

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: A43-07139  
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  
Address: HC 61 BOX 1240  
MALTA ID

83342

208-645-2346

AND

Name: DARLENE KINCADE  
Address: HC 61 BOX 1240  
MALTA ID

83342

208-645-2346

2. Date of Priority: MAR 9, 1979

3. Source: RUNOFF AND SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:  
DITCHES ON THE RANCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.500 |      |        |

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

A.F.A.

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13S      | 26E   | 19      | NE     | SW  |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 13S      | 26E   | 19      | NW     | SW  | 3   | IRR           | 25.0  |
|          |       |         | SW     | SW  | 4   | IRR           | 30.0  |
|          |       |         | SE     | SW  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 75.0  |
|          |       |         |        |     |     | Total Acres   | 75.0  |

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, 00074B

14. Remarks:

THIS IS TO APPROPRIATE RUNOFF FROM CHOKECHERRY CANYON THAT RUNS  
ONTO THE APPLICANTS FARM, IRREGULAR IN AVAILABILITY. HAS BEEN  
USED MANY YEARS, NO OTHERS USE IT.

WATER USED IN ADDITION TO CASSIA CREEK WATER.

\*\*\*\*\*

8-12-98: OWNERSHIP CHANGE HELLWINKEL TO KINCADE PER NOTICE REC'D  
9-10-97 - VH

15. Basis of Claim: PERMIT

**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, Malita, 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 Malita, 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.

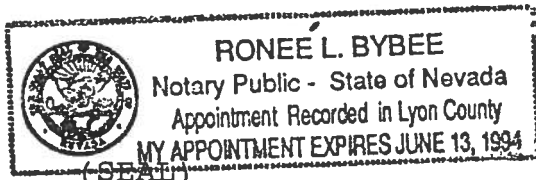
DATED this 28<sup>th</sup> day of <sup>February</sup>~~January~~, 1994.

David J. Hellwinkel  
David J. Hellwinkel

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

On this 28<sup>th</sup> day of <sup>February</sup>~~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 $\frac{1}{2}$ , and Lots 1 and 2

Section 27: N $\frac{1}{2}$ NE $\frac{1}{2}$ , SE $\frac{1}{2}$ NE $\frac{1}{2}$ , 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 $\frac{1}{2}$ SW $\frac{1}{2}$

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

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 $\frac{1}{2}$

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes, being a portion of the N $\frac{1}{2}$ SW $\frac{1}{2}$  and N $\frac{1}{2}$ SE $\frac{1}{2}$  of said Section 19, and a portion of the NW $\frac{1}{2}$ SW $\frac{1}{2}$  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 "D-1"

together with appurtenances.

DATED this 17<sup>th</sup> day of April, 1990.

Julie Hellwinkel  
Julie Hellwinkel

STATE OF IDAHO            )  
                                  ) ss.  
County of Minidoka        )

On the 17<sup>th</sup> 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)

K. J. Bradley  
Notary Public,  
Residing at Bozeman  
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: 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 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 58°05' East 44.45 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 184.58 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 164.88 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 58°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: SW $\frac{1}{4}$

Section 20: NW $\frac{1}{4}$ 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  
John A. Buckley  
APR 21 11 00 AM '77  
CASSIA COUNTY, IDAHO  
FRANK J. BROWN  
REC 200  
15:00 Bureau  
Day 487  
Buckley, 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 grantor and holder of the following described land



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 51 BOX 1240  
MALTA ID 83342

PO Box 104  
Idaho Falls ID 83404

**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  
Wallington ID 89444

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: A43-07139  
Date Received: 6/15/1989  
Receipt No: S008271  
Received By:         

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DAVID HELLWINKEL 208-645-2256  
Address: HC 61 BOX 1240  
MALTA, ID 83342  
AND/OR  
Name: JULIE HELLWINKEL 208-645-2256  
Address: HC 61 BOX 1240  
MALTA, ID 83342

2. Date of Priority: MAR 09, 1979

3. Source: RUNOFF AND SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:  
DITCHES ON THE RANCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.500 |      |        |

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

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-07139

Page 1

Date: 06/15/89

MICROFILMED  
MAR 04 1993

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 13S      | 26E   | 19      | NE     | SW  |     | IRR           | 10.0  |
|          |       |         | NW     | SW  | 3   | IRR           | 25.0  |
|          |       |         | SW     | SW  | 4   | IRR           | 30.0  |
|          |       |         | SE     | SW  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 75.0  |
|          |       |         |        |     |     | Total Acres   | 75.0  |

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, 00074B

14. Remarks:  
THIS IS TO APPROPRIATE RUNOFF FROM CHOKECHERRY CANYON THAT RUNS  
ONTO THE APPLICANTS FARM, IRREGULAR IN AVAILABILITY. HAS BEEN  
USED MANY YEARS, NO OTHERS USE IT.  
WATER USED IN ADDITION TO CASSIA CREEK WATER.

