

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: A43-10510
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: JAN 1, 1885

3. Source: THREE SPRINGS

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	24E	26		SW	NE		CASSIA
				SW	NW		CASSIA
				SE	NW		CASSIA

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	11/15	0.050		
IRRIGATION	04/15	10/15	0.400		

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

A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 BEEF STOCK, 4 HORSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
13S	24E	26	SW		NE		IRR	5.0	
			SW		NE		STOCK		
			SE		NE		STOCK		
			NE		NW		STOCK		
			NW		NW		STOCK		
			SW		NW		IRR	6.0	
			SW		NW		STOCK		
			SE		NW		IRR	9.0	
			SE		NW		STOCK		
			Section Acres						20.0
			Total Acres						20.0

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:

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: 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 Kinrade
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 Kinrade
(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, Nevada
Commission Expires:

June 13, 1994

PARCEL NO. 1:

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

Section 26: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{2}$, 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 44.45 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 #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 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)

R. D. Bradley
Notary Public;
Residing at Malta, Idaho
My Commission Expires: 10/12/92

QUITCLAIM DEED

EXHIBIT "B-1"

Page 1 of 2

LEGAL DESCRIPTION

PARCEL NO. 1:

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

Section 26: N~~X~~, N~~X~~SE~~X~~, and Lots 1 and 2

Section 27: N~~X~~NE~~X~~, SE~~X~~NE~~X~~, 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 254.25 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 164.56 feet to Point B;
Thence North 5°57' East 251.51 feet to Point C;
Thence North 83°26' West 254.26 feet to Point D;
Thence North 83°26' West 219.05 feet to Point E;
Thence South 9°54' East 300.50 feet to Point F;
Thence South 68°35' East 275.15 feet to Point A,
the Point of Beginning, together with a roadway
10 feet on each side of a line beginning at
Point A, thence Eastward 60 rods, thence
Southeasterly to Forest Service road.

-Continued-

EXHIBIT "B-1"

Page 2 of 2

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 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: 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
APR 21 11 00 AM '77
CASSIA COUNTY, IDAHO
FRANK J. JONES
15122 Avenue
Boat 487
Burdig. old

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

Portion 1 (Chattel)
Portion 5 (Real Estate)

PARTIAL RELEASE

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

July 9, 1996

KARL J. DREHER
DIRECTOR

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

RECEIVED

JUL 11 1996

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

Dear Claimants,

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

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

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

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Claimant Signature

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

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

Go to Page ____

Page: 1

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

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

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

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

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

RECEIVED
APR 20 1995
Department of Water Resources

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

PO Box 104
Wilmington N.C. 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
Wellington HI 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: A43-10510
Date Received: 6/15/1989
Receipt No: S008271
Received By: lu

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: JAN 01, 1885

3. Source: THREE SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	24E	26		SW	NE		CASSIA
				SW	NW		CASSIA
				SE	NW		CASSIA

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	11/15	0.050		
IRRIGATION	04/15	10/15	0.400		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 BEEF STOCK, 4 HORSES

A43-10510

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	24E	26	SW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		IRR	6.0
			SW		NW		STOCK	
			SE		NW		IRR	9.0
			SE		NW		STOCK	
							Section Acres	20.0
							Total Acres	20.0

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 A43-10510

Date Received _____

Receipt Number _____

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DAvid 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) 1885 1/1

3. Source of water supply (a) Three springs
which is tributary to (b) Sink

4. a. Location of existing point of diversion is: Township 13S Range 24E Section 26,

1st 1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Cassia

2nd SE 1/4 NW 1/4 SW 1/4 NW 1/4
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. Springs developed for stockwater with short
ditches for water spreading or irrigation.

MICROFILMED

MAR 05 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount .40 or _____
For Stockwater purposes from 4/15 to 11/15 amount .05 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .40 (cfs) and/or (b) 20 (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum. (20×3)

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater for appx. 150 cattle, 4 horses.

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	24E	26			5				6	9									20
					S	S	S	S	S	S									

Total number of acres irrigated 20

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 ()

