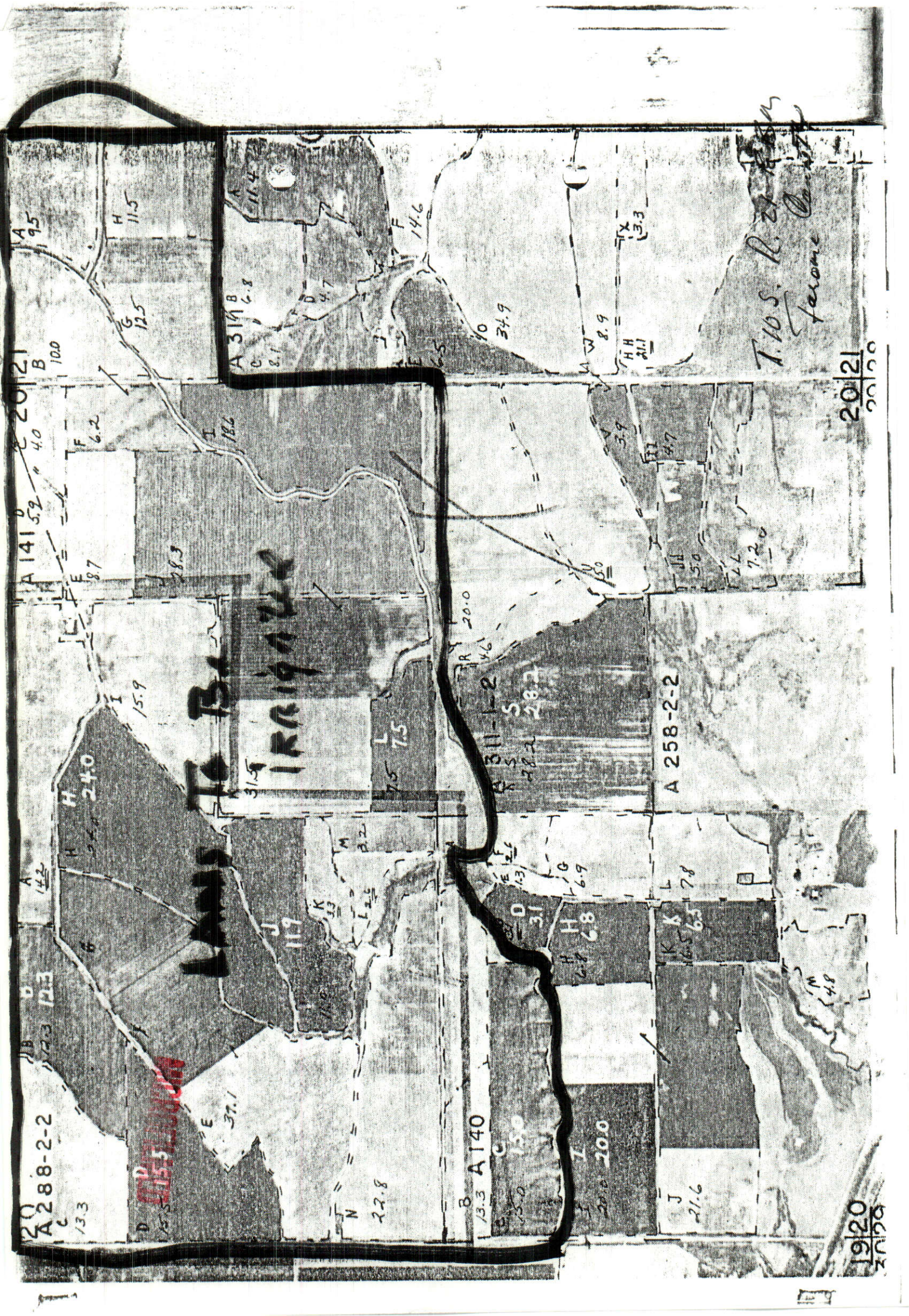




LAND TO BE
IRRIGATED

DEPARTMENT

T.10 S. R. 21 E. 18 N.
Farome Co. W.

20 21
20 20

19 20
20 20

27707/36-237
WATER EASEMENT



Point of Diversion

WASTEWAY
A+B Irrig. Dist.
(unnamed
stream)

Sump
POND

Point of
Diversion

Pipeline

\$11 \$16

\$20

\$21

Pipeline

PIPE UNDER CANAL
PA CANAL
N.S. Pumping & CO

\$16, T10S, R21E2M
JEROME COUNTY
IDAHO

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27707/36-2370 Priority Dec. 26, 1958 Amount 3.81 cfs

THIS IS TO CERTIFY, that KINCAID BROTHERS
of Hazelton, Idaho, has complied with the terms and conditions of Permit
No. 27707/36-2370 issued pursuant to Application for Permit dated December 26, 1958,
and has submitted proof to the Department of Water Administration on December 31, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.81 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream

tributary of the Snake River, is hereby confirmed in the following amounts:
Amount 3.81 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.81 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 10 S, Rge. 21 E, B. M.

in the county of Jerome; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,850 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	21 E	16									37.6	30.2	31.5	37.2	35.4	35	30.6	37.2	263.9
		20	34.6				37	36	37.4	33.5									178.5

Total number of acres irrigated 462.4

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
March, 19 73.

[Signature]
Director

36 2370

MICROFILMED

34

NESH	40	A	.7687	4.00	36-7112	L	01-22-1970	GROUNDWATER
NESH	40	A	.4784	*	36-7940	P	09-11-1980	WASTE WATER
NENE	40	A	.4784	*	36-7940	P	04-08-1957	GROUNDWATER
NUNE	20	A	.6333	*	36-2320	P	09-11-1980	WASTE WATER
NUNE	20	A	.4784	*	36-7940	P	09-11-1980	WASTE WATER
SENE	40	A	.4784	*	36-7940	P	09-11-1980	WASTE WATER
SHNE	30	A	.4784	*	36-7940	P	09-11-1980	WASTE WATER
SHNE	20	A	.9917	*	36-7942	L	05-27-1977	WASTE WATER
NENH	40	A	.6333	*	36-2320	L	04-08-1957	GROUNDWATER
NENH	40	A	.6333	*	36-2320	L	04-08-1957	GROUNDWATER
SENH	38	A	.6702	*	36-4109	S	08-25-1958	GROUNDWATER
SENH	40	A	.9917	*	36-7942	P	05-27-1977	WASTE WATER
SENH	10	A	.9917	*	36-7942	P	05-27-1977	WASTE WATER

B13

HRD420

WATER RIGHTS BY PLACE OF USE
SHOWING OVERLAPPING RIGHTS AND DIVERSION RATE PER ACRE

01/26/82

PAGE 2872

TOWNSHIP	RANGE	SECTION	TRACT	LOT	ACRES	USE	INCHES PER ACRE	ACRE FEET PER ACRE	RIGHT NUMBER	STAGE	STATUS	PRIORITY DATE	SOURCE OF WATER
105	20E	34	SHNH	39	A	.6702	*	36-4109	S			08-25-1958	GROUNDWATER
			SHNH	10	A	.9917	*	36-7942	S			05-27-1977	WASTE WATER
			NESH	20	A	.6702	*	36-4109	S			08-25-1958	GROUNDWATER
			NESH	20	A	.6702	*	36-4109	S			08-25-1958	GROUNDWATER
		35	NHSH	02	20	A	.4784	*	36-7940	P		09-11-1980	WASTE WATER
			NHNE	15	A	.9917	*	36-7942	P			05-27-1977	WASTE WATER
			NHNE	28	A	.4784	*	36-7940	P			09-11-1980	WASTE WATER
			NENH	25	A	.9917	*	36-7942	P			05-27-1977	WASTE WATER
			NENH	40	A	.4784	*	36-7940	P			09-11-1980	WASTE WATER
			NHNN	10	A	.9917	*	36-7942	P			05-27-1977	WASTE WATER
			NHNN	15	A	.9917	*	36-7942	P			05-27-1977	WASTE WATER
105	21E	05	SHNE	12	A	1.0000	4.00	36-2687	L			03-21-1967	WASTE WATER
		06	SHNE	20	A	1.0000	*	36-7837	L			01-16-1979	GROUNDWATER
		08	SHNH	40	A	.9583	*	36-2355	L			07-28-1958	GROUNDWATER
			NESH	40	A	.9583	*	36-2355	L			07-28-1958	GROUNDWATER
			NESH	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			SESH	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			SESH	40	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER
		13	SESE	20	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER
			SESH	20	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER
			SESH	20	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER
		16	SESH	35	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			NESE	35	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			NHSE	37	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			SESE	37	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			SESE	37	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			NESH	38	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			NESH	30	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			NESH	37	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
			SESH	34	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM
		17	NENH	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			SESH	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			NHNN	07	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			SHNH	25	A	1.0000	4.00	36-2313	L			11-19-1956	UNNAMED STREAM
			SESE	40	A	.8500	*	36-2146	L			08-28-1951	GROUNDWATER
			SESE	40	A	.8500	*	36-2146	L			08-28-1951	GROUNDWATER
			SESH	40	A	.8500	*	36-2146	L			08-28-1951	GROUNDWATER
			SESH	40	A	.8500	*	36-2146	L			08-28-1951	GROUNDWATER
		18	SESH	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			NENE	40	A	.5708	*	36-2052	L			03-26-1945	UNNAMED STREAM
			NHNE	40	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER
			SHNE	40	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER
			NENH	40	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER
			NENH	40	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER
			NHNN	40	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER
			NHNN	38	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER
			SENH	40	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER
			SENH	40	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER
			SHNH	40	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER
			SHNH	31	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER
			NHSE	20	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER

To be removed
from

C13

HRD420

WATER RIGHTS BY PLACE OF USE
SHOWING OVERLAPPING RIGHTS AND DIVERSION RATE PER ACRE

01/26/82

PAGE 2873

TOWNSHIP	RANGE	SECTION	TRACT	LOT	ACRES	USE	INCHES PER ACRE	ACRE FEET PER ACRE	RIGHT NUMBER	STAGE	STATUS	PRIORITY DATE	SOURCE OF WATER	
105	21E	18	NHSE	10	A	.7894	*	36-2307	L			02-19-1957	UNNAMED STREAM	
			NHSE	20	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER	
			SESE	40	A	.8500	*	36-2146	L			08-28-1951	GROUNDWATER	
			SESE	25	A	.7894	*	36-2307	L			02-19-1957	UNNAMED STREAM	
			SESH	20	A	.6250	*	36-2171	L			06-24-1952	GROUNDWATER	
			NESH	20	A	.7894	*	36-2307	L			02-19-1957	UNNAMED STREAM	
			NESH	20	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER	
			NESH	20	A	.5080	4.00	36-7527	L			03-26-1975	GROUNDWATER	
			NESH	21	A	.7894	*	36-2307	L			02-19-1957	UNNAMED STREAM	
			SESH	40	A	1.0000	*	36-2235	L			09-02-1953	UNNAMED STREAM	
			NHNN	05	A	1.0000	*	36-2235	L			09-02-1953	UNNAMED STREAM	
			SHNN	02	A	1.0000	*	36-2235	L			09-02-1953	UNNAMED STREAM	
			NHSH	03	30	A	.5450	*	36-2147	L			08-28-1951	GROUNDWATER
			NHNE	40	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM	
			NHNE	35	A	.5450	*	36-2147	L			08-28-1951	GROUNDWATER	
			NENH	40	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM	
			NENH	37	A	.5450	*	36-2147	L			08-28-1951	GROUNDWATER	
			NHNN	40	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM	
		NHNN	36	A	.5450	*	36-2147	L			08-28-1951	GROUNDWATER		
		SENH	40	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM		
		SENH	33	A	.5450	*	36-2147	L			08-28-1951	GROUNDWATER		
		SHNH	40	A	.4132	*	36-2370	L			12-26-1958	UNNAMED STREAM		
		SHNH	37	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER		
		NENE	20	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER		
		NHNE	40	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER		
		SENE	40	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER		
		NHNN	40	A	1.0000	*	36-7558	A			05-19-1975	GROUNDWATER		

HRD420

TOWNSHIP RANGE

105 250

105 2

HRD420

TOWNSHIP

105

AFFIDAVIT PUBLICATION

RECEIVED

State of Idaho, }
County of Jerome } SS.

JUN 28 1982

L. L. LANGDON
ASST. PUBLISHER

Department of Water Resources
Snake River Office

being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for Two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 3rd day of June

19 82 and the date of the last publication was on the 10th

day of June, 19 82

L. L. Langdon

Subscribed and sworn to before me this 24th

day of June, 19 82.
(SEAL)

Darla Brett
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 44
Number of Insertions 2

Lines tabular at 44 4¢ / P

Lines straight at 17.16 3¢ / P

Subsequent lines at 11.44 2¢ / Pica

TOTAL COST 28.60

COPY OF NOTICE

(Paste Here)

Change #27707-36-2370
TITLE OF NOTICE

PLAINTIFF ATTORNEY

Ray Kincaid
DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 27707/36-2370

Notice is hereby given that Ray Kin-
caid of Hazelton, Idaho, has applied to
the Department of Water Resources
for a change of place of use of the
waters of Unnamed Stream tributary
to Snake River. The right sought to be
changed is evidenced by License No.
27707/36-2370 and is recorded as
follows:

Amount: 3.81 cfs

Priority: December 26, 1958

Point of Diversion: NE¼SE¼,
SW¼SW¼, Sec. 16, T10S, R21E,
B.M., Jerome County.

The water is used for irrigation of
462.4 acres from March 15 to
November 15 within the SW¼, SE¼,
Sec. 16; NW¼NE¼, NW¼, Sec. 20,
T10S, R21E. B.M.

TO BE CHANGED AS FOLLOWS:

Amount: Same

Point of Diversion: Same

The water will be used for irrigation
of 398 acres from March 15 to
November 15 within the NE¼, NW¼,
N¼SW¼, Sec. 20; N¼NW¼, Sec. 21,
T10S, R21E. B.M.

Any protests against approval of the
above proposed change of water right
must be filed with the Idaho Depart-
ment of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls, Idaho
83301, on or before June 21, 1982.

