX 517
ALBION, IDAHO

For \$912.00
1:12410358

Rocky Mountain Bank Note

D

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

Water rights filed
are directing these
actions when we were in

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 - 43-00074B

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

SADIE

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
04/27/1910

+ - - Region - - - +
17

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

SIDE HILL SPRINGS

Tributary - - - - +
CASSIA CREEK

+ - - - - Source - - - - +
TwN Rng Sec Tract Lot RPlg County Point of Diversion - - - - +

13S 26E 19 NW SW (31) CASSIA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

0.160

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
0.160

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	SE 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	

Total Acres:

+ - - Diversion Means -

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Water right number - 43-00074B Adj. flag translation: Standard Water Right Number

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0070B, 0071B, 0068, 0476, 0073B

+ - - - - - P/U INCOMPLETE, SEE FILE

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
SEARS BERRYMAN

+ - Decree Date - +
06/18/1982

+ - - Audit Fields -

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				

ICHO FILMED
MAR 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-74B

WATER RIGHT NUMBER: 43-74B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARLENE KINCADE 1781 E HWY 77 MALTA, ID 83342 (208)645-2346
Current Owner	LARRY KINCADE 1781 E HWY 77 MALTA, ID 83342 (208)645-2346

Priority Date: 04/27/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.160 CFS	
	<u>Total Diversion:</u>	0.160 CFS	

Location of Point(s) of Diversion

CASSIA CREEK	NE1/4SE1/4	Sec. 24, Twp 13S, Rge 25E, B.M.
CASSIA County		
CASSIA CREEK	NE1/4SE1/4	Sec. 24, Twp 13S, Rge 25E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
												L 3							
13S	26E	20									5.6	37.0							42.6

Total Acres: 177.4

Conditions of Approval:

1. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
2. 004 This right does not grant any right-of-way or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-74B

3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. X27 This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.
9. X35 Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
10. X36 Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.

Remarks:Comments:

1. scurtis 5/12/2003 11:00:43 AM Transferred Right
 Comment: This is now an approved transfer, transfer number = 70491

Dates and Other Information:

Licensed Date:
 Decreed Date: 6/28/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 43C
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.11		177.4

Combined Water Rights: 43-68 , 43-70B , 43-71B , 43-73B , 43-74B , 43-476

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-74B

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

**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: 43-74B

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:

Agree with ~~proposed~~ changes per office visit on 6/13/01

1) may need to install measuring device in future

2) if spring dries up no longer water right

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

DATE: 6-13 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: 43-74B

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

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.16 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: 04/27/1910

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	0.16 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
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 187.6ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-68,
43-70B, 43-71B, 43-73B, 43-74B, 43-476, AND 43-7139.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THE TIMES THE FLOWS OF SIDE
HILL SPRINGS AT THE ORIGINAL POINT OF DIVERSION, ARE AVAILABLE TO FILL THIS RIGHT.
THIS RIGHT MAY ALSO BE SUBJECT TO CONVEYANCE LOSS BETWEEN THE ORIGINAL POINT OF
DIVERSION AND THE MOUTH OF SIDE HILL SPRINGS ON CHALLIS CREEK.

A MEASURING DEVICE ACCEPTABLE TO THE DEPARTMENT MAY BE REQUIRED ON SIDE HILL
SPRINGS AT THE ORIGINAL POINT OF DIVERSION IN ORDER TO MEASURE THE CREEK FLOW.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43C.

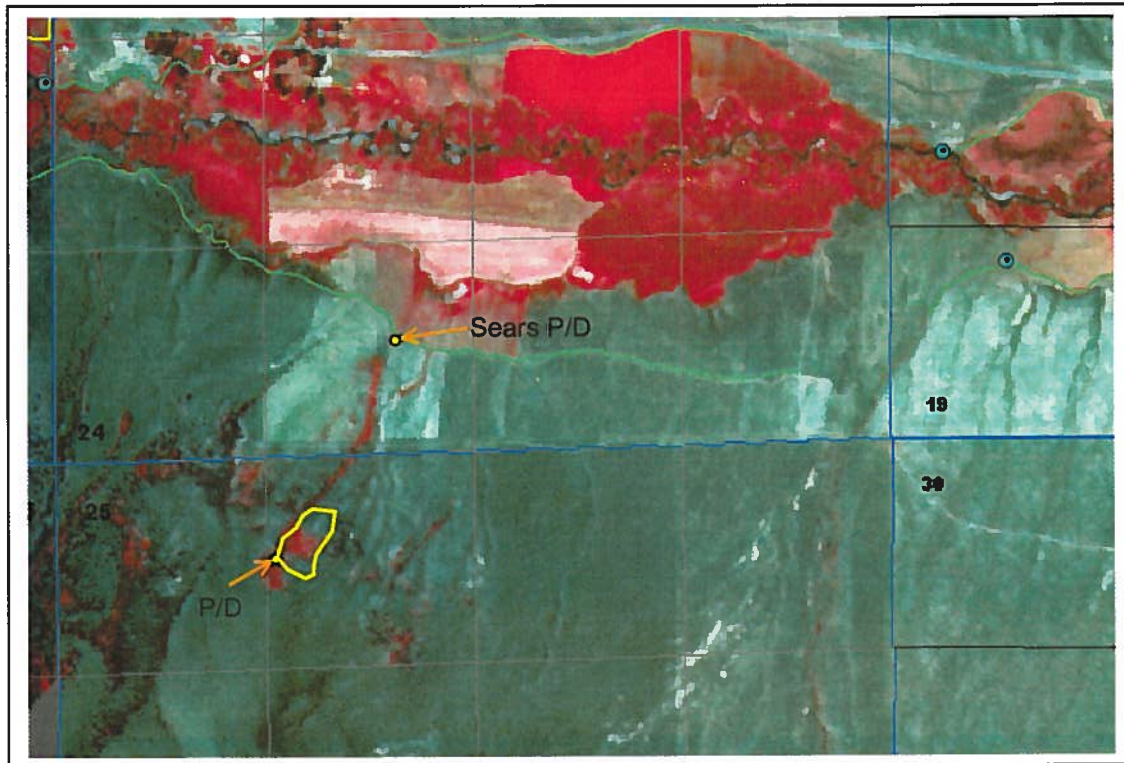
**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 6-6-2001

File: 43-74 SEARS VS KINCADE

Prepared by Kelly K Christensen

**SIDE HILL SPRINGS ANALYSIS
LARRY KINCADE CLAIMS 43-10509 AND 43-74B
WALLACE SEARS CLAIM 43-74A**



HISTORY OF DEVELOPMENT

Side Hill spring was decreed in the Jobe Adams decree to the property now owned by Sears to the west and Kincade to the east. This right was split through the decree Sears vs Berryman decree dated June 18, 1982. There are currently 3 claims filed against this source. My understanding of the system is that the original right was used on the two parcels as a system prior to the split and water from Cassia Creek was delivered to the entire place of use from the points of diversion currently claimed and used by Sears. After the split the east property (now owned by Kincade) had to establish a new set of diversions from Cassia Creek. The resulting split in delivery systems was that the water from the Side Hill spring channel could no longer reach the decreed portion of the Kincade property.

Darlene Kincade stated that the current watermaster has delivered the water decreed under 43-74B from the Cassia Creek points of diversion.

Kincade has also irrigated approximately 2 acres within TWP 13S, RNG 25E, SEC 25 NENW. The history of this system is unknown at this time. It is not described as a part of the place of use for 43-74 as identified in the Jobe Adams Decree.