14. Remarks: Springs developed for stockwater with ditches for water spreading.

Last Name HELLWINKEI Ident No. _____

Copies: White - State Yellow - Claimant

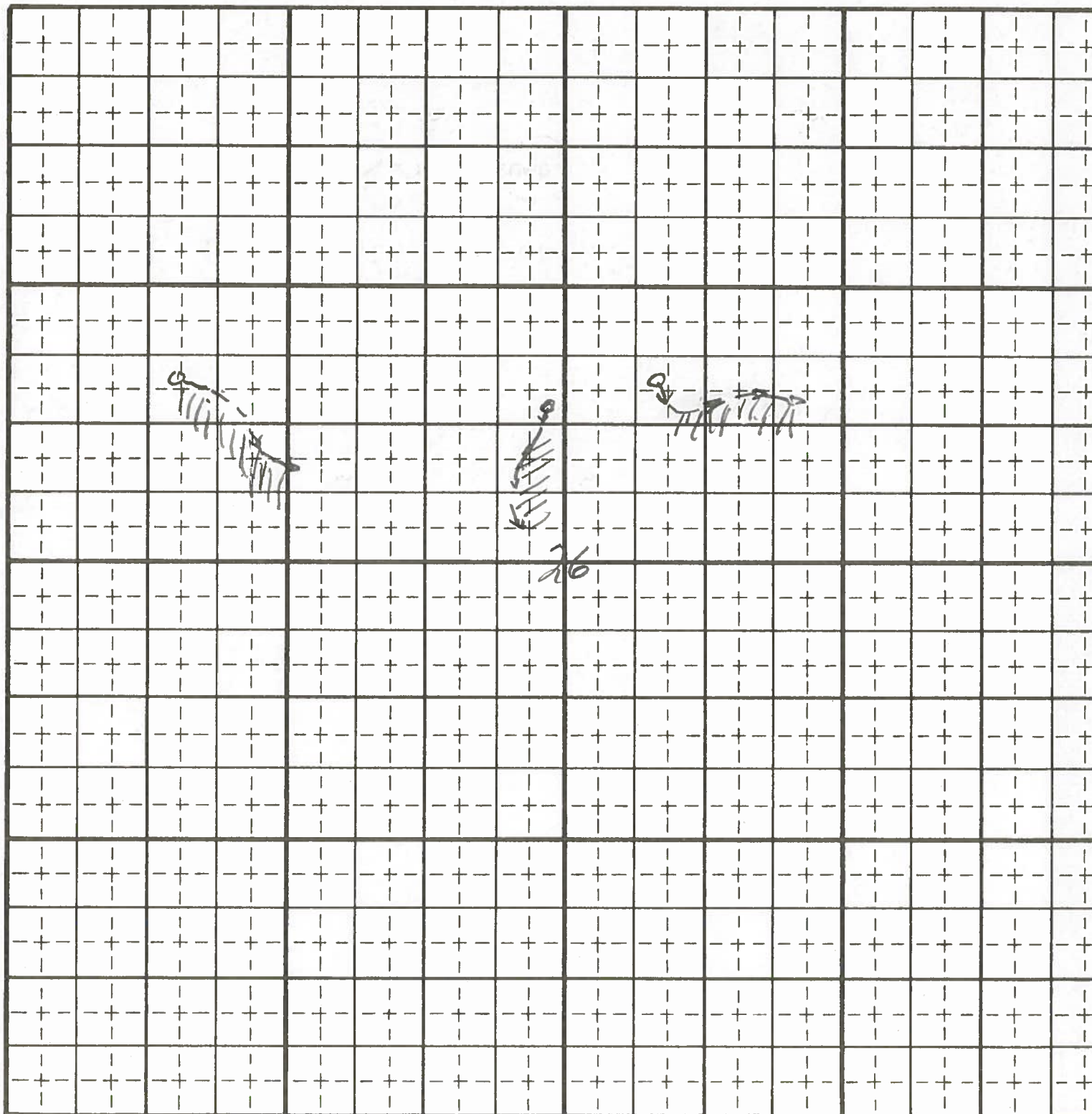
MICROFILMED

MAR 05 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

TOWNSHIP 13 S, RANGE 24 E,
SECTION 26



Water spreading ditches
& stock water

Last Name

He Hwinkel

Ident No.

Copies: White-State, MAP 0 5 1993

MICROFILMED

15. Basis of Claim (check one) Beneficial Use ☒ 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 J. Hellwinkel Date 6-6-89

Julie A. Hellwinkel Date 6-6-89

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 19 89

SEAL

Notary Public Rosella Reddo

Residing at Malta, ID

My Commission Expires April 6, 1993

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Hellwinkel Ident. Number _____

MICROFILMED

MAR 05 1993

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

A43-10510

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

MICROFILMED

MAR 05 1993

RECEIVED

JUN 24 2002

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA) Subcases See Attached Exhibit A
Case No. 39576)
FINAL ORDER DISALLOWING
WATER RIGHT CLAIMS

On September 28, 2001, the Director of the Idaho Department of Water Resources filed a *Director's Report for Irrigation and Other Claims, Reporting Area 7, Basin 43, Part 1*, recommending that the water rights listed on the attached Exhibit A be disallowed. The time period for objecting to this recommendation has passed.

As this court has previously determined, all claims reported to the court by the Director of IDWR shall appear in a decree. This is required so that there is no confusion over action taken by the court on all claims reported to it.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on the attached Exhibit A are hereby disallowed with prejudice and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED June 20th, 2002

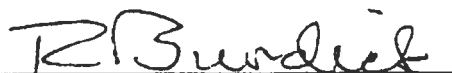

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

43-00078	43-04178
43-00096A	43-04195
43-00104A	43-04197
43-00232B	43-04202
43-00234	43-04203B
43-00235	43-04208
43-00252	43-04215
43-00256	43-04228A
43-00258	43-04230
43-00317	43-10078
43-00318	43-10103
43-00336	43-10153
43-00349	43-10337
43-00389	43-10370
43-00403B	43-10410
43-00473A	43-10441
43-00477A	43-10442
43-00478	43-10502
43-00481	43-10510
43-02010	43-10566
43-02044	43-10567
43-02045	43-10569
43-02046A	43-10571
43-02115A	43-10579
43-02115B	43-10586
43-02120A	43-10597B
43-02208	43-10599
43-02231	43-10600
43-02283	43-10601
43-02303A	43-10647
43-02390	43-10794
43-02397	43-10841
43-02496	43-11088
43-02589	43-11092
43-02596A	43-11131
43-02597	43-11149
43-04003A	43-11150
43-04003C	43-11185
43-04012A	43-11199
43-04025B	43-11288
43-04026A	43-12919
43-04042	43-12920
43-04043	43-12921
43-04046	43-12922
43-04066	43-12924
43-04101	43-12945
43-04123	43-13126
43-04134	
43-04145	
43-04152	

