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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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Jan. 2, 2003 AM 10 56

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DEC 24 2002

Department of Water Resources
Southern RegionIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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DEC 26 2002

In Re SRBA

Subcase No.: 43-10510

Case No. 39576

Department of Water Resources

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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.

CLAIMANT/OBJECTOR:

Larry Kincade 12-23-02
Larry Kincade Date

CLAIMANT/OBJECTOR:

Darlene Kincade 12-23-02
Darlene Kincade Date

IDWR CONCURRENCE:

Kelly K. Christensen 12-24-02
Sr. Water Resource Agent Date

Candice M. H. R. 12/30/02
Approved as to form Date
Attorney for IDWR

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 12/16/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW
2002 DEC 33 AM 10 57

RIGHT NUMBER: 43-10510

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.150 CFS

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

PRIORITY DATE: 06/30/1938

POINT OF DIVERSION:

T13S R24E S26 NESENW Within CASSIA County

T13S R24E S26 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within CASSIA County

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

STOCKWATER Within CASSIA County

T13S R24E S26 SENW T13S R24E S26 Lot 1 NESW

5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS THREE SPRINGS.

CERTIFICATE OF SERVICE

I certify that on December 30, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
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
☒ Hand-Delivered
☐ Facsimile

Larry & Darlene Kincade
1781 E Highway 77
Malta, ID 83342

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form