

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78134

This is to certify that: ROBERT F KINCAID
30560 252ND ST
PRESHO SD 57568
(208)313-2713

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-14054	WR/Decreed	06/01/1890	0.7 cfs	N/A	N/A	33.0	FOX CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-14054	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-14054	22-14054	0.7 cfs	N/A	N/A	33.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.7 cfs	N/A	N/A	33.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of October, 2012



Water Resources Program Manager

SUPPORT DATA
IN FILE # 22-14054

WATER RIGHT NO. 22-14054
As Modified by Transfer No. 78134

In accordance with the approval of Transfer No. 78134, Water Right No. 22-14054 is now described as follows.

Right Holder: ROBERT F KINCAID And
YVONNE M KINCAID
30560 252 ST
PRESHO SD 57568

Priority Date: June 01, 1890

Source: FOX CREEK

Tributary: TETON RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

0.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

FOX CREEK L4 (SWSWNE) Sec. 29 Twp 04N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	23													11.8	9.8	1.6	9.8	33.0

Total Acres: 33

WATER RIGHT NO. 22-14054
As Modified by Transfer No. 78134

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Water is delivered through Upper Fox Creek Canal.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right does not grant any right-of-way or easement across the land of another.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of October, 2012



Water Resources Program Manager