(Subcase list: 43DISALLOW)
6/20/02

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT CLAIMS IN BASIN 43 was mailed on June
21, 2002, with sufficient first-class postage to the following:

ELBA PARK
ATTN: LAURIE DARRINGTON
HC 61 BOX 1345
ELBA, ID 83342
Phone: 208-638-5551

ALMO WATER COMPANY
ATTN: PRESIDENT
DOUGLAS WARD
PO BOX 102
ALMO, ID 83312
Phone: 208-824-5738

BERT GOODMAN
BETTY GOODMAN
BOX 22
MALTA, ID 83342
Phone: 208-645-2458

RYAN HAWKER
BOX 433
ELBA, ID 83326
Phone: 208-638-5584

L & G CATTLE COMPANY
C/O DICK GOLDSTEIN
1355 HWY 46 W
PASO ROBLES, CA 93446
Phone: 805-238-5064

USA NATIONAL PARK SERVICE
C/O IDAHO DEPT OF PARKS & REC
CITY OF ROCKS SUPERINTENDENT
P O BOX 169
ALMO, ID 83312
Phone: 208-824-5519

JOHN A SANDERS FAMILY LTD PART
C/O JOHN A SANDERS
2107 HOOVER DR
SANTA CLARA, CA 95051
Phone: 408-241-6351

BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO, UT 84602-1333
Phone: 801-378-3080

IDAHOME FARMS INC
C/O WESLEY PARR
438 S 135 LANE E
RUPERT, ID 83350
Phone: 208-436-4765

WILLIAM D JONES AND SON
C/O WILLIAM D JONES
PO BOX 152
ALMO, ID 83312
Phone: 208-824-5527

C BAR CATTLE COMPANY
CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111
Phone: 801-328-1600

HEIDI H TUTTLE
KENYON T TUTTLE
ELBA, ID 83326
Phone: 208-638-5529

MITCHEL J HUTCHISON
TERRY R HUTCHISON
THIRZA L OTTLEY
TOMMY R HUTCHISON
HC 61 BOX 1248
MALTA, ID 83342
Phone: 208-638-5590

NATELLA WICKEL
WILLIAM A WICKEL
HC 61 BOX 1284
MALTA, ID 83342
Phone: 208-638-5547

(Certificate of mailing continued)

F STANLEY LLOYD
HC 61 BOX 1510
ELBA, ID 83326
Phone: 208-638-5543

CLARK WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
MALTA, ID 83342
Phone: 208-824-5560

GLENN L JONES
HC 72 BOX 2220
MALTA, ID 83342
Phone: 208-645-2446

WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757

LYNN STEADMAN
SUSAN STEADMAN
HC 76 BOX 1090
AMERICAN FALLS, ID 83311
Phone: 208-349-5722

CLAIR TEETER
MALTA, ID 83342
Phone: 208-638-5522

DOUGLAS WARD
PO BOX 102
ALMO, ID 83312
Phone: 208-824-5738

IVAN DARRINGTON
PO BOX 136
ALMO, ID 83312
Phone: 208-824-5511

CURTIS L DURFEE
PO BOX 185
ALMO, ID 83312
Phone: 208-824-5579

SUN VALLEY AGRIBUSINESS PARTNE
PO BOX 2169
SUN VALLEY, ID 83353
Phone: 208-725-0888

J R SIMPLOT CO
J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN, UT 84409
Phone: 801-476-0277

CLARA W BEYLER
GRANT N BEYLER
PO BOX 52
MALTA, ID 83342
Phone: 208-645-2594

ELMOINE O WIGHT
JOHN (JACK) H WIGHT
PO BOX 621
MALTA, ID 83342
Phone: 208-645-2486

HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER, UT 84301
Phone: 435-279-8267

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LDS CHURCH
REAL ESTATE DIVISION
TWELFTH FLOOR
50 E N TEMPLE ST
SALT LAKE CITY, UT 84150
Phone: 801-240-2929

FINAL ORDER DISALLOWING WATER RIGHTS

(Certificate of mailing continued)

SCHORZMAN RANCH INC
SUBLETT RT
MALTA, ID 83342
Phone: 208-645-2284

UNITED STATES OF AMERICA ACTIN
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Phone: 208-373-4000

UNITED STATES OF AMERICA ACTIN
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181
Phone: 503-231-6145

