

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 43-10509
Date Received: 6/15/89
Receipt No: S008271
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DARLENE KINCADE Phone: (208)645-2346
LARRY KINCADE
1781 E HWY 77
MALTA ID USA 83342

Amended
6-13-01
KKC

2. Date of Priority: 04/01/1872

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	25E	25	NW SW NW	CASSIA	Beginning Point
13S	25E	25	SE NE NW	CASSIA	Beginning Point
13S	25E	24	SE SW SW	CASSIA	Ending Point

5. Description of diverting works:

instream flow use. The area is a series of spring seeps roughly tied together hydrologically. The beginning points are the up-hill limits for the spring system and the ending point is the downhill most location for the claimed place of use. The place of use is not limited to a narrowly defined stream channel, rather it is the seep areas in general.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	25E	24	SW	SW	STOCKWATER	
13S	25E	25	NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	

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:

14. Remarks:

10/1/98 TF; OWNERSHIP CHANGED HELLWINKEL TO KINCADE PER 1409(6) AND QUITCLAIM DEED REC'D 9/10/97

The claim was amended 6-13-2001 to identify instream stockwater only.

15. Basis of Claim: Beneficial Use

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: _____

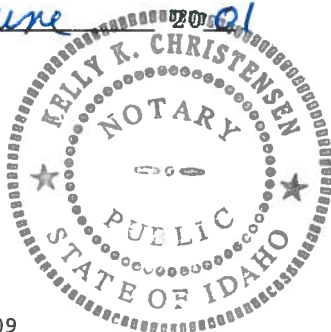
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dorene Kincaide Date: 6-13-01
 _____ Date: _____

State of Idaho)
 County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
 of June 2001 Kelly K. Christensen



Notary Public
 Residing at Twin Falls
 My commission Expires 3-11-04

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: **A43-10509**
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: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
13S	25E	25	NW		NW		NW		CASSIA

5. Description of diverting works:
PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	03/15	12/31	0.020		
IRRIGATION	03/15	10/15	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	25E	25					STOCK	
			NW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		STOCK	
							Section Acres	5.0
		26					STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
							Total Acres	5.0

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:
NONE

14. Remarks:
10/1/98 TF; OWNERSHIP CHANGED HELLWINKEL TO KINCADE PER 1409(6)
AND QUITCLAIM DEED REC'D 9/10/97.

15. Basis of Claim: BENEFICIAL USE

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

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

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

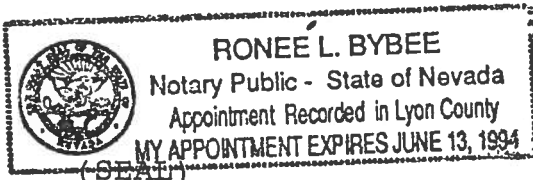
DATED this 28th day of ^{February} ~~January~~, 1994.

David J. Hellwinkel
David J. Hellwinkel

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

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

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



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

June 13, 1994

PARCEL NO. 1:

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

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

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

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

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

EXCEPTING THEREFROM the following described property:

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

PARCEL NO. 2:

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

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

Section 25: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ 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 "D-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)

K. Anna Bradley
Notary Public;
Residing at Malta, ID.
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 68°06' East 44.46 chains to corner
No. 4;
Thence North 87°22' East 38.54 chains to corner
No. 5;
Thence South 1°45' East 8.01 chains to corner
No. 6;
Thence South 78°48' West 50.20 chains to corner
No. 7;
Thence South 88°15' West 20.85 chains to corner
No. 1, the Point of Beginning.