A. Kenneth Dunn
Director
6-3-2tc

16. (a) Is reservoir to be used? No, just a sump / If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

Kincaid Brothers & H. A. Houghtelin
Applicant.

/s/ Harley M. McDowell
Agent.

8:00 A. M. December 26, 1958

Corrected application received:

The number of this permit is 27707
Recorded in Book 98 Page 27707 Approved January 9, 1959
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before March 9, 1959 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before July 9, 1961
The whole of said work to be completed on or before January 9, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1970

/s/ GEO. N. CARTER
State Reclamation Engineer.

day of January, 1959
Countersigned:

(SEAL) By /s/ARNOLD WILLIAMS Secretary of State. By /s/ ROBERT E. SMYLLIE Governor.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	21 E	16 20	40				40 40 40 40				40 40 40 40				40 40 40 40				320 200
REMARKS:			This water enters our property at the first point of diversion given in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 10S-R-21E. It enters through an unnamed stream and reaches our property and we have utilized this water for irrigation on the land applied for in this permit during the irrigation season of 1957 and 1958. There was no water coming through this drain prior to that time. The water then proceeds in a westerly direction for a little over 1/2 mile and almost 3/4 mile in a maintained ditch which we have at all times kept up and have reserved a right-of-way for this ditch and our predecessor did before us. The water can than be diverted either to the north or to the south and under this permit we wish to divert it to the south, and as indicated on our map, a sump has been constructed. The water from this point will then be lifted by pump and motor through 3,000 feet of steel pipe and conveyed into Section 20 to be utilized for irrigation on the area described in Section 20. The lands described in Section 20 are the property of Kincaid Bros. This conveyance across the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20 requires a right-of-way which we have permission for. It should be particularly pointed out that all the lands being put to beneficial use here are deeded lands and the land enters our property from an unnamed stream, goes through our property the entire distance on a constructed ditch maintained by us and at all times wherein the right-of-way was reserved appurtenant to our land. It should be noted that a portion of the water to be pumped through the pipeline into Section 20 is actually our own waste water from irrigation in Section 16.																
			While completion of works proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.																
			LICENSE ISSUED FOR 3.81 SEC. FT. LICENSE PAGE NO. _____																

AFFIDAVIT OF PUBLICATION

Elmer E. Pyne Publisher of the
First Segregation News, Haze ton, Idaho, does
hereby certify that the attached Legal Notice
was published in the aforesaid newspaper of
general circulation in Jerome County, State of
Idaho, for 2 consecutive weeks. First inser-

tion appearing in the issue of Nov 27, 1969, and the last insertion in the issue of

Dec 4, 1969 Said Legal Notice was published in the regular editions of the First Segregation News, and not a supplement thereto.

It is further certified that said weekly newspaper has been published in said town and county, continuously and uninterruptedly for a period of more than seventy-eight weeks prior to the first publication of said attached legal advertisement.

ent. *E. J. Coyne*
Publisher

Subscribed and sworn to before me, a
Notary Public for Idaho, this 4 day of

December, 1969.

_____, 1969.
Bernard J. Simmons

 Notary Public

My commission expires 7-25-1971

NOTICE OF EXISTING
WATER PERMIT

Notice is hereby given that the Kincaid Brothers, Hazelton, Idaho, have received an approved permit No. 27797 issued by the Idaho State Reclamation Department authorizing the diversion of 4.0 cubic feet per second of water from an unnamed stream tributary of the Snake River subject to all prior rights. The priority to be established under this permit is December 26, 1958 and the permit was approved January 9, 1959. Water is to be diverted by pump, motor, sump and pipe from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 10 S., R. 21 E., B. M., Jerome County to be used for irrigation in the S $\frac{1}{2}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 10 S., R. 21 E., B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 9, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

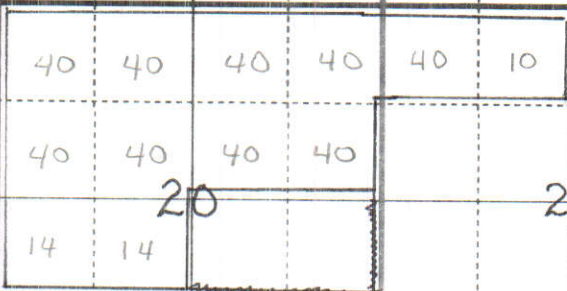
R. KEITH HIGGINSON,
State Reclamation Engineer.
(Pub. in F. S. News, Hazelton,
Nov. 27, Dec. 4, '69)

RECEIVED

24407
36-2340

AFTER

$$36-2370 \frac{3.81}{398} = 0.0096 \text{ cfs} \quad 16$$



No other water rights on this land per microfiche

BEFORE

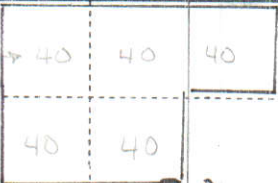
16



No water right REMAINING Per microfiche

MAY have North Side Pumping Company Water

36-2147
GROUNDWATER
PER
microfiche



20

$$36-2370 \frac{3.81}{462.4} = 0.0082 \text{ cfs/Ac.}$$

11-10-82
Jim

EXHIBIT "A"

RECEIVED

JUN 1 1982

Department of Water Resources
Southern District Office

Pipeline

\$17
\$20
\$21
\$16

Pipeline

Sump
Pond

WASTEWAY
A+B Irrig. Dist.
(unnamed
stream)

HEADGATE
RAY KINCAID

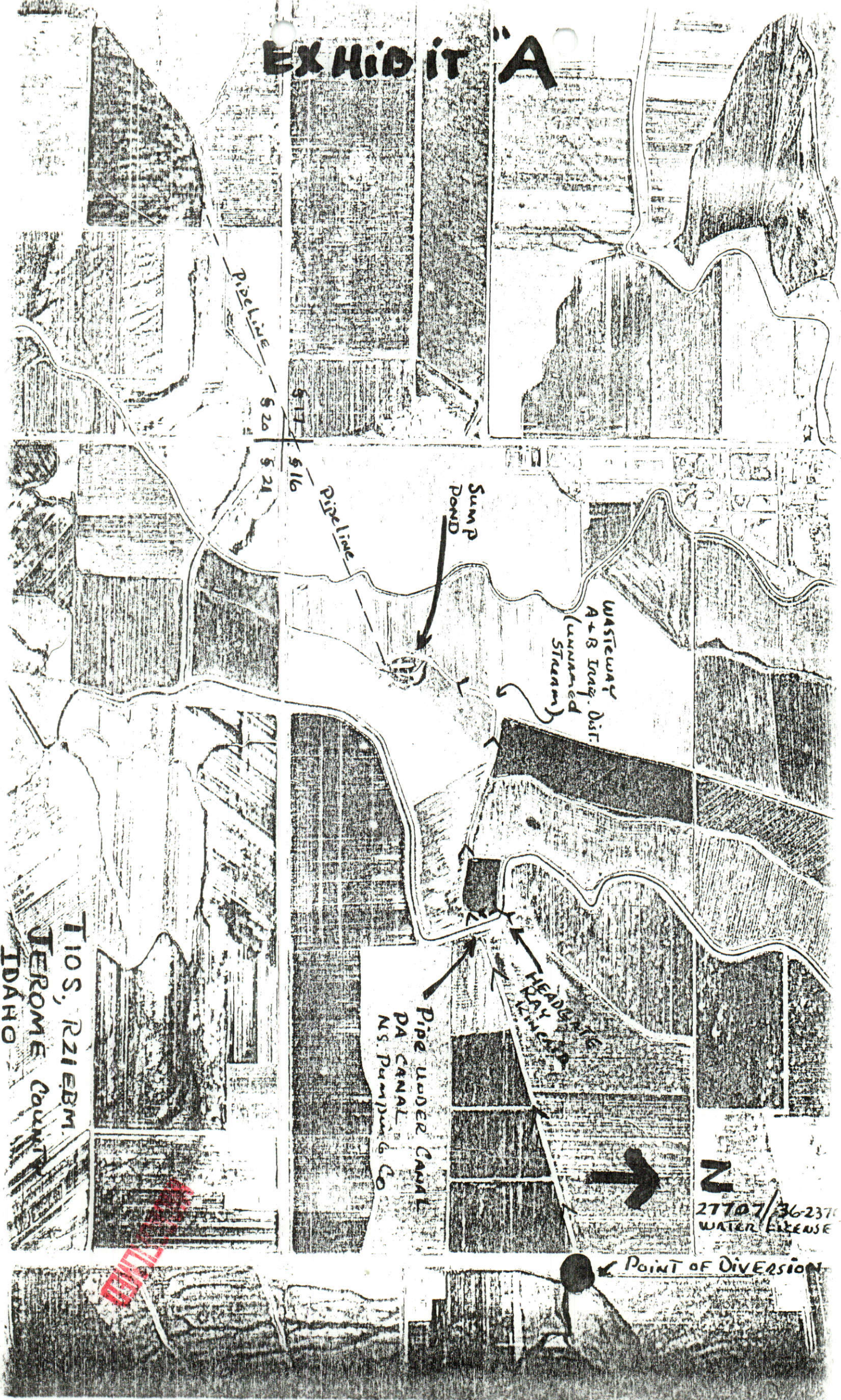
Pipe under CANAL
PA CANAL
MS. Pumping Co