KENT S LOOCK
TINA LOOCK
115 E CENTER
MALTA, ID 83342
Phone: 208-645-2369

BUREAU OF LAND MANAGEMENT
1387 SOUTH VINNELL WAY
BOISE, ID 83709
Phone: 208-373-3814

KATHRYN H BARKER
RUEL BARKER
1621 W 950 N
PROVO, UT 84604
Phone: 801-375-7237

INTERSTATE FEEDERS INC
1710 S 2450 E
MALTA, ID 83342
Phone: 208-645-2221

ALBERT JAY COTTLE
JULENE COTTLE
1750 S COTTLE LN
BOX 1232
MALTA, ID 83342
Phone: 208-645-2567
FINAL ORDER DISALLOWING WATER RIGHTS

BARBARA E GARDINER
GOLDEN F GARDINER
NATHAN F GARDINER
1750 S HWY 81
MALTA, ID 83342
Phone: 208-645-2563

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

JOSEPHINE R NEDDO
ROGER C NEDDO
1831 S 2330 E
MALTA, ID 83342
Phone: 208-645-2233

ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318
Phone: 208-678-4844

GLEN R KUNAU
1941 MILLER AVE
BURLEY, ID 83318
Phone: 208-678-5310

LANO ELISON
LOIS ELISON
2048 S 2350 E
MALTA, ID 83342
Phone: 208-645-2537

WEBB BROS
22 N YALE RD
DECLO, ID 83323
Phone: 208-349-5740

BETTY ANN HIGLEY
TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA, ID 83342
Phone: 208-645-2444

(Certificate of mailing continued)

ADA PARKE
GLEN PARKE
2280 E 1625 S
MALTA, ID 83342
Phone: 208-645-2595

JOHN A PIERCE
MABEL PIERCE
2304 E 1800 S
MALTA, ID 83342
Phone: 208-645-2580

LORIN G JONES
2355 E 2425 S BOX 2221
MALTA, ID 83342
Phone: 208-645-2446

JOINT SCHOOL DISTRICT #151
237 E 19TH ST
BURLEY, ID 83318
Phone: 208-678-6600

HAZEL R JONES
2425 S 2385 E BOX 2220
MALTA, ID 83342
Phone: 208-645-2446

DANIEL D MOSS
JANN MOSS
2502 E 700 S
DECLO, ID 83323
Phone: 208-654-2848

DEBRA MOSS
ROBERT A MOSS
2600 E 600 S
DECLO, ID 83323
Phone: 208-349-5733

PRESTON R ALLEN
2601 E 300 S
DECLO, ID 83323
Phone: 208-349-5573

EUGENE WARD
295 E 2ND N BOX 36
MALTA, ID 83342
Phone: 208-645-2592

BIG B RANCHES
300 S 390 E
BURLEY, ID 83318
Phone: 208-678-2651

M & H FARMS
561 TERRACE DRIVE
BURLEY, ID 83318
Phone: 208-654-2640

ALICE FOSHA
BEVERLY ADAMS
HELEN FLINT
6351 11TH AVE
SACRAMENTO, CA 95820
Phone: 916-456-8225

BEVERLY ADAMS
8070 OAK MEADOWS CT
CITRUS HEIGHTS, CA 95610
Phone: 916-969-1085

FREDERICK L NEILSON
878 E 100 S
DECLO, ID 83323
Phone: 208-654-2436

12/16/2002

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

RIGHT NUMBER: 43-10510

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.150 CFS

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

PRIORITY DATE: 06/30/1938

POINT OF DIVERSION:

T13S R24E S26 NESENW Within CASSIA County

T13S R24E S26 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS
STOCKWATER	04/01 10/31	0.050 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R24E S26 Lot 1 2.8 *NESW* T13S R24E S26 SENW 2.2

STOCKWATER Within CASSIA County

T13S R24E S26 SENW T13S R24E S26 Lot 1 NESW

5 ACRES TOTAL

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 FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS THREE SPRINGS.

Christensen, Kelly

To: Kelly, Vicki
Subject: recommendation for 43-10510

I have updated my recommendatbn and feel that this one is ready for settlement. You might want to check with Candice first though. I have completed the e-cvr for this right also.



43-10510 kincade
sf5 recommend...

Kelly K Christensen

Idaho Falls, Idaho
Feb 20, 2002

Larry Kincade

RECEIVED

JUL 01 2002

Department of Water Resources
Southern Region

Malta, Idaho

To Whom it may concern:

My Father acquired the Clarence Leavitt property on Clyde Creek in Elba, Idaho in 1938 by default the O.S. Evans Bank, Albion, Idaho.

In June 1938, he surveyed an irrigation ditch around the high ground of the Middle spring of Leavitt Springs, The right to which he acquired with the property. There already was a ditch to the northeast from the spring Irrigation started that summer and continued until the present day.

Another ditch existed from the main spring run around the hill to irrigate the lawn at the house & the orchard east of the house.

My father's name was Earsel L. Twitell & the records of the land is on file in the court house at Burley, Idaho.

There are four living brothers
of mine who can attest the the
beneficial use of the Leavitt Spring
water as of this date.

The legal description of this land
is Sec 26 T 13 5 BM R. 24 E BM.