15. Basis of Claim: PERMIT

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

443-07139

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 and Julie Hellwinkel Phone (208) 645-2256Mailing Address HC 61 Box 1240, Malta, Idaho Zip 833422. Date of Priority (Only one (1) per claim) 3/09/19793. Source of water supply (a) Runoff to springs to Chokecherry creek  
which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 13S Range 26E Section 19,  
1/4 of NE 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. This source of water is from  
Springs and runoff in early season and intermittently. It provides  
early irrigation water for approximately 75 acres.

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MAR 04 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.5 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) 75 (acre feet)

8. Total consumptive use claimed is 225 acre feet per annum. ( 75 x 3 )

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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  |        |       |       |       |        |       |       |       | 10     | 25    | 30    | 10    |        |       |       |       | 75     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 75

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.  
\_\_\_\_\_ or None (X )

14. Remarks: This source of water is from runoff- early spring use- and  
is used for irrigation as water permits.

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Last Name HELLWINKEL Ident No. \_\_\_\_\_

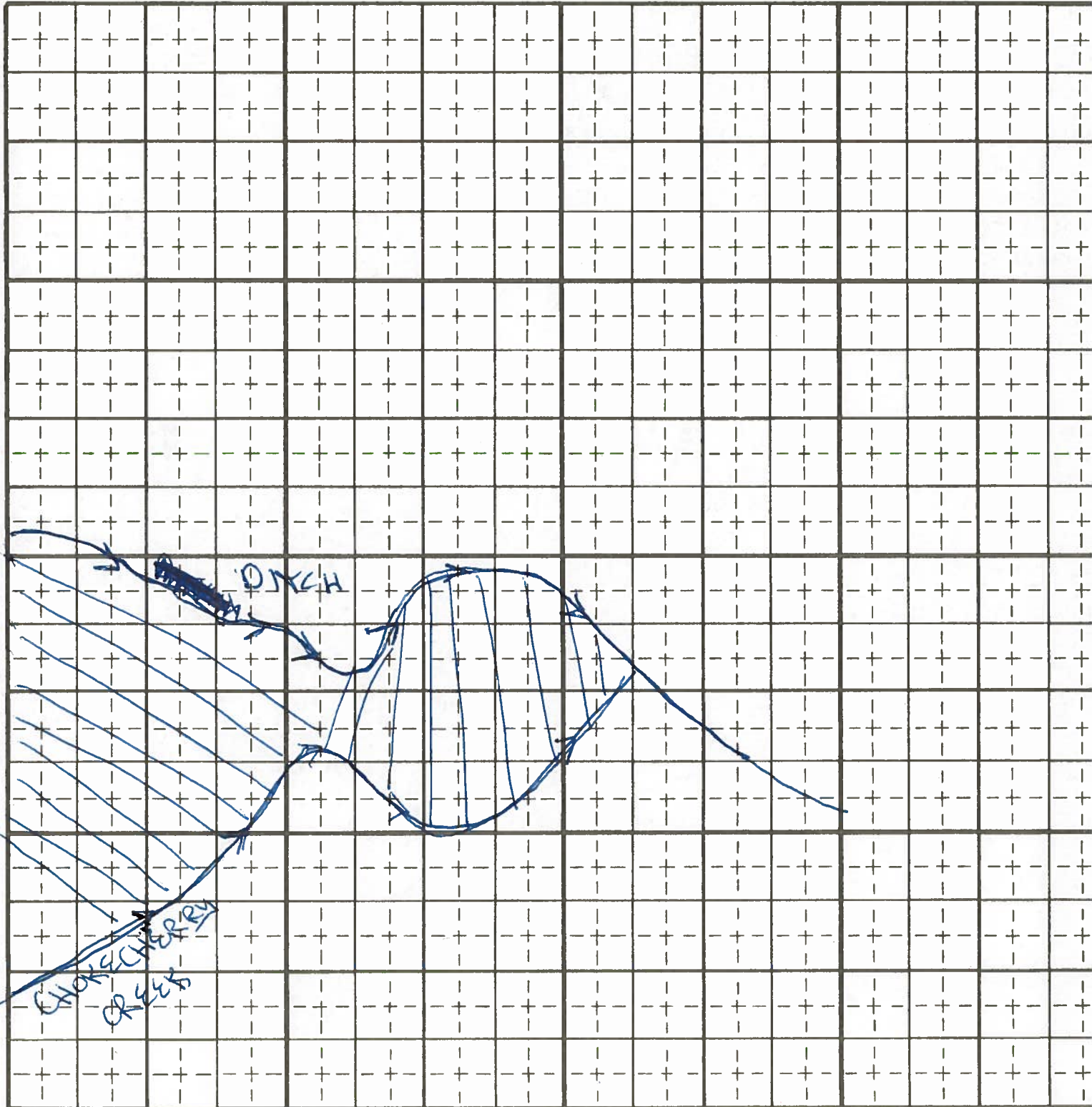
Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile  
XXXXX