EXCEPTING THEREFROM the following described
property:

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

-Continued-

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

-Continued-

EXHIBIT "B-1"

Page 2 of 2

PARCEL NO. 2:

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

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

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

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

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

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

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

207202
John A. Shively
APR 21 11 00 AM '99
CASSIA COUNTY, IDAHO
FRANK J. SHIVERS
RECEIVED
X-5: All Survey
Data 4/87
Audited. All

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

207202

Position 1 (Chattel)
Position 5 (Real Estate)

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS That the United States of America, as grantor and holder of the following description:



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
Williamston W.V. 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 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
Walla Walla WA 99444

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
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Ident. Number: A43-10509
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: APR 27, 1910

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	25E	25	NW	NW	NW		CASSIA

5. Description of diverting works:
PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	03/15	12/31	0.020		
IRRIGATION	03/15	10/15	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF STOCK

A43-10509

Page 1

Date: 06/15/89

MICROFILM
MAR 05 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	25E	25					STOCK	
			NW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		STOCK	
							Section Acres	5.0
		26					STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
							Total Acres	5.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

443-10509

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DAvid and Julie 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) Springs
which is tributary to (b) Sink

4. a. Location of existing point of diversion is: Township 13S Range 25E Section 25,
NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: None

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. Two springs developed for stockwater,
ponds, and some irrigation on approximately five acres.

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MAR 05 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/15 amount .10 or 5

For Stockwater purposes from 3/15 to 12/30 amount .02 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .10 (cfs) and/or (b) 5 (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 60 cattle Stockwater

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	25E	25		5															
				S	S	S													
13S	25E	26					S			S									

Total number of acres irrigated 5

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 ☒ 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 (☒)

14. Remarks: Two Springs developed for stockwater with ponds and ditches
for spreading water on five irrigated acres.

Last Name HELLWINKEL Ident No.