Sincerely,
Neal Fritchell
1050 Blaine
Idaho Falls, Id. 83402
Pk(208)520-4232



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

SOUTHERN REGION

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 2001

LARRY KINCADE
1781 E HWY 77
MALTA ID 83342

COPY

RE: RESPONSE TO NOTICE OF ERROR FILINGS

Dear Larry

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

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

Please give me a call if you have any questions.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

enclosures

06/08/2001

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

RIGHT NUMBER: 43-10510

NAME AND ADDRESS: DARLENE KINCADE
LARRY KINCADE
HC 61 BOX 1240
MALTA, ID 83342

SOURCE: THREE SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.15 CFS

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

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T13S R24E S26 NESENW Within CASSIA County
T13S R24E S26 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.10 CFS
STOCKWATER	04-01 10-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County	STOCKWATER Within CASSIA County
T13S R24E S26 SENW 2.2	T13S R24E S26 LOT 1 NESW 2.8
T13S R24E S26 SENW	T13S R24E S26 LOT 1 NESW

5 ACRES TOTAL

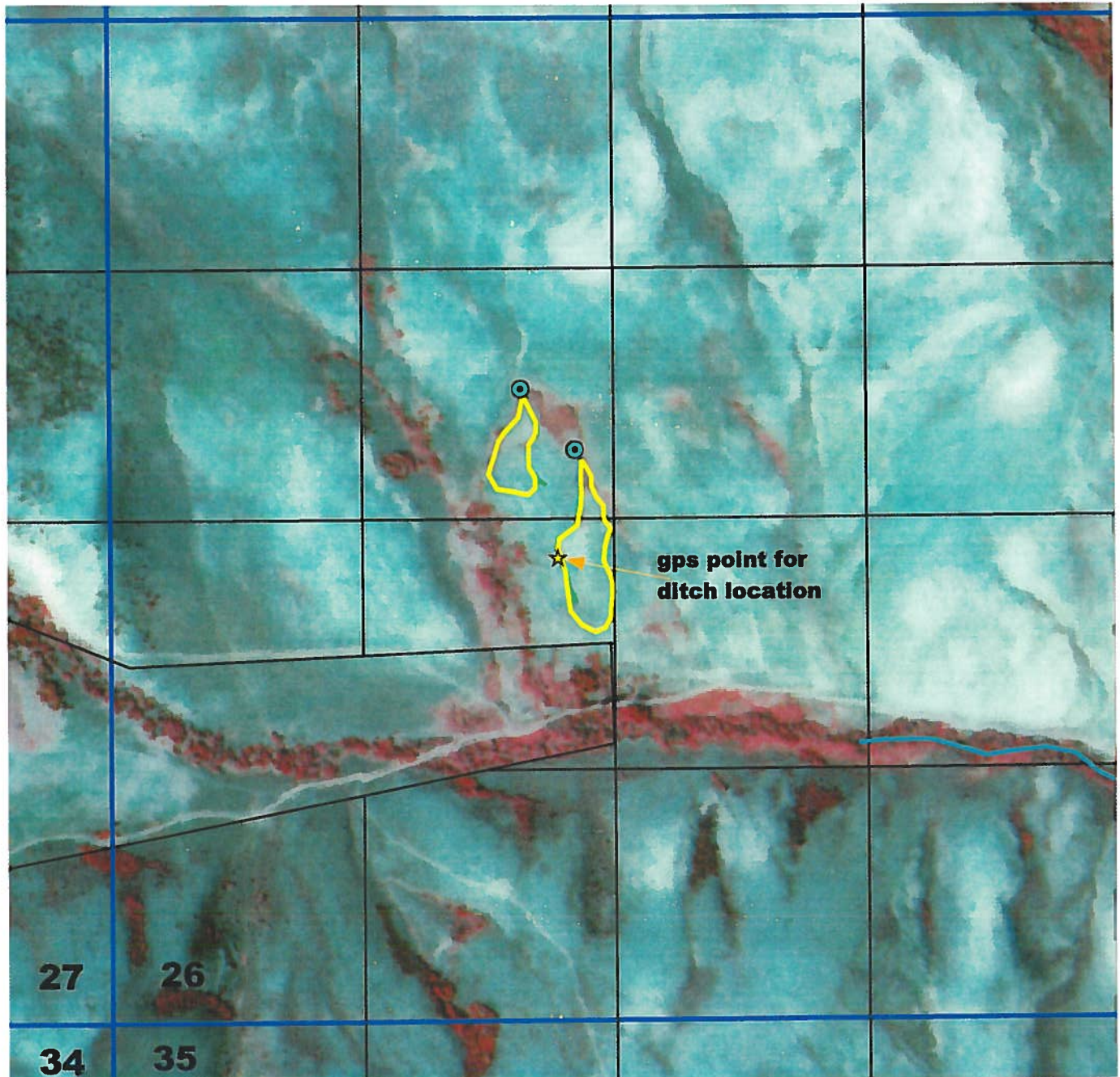
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RECOMMENDED PLACE OF USE FOR 43-10510