8 inches

TOWNSHIP 13 SOUTH RANGE 26 EAST SECTION 19



MICROFILMED

MAR 04 1993

Last Name HELLWINKEL Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 43-07139

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments -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 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

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 )

County of Cassia ) SS.

Subscribed and sworn (or affirmed) before me this 6th day of June 1989

SEAL

Notary Public Rosella Neddo

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 04 1993**

Last Name HELLWINKEL Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

DAVID HE  
JULIE HE

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

KKC

Water rights filed  
are directing these  
actions 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    | <del>125.00</del> 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   | \$ <del>950.00</del> 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

DL EVANS  
(208) 673-5301  
PO BOX 517  
ALBION, IDAHO  
1:24 10358  
Rocky Mountain Bank Note

6-6  
919  
92-358/1241  
\$ 950.00  
Dollars  
Julie Hellwinkel  
119

(OD-124)

WATER RIGHT CLAIMS RECORD  
(REGIONAL)

Water Right Number - 43-07139 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

\*\*\* C - CURRENT OWNER \*\*\* Last Name - First Name - Address -

BERRYMAN GLENN T.

- 1 - STAR ROUTE
- 2 -
- 3 -

State- ID Zip- 83342

BERRYMAN VIRGINIA B.

- 1 - STAR ROUTE
- 2 -
- 3 -

State- ID Zip- 83342

Priority Date - 03/09/1979 Region - 17 P - PERMIT Status -

Source - RUNOFF AND SPRINGS Tributary - SINKS

Twn Rng Sec Tract Lot RFlg County Point of Diversion -

13S 26E 19 SW SW 4 (31) CASSIA

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

01 - IRRIGATION 03/15 11/15 1.500

Total Div. Rate - 1.500 Total Div. Volume - Total Div. Capacity -

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County      |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 13S | 26E | 19  | NE SW |     | 10.0  | 01           | IRRIGATION  | (31) CASSIA |
| 13S | 26E | 19  | NW SW | 3   | 25.0  | 01           | IRRIGATION  | (31) CASSIA |
| 13S | 26E | 19  | SW SW | 4   | 30.0  | 01           | IRRIGATION  | (31) CASSIA |
| 13S | 26E | 19  | SE SW |     | 10.0  | 01           | IRRIGATION  | (31) CASSIA |

Total Acres: 75.0

- - - Diversion Means - DITCHES ON THE RANCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - DECREED RIGHTS 120 INCHES

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MAR 04 1993

Water right number - 43-07139 Adj. flag translation: Standard Water Right Number

THIS IS TO APPROPRIATE RUNOFF FROM CHOKECHERRY CANYON THAT RUNS  
ONTO THE APPLICANTS FARM. IRREGULAR IN AVAILABILITY. USED MANY YEAR  
NO OTHERS USE IT.

01C - A flow measurement port or other device as specified by the  
Department shall be installed by the permit holder to provide for  
the installation of measuring equipment and the determination of  
the rate of diversion by the Department.  
004 - The issuance of this permit in no way grants any right-of-way or  
easement across the land of another.

Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +  
00/00/0000

Audit Fields -

Water Rights Dates and Flags Area - - - - -

|                  |              |                 |              |                  |     |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date   | - 09/01/1980 | Field Exam Made | - 06/01/1984 | Field Exam Fee   | -   |
| Approved/Denied  | - 08/06/1979 | Protested Date  | - 00/00/0000 | Swan Falls       | - Z |
| Proof Made Date  | - 07/15/1980 | 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   | -   |
| Licensed Date    | - 00/00/0000 | Appl Received   | - 00/00/0000 | Transfer/Amended | -   |
| Decree Date      | - 00/00/0000 |                 |              |                  |     |

MICROFILMED  
MAR 04 1993

Old (D) Number -

+ . . . . . Address . . . . . +

State- NV Zip- 89423

State- NV Zip- 89423

State- ID Zip- 83342

State- ID Zip- 83342

```
+ - - - Status - - - +
```

| Twn | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
| +   | -   | -   | -     | -   | -    | -      | -                  | -                                     |

(31) CASSIA

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

262.50

|                         |                           |                             |
|-------------------------|---------------------------|-----------------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + |
| 1.500                   | 262.50                    | 2.470                       |

| Trn | Rng | Sec | Tract | Lot | Acres | Code | Description  | County |
|-----|-----|-----|-------|-----|-------|------|--------------|--------|
|     |     |     |       |     |       |      | Place of Use |        |

|     |     |    |       |      |    |            |      |        |
|-----|-----|----|-------|------|----|------------|------|--------|
| 13S | 26E | 19 | NE SW | 2.0  | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 26E | 19 | SE SW | 7.0  | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 26E | 19 | SE SW | 11.0 | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 26E | 19 | SW SE | 17.0 | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 26E | 19 | SE SE | 22.0 | 01 | IRRIGATION | (31) | CASSIA |
| 13S | 26E | 20 | SW SW | 16.0 | 01 | IRRIGATION | (31) | CASSIA |

**MICROFILMED**  
**MAR 04 1993**

Water right number - 43-07139

Prefix Translation:

WATER RIGHT

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

Total Acres: 75.0

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks - 2 points of diversion located in SMSW, S19, T13S, R26E.

No Old Water Right Numbers found.

Conditions of Approval - R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.  
R04 - Use of water under this water right is subject to control by the Watermaster of State Water District No. 8DISTRICT.

|                        |         |                        |         |                   |         |
|------------------------|---------|------------------------|---------|-------------------|---------|
| - - - Decree Plaintiff | - - - + | - - - Decree Defendant | - - - + | - - - Decree Date | - - - + |
|                        |         |                        |         | 00/00/0000        |         |

No Comments Found

- - - Audit Fields - 09/22/87 05/28/88 CONVERT 11/16/88 JOHNSON 05/16/89 CURTIS 06/27/89 CURTIS 10/19/89 CURTIS 05/09/90 CURTIS

Water Rights Dates and Flags Area

|                   |              |                  |              |                  |       |
|-------------------|--------------|------------------|--------------|------------------|-------|
| Proof Due Date    | - 09/01/1980 | Field Exam Made  | - 06/01/1984 | Field Exam Fee   | -     |
| Approved/Denied   | - 08/06/1979 | Protested Date   | - 00/00/0000 | Swan Falls       | - Z   |
| Proof Made Date   | - 07/15/1980 | Hearing Date     | - 00/00/0000 | Temporary Right  | - P   |
| Exam to S.O. 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     | - 05/24/1990 | Appl Received    | - 03/09/1979 | Transfer/Amended | -     |
| Decree Date       | - 00/00/0000 | Presumption Flag | -            |                  |       |

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MAR 04 1993

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: 43-7139

LARRY KINCADE

~~HC 61 BOX 1240~~ 1781 E

MALTA ID 83342

Telephone Number: (208) 645-2346

DARLENE 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 Kincaide*

Please print your name:

*Darlene Kincaide*

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: 43-7139

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

VERIFIED BY KKC

SOURCE: UNNAMED STREAM

TRIBUTARY: CASSIA CREEK

QUANTITY: 1.5 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: 03/09/1979

POINT OF DIVERSION: T13S R26E S19 LOT 4 NWSWSW

Within CASSIA County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 03-15 11-15   | 1.50 CFS |