Copies: White - State Yellow - County

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MAR 8 5 1993

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

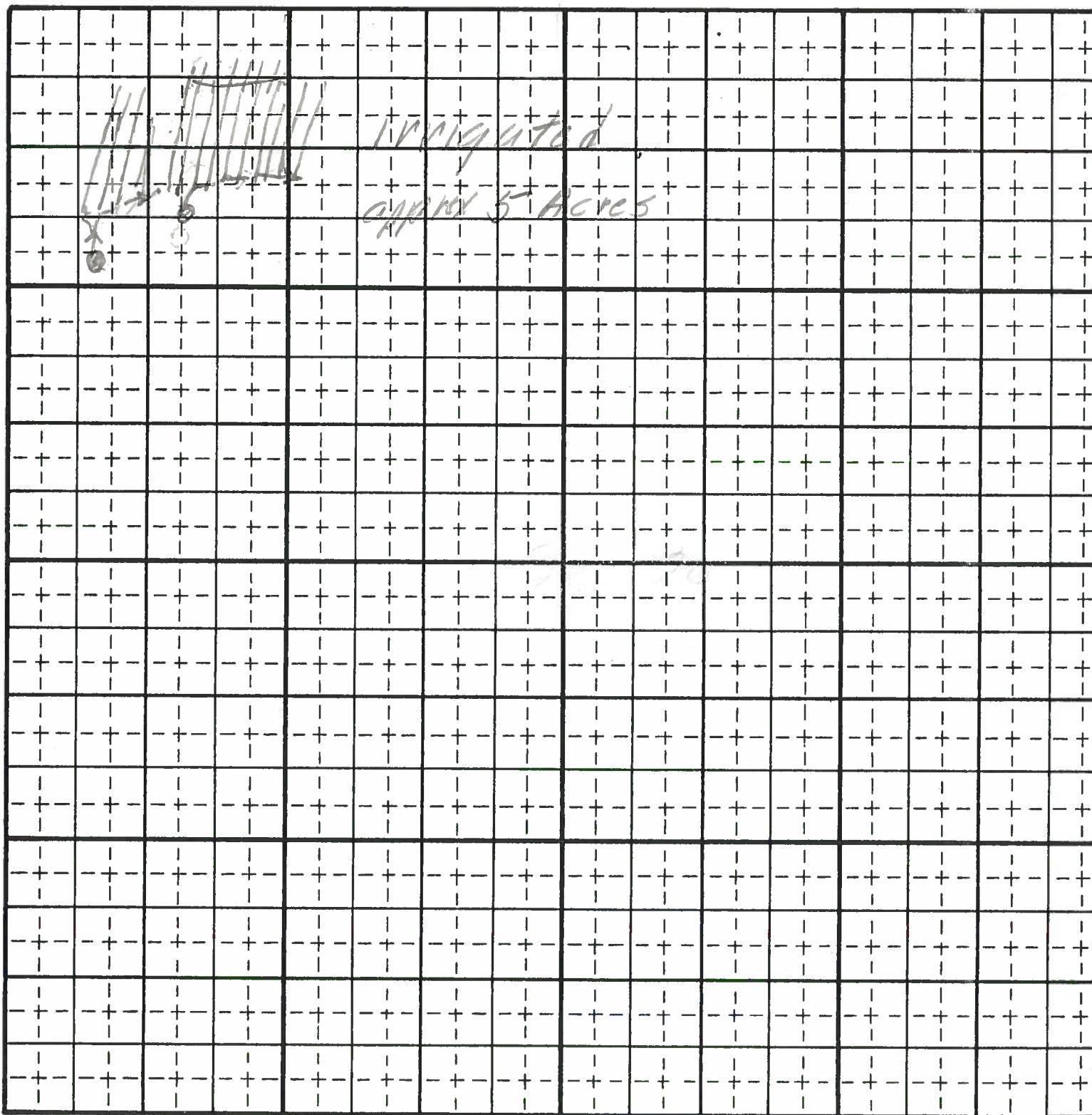
Scale: 2 inches equals 1 mile

8" = 1 mile

N

Sec 25.

T135 R25E



Springs

Last Name

Hellwinkel

Ident No.

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____
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 T. Hellwinkel Date 6-6-89

Julie Hellwinkel Date 6-8-89

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ 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 Duda

Residing at Marta, Id.

My Commission Expires April 6 1993

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILME

Last Name HELLWINKEL Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10509

JULIE A. HELLWINKEL

DAVID J. HELLWINKEL

HC 61 BOX 1240

MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 05 1993

DAVID HE
JULIE HE
HC 61

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

Need check
Returned
for \$ 912.00

RECEIVED

N 7 1989

ent of Water Resources
thern Region Office

ater rights filed
re directing these
ons when we were in

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

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

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

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

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

Sincerely,

Julie Hellwinkel
David and Julie Hellwinkel

06/19/2001

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

RIGHT NUMBER: 43-10509

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

VERIFIED BY KKC

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/27/1910

POINT OF DIVERSION:	T13S R25E S24	SESWSW	End of Stream Flow	Within CASSIA County
	T13S R25E S25	SENENW	Beginning of Stream Flow	Within CASSIA County
	T13S R25E S25	NWSWNW	Beginning of Stream Flow	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

STOCKWATER within CASSIA County

T13S R25E S24	SWSW	T13S R25E S25	NENW
T13S R25E S25	NWNW	T13S R25E S25	SWNW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

43- 10509

conflict with Wally Sears regarding
spring located NE NW of Sec 25
No Evidence of priority in file.

43- 476

Tunnel Sp. at east end of Property
now diverted from Cassia Cr.

Side hill Spring

3 photos taken pan looking E on rt to NNE on Rd
GPS reading taken at P/O

Aug Pos 542391 10.4 ft acc
129948 81 count

West Spring

3 pan shots looking South on Rt to ESE on left covers back
of Spring & the first GPS point. ditch leaves spring &
 swings SSE to circle the Sage brush Knob, eventually joining
the ditch from the East side of the spring.

GPS 531339 13.1 ft est accuracy saved as 003
129465 Prints 115

3 pan shots of E P/O. GPS unit not visible but near boarder between
Photo 1 & 2.