660 0 660 1320 1980 Feet

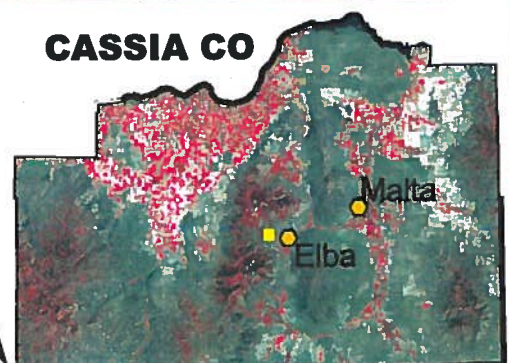
PLACE OF USE
TWP 13S, RNG 24E, SEC 26
Data entry on June 8, 2001

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

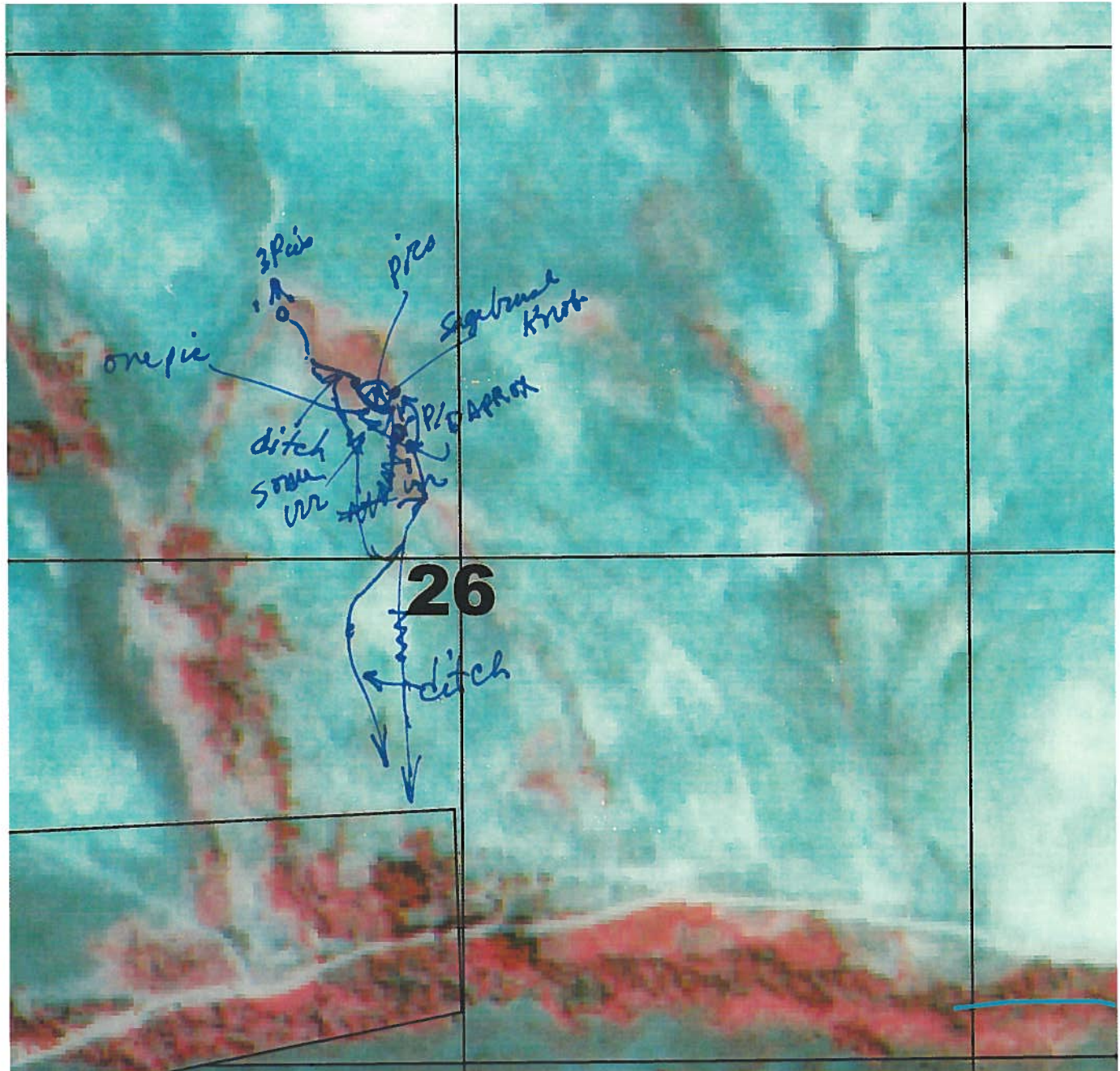


CASSIA CO



Idaho Department of Water Resources

PLACE OF USE FOR 10510



330 0 330 660 990 1320 1650 Feet

*exam date
6-6-01
KKC*

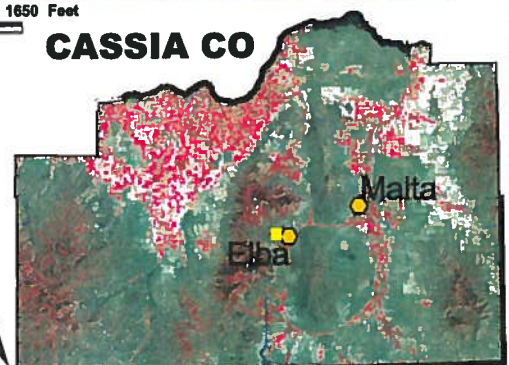
PLACE OF USE
TWP 13S, RNG 24E, SEC 26
Data entry on June 6, 2001