PLACE OF USE:

| IRRIGATION Within CASSIA County |      |     |                             |
|---------------------------------|------|-----|-----------------------------|
| T13S R26E S19                   | NESW | 21  | T13S R26E S19 LOT 3 NWSW 12 |
| T13S R26E S19                   | SWSW | 6   | T13S R26E S19 SESW 11       |
| 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       |

187.6 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

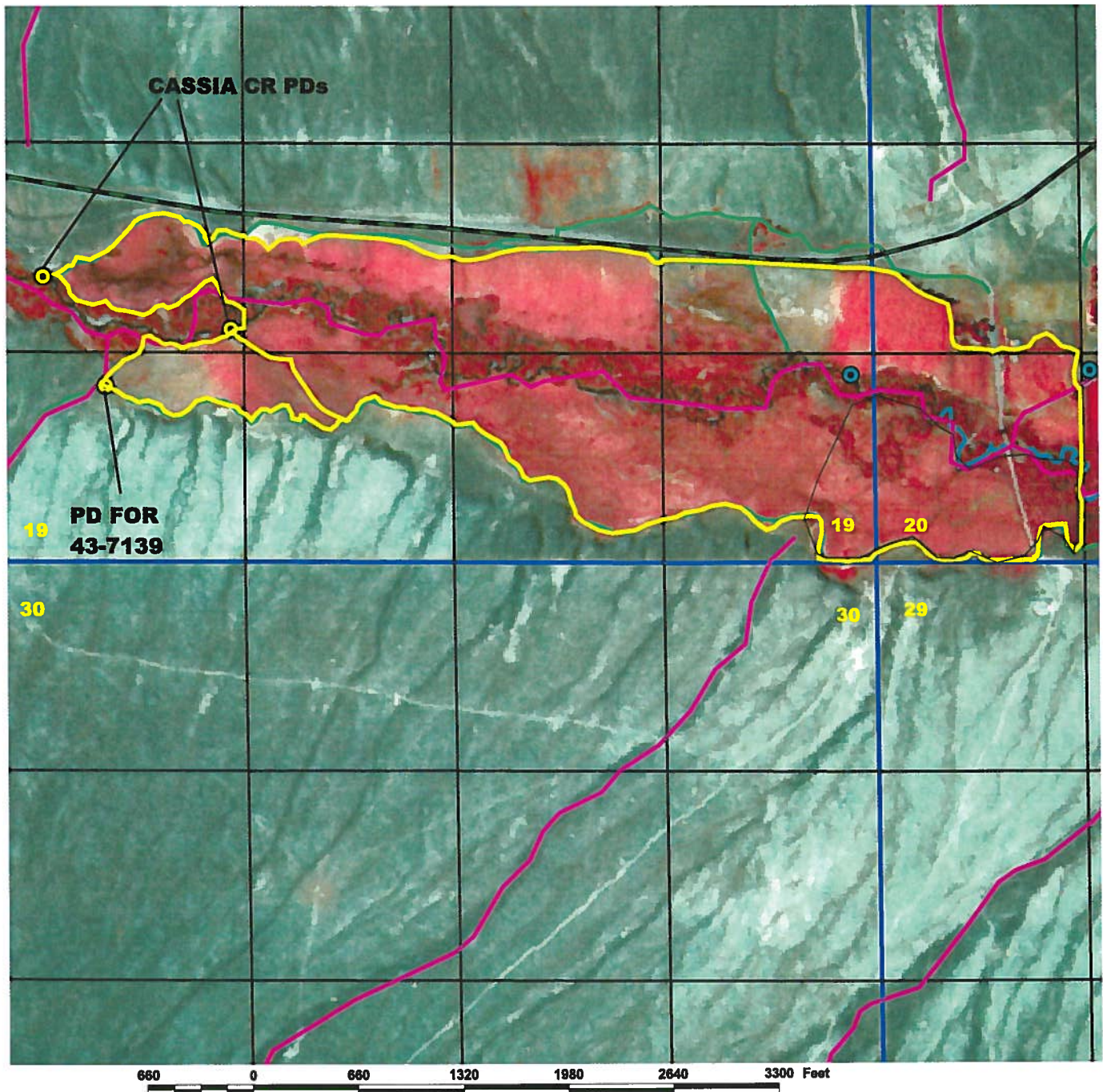
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 187.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476, AND 43-7139.