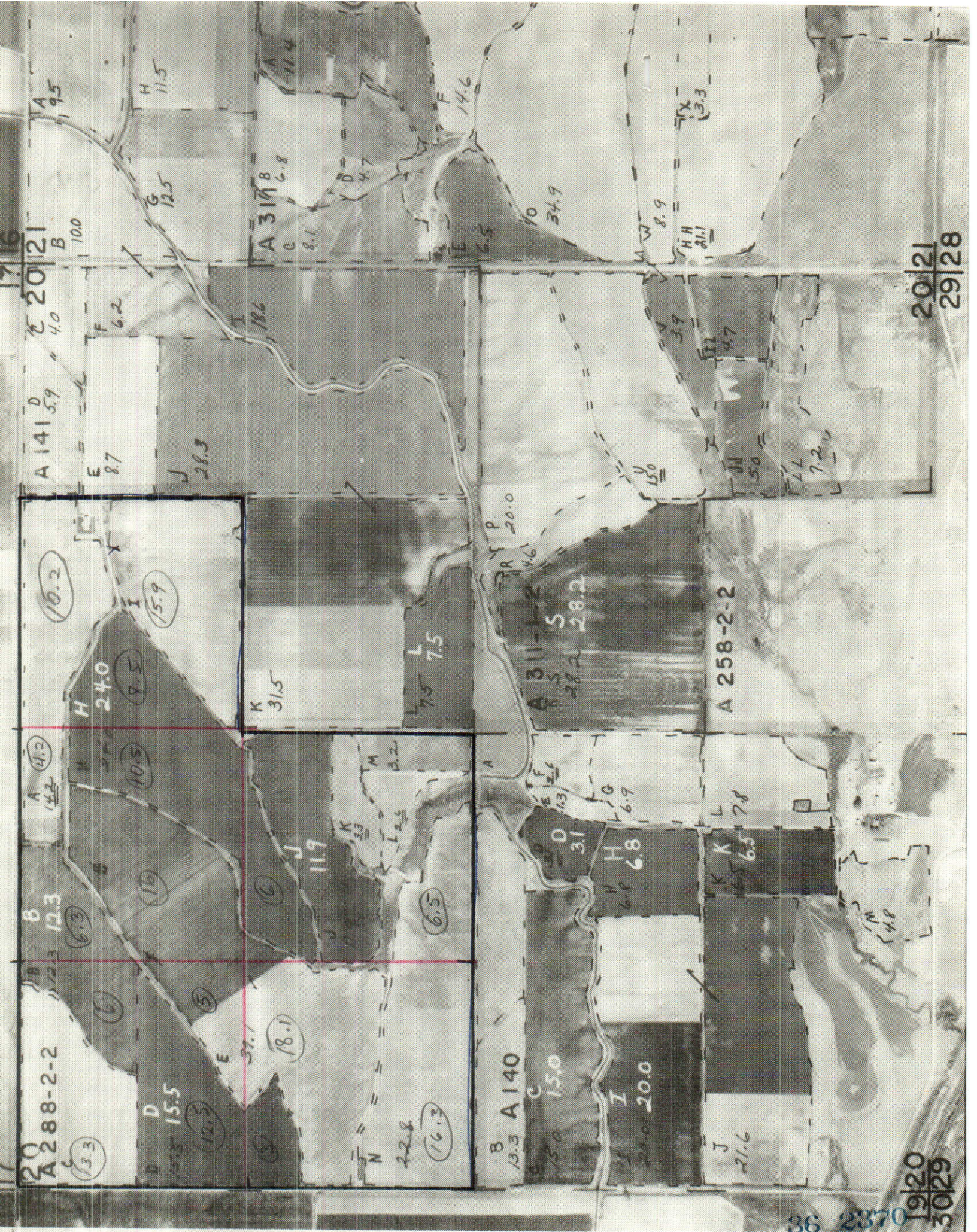
27707/367
WATER FEE

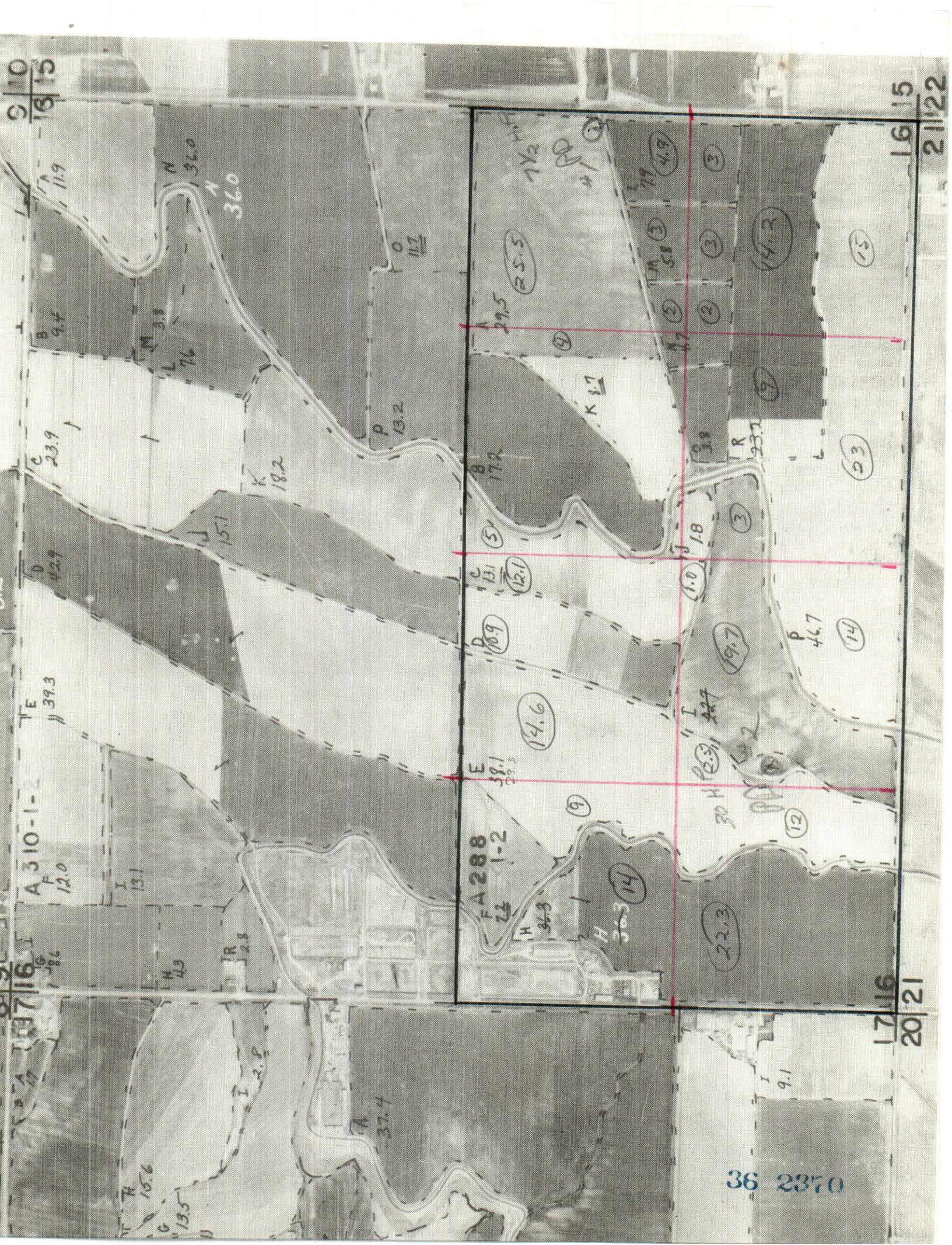
POINT OF DIVERSION

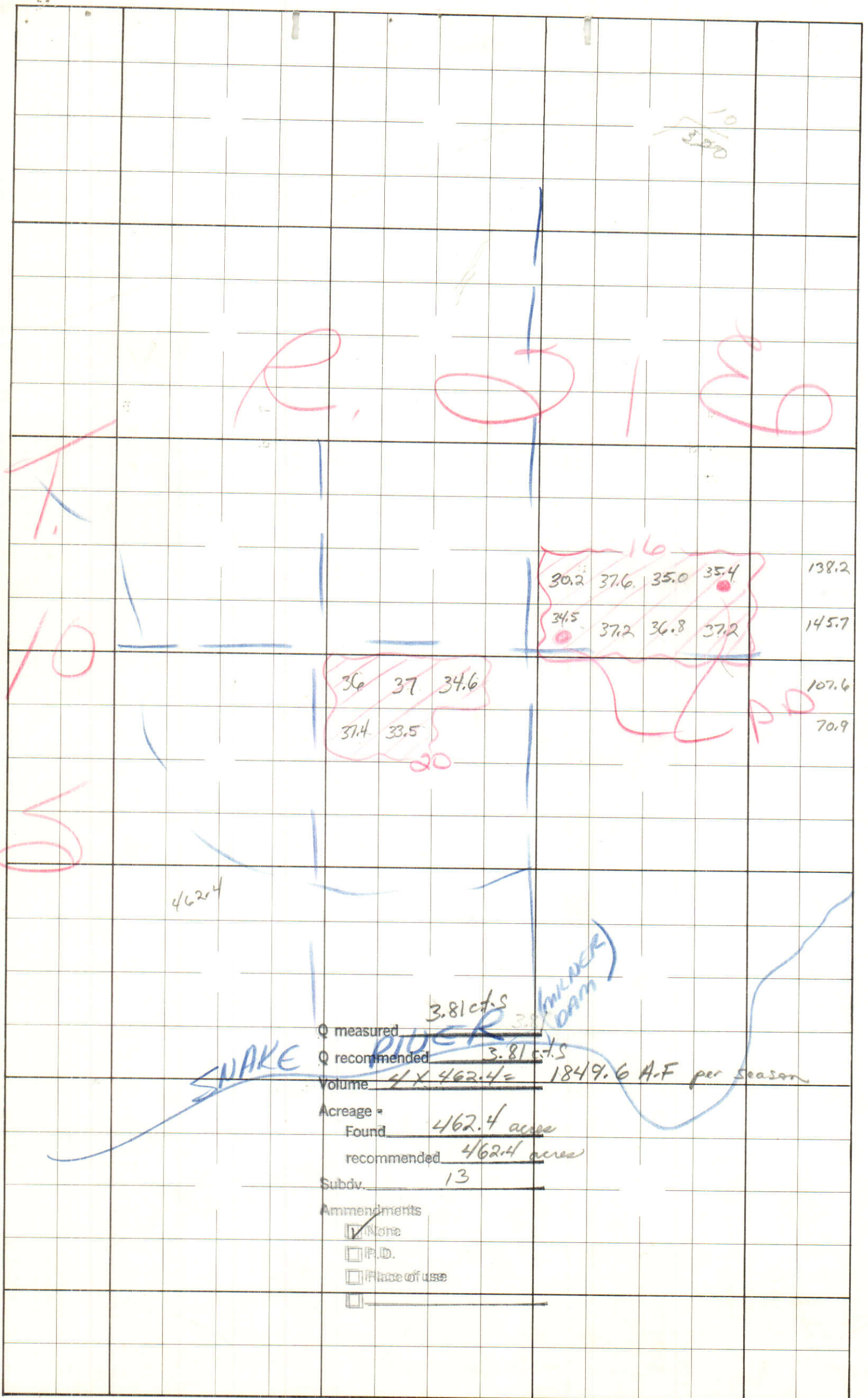
T10S, R21E3M
JEROME COUNTY
IDAHO

EXHIBIT "A"









IDAHO LAND APPRAISAL SERVICE
P. O. BOX 251 BOISE, IDAHO

R

FEB 20 1964

ASSIGNMENT

Department of Conservation

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 27707 to Kincaid Bros. of Hazelton, Ida.

Permit Holder J. A. Houghtelin

Garrett C. Houghtelin
Wife of Permit Holder

California
STATE OF IDAHO)
County of San Francisco) : ss

On this 16th day of Feb., 1964, before me, a Notary Public for the State of Idaho, residing at _____ personally appeared J. A. Houghtelin and Garrett C. Houghtelin are known to me to be the person whose name s is subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

E. A. Rementer
Notary Public
Residing at _____

My commission expires: 8/30/67

E. A. REMENTER, Notary Public
In and for the City and County of San Francisco, State of California
My Commission Expires August 30, 1967

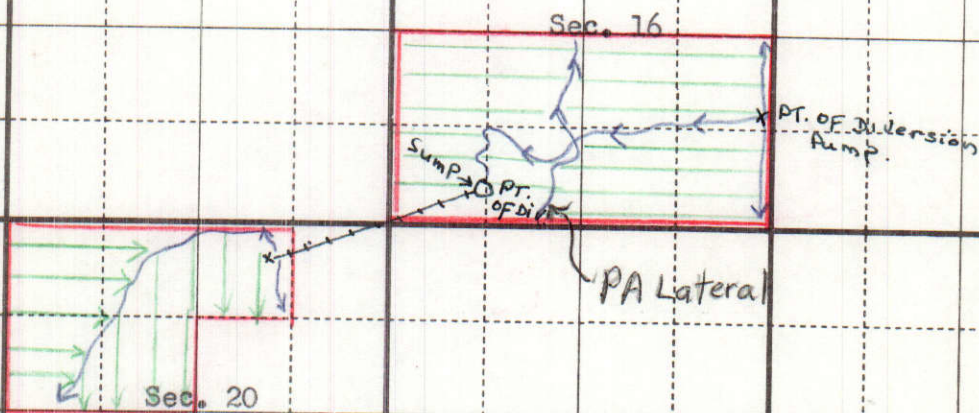
* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

27707

NAME OF APPLICANT Kincaid Brothers and J. A. Houghtelin

Form No. 0

T 10 S - R 21 E., B.M.



Permit Map No. 27707
As Approved
JAN 9 1959
GEO. N. CARTER
State Reclamation Engineer

Transfer No. 2688

Water Right No. 36-2370

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 17 1982

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources

Southern District Office

Name of applicant Ray Kincaid Phone 829-5146

Post Office address Route #2, Hazelton, Idaho 83335

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. 27707/36-2370 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant farmed with brother as part of "Kincaid Brothers". Brother died. Farm split. Want to transfer all of right appurtenant in Section 16 to Sections 20 and 21.

3. Source of water Unnamed Stream tributary to Snake River

4. Date of priority December 26, 1958

5. Water is used for the following purposes:

amount 3.81 cfs for irrigation purposes from March 15 to November 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.81 cubic feet per second
&/or
b. 1850 acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16
Township 10 S. Range 21 E., B.M., in Jerome County

Additional points of diversion, if any SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 10 South, Range 21, E.B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S.	21 E.	16									37.6	30.2	34.5	37.2	35.4	35	36.8	37.2	283.9
		20		34.6			37	36	37.4	33.5									178.5

Total number of acres to be irrigated 462.4

9. Describe any other water rights used for the same purpose as described above License G-22339, groundwater in Section 20. North Side Pumping Company rights in Sections 16 and 20.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

omit part B).

b. _____ acre feet per annum

Point of diversion _____ 1/4 _____ 1/4, Section _____

Range _____, B.M., _____ County _____

Additional points

_____ Total number of acres to be irrigated

1. General Information

a. Amount of water

b. Description of diverting works	Sump, pump and pipe.

c. Describe the reasons for the proposed changes

1000

TM 315PM TO STN TO'C TTP

•ITZ UN72229 IT S2108 AC

Point of diversion _____

Range _____ E.L., B.M., _____ Section _____ County _____

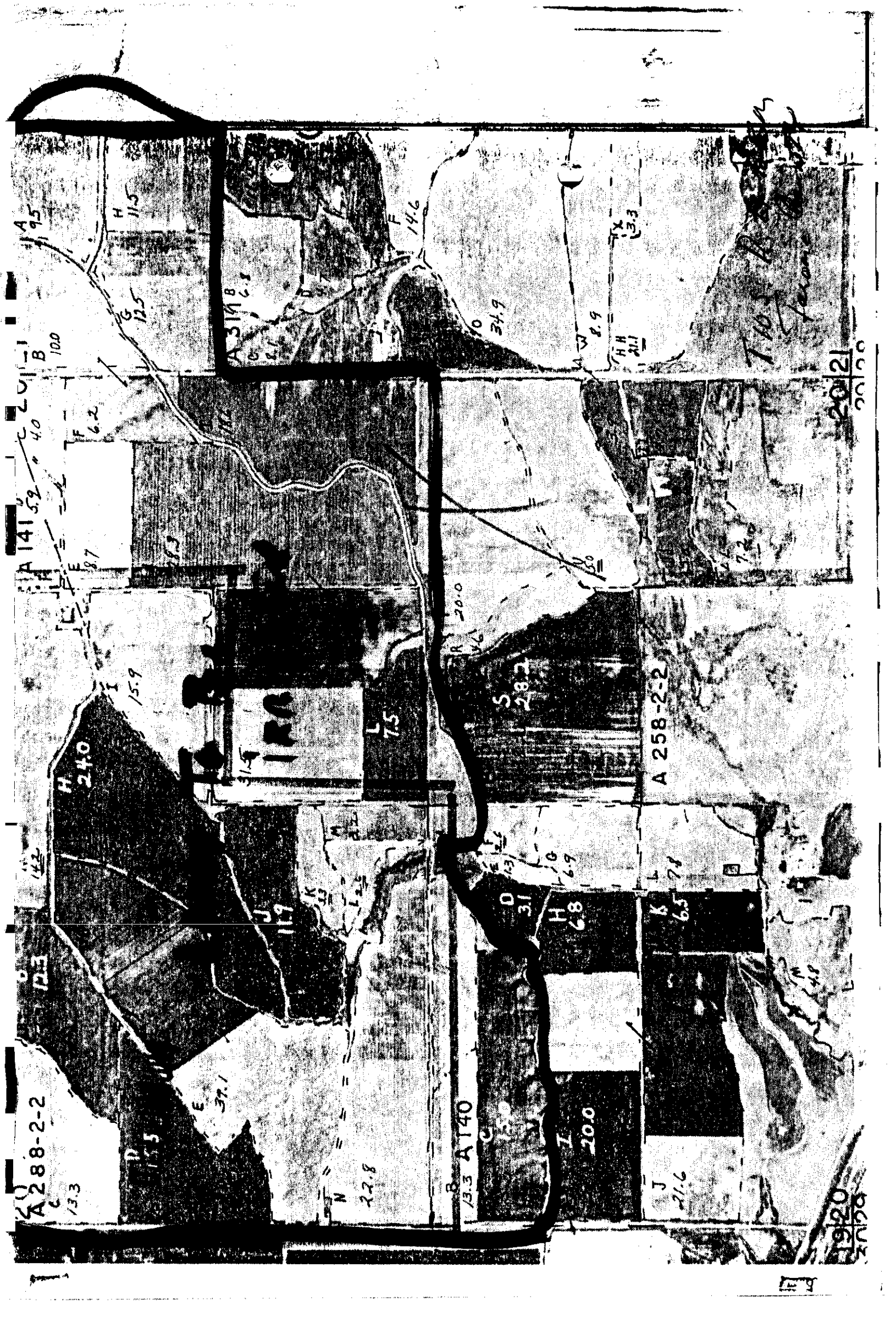
Additional points

a. Are there leins, mo

right which limit your authority to make the proposed change? Yes _____ No _____ If yes, provide _____

a statement agreeing to the proposed change from the holder of the bill, mortgage or contract.