East sp GPS

531432

13.4 ft acc

129362

200 ft

E-SPR file

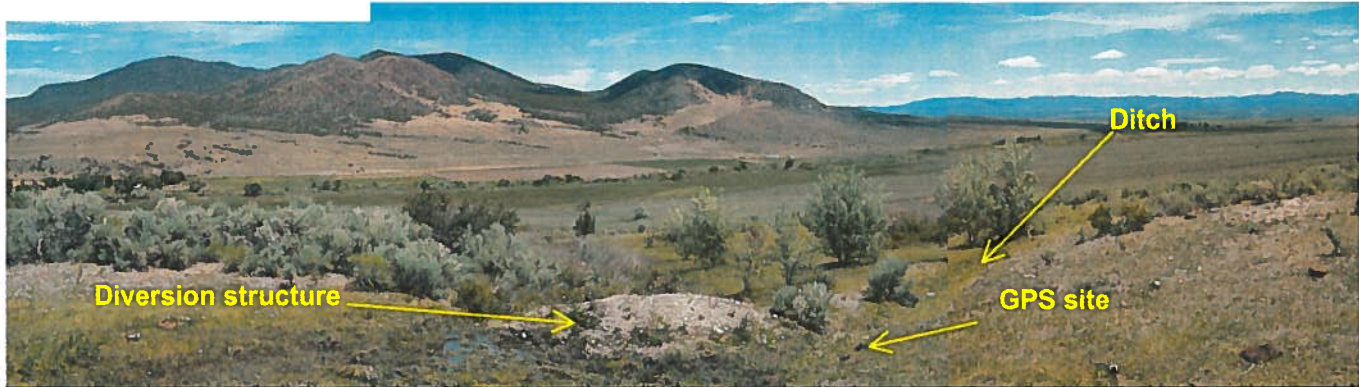
Point along Litch for general Ref.

531 404

129191

14.1 ft acc

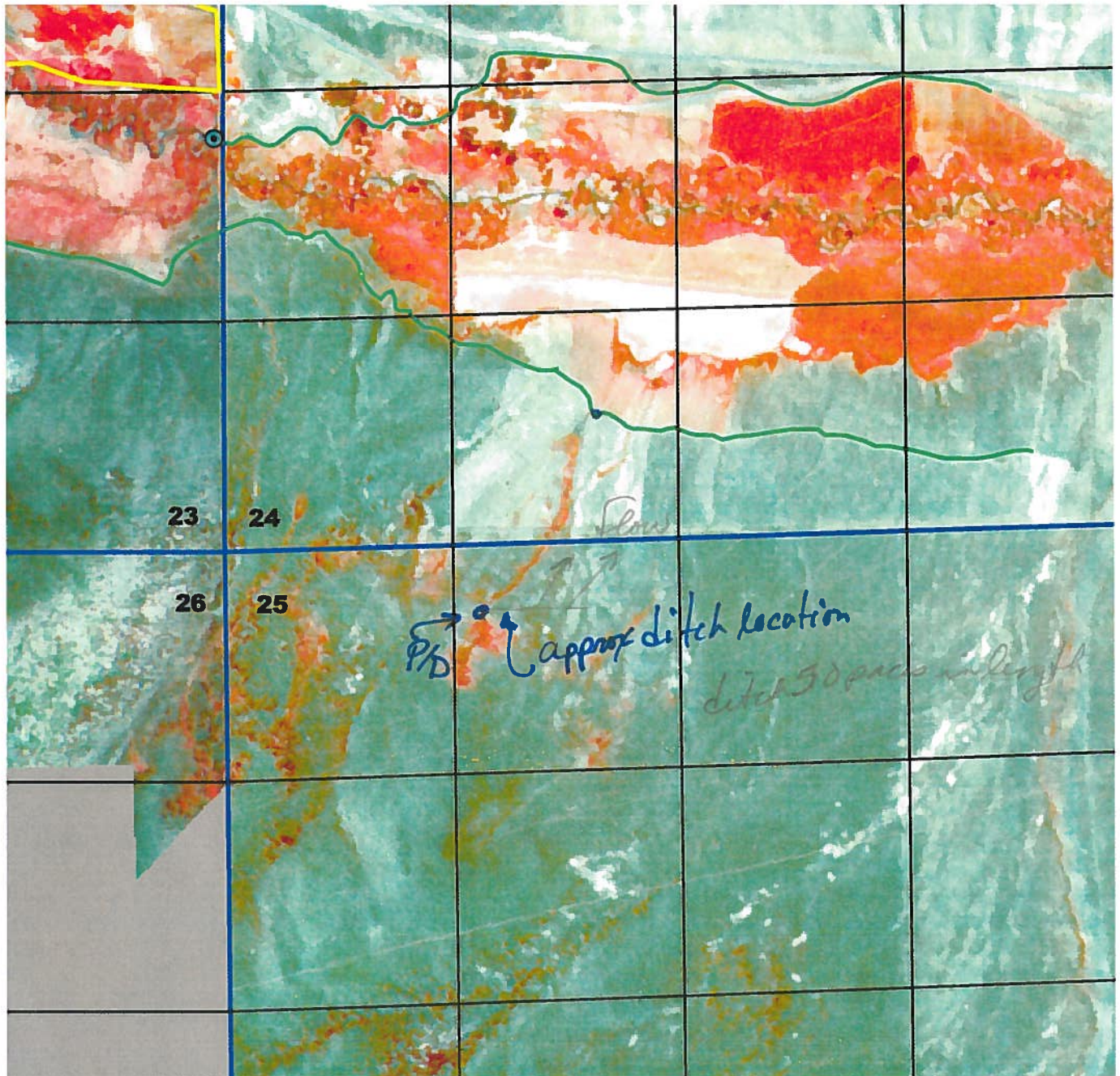
70 points



This photo set is looking North-northeast on the left to east-northeast on the right. This shows the GPS location for the point of diversion and part of the ditch. Photos were taken on 6-6-2001.

Idaho Department of Water Resources

PLACE OF USE FOR 10509



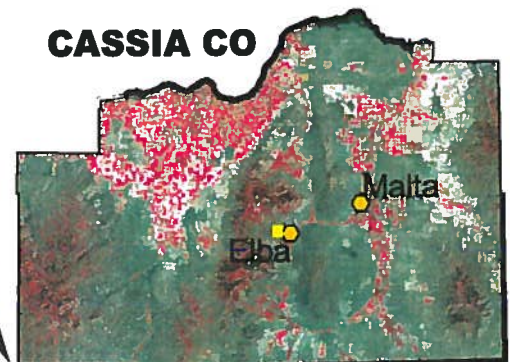
330 0 330 660 990 1320 1650 Feet

PLACE OF USE
TWP 13S, RNG 24E, SEC 26
Data entry on June 6, 2001

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

- 6-6-01
12:38 PM
KKC
-  RECOMMENDED POINT OF DIVERSION
 -  RECOMMENDED PLACE OF USE
 -  SECTION LINES
 -  QUARTER/QUARTER LINES