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 - License

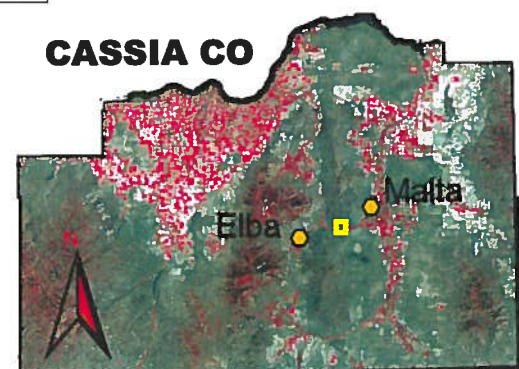
# RECOMMENDED PLACE OF USE FOR 43-68, 43-70B, 43-71B, 43-73B, 43-74B, AND 43-7139



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



State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**

WATER RIGHT NO. 43-07139

Priority: March 9, 1979

Maximum Diversion Rate: 1.50 CFS  
Maximum Diversion Volume: 262.5 AF

This is to certify, that DAVID J. HELLWINKEL  
JULIE A. HELLWINKEL

P.O. BOX 363  
MINDEN, NV 89423

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 9, 1979; and has submitted Proof of Beneficial Use on July 15, 1980. An examination indicates that the works have a diversion capacity of 2.470 cfs of water from:

UNNAMED STREAM tributary to CASSIA CREEK

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 1.50 CFS                 | 262.5 AF             |

LOCATION OF POINT(S) OF DIVERSION: LOT 4 ( SWSW), Sec. 19, Township 13S, Range 26E  
CASSIA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u>  | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|---------------|--------------|--------------|
| 13S        | 25E        | 19         | NESW 2       | LOT 4(SWSW) 7 | SESW 11      | 59           |
|            |            | 20         | SWSE 17      | SESE 22       |              | 16           |
|            |            |            | SWSW 16      |               |              |              |

Total number of acres irrigated: 75

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**

WATER RIGHT NO. 43-07139

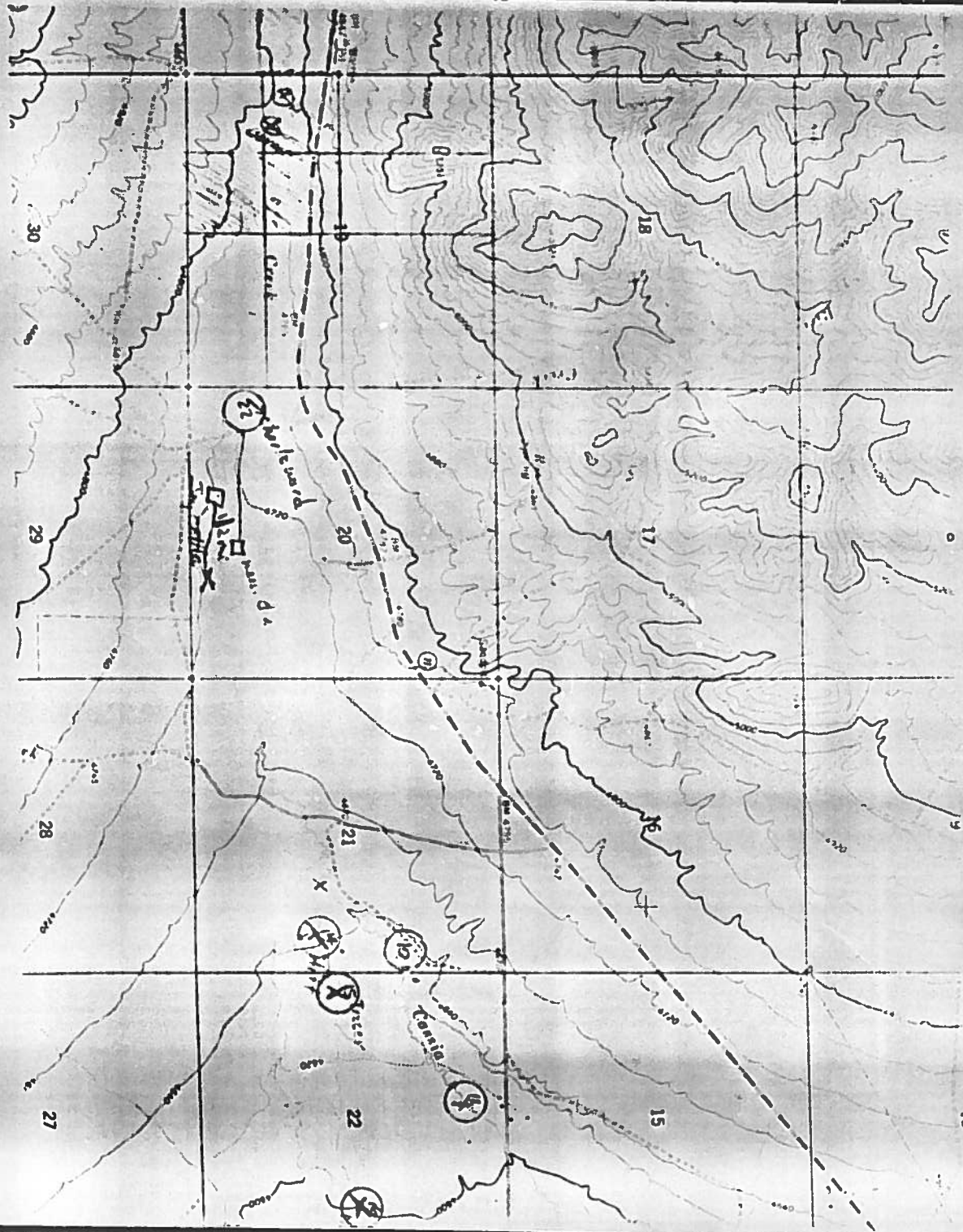
CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Use of water under this water right is subject to control by the watermaster of State Water District No. 43C
7. 2 points of diversion located in SWSW, S19, T13S, R26E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 24<sup>th</sup>  
day of MAY, 1990.