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

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



CASSIA CO



Microsoft TerraServer

Display Image

USGS Aerial Photograph

5 km W of Elba, Idaho, United States 24 Aug 1992

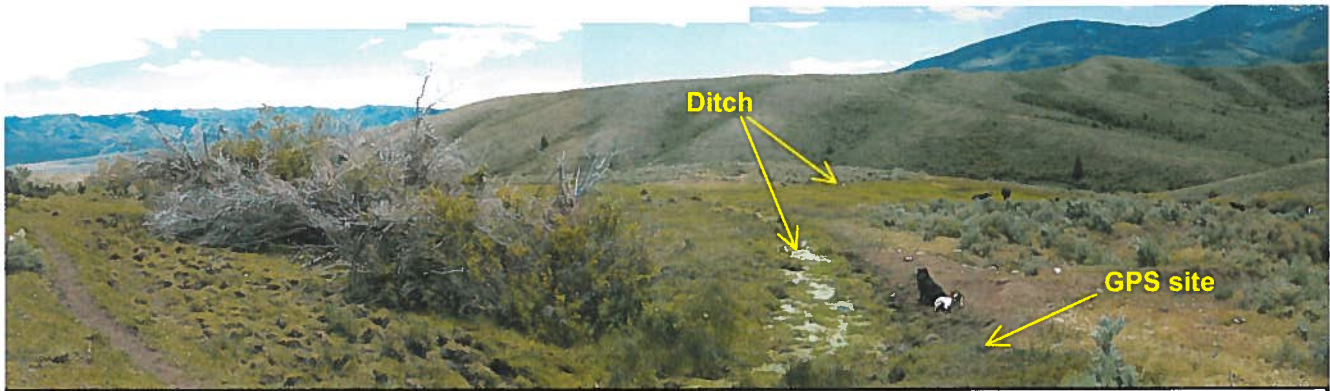


Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-5-2001

File: 43-10510 kincade

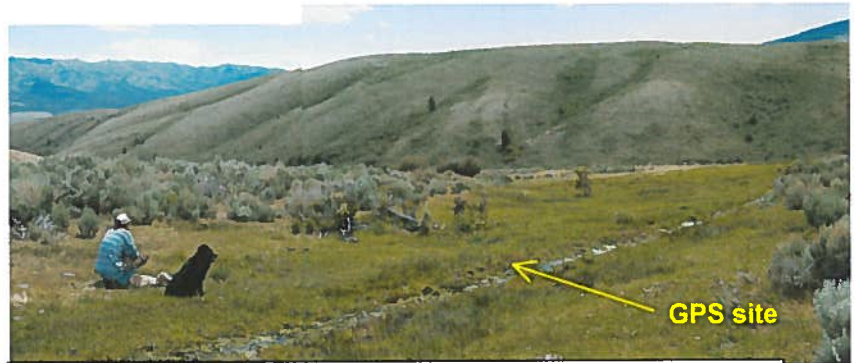
Prepared by Kelly K Christensen



This photo set is looking south on the right to southeast on the left and shows the northwest diversion point of the two diversions for this right.



This photo location is looking southeast approximately 600 ft down the ditch from the p/d identified above. The ground downhill from the ditch (to the right) is sage brush at this point and is not considered irrigated.



This photo is looking south-southeast at the southeast point of diversion. The ditch channel is basically the stream channel now. The historical channel would flow toward the trees in the center of the photo.



This photo shows a gps location that marks the western portion of the place of use from the southeast diversion point. This location was just south of the point where the ditch turned to run in a southerly direction. You are looking west in this photo.

GPS site

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 from looking E out to NW corner.
GPS reading taken at P/O

Avg Pos	542391	10.4 ft acc
	129948	31 count

West Spring

3 pan shots looking South on Rt to ESE on left corner
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	Points	115

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

East ap GPS

531432

13.4 ft acc

129362

200 p/b

E-SPR file

Point along Litch for general Ref.

531 404

14.1 ft acc

129191

70 p/b

02/23/2001

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

RIGHT NUMBER: 43-10510
NAME AND ADDRESS: DARLENE KINCADE
LARRY KINCADE
HC 61 BOX 1240
MALTA, ID 83342

SOURCE: THREE SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.4 CFS

PRIORITY DATE: 01/01/1885

POINT OF DIVERSION:	T13S R24E S26	SWNE	Within CASSIA County
	T13S R24E S26	SWNW	Within CASSIA County
	T13S R24E S26	SENE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-15 10-15	0.40 CFS
STOCKWATER	4-15 11-15	0.05 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T13S R24E S26	SWNE	5	T13S R24E S26
T13S R24E S26	SENE	9	SWNW
STOCKWATER Within CASSIA County			
T13S R24E S26	SWNE		T13S R24E S26
T13S R24E S26	SENE		SENE
T13S R24E S26	NENW		T13S R24E S26
T13S R24E S26	SENE		NENW
	SENE		T13S R24E S26
	SENE		SENE

20 ACRES TOTAL

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

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

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.