CASSIA CO



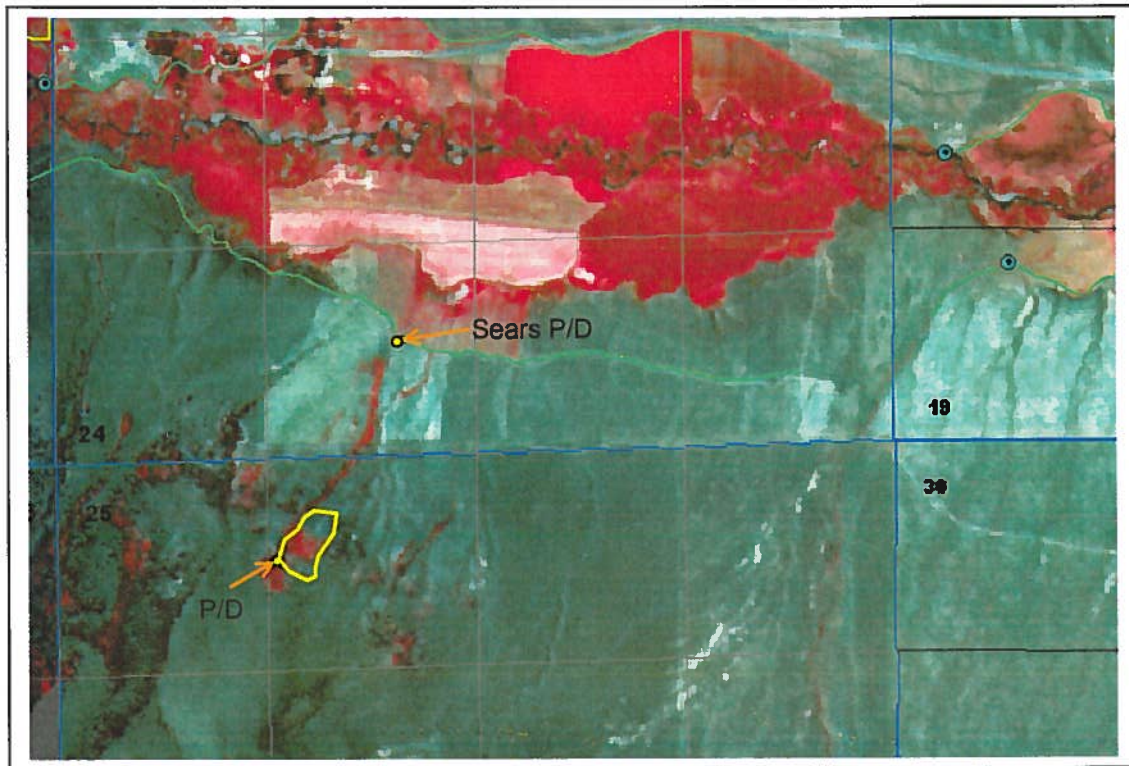
**Idaho Dept of Water Resources
Claims review notes and narrative**

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.

02/23/2001

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

RIGHT NUMBER: 43-10509
NAME AND ADDRESS: DARLENE KINCADE
LARRY KINCADE
HC 61 BOX 1240
MALTA, ID 83342

**ROUGH RECOM
DISALLOWED**

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.1 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/27/1910

POINT OF DIVERSION: T13S R25E S25

NWNWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3-15 10-15

QUANTITY
0.10 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S25 NWNE

5

5 ACRES TOTAL

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

NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

Hellwinkel

System layout from West to East

* A43-10509 Springs/ir. possible wrong legal.

A43-00190 Claimed P/U appears to overlap with 00080 claimed by Bowcut

* A43-10510 - 20 Acres of irrigation from springs (springs & ir visible on ortho photo)

* A43-10511 dom/stock with ir. P/U along county road. is dom abandoned?

Main Farm east of Corns Corns.

A43-00068, 70B, 71B, 73B, 74B, 476

Question on P/U claimed in Sec 20 SE SW Should be SW SW? ^{ADT} no record found in SW SW.