  
R. Keith Higginson, Director





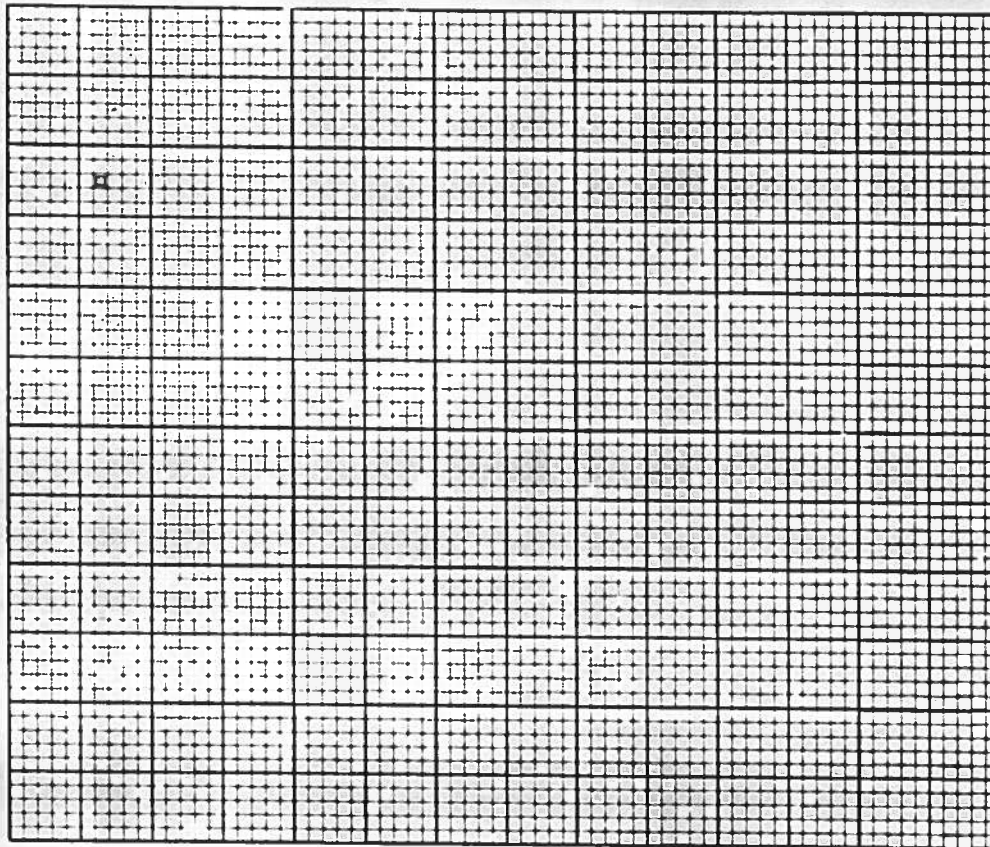
| Well/Diversion*<br>No. | Motor<br>Make | HP | Motor<br>Serial No. | Pump<br>Make | Pump Serial No. or<br>Discharge Size |
|------------------------|---------------|----|---------------------|--------------|--------------------------------------|
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)  
Ditches. Water runs down Chebeckerry Canyon, onto a 40 acre field. Any water running off this field goes into a ditch from Cassia Creek & then to lands between The ditch and Cassia Creek.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| stop watch, 1/101     |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