b. Describe the effect on the land now irrigated if the place or use is changed pursuant to this transfer



A 288-2-2

DE

A 141-5-2

B 100

A 95

13.3

D 17.5

E 39.1

J 11.9

K 13.3

N 22.8

B 13.3 A 140

C 15.0

O 31

H 6.8

I 20.0

J 21.6

K 6.5

A 258-2-2

S 28.2

R 20.0

I 15.9

H 24.0

J 11.9

L 7.5

A 314-8

G 12.5

H 11.5

F 14.6

34.9

W 8.9

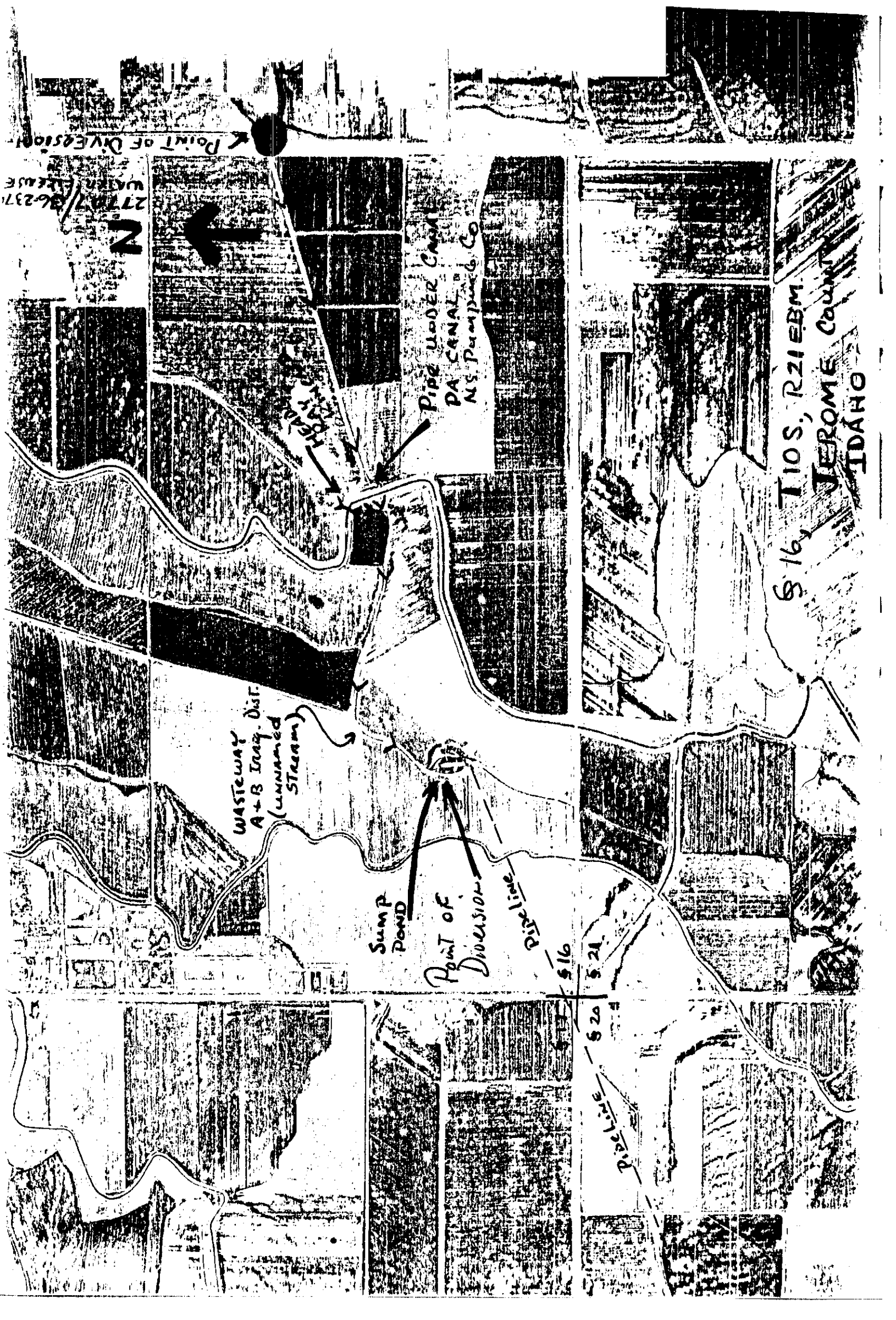
X 3.3

T 10.5 H 2.5

Farone

20 21

1920



\$16, T10S, R21E8M
JEROME COUNTY
IDAHO

Pipe Under Canal
PA CANAL
MS Pumping Co

HEADGATE

WASTEWAY
A+B Irrig. Dist.
(unnamed Stream)

Sump Pond

Point of Diversion

Pipeline

\$16

\$21

\$20

Pipeline

2

27 JUL 86
WATER RELEASE

POINT OF DIVERSION

D. REMARKS

Waste water will be first utilized to extent available. North Side Pumping Company shares. Finally, water from well under License No. G-22339 will be used as a supplemental supply.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Ray Kincaid
Ray Kincaid (Signature of Applicant)

Subscribed and sworn to before me this 14 day of May, 19 82.

John A. Rosholt
(Notary Public)

My commission expires 1986

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-2370 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness my hand this 17th day of November, 19 82.

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>manya</u>	Date <u>5/17/82</u>	Protest filed by _____
Prelim. check by _____	Fee <u>50⁰⁰</u>	_____
Receipted by <u>manya</u>	Date <u>5/18/82</u> # <u>22183</u>	_____
Published in <u>North Side News</u>	Copies of protest forwarded by _____	
Pub. dates <u>4/6/82</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd.	by <u>Jim Der</u>	

SCALE: 2 inches equal 1 mile. Draw plan in ink.

[illegible]

land involved by section, township and range number.

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the _____

Total number of acres to be irrigated 398

[illegible]

- c. Describe the land or place of use to which the right will be transferred:

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27707/36-2370 Priority Dec. 26, 1958 Amount 3.81 cfs

THIS IS TO CERTIFY, that KINCAID BROTHERS
of Hazelton, Idaho, has complied with the terms and conditions of Permit
No. 27707/36-2370 issued pursuant to Application for Permit dated December 26, 1958
and has submitted proof to the Department of Water Administration on December 31, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.81 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 3.81 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.81 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 10 S, Rge. 21 E, B. M.

in the county of Jerome; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,850 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	21 E	16									37.6	37.2	31.8	37.4	35	32.6	37.2		239.8
		20	34.6				37	36	37.4	33.5									178.5

Total number of acres irrigated 452.4

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
March, 19 73

Director

36 2370

MICROFILMED

[illegible][illegible]

AFFIDAVIT PUBLICATION

RECEIVED

State of Idaho, }
County of Jerome } SS.

JUN 28 1982

L. L. LANGDON
ASST. PUBLISHER

Department of Water Resources
Southeast District Office

being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for Two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 3rd day of June
1982 and the date of the last publication was on the 10th
day of June, 1982

L. L. Langdon

Subscribed and sworn to before me this 24th

day of June, 1982.
(SEAL)

Darla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 44
Number of Insertions 2
Lines tabular at 4c / P
Lines straight at 17.16 3c / F
Subsequent lines at 11.44 2c / Pica
TOTAL COST 28.60

COPY OF NOTICE

(Paste Here)

Change # 27707-36-2370
TITLE OF NOTICE

PLAINTIFF ATTORNEY

Ray Kincaid
DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

CHARGE

Notice is hereby given that Ray Kin-
caid of Hazelton, Idaho, has applied to
the Department of Water Resources
for a change of place of use of the
waters of Unnamed Stream tributary
to Snake River. The right sought to be
changed is evidenced by License No.
27707/36-2370 and is recorded as
follows:

Amount: 3.81 cfs
Priority: December 26, 1958
Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T10S, R21E,
S.M., Jerome County.
The water is used for irrigation of
42.4 acres from March 18, to
November 15 within the SW $\frac{1}{4}$, SE $\frac{1}{4}$,
Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 20,
T10S, R21E, S.M.

TO BE CHANGED AS FOLLOWS:

Amount: Same
Point of Diversion: Same
The water will be used for irrigation
of 208 acres from March 15 to
November 15 within the NE $\frac{1}{4}$, NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21,
T10S, R21E, S.M.

Any protests against approval of the
above proposed change of water right
must be filed with the Idaho Depart-
ment of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls, Idaho
83301, on or before June 21, 1982.

A. Kenneth Dunn
Director
6-32tc

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

DATE: May 14, 1982

TO: Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Application for Transfer - Ray Kincaid

Enclosed for filing please find an
Application for Transfer of Water Right.
Also enclosed is our check in the amount
of \$50.00 for the filing fee.

Thank you.



NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY John A. Rosholt

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27707/36-2370 Priority Dec. 26, 1958 Amount 3.81 cfs

THIS IS TO CERTIFY, that KINCAID BROTHERS
of Hazelton, Idaho, has complied with the terms and conditions of Permit
No. 27707/36-2370 issued pursuant to Application for Permit dated December 26, 1958,
and has submitted proof to the Department of Water Administration on December 31, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.81 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 3.81 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.81 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 10 S, Rge. 21 E, B. M.

in the county of Jerome; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,850 acre feet per year or _____
4.0 acre feet per acre.

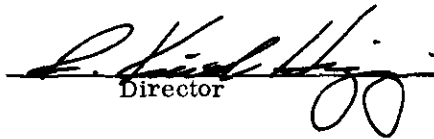
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	21 E	16									37.6	30.2	34.5	37.2	35.4	35	36.8	37.2	283.9
		20		34.6			37	36	37.4	33.5									178.5

Total number of acres irrigated 462.4

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
March, 19 73.


Director

36 2370

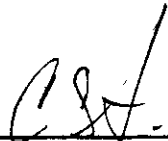
MEMO

Date: March 12, 1970

Re: Permit No. 27707/36-2370

On March 11, 1970, the permit holders informed the Department that they did not have in their possession a copy of the original application for the above referenced permit. The Department after examining their records feels that the NW $\frac{1}{4}$, Sec. 20, T. 10 S, R. 21 E, B. M. was omitted from the Department's copy of the original; therefore, it has been decided that the permit should include the additional land.

Dated this 12th day of March, 1970.



C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

CSA:TG

36-2370
27707

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27707)

in the name of Kincaid Brothers)

Hazelton, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

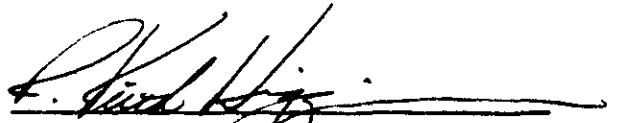
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 27707 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 19th day of August, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

27707
36-2370

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 35643
PERMIT No. 27707
DISTRICT No.

Kincaid Brothers &
J. A. Houghtelin
& Harley M. McDowell

1. Name of Applicant: KINCAID BROTHERS and J. A. HOUGHTELIN

Postoffice address: Hazelton

County: Jerome

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

Assigned to

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 4 cubic feet per second.

3. Source of water supply: Un-named stream which is a tributary of Snake River

4. Location of point of diversion: 200 North SE
300 feet distant from the North SE
corner of Section 16, T. 10 S, R. 21 E, B.M., and is in the NE SE
SW SW
of section 16, T. 10 S, R. 21 E, B. M., County of Jerome

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 7,000 - A pump with 7½ h. p. motor will be installed at the first point of diversion in Sec. 16, NE SE. A diversion sump already constructed and a 3000' 12" steel pipe conducting this to the pt. of outfall located in NW NE Sec. 20, also a 25 h.p. pump will be installed in SW SW

8. Kind of works: Sec. 16. Pt. of diversion.

9. Height of dam None feet; length of dam at top feet; length of dam at bottom

feet; material used in dam: these are diversions to be made of rock and earth from unnamed stream at 1st point and at the sump already constructed a pipe will be laid for conduction

10. Size of headgate: Width 24" feet; height 3' feet.

All ditches are gravity. There are 4 main ditches each capable of carrying 4 cu. ft. sec.

11. Ditch: Width at bottom 30" feet; width at water line 4 feet; depth of water 3 feet;

dimensions of flume: none

Diameter of pipe 12" inches; length of conduit Pipe , 3,000 ft. miles.

Ditches approx. 3 miles

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: On land in Sec. 16, S½, 152 shares of Palisades water and 213 shares of Northside Canal Co. Water on Sec. 20, G-22339 Licensed for 2.18 c.f.

16. (a) Is reservoir to be used? No, just a sump / If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

Kincaid Brothers & H. A. Houghtelin
Applicant.

By

/s/ Harley M. McDowell
Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is 27707
Recorded in Book 98 Page 27707 Approved January 9, 1959
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before March 9, 1959 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before July 9, 1961
The whole of said work to be completed on or before January 9, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1970

WITNESS My hand this 9th day of January, 1959

/s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYIE, Governor of the State of Idaho,
and ARNOLD D. WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th
day of January, 19 59 STATE OF IDAHO

(SEAL) By /s/ ARNOLD WILLIAMS Secretary of State. By /s/ ROBERT E. SMYLIE Governor.