A43-07139 licensed in 1990

* NO EVIDENCE OF PRIORITY SUBMITTED

SD-0604-1

Idaho Department of Water Resources
Adjudication Claims Place of Use Query

Date: 06/08/91

Time: 16:24:10

STATE

Township: 13S

Range : 26E

Section : 20

Tract : SWSW

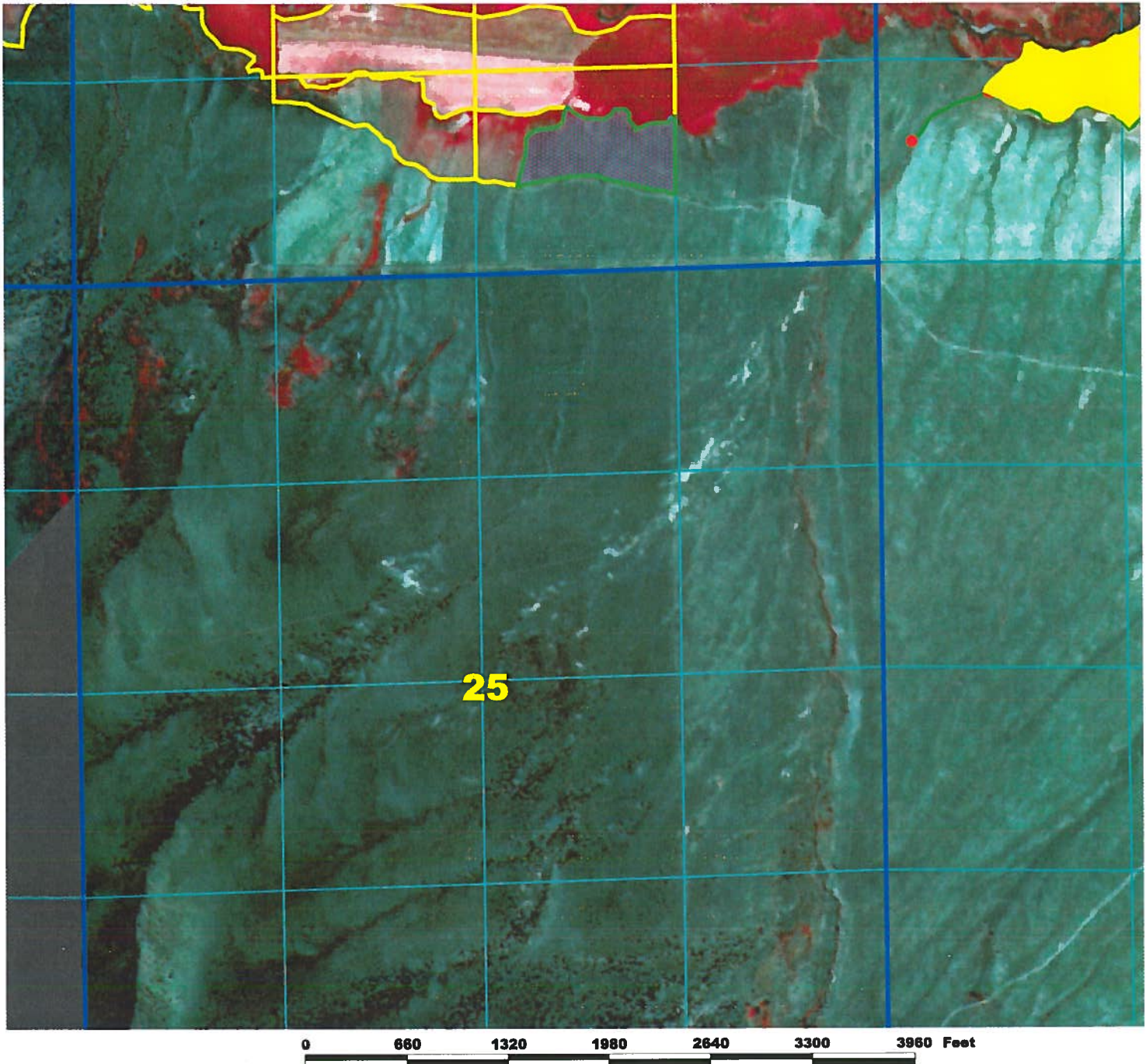
Lot :

NO RECORDS FOUND...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Run)

(Menu

IDAHO DEPARTMENT OF WATER RESOURCES

43-10509



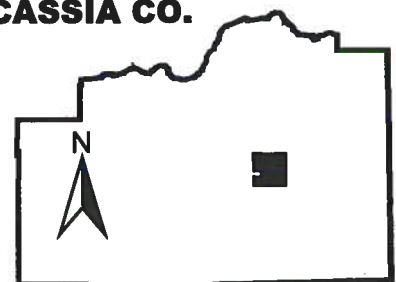
TWP 13S, RNG 25E, SEC 25

JPEG LAYOUT CREATED _____

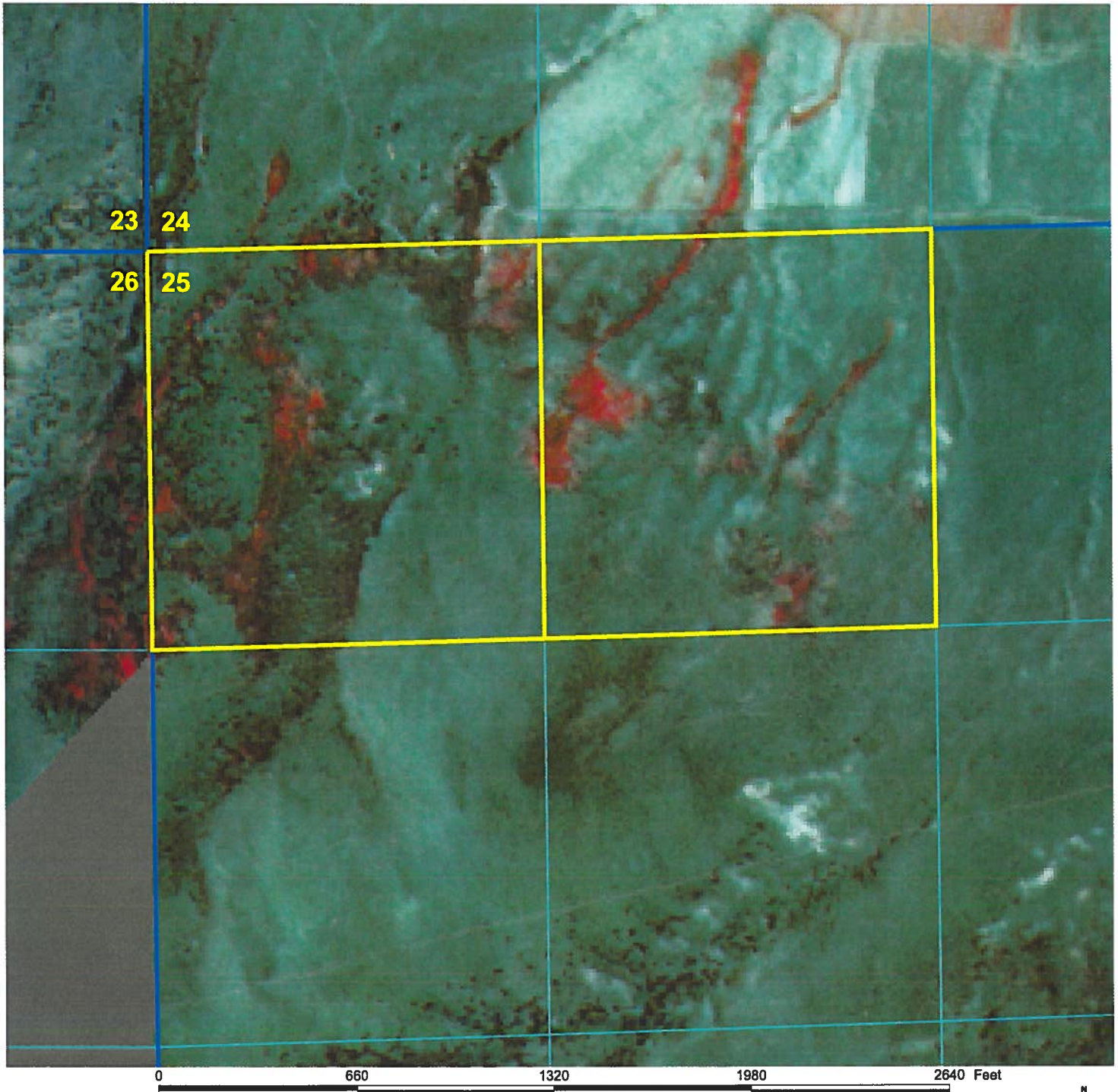
GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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

CASSIA CO.



**Claimed Place of Use
43-10509**



TWP 13S; RNG 25E;
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

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

- CLAIMED PLACE OF USE
- ⊕ CLAIMED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES

CASSIA Co.



CLAIM NUMBER 43-10509 DATE _____ TRANSFER NUMBER _____
 _____ AGENT _____ CLAIMED ACRE TOTAL _____
 _____ GIS ACRE TOTAL _____

highlighted 40s = from Warranty deed.

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	25E			5	S	S	S											
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP _____
 SHAPE NOS. _____

43-DBPOD.SHP _____
 NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
 B43-DBPOU.DBF _____
 B43-DBPOD.DBF _____
 JPEG LAYOUT _____