Hellwink

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 other photo)

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

Main Farm east of Concho Creek.

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

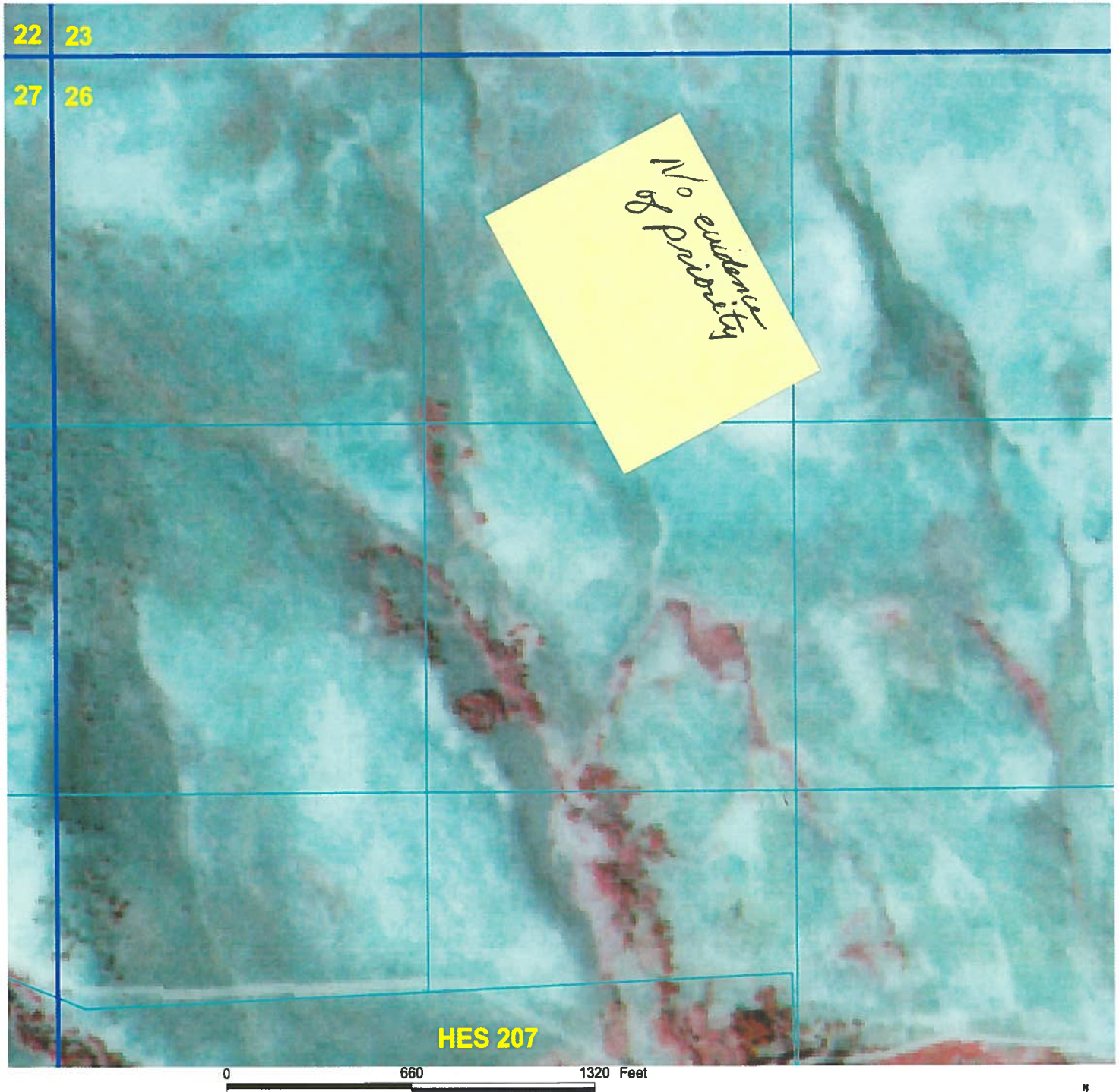
Question on P/U claimed in Sec 20 SE SW
Should be SW SW? ^{ADJ} no record found in SW SW.

A43-07139 licensed in 1990

* NO EVIDENCE OF PRIORITY SUBMITTED

IDAHO DEPARTMENT OF WATER RESOURCES

**Claimed Place of Use
43-10510**



TWP 13S; RNG 24E; Sec 26
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



4082 A43-00190

443-10510

443-16511

2 AUG-10509

S A W T

110H

5
MOI 02

CC-80
1976

DAVID HE
JULIE HE
HC 61

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

Need check
Returned
for \$ 912.00

RECEIVED

N 7 1989

Department of Water Resources
Northern Region Office

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

Rocky Mountain Bank Note

D

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

Water rights filed
are directing these
actions when we were in

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

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

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

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

Sincerely,

Julie Hellwinkel
David and Julie Hellwinkel

27 + 26

D72

23 + 24
26 + 25

CLAIM _____ INIT KKC
T. R. S. Q/Q
P/D _____
PHOTO Q-26 1978
DT. & ID. _____