REMARKS: (SEE BELOW)

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	
10 S	21 E	16 20	40				40	40	40	40	40	40	40	40	40	40	40	320 200	
REMARKS:			This water enters our property at the first point of diversion given in the NE1/4 SE1/4 Section 16, T. 10S-R-21E. It enters through an unnamed stream and reaches our property and we have utilized this water for irrigation on the land applied for in this permit during the irrigation season of 1957 and 1958. There was no water coming through this drain prior to that time. The water then proceeds in a westerly direction for a little over 1/2 mile and almost 3/4 mile in a maintained ditch which we have at all times kept up and have reserved a right-of-way for this ditch and our predecessor did before us. The water can then be diverted either to the north or to the south and under this permit we wish to divert it to the south, and as indicated on our map, a sump has been constructed. The water from this point will then be lifted by pump and motor through 3,000 feet of steel pipe and conveyed into Section 20 to be utilized for irrigation on the area described in Section 20. The lands described in Section 20 are the property of Kincaid Bros. This conveyance across the NE1/4 NE1/4, Section 20 requires a right-of-way which we have permission for. It should be particularly pointed out that all the lands being put to beneficial use here are deeded lands and the land enters our property from an unnamed stream, goes through our property the entire distance on a constructed ditch maintained by us and at all times wherein the right-of-way was reserved appurtenant to our land. It should be noted that a portion of the water to be pumped through the pipeline into Section 20 is actually our own waste water from irrigation in Section 16. While completion of works proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.																
			LICENSE ISSUED FOR 3.81 SEC. FT. LICENSE PAGE NO. _____																

Permit No. 27707
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that KINCAID BROTHERS and J. A. HOUGHTELIN of Hazelton, County of Jerome, and State of Idaho, the holder of Permit No. 27707, issued upon Application No. 35643 bearing date of priority of December 26, 1958, authorizing the diversion of 4.0 second feet of waters of Unnamed Stream, County of Jerome, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.0 second feet of the waters of Unnamed stream, tributary of Snake River; that the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 10 S., R. 21 E. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

360 acres in S $\frac{1}{2}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 10 S., R. 21 E., B. M., Idaho

Witness my hand this 14th day of January, A. D. 1964.

s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer

Proof of Completion of Works Made: January 10, 1964

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 27707 to KINCAID BROTHERS of Hazelton, Idaho.

s/ J. A. HOUGHTELIN
 Permit Holder

s/ HARRIET C. HOUGHTELIN
 Wife of Permit Holder

STATE OF CALIFORNIA)
) ss
 County of San Francisco)

On this 10th day of February, 1964, before me, a Notary Public for the State of California, personally appeared J. A. Houghtelin and Harriet C. Houghtelin known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

s/ R. A. REMENTER,
 Notary Public
 In and for the City and County of
 San Francisco, State of California (seal)
 My commission expires August 30, 1967

My commission expires 8/30/67

Identification No. _____

Permit No. 27707

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Dec

JMB

1. a) Name of Permit Holder Kincaid Brothers ✓
b) Post Office Address Hazelton, Idaho 83335 ✓
2. Permit Number 27707 ✓
3. Date of Priority that you are prepared to establish December 26, 1958. ✓
4. a) Source from which water was appropriated unnamed stream, tributary of Snake River ✓
b) Location of the point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16 ✓
Township 10 South ✓, Range 21 East, ✓ Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 4.0 ✓ for irrigation ✓ purposes from May 1st to Oct. 1st incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.0 ✓ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: by Applicants, by weir. ✓

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

- b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 20 h. p. pump & 10" pipe-
line, pump is installed in a point on a pond to which the water
from ditch is diverted. Second diversion point: 7' h. p. pump & ✓
10" pipe.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

- c) Give well drillers name and address and date the well was completed _____

EXAM TYPED
12-31-69
JMB

24707
36-2370

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
10 S	21 E	16		40							40	40	40	40	40	40	40	40	320
		20		40			40	40	40	40									200

Total number of acres irrigated 520

10. Remarks: Water enters premises at point of diversion in NE1/4 SE1/4, said Section 16. Water then proceeds in westerly direction and finally into a sump, where it is lifted by pump and conveyed by pipe to Sec. 20 lands. Sec. 16 lands are watered by use of smaller pump.

The above information is a true statement of the extent to which the above numbered permit has been developed.

Dec. 29, 1969
(Date)

Kincaid Brothers
(Signature)

By Bobby Lewon Kincaid James Ray Kincaid

State of Idaho)
County of Jerome) ss.

On this 29th day of December, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Paul H. Seely
Notary Public residing at Jerome, Idaho

My commission expires Dec. 17, 1970

AFFIDAVIT OF PUBLICATION

Elmer E. Pyne Publisher of the
First Segregation News, Haze ton, Idaho, does
hereby certify that the attached Legal Notice
was published in the aforesaid newspaper of
general circulation in Jerome County, State of
Idaho, for 2 consecutive weeks. First inser-

tion appearing in the issue of Nov 27,
1969, and the last insertion in the issue of

Dec 4, 1969 Said Legal Notice was published in the regular editions of the First Segregation News, and not a supplement thereto.

It is further certified that said weekly newspaper has been published in said town and county, continuously and uninterruptedly for a period of more than seventy-eight weeks prior to the first publication of said attached legal advertisement.

ent. *E. J. Coyne*
Publisher

[illegible]

Subscribed and sworn to before me, a
Notary Public for Idaho, this 4 day of
December, 1964.

_____, 1964.
Barbara H. Simon
 Notary Public

My commission expires 7-23-1971

NOTICE OF EXISTING WATER RIGHTS

Notice is hereby given that the R. Keith Higginson, Idaho, has applied for a license to divert water from the Idaho River by the Idaho River Development Corporation for the diversion of water from the river and of water from the river stream to the Idaho River for the purpose of irrigation. The application was filed under the act of September 26, 1958 and the permit was approved January 9, 1960. Water is to be diverted by pump, motor, sump and pipe from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 10 S., R. 21 E., B. M., Jerome County to be used for irrigation in the S $\frac{1}{4}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 10 S., R. 21 E., B. M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 9, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
State Reclamation Engineer.
(Pub. in F. S. News, Hazelton,
Nov. 27, Dec. 4, 1969)

24407
36-2370

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

DATE: May 28, 1982

TO: Mr. Allen D. Merritt
Senior Water Resource Analyst
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Ray Kincaid

As per your letter of May 26, 1982,
enclosed is a copy of a Memorandum Agreement
with the exhibits attached thereto.

If you need anything further, please
advise.

RECEIVED

JUN 1 1982

**Department of Water Resources
Southern District Office**

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

John A. Rosholt

BY

November 24, 1982

RE: Water Right No. 36-2370

Ray Kincaid
Route #2
Hazelton, ID 83335

Dear Mr. Kincaid:

Enclosed is a copy of your approved application for transfer of the above referenced water right (Transfer No. 2688). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ADM

1. Right number 36-2370 Applicant KINCAID, Ray
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- N/A. ☒ Check description of point(s) of diversion.
- ☒ Check description of place of use. *not shown of map*
- ☒ Check map (shows p.o. and p.u. after transfer). *OK*
- ☒ Check for correct signature, notarization, and fee.
- ☒ Check proof of ownership of right &/or land from which water is transferred. *See Memorandum Agreement*
- ☒ Check for expansion in use of right. Comments Appears to be no expansion
Transfer does not state what if land in Sec. 16
will be irrigated - Appears to have N. Side pumping
- ☒ Check for existing water rights from same source, on land water is being transferred to. *company water on it.*
Right number(s) 36-2147-G.W. *see overlap review*
- ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

- ① Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
- ✓ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

- ① ☒ Approve
2. ☐ Deny
3. Conditions* ~~2~~, ~~3~~ R16(4.0)

4. By ADM Date 7/6/82

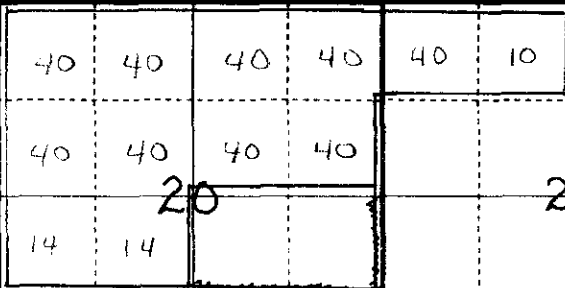
JUL 08 1982

Department of Water Resources

Jim 11-10-82 use above condition
* All uses within Watermaster Districts require special conditions.

AFTER

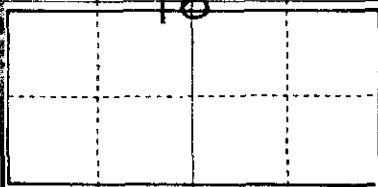
36-2370 $\frac{3.81}{398} = 0.0096$ cfs 16



1/4" = 1 mile
on this load per acre

BEFORE

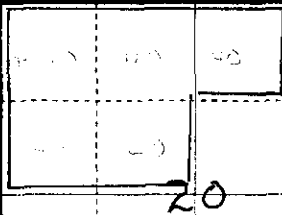
16



1/4" = 1 mile
on this load per acre

1/4" = 1 mile
on this load per acre

36-2370
Groundwater
level
on this load



36-2370 $\frac{3.81}{462.4} = 0.0082$ cfs/Ac.

11-10-82
Jim

RECEIVED

JUN 1 1982

MEMORANDUM AGREEMENT

Department of Water Resources
Southern District Office

THIS AGREEMENT, Made and entered into this 22nd day of April, 1981, by and between Virginia L. Kincaid, widow and Testamentary Trustee of the Estate of Robey LeVon Kincaid, and her sons Robert Kincaid and Gary Kincaid, constituting all of the persons interested in the testamentary trust of Robey LeVon Kincaid, all dealing with their sole and separate property, first parties, and Ray Kincaid and Ellen Kincaid, husband and wife, second party;

WITNESSETH:

WHEREAS, Robey LeVon Kincaid and Virginia Kincaid, previously entered into a Partition Agreement with Ray Kincaid and Ellen Kincaid dated March 13, 1969, by which Robey LeVon Kincaid and Virginia Kincaid were deeded the interest of Kincaid Brothers in Section 16, Township 10 South, Range 21 East, Boise Meridian, Jerome County, Idaho, as shown on Exhibit "A" hereto and Ray Kincaid and Ellen Kincaid were deeded the interest of Kincaid Brothers in those properties located in Section 20 of Township 10 South, Range 21 East, Boise Meridian, Jerome County, Idaho, together with appropriate shares of the capital stock of the North Side Pumping Company; and

WHEREAS, Kincaid Brothers were issued Idaho Water License No. 27707/36-2370 with a priority date of December 26, 1958, a copy of which is attached hereto as Exhibit "B", and which license has not heretofore been assigned; and

WHEREAS, first parties contemplate an early sale of the property in Section 16; and

WHEREAS, the parties wish to delineate the rights of second party in the use of the water represented by said Exhibit "B", together with the easements and rights of way necessary to divert and convey said water to second party's Section 20 property;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the parties hereto agree as follows:

1. The first parties agree to execute a Right of Way Agreement in favor of second party across the lands of first parties and in the related diversion and irrigation works now in place on lands of first parties in the form attached hereto as Exhibit "C", the purpose of said right of way agreement being to allow second party to convey water represented by Exhibit "B", together with North Side Pumping Company water, to property owned by second party in Section 20 for the beneficial application of said water on such property.

2. That first parties shall execute an assignment of all of their rights to the water represented by Exhibit "B" hereto, in the form attached hereto as Exhibit "D", and hereby join in a transfer of all of said rights for use on the lands of second party in Section 20.

3. This Memorandum Agreement shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

DATED this 22 day of April, 1981.

Virginia L. Kincaid
VIRGINIA L. KINCAID

Robert Kincaid
ROBERT KINCAID

Gary Kincaid
GARY KINCAID

Ray Kincaid
RAY KINCAID

Ellen Kincaid
ELLEN KINCAID

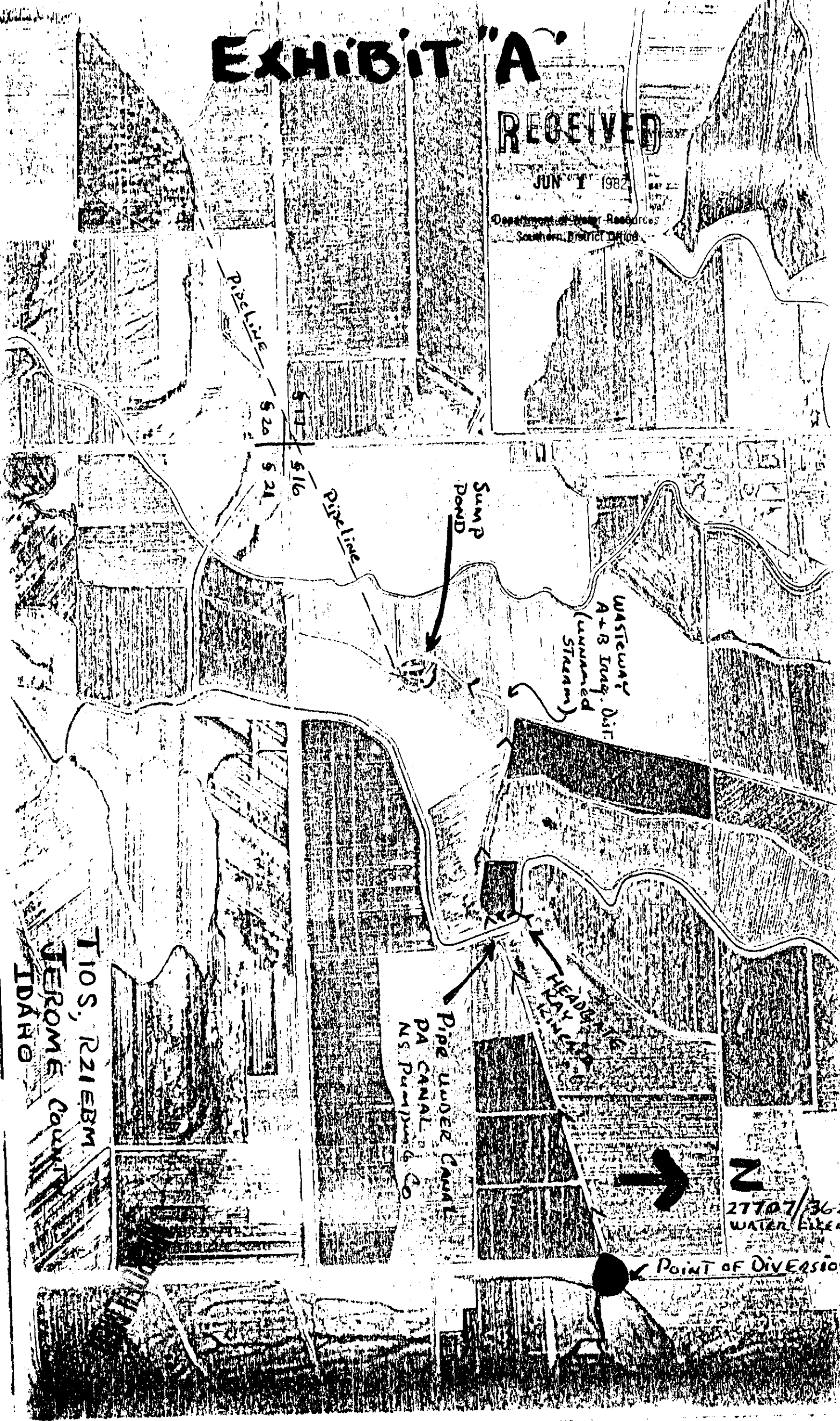
RECEIVED
APR 23 1981
FBI - MEMPHIS

EXHIBIT "A"

RECEIVED

JUN 1 1982

Department of Water Resources
Southern District Office



T10S, R21E, B1M
JEROME COUNTY
IDAHO

PA CANAL
NS Pumping Co

27707/362
WATER FILE

POINT OF DIVERSION

EXHIBIT B RECEIVED

State of Idaho
Department of Water Administration

JUN 1 1982

Department of Water Resources
Southern District Office

LICENSE OF WATER RIGHT

License of Water Right No. 27707/36-2370 Priority Dec. 26, 1958 Amount 3.81 cfs

THIS IS TO CERTIFY, that KINCAID BROTHERS
of Hazelton, Idaho, has complied with the terms and conditions of Permit
No. 27707/36-2370 issued pursuant to Application for Permit dated December 26, 1958
and has submitted proof to the Department of Water Administration on December 31, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.81 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream
tributary of the Snake River, is hereby confirmed in the following amounts:
Amount 3.81 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 3.81 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 10 S, Rge. 21 E, B.M.

in the county of Jerome; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,850 acre feet per year or _____
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	21 E	16									37.6	30.2	34.5	37.2	35.4	35	36.8	37.2	283.9
		20			34.6		37	36	37.4	33.5									178.5

Total number of acres irrigated 462.4

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
March _____, 19 73.

Director

36 2770

EXHIBIT C

RECEIVED

JUN 1 1982

GRANT OF RIGHT OF WAY

Department of Water Resources
Southern District Office

KNOW ALL MEN BY THESE PRESENTS:

That Virginia L. Kincaid, widow and Testamentary Trustee of the Estate of Robey LeVon Kincaid, and her sons, Robert Kincaid and Gary Kincaid, all dealing with their sole and separate property, constituting all of the persons interested in the testamentary trust of Robey LeVon Kincaid, hereinafter called the "Grantors", for and in consideration of the mutual promises and covenants herein contained, and other valuable consideration, do hereby grant, bargain, sell, transfer, and convey to Ray Kincaid and Ellen Kincaid, of Jerome County, Idaho, hereinafter called the "Grantees", their successors and assigns, a perpetual right of way, as presently located, for the operation, maintenance, construction and, reconstruction of the diversion and conveyancing facilities (including the sump pond) necessary to convey the water represented by License No. 36-2370 from the present points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 10 South, Range 21 East, Boise Meridian, Jerome County, Idaho, for use on the lands of the Grantee (NW $\frac{1}{2}$ and NW $\frac{1}{2}$ NE $\frac{1}{4}$, Section 20, Township 10 South, Range 21 East, Boise Meridian, Jerome County, Idaho) together with necessary access for ingress and egress for all purposes connected therewith on the following-described lands owned by the Grantors in Jerome County, State of Idaho, to-wit:

S $\frac{1}{2}$ of Section 16, Township 10 South, Range 21 East, Boise Meridian, Jerome County, Idaho, as shown on Exhibit "A" hereto and for the purposes as above set out.

This right of way shall constitute a covenant running with the land for the benefit of the Grantees, their personal representatives, heirs, successors and assigns.

By the recording of this right of way, the Grantees acknowledge that they will from the date hereof perpetually maintain at their expense, all things necessary for the operation and maintenance of the facilities as they now exist or as they may be hereafter reconstructed.

Grantors further covenant that they shall in no way impede or prevent the Grantees' right of ingress and egress over the above-described land for the purpose of operating and maintaining said facilities and that Grantors will in no way impede or prevent any work hereinafter necessary on said facilities by the Grantees, their agents or employees, which covenants shall bind the heirs, successors and assigns and Grantors.

The Grantors hereby bind themselves, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, this grant of right of way has been executed this 22nd day of April, 1981.

257316
RECORDED AT THE REQUEST
of
APR 24 2 19 PM '81

W. L. Kincaid
Robert Kincaid
of

JEHOE COUNTY, IDAHO
GLENN HOGENSEN BELK
SEES 100% DEP

DN 1906
D. Valle
John

Virginia L. Kincaid
VIRGINIA L. KINCAID

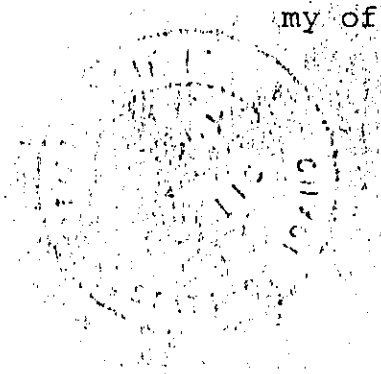
Robert Kincaid
ROBERT KINCAID

Gary Kincaid
GARY KINCAID

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a
Notary Public, in and for said State of Idaho, personally
appeared VIRGINIA L. KINCAID, known to me to be the person
whose name is subscribed to the within instrument and acknow-
ledged to me that she executed the same.

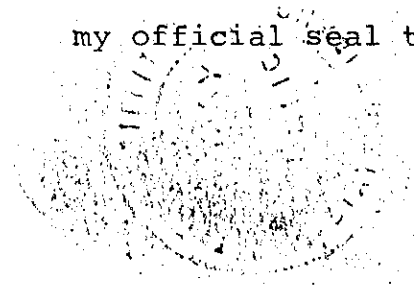
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year first above written.


Tiesha Griffiths
NOTARY PUBLIC FOR IDAHO
Residing at: Turn Falls

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me,
a Notary Public, in and for said State of Idaho, personally
appeared GARY KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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


Tiesha Griffiths
NOTARY PUBLIC FOR IDAHO
Residing at: Turn Falls

STATE OF IDAHO)
 : ss.
County of Jerome)

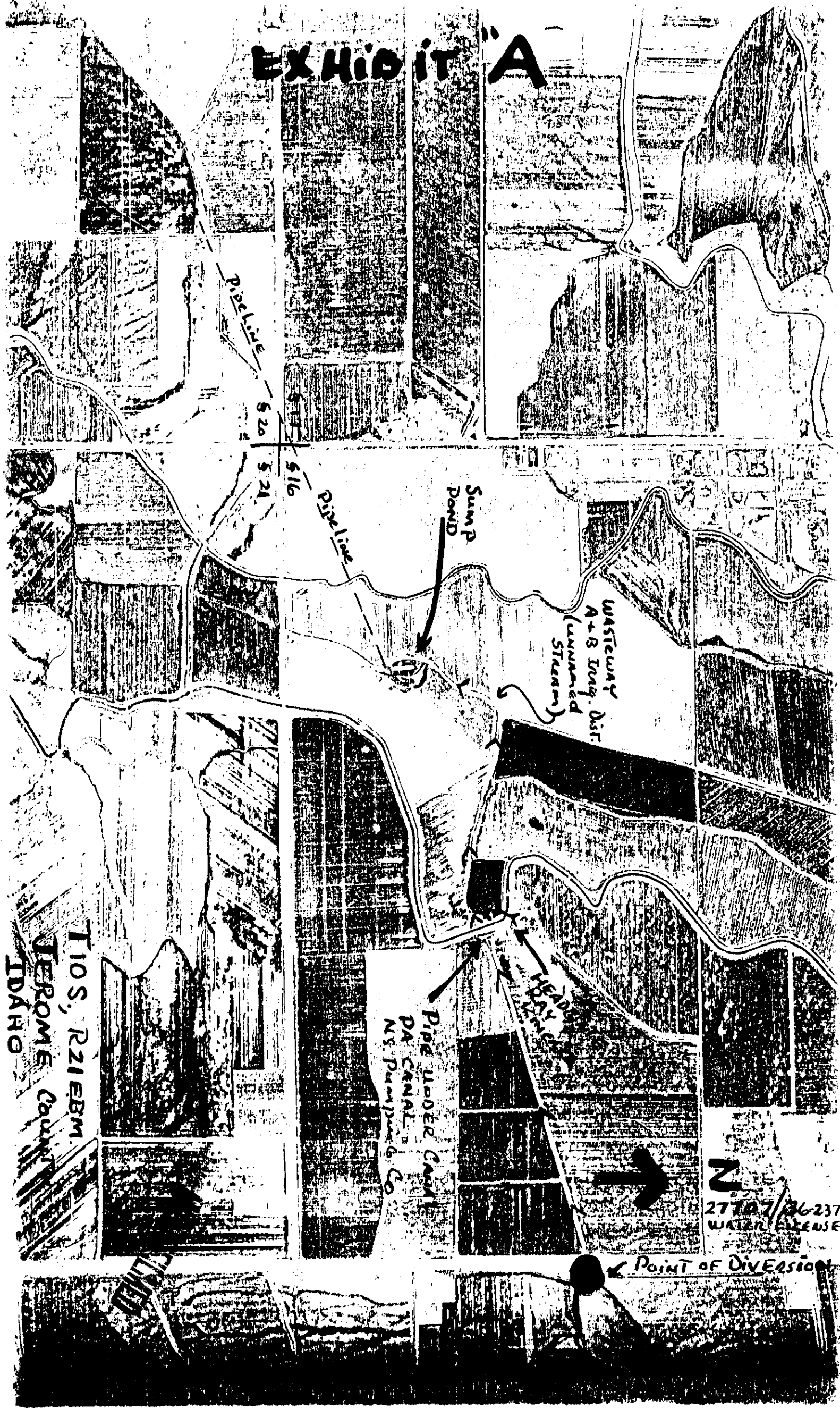
On this 22nd day of April, 1981, before me,
a Notary Public, in and for said State of Idaho, personally
appeared ROBERT KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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

Teresa Griffiths
NOTARY PUBLIC FOR IDAHO
Residing at: Turn Falls

MICROFILMED

EXHIBIT "A"



T10S, R21E3M,
DEBOME COUNTY,
IDAHO

27707/36-2376
WATER LICENSE

Point of Diversion

EXHIBIT D

ASSIGNMENT

FOR VALUE RECEIVED, Virginia L. Kincaid, individually and as testamentary trustee of the estate of Roby Levon Kincaid, and her sons Robert Kincaid and Gary Kincaid, hereby assign all of their right, title and interest in and to water License No. 27707/36-2370 to Ray Kincaid and Ellen Kincaid, husband and wife, of Jerome County, Idaho.

DATED this 22nd day of April, 1981.

Virginia L. Kincaid
VIRGINIA L. KINCAID

Robert Kincaid
ROBERT KINCAID

Gary Kincaid
GARY KINCAID

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a Notary Public, in and for said State of Idaho, personally appeared VIRGINIA L. KINCAID, known to me to be the person whose name is subscribed to the within 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.

Richard H. Hufsch
NOTARY PUBLIC FOR IDAHO

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a
Notary Public, in and for said State of Idaho, personally
appeared ROBERT KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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

Tasha S. Little
NOTARY PUBLIC FOR IDAHO
Residing at: 1422 Falls

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a
Notary Public, in and for said State of Idaho, personally
appeared GARY KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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

Tasha S. Little
NOTARY PUBLIC FOR IDAHO
Residing at: 1422 Falls

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT *ok 24*

NO. 27707/36-2370

Notice is hereby given that Ray Kincaid of Hazelton, Idaho has applied to the Department of Water Resources for a change of place of use of the waters of Unnamed Stream tributary to Snake River. The right sought to be changed is evidenced by License No. 27707/36-2370 and is recorded as follows:

Amount: 3.81 cfs

Priority: December 26, 1958

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T10S, R21E, B.M., Jerome County

The water is used for irrigation of 462.4 acres from March 15 to November 15 within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 20, T10S, R21E, B.M.

TO BE CHANGED AS FOLLOWS:

Amount: Same

Point of Diversion: Same

The water will be used for irrigation of 398 acres from March 15 to November 15 within the NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, T10S, R21E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before June 21, 1982.

A. Kenneth Dunn
Director

Published in North Side News, on 6/3 and 6/10/82.

UNRECORDED

May 27, 1982

North Side News
P. O. Box 468
Jerome, Idaho 83338

Re: Proposed Change of Water Right No. 27707/36-2370
Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 26, 1982

Ray Kincaid
Route 2
Hazelton, Idaho 83335

Dear Mr. Kincaid:

Our office is currently processing your recently filed application for transfer of licensed water right No. 36-2370. Before our office makes a decision on your application we request that you submit to our office proof of ownership of the license or proof of ownership of the land from which the water is to be removed or if the land was split off we will need proof that the land was transferred without water right. The above referenced lands are those which are located in the S $\frac{1}{2}$, Sec. 16, T10S, R21E, B.M.

Our office will complete advertising of your transfer around the last part of June and we request that you submit the above requested information by that time.

If you have any questions, please feel free to contact this office.

Sincerely,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

cc: John Rosholt

MICROFILMED

A. KENNETH DUNN
~~XXXXXXXXXX~~

April 28, 1981

Nelson, Rosholt, Robertson, Tolman &
Tucker
Attorneys at Law
Idaho First National Bank Bldg.
P.O. Box 1906
Twin Falls, Idaho 83301

RE: Water Right License 36-2370

Dear Mr. Rosholt,

In response to your letter of April 23, 1981, regarding the above stated Water Right License, our Department has no provisions for changing ownership on licensed water rights without filing a transfer. However, transfer applications are only used when the water right owner changes the place of use or point of diversion. I assume this is not being done.

In Idaho, a licensed water right is considered real property and ownership to the water right is acquired when the property to which the water right is appurtenant to is purchased.