[illegible][illegible]

10. Other water rights on these lands Cassia Creek decreed right
11. Other water right diverted from same p.d. None
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks Flow varies from near zero to about 3 cfs depending on winter moisture conditions. In high water years like 1984, Cassia Creek floods; it is also mainly in high water years that Chosheserry Canyon flows very far off the 4.7 acre field at its mouth.

15. Recommended Amendments  
☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None  
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other
16. Examiner's/Consultant's Signature J. F. Harten Date 11-26-84  
 Consultant's License Number \_\_\_\_\_  
 IDWR Director's Authorization to Conduct  
 Beneficial Use Examination \_\_\_\_\_ Date \_\_\_\_\_

CONSULTANT SEAL

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
LICENSING REPORT

RECEIVED

JUN 30 1988

43-7139

Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Measured 2.47 cfs. Allow 1.5 cfs applied for.

Department of Water Resources

- b) Volume Calculations for Irrigation:

$$V_{in} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 9.5 \times 25 = 262.5 \text{ AFA}$$

$$V_{on} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{in} \text{ and } V_{on} = 262.5 \text{ AFA}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: Cassia Creek Decreed Right

- b) Other water rights with same point of diversion: -

- c) Analysis:

### RECOMMENDED AMOUNTS

- |    |            |          |         |           |                      |                 |
|----|------------|----------|---------|-----------|----------------------|-----------------|
| 3. | Permit No. | Priority | Amount  | App. Date | Date Proof Submitted | System Capacity |
|    | 43-7139    |          | 1.5 cfs |           |                      | 3.47 cfs        |

4. Permit Holder: \_\_\_\_\_

Address: \_\_\_\_\_

5. Source: \_\_\_\_\_ tributary to \_\_\_\_\_

| 6. Beneficial Use | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <u>Irrigation</u> | <u>3-15</u>   | <u>11-15</u> | <u>1.5</u>                   | <u>262.5</u>             |

**Allowable Maximums:** \_\_\_\_\_

**7. Point(s) of Diversion:**

[illegible]

**8. Place(s) of Use**

[illegible]

9. Recommended Conditions/Remarks: \_\_\_\_\_

Not to exceed 0.02 cfs/acre for all rights combined on this land.  
Under control of Watermaster 43-C

Under control of Watermaster 43-C

## 10. Recommended Amendments

☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above    ☒ Add P.U. as reflected above    ☐ Other \_\_\_\_\_

11. Examiner's Signature J. P. Martin Date 11-26-84

Checked In Regional Office by Ch. Monte ADM Date 6/25/66

Approved in State Office by [Signature] Date 5/4/89

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SEP 13 1989

State of Idaho  
Department of Water Resources

APPLICATION FOR AMENDMENT  
(For Licensing Purposes)  
WATER RIGHT NO. 43-07139

Date of Priority: March 9, 1979

Maximum Diversion Rate: 1.50 CFS  
Maximum Diversion Volume: 262.5 AF

Comes now

GLENN T. BERRYMAN  
VIRGINIA B. BERRYMAN

STAR RT.  
MALTA, ID 83342

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 43-07139, and requests that the permit be changed as follows:

Source: UNNAME STREAM

tributary to CASSIA CREEK

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

03/15 to 11/15

1.50 CFS

262.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4 (SWSW), Sec. 19, Township 13S, Range 26E  
CASSIA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

13S 26E 19

(NESW) 2

LOT 4 SWSW 7

SESW 11

20

SWSE 17

SESE 22

59

SWSW 16

16

Total number of acres irrigated:

75

*Daniel & Jackie Holbrook have bought  
this property and have all water rights  
in their name. Their address is Malta Idaho - 83342.  
Glenn Berryman.*

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature)