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

In Re SRBA)
) SUBCASE NO.: 43-190
)
Case No. 39576)
) STANDARD FORM 5
)
)
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry A. Brown 7/12/02
Larry A. Brown *LAW* date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 7/10/02
Roxanne Brown date
Sr. Water Resource Agent

CLAIMANT:

Larry Kincade 7-7-02
Larry Kincade date
Darlene Kincade 7-7-02
Darlene Kincade date

As to form:

Candice M. McHugh 7/10/02
Candice M. McHugh date
Deputy Attorney General
State of Idaho

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

RIGHT NUMBER: 43-190

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

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 1.0 CFS

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION:

T13S R24E S21 SWNESW Within CASSIA County

T13S R24E S27 NWSWNE Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.0 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R24E S26	NWSW	0.5	T13S R24E S26	SWSW	1.2
T13S R24E S27	SWNE	3.2	T13S R24E S27	NESE	14.0
T13S R24E S27	NWSE	30.0	T13S R24E S27	SWSE	8.1
T13S R24E S27	SESE	2.1			

50 ACRES TOTAL

THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO HOMESTEAD ENTRY
SURVEY NO. 207.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on July 12, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

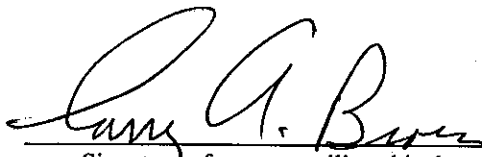
☐ overnight mail
☒ regular mail
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U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
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☐ facsimile

Larry Kincade
Darlene Kincade
1781 E. Hwy. 77
Malta, ID 83342

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☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document