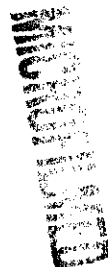
I have put your letter and the Assignment in the file for reference, and no further action will be taken.

I hope this will satisfy any questions you have about the water right. If you have further questions, please feel free to contact me at 334-4123.

Sincerely,

BOBYN HAMPE
Chief Clerk

RH:mr



[Handwritten signature]

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

APR 23 1981

APR 24 1981

Department of Water Resources

DATE: 4/23/81
TO: DWR - Water Rights Div.
Boise
RE: License 36-2370

Please file this Assignment
in the above referenced
License file.

RECEIVED
APR 23 1981
DEPT. OF WATER RESOURCES
BOISE, IDAHO

Thank You,

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY *John A. Rosholt*

RECEIVED
APR 24 1981

APR 24 1981

Department of Water Resources

ASSIGNMENT

FOR VALUE RECEIVED, Virginia L. Kincaid, individually and as testamentary trustee of the estate of Roby Levon Kincaid, and her sons Robert Kincaid and Gary Kincaid, hereby assign all of their right, title and interest in and to water License No. 27707/36-2370 to Ray Kincaid and Ellen Kincaid, husband and wife, of Jerome County, Idaho.

DATED this 22nd day of April, 1981.

Virginia L. Kincaid
VIRGINIA L. KINCAID

Robert Kincaid
ROBERT KINCAID

Gary Kincaid
GARY KINCAID

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a Notary Public, in and for said State of Idaho, personally appeared VIRGINIA L. KINCAID, known to me to be the person whose name is subscribed to the within 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.

Tasha M. Heltz
NOTARY PUBLIC FOR IDAHO

RECEIVED

APR 24 1981

STATE OF IDAHO)
 : ss.
County of Jerome)

Department of Water Resources

On this 22nd day of April, 1981, before me, a
Notary Public, in and for said State of Idaho, personally
appeared ROBERT KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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

Teresa D. Duffel
NOTARY PUBLIC FOR IDAHO
Residing at: Timber Falls

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 22nd day of April, 1981, before me, a
Notary Public, in and for said State of Idaho, personally
appeared GARY KINCAID, known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

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

Teresa D. Duffel
NOTARY PUBLIC FOR IDAHO
Residing at: Timber Falls

NELSON, RSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
P. O. BOX 1906
TWIN FALLS, IDAHO 83301

Department of Water Resources
Statehouse
Boise, Idaho 83720

ATTN: Water Rights Division

IDENT. NO. 36-2370

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
CH	3-17-80	Key punched by State Office
D.W.	1/17/83	TRANS. 2688 ENTERED

March 23, 1973

Re: Permit No. 27707/36-2370

Kincaid Brothers
Hazelton,
Idaho 83335

Gentlemen:

Enclosed is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

56 2370

Kincaid Brothers
Hazelton,
Idaho 83335

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 27707/36-2370 and has found the following:

Quantity of water diverted: 3.81 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 3.81 cfs

The maximum quantity diverted shall not exceed 1,850 acre feet per year.

Beneficial use: Irrigation of 462.4 acres within the S $\frac{1}{2}$ (283.9)
Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (34.6), NW $\frac{1}{4}$ (143.9) Sec. 20; Twp. 10S,
Rge. 21E, B. M.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp. 10S, Rge. 21E, B. M.

Priority date established: Dec. 26, 1958

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

3-19-73

BOBBY D. FLEENOR
Assistant Director

*Kincaid Bros By
Lyon Kincaid*

36 2370

BDF:DR

LI-200
1-63

STATE OF IDAHO 30.11.19
DEPARTMENT OF RECLAMATION

Date 7/27, 1922 DISCHARGE MEASUREMENT NOTES 14036

Wye River River at Concord

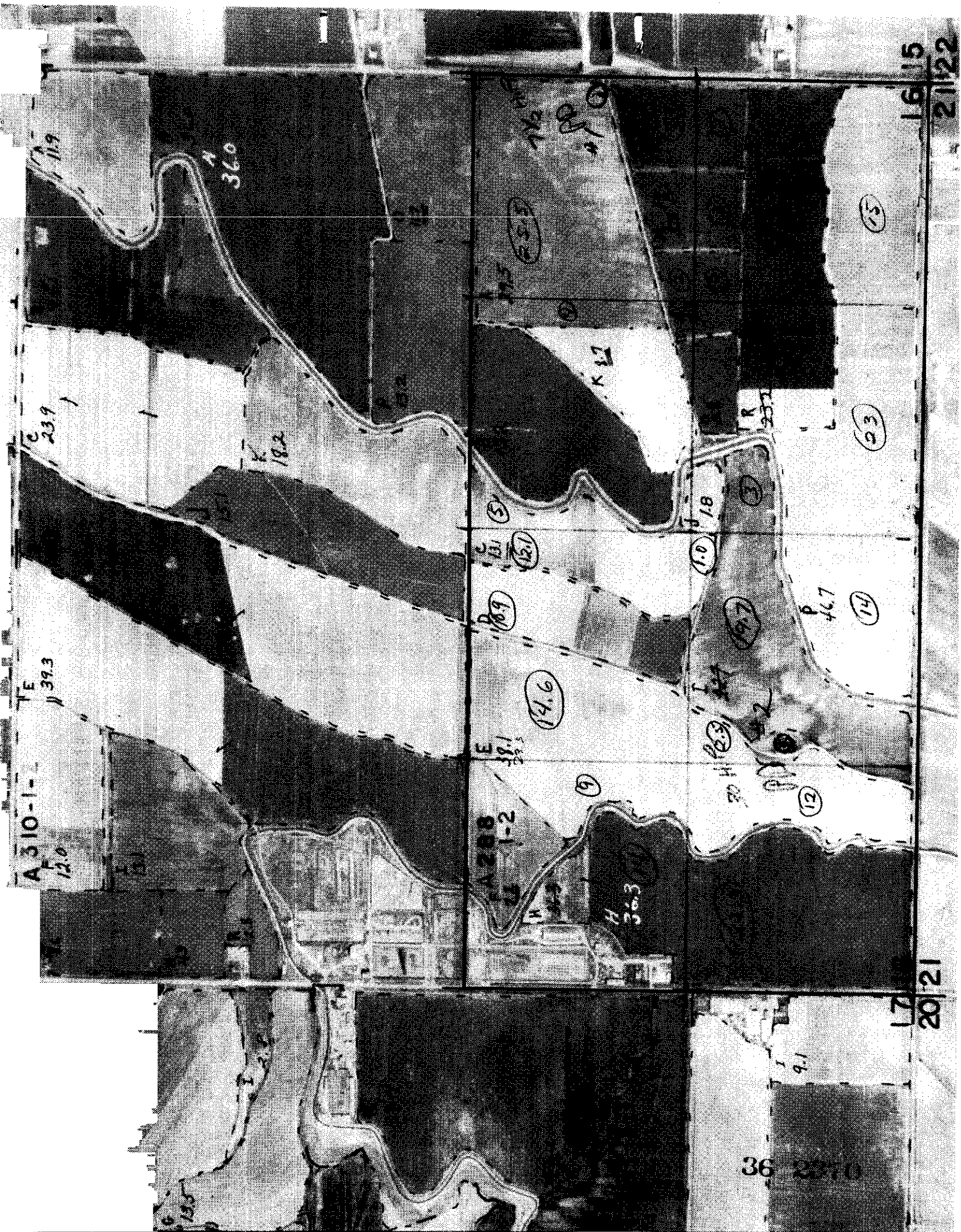
Angle east of point	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
~~62~~	1.1	.1	~~0~~		~~60~~	~~48~~					
	1.3	.25	.8		60	48		1.26		.20	.252
	1.6	.3	.8		60	51		1.19		.24	.286
	1.9	.3	.8		60	48		1.26		.24	.302
	2.2	.3	.8		60	46		1.32		.24	.317
	2.5	.3	.8		60	46		1.32		.24	.317
	2.8	.3	.8		60	49		1.24		.24	.298
	3.1	.3	.8		60	48		1.26		.24	.302
	3.3	.3	.8		60	49		1.24		.24	.298
	3.6	.25	.8		60	48		1.26		.20	.252
~~62~~	3.8	.10	0								
											26.24
											2.63
											2.62

No. _____ of _____ Sheets. Comp. by 36 2370 Chk. by njt



A 141 D 5.9 4.0 20 21
B 100
E 87
F 6.2
G 12.5
H 11.5
A 31 A 4
C 8.1
D 8.1
E 8.1
F 14.6
G 34.9
H 8.9
I 3.3
J 28.3
K 31.5
L 7.5
M 3.2
N 22.8
O 16.3
P 20.0
Q 14.6
R 28.7
S 28.7
T 15.9
U 15.0
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D 15.5
E 37.1
F 18.1
G 16.3
H 6.8
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J 21.6
K 6.5
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S 16.3
T 16.3
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A 258-2-2
B 12.3
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20 21
29 28



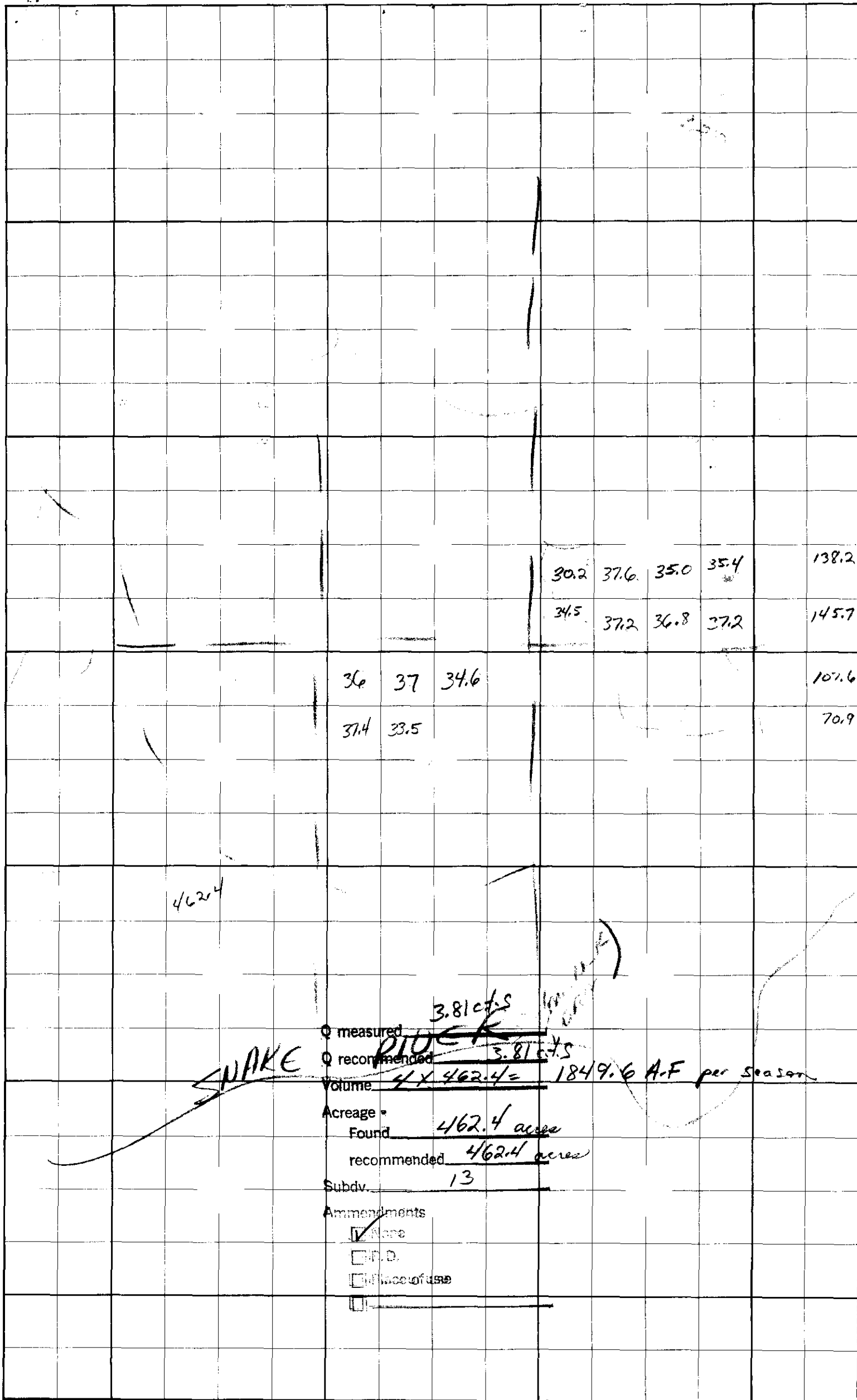
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 27707/36-2370

REPORT ON PROOF OF KINCAID BROTHERS, Hazelton, Idaho - b/u

36 2270



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 27707/36-2370

This proof is for b/u - 4.0 cfs

In Water District No.

1. Name of applicant Kincaid Brothers (Ray Kincaid), Hazelton, Idaho 829-5146

2. Source of water supply: unnamed stream, tributary of Snake River

3. Location of point of diversion: Is in the NE 1/4 SE 1/4, SW 1/4 SW 1/4 of Section 16

T. 10 S. R. 21 E. County of Jerome

4. Describe works as they exist, giving dimensions and capacities of same:

PROOF - 30 HP pump & 10" pipeline, pump is installed in a point on a pond

to which the water from ditch is diverted. Second diversion point: 7' HP

pump & 10" pipe. #1 US Motor 7 1/2 HP 220/440 Volt 1500 - 1800 RPM

Set # 1151212 Cascade Pump Ser # 4240 1750 RPM

Concrete Box Diversion 5' x 6' x 6' 10" mainline

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

10 S., 21 E., Sec. 16 - S 1/4 (320 A)

Sec. 20 - NE 1/4, NW 1/4 (200 A) TOTAL - 520 acres

#2 G.E. Motor 30 HP 1760 RPM 220/440 Volts Leyne + Boulder Pump No Plate 8" Gate Valve 10" mainline

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: PROOF - Water enters premises at point of diversion. ^{N.E.S.E.} Water then proceeds in a westerly direction and finally into a sump, where it is lifted by pump and conveyed by pipe to Sec. 20 lands. Sec. 16 lands are watered by use of smaller pump.

This examination was made on the 29th day of July, 1970

(Signed) *[Signature]* Examiner.

ASCS OFFICE - Jerome
SCS OFFICE - Jerome, Suboffice - Hazelton

Permit No. 27707.36-2370

Examination for b/u - Kincaid Bros., Hazelton

County Jerome

Quantity: 4.0 cfs Sec. 16 T. 10S R. 21E

Source: unnamed stream, trib. of Snake River

P.D.: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Use: irrigation

Extension:

~~Protect~~

~~Completion of Work~~

~~Other Rights~~

Filed: 12-26-58 Made: 12-31-69
Due: 1-9-70 Priority: 12-26-58

Due:

CHKD.
gms

See letter in
folder dated
2-10-70 before
taking any
action!!

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

36 2370

February 10, 1970

Re: Permit No. 27707/36-2370

Kincaid Brothers
Hazelton, Idaho

Gentlemen:

In reviewing your permit, we find that there exists some discrepancies in our records. We are, therefore, requesting that you forward to the Department the original application which you submitted on December 26, 1958. If you do not have the original or a copy of the original, please contact the Department so that we may clarify the discrepancies.

We shall expect to hear from you as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

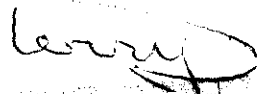
DWM:TC

Enc: none

27707
36-2370

PLEASE DO NOT re-arrange any of the
correspondence in this folder. I have
gone through the folder and placed the
correspondence in the correct order.

DATED: 2 - 9 - 50

A handwritten signature, possibly reading "Lerry", is written in dark ink. It is positioned below the date and above some faint, illegible text.

December 31, 1969

Re: Permit No. 27707/36-2370

Kincaid Brothers
Hazelton, Idaho 83335

Gentlemen:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 27707/36-2370.

Before a license can be issued a field examination must be made by a representative from this department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

cc. Richard H. Seeley, Attorney

NOTE: We are returning the paid billing notice for you to place with your personal records of the permit.

27707
36-2370

RICHARD H. SEELEY
ATTORNEY AT LAW
221 SOUTH LINCOLN AVENUE
JEROME, IDAHO 83338

AREA CODE 208
TELEPHONE 324-2771

RECEIVED

DEC 31 1969 *jms*

Department of Reclamation

December 29, 1969

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No. 27707 - Kincaid Bros.

Dear Sirs:

In connection with the above-entitled matter,
I am enclosing the following:

1. Proof of Application;
2. Affidavit of Publication; and *sk*
3. Receipt.

If you have any further requests concerning
this matter, please let me know.

Yours very truly,

Richard H. Seeley

*36-2370
24707*

December 8, 1969

Re: Permit No. 27707 - Kincaid Brothers

First Segregation News
Hazelton, Idaho 83335

Gentlemen:

We are in receipt of the affidavit of publication and the billing notice for the above referenced permit. However, pursuant to our letter of November 19, 1969, the cost of publication is to be paid by Ray Kincaid, Kincaid Brothers, Hazelton, Idaho 83335.

Therefore, we are returning the above mentioned items to you to be forwarded to the permit holder, so he may submit them to the department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Affidavit of Publication
Billing Notice

27707
36-2370

November 19, 1969

Re: Permit No. 27707/36-2370

Ray Kincaid
Kincaid Brothers
Hazelton, Idaho 83335

Dear Mr. Kincaid:

The legal notice for the above referenced permit is being published in the First Segregation News, Hazelton, Idaho, on November 27 and December 4, 1969.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

27707
36-2370

November 19, 1969

Re: Permit No. 27707 - Kincaid Brothers

First Segregation News
245 Main
Hazelton, Idaho 83335

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Ray Kincaid,

Hazelton, Idaho 83335

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

27707
36-2370

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Kincaid Brothers, Hazelton, Idaho,
have has received an approved permit No. 27707
issued by the Idaho State Reclamation Department authorizing the
diversion ~~storage~~ of 4.0 cubic feet per second ~~Atte/teet/teet/AAAAA~~
of water from an unnamed stream tributary of the Snake River,
subject to all prior rights. The priority to be established under this permit is
December 26, 1958 and the permit was approved January 9, 1959.
Water is to be diverted by pump, motor, sump and pipe
from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 10 S, R. 21 E, B.M.,
Jerome County
to be used for irrigation
in the S $\frac{1}{2}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 10 S, R. 21 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the
Department on or before January 9, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the First Segregation News, Hazelton, Idaho, on
November 27 and December 4, 1969.

State Reclamation Engineer:

Permit No. 27707

You are hereby authorized to have the attached notice published at my expense in
the First Segregation News of Hazelton, Idaho;
published in the county in which the works are situated.

(Signature)

(Address)

(Date)

27707
36-2340

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

21365

INSURED NO.

1

Ronald Bruce By

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

R. L. Alameda

DATE DELIVERED

3

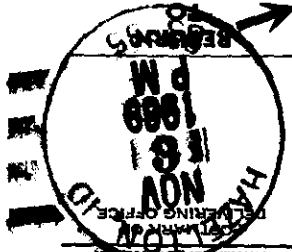
SHOW WHERE DELIVERED *(only if requested)*

7-3-69

36-2340

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE



INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
Moisten gummed ends, attach and hold firmly to back
of article. Print on front of article **RETURN
RECEIPT REQUESTED.**

NAME OF SENDER

Department of Social Services

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

POD Form 3811 Apr. 1967

655-16-71548-10

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

November 3, 1969

CERTIFIED MAIL

Re: Permit No. 27707 (New No. 36-2370)

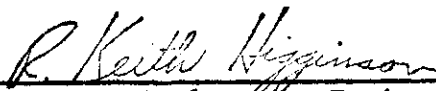
Kincaid Brothers
Hazelton, Idaho

Gentlemen:

One of the conditions of the approval of your permit no. 27707/36-2370 was that proof of application of the water to beneficial use be submitted to this office on or before January 9, 1970.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code Amended.

Either the proof or a request for extension of time must be received by this department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


State Reclamation Engineer

BKH:DWM:JMB

Enc: Proof form

36-2370
27707

August 15, 1969

RE: Permit No. 27707

Kincaid Brothers
Hazelton
Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

sc
Enc: Order
Adv. Package

27707
36-2370

February 20, 1964

Re: Permit No. 27707 - Kincaid Brothers
No. G-28566 - Richard A. Huizinga

Mr. Harley M. McDowell
Idaho Land & Appraisal Service
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed are the Assignments of Permit No. 27707 from Kincaid Brothers and J. A. Houghtelin to Kincaid Brothers and Permit No. G-28566 from Arthur Richard Huizinga to Richard A. Huizinga, both of which have been recorded in this office.

Also enclosed are departmental receipts No. 32096 for J. A. Houghtelin in the amount of \$0.50 on Permit No. 27707 and Receipt No. G-8556, for Richard Huizinga, in the amount of \$0.50 for Permit G-28566.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. assignments (2)
receipts (2)

27707

IDAHO LAND REFRIGERATION SERVICE
P. O. BOX 1251 BOISE, IDAHO

R

FEB 20 1964

ASSIGNMENT

Department of Conservation

For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 27707 to Kincaid Bros of Harleton, Ida

Permit Holder J. A. Houghtalin

Wife of Permit Holder

STATE OF California

County of San Francisco

On this 16th day of February, 1964, before me, a Notary Public for the State of Idaho, residing at

personally appeared J. A. Houghtalin and E. A. Houghtalin known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires: 8/30/67

Notary Public
Residing at

E. A. REMENTER, Notary Public

Notary for the City and County of San Francisco, State of California
My Commission Expires August 30, 1967

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

27707

January 14, 1964

Re: Permit No. 27707
Kincaid Bros. & J. A. Houghtelin

Harley M. McDowell
Idaho Land & Appraisal Service
P. O. Box 2161, Boise, Idaho

Dear Mr. McDowell:

Enclosed is the Certificate of Completion of Works
on the above numbered permit, which has been recorded in this
office.

Also enclosed is departmental receipt 32028, in
the amount of \$5.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

27707

Permit No. 27707STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

Kincaid Bros. & ~~W. J. A. Houghtelin~~ *J. Baen*~~being first duly sworn, upon his oath deposes and says:~~First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 27707, and that his postoffice address is Hazleton, Ida.
State of IdahoSecond: That the name of the stream from which said water is to be diverted is
unnamed streamThird: That the point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16,
T10S-R21E., B.M., Ida.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 9, 1964Fifth: That the use for which said water is intended is irrigation.Sixth: That on the date above mentioned, the works constructed under said permit were ~~not~~
~~fully~~ fully completed and consisted of the following:I. Kind of Works: 30 hp pump, ~~reservoir~~ sump, ~~and~~ 3200' of 10" pipe.
(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit pipe width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe 10 inches, average grade per mile is _____ feet. Length of conduit is 3200' ~~and~~Seventh: That said works are capable of conducting to the place of intended use
4 second feet of water.Eighth: That water appropriated under said permit is available for 360 acres of land described as follows: S $\frac{1}{4}$, Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T10S-R21E., B.M., Ida.

Ninth: Remarks:—That _____

Kincaid Bros. ~~_____~~By *Kincaid Bros. By Levon Kincaid*
Robey Levon Kincaid (SIGN HERE)Subscribed and sworn to before me this 10 day of January, 1964*Ernest W. Simmons*

NOTARY PUBLIC

My commission expires 7/25/67

27707

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit 27707
Kincaid Bros. & J. A. Houghtalen

Nov. 1, 1963

Harley McDowell
Box 2161
Boise, Idaho

Dear Mr. McDowell:

Under the terms of your Permit No. 27707 you are required to complete your diversion works on or before Jan. 9, 1964. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Form 6

\$5.00 STATUTORY FEE MUST BE PAID BEFORE CERTIFICATE OF COMPLETION CAN BE ISSUED

cc: Kincaid Brothers and
J.A. Houghtalen
Hazelton, Idaho

27707

January 15, 1959

Re: Permit No. 27707
Kincaid Brothers & J. A. Houghtelin

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We enclose Permit No. 27707, in the name of Kincaid Brothers and J. A. Houghtelin, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 29439, which was issued covering payment in the amount of \$5.75, for the filing fee of the above mentioned permit.

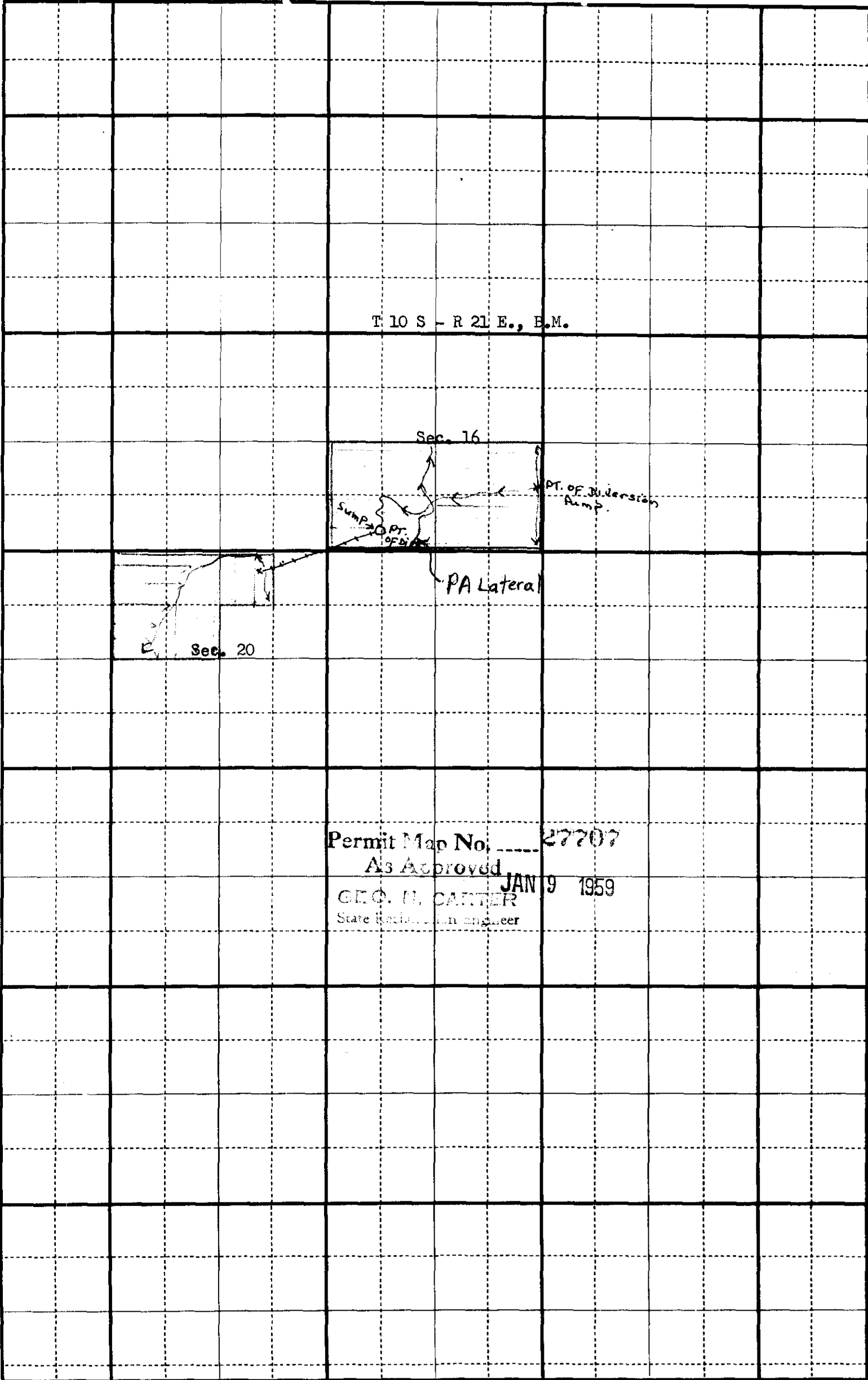
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

27707



Permit Map No. 27707
As Approved
GEO. H. CARTER
State Registration Engineer
JAN 9 1959