

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70491

This is to certify that: LARRY KINCADE And
DARLENE KINCADE
1781 E HWY 77
MALTA ID 83342
(208)645-2346

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>
43-476	WR/Decreed	04/30/1872	0.24 cfs	N/A	N/A	177.4	CASSIA CREEK
43-68	WR/Decreed	04/30/1872	1.88 cfs	N/A	N/A	177.4	CASSIA CREEK
43-70B	WR/Decreed	04/30/1872	0.26 cfs	N/A	N/A	177.4	CASSIA CREEK
43-71B	WR/Decreed	04/30/1873	0.26 cfs	N/A	N/A	177.4	CASSIA CREEK
43-73B	WR/Decreed	04/01/1894	1.31 cfs	N/A	N/A	177.4	CASSIA CREEK
43-74B	WR/Decreed	04/27/1910	0.16 cfs	N/A	86.0	177.4	CASSIA 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>
43-476	NO	YES	NO	NO	NO	NO
43-68	NO	YES	NO	NO	NO	NO
43-70B	NO	YES	NO	NO	NO	NO
43-71B	NO	YES	NO	NO	NO	NO
43-73B	NO	YES	NO	NO	NO	NO
43-74B	NO	YES	NO	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>
43-476	43-476	0.24 cfs	N/A	N/A	177.4		N/A	N/A	N/A	N/A
43-68	43-68	1.88 cfs	N/A	N/A	177.4		N/A	N/A	N/A	N/A
43-70B	43-70B	0.26 cfs	N/A	N/A	177.4		N/A	N/A	N/A	N/A

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JUN 05 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70491

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-71B	43-71B	0.26 cfs	N/A	N/A	177.4		N/A	N/A	N/A	N/A
43-73B	43-73B	1.31 cfs	N/A	N/A	177.4		N/A	N/A	N/A	N/A
43-74B	43-74B	0.16 cfs	N/A	86.0	177.4		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.11 cfs			177.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12 day of May, 20 03


For Chief, Water Allocation Bureau

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JUN 05 2003

WATER RIGHT NO. 43-68
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-68 is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 30, 1872

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.88 CFS	
			1.88 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S	26E	20										5.6	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. 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. 43C.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
6. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 43-68
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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 12 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED
JUN 05 2003

WATER RIGHT NO. 43-70B
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-70B is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 30, 1872

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.26 CFS	
			0.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S	26E	20										L 3 5.6	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. 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. 43C.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
6. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 43-70B
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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 12 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED
JUN 05 2003

WATER RIGHT NO. 43-71B
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-71B is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 30, 1873

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.26 CFS	
			0.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S	26E	20										5.6	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. 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. 43C.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
6. This right does not grant any right-of-way or easement across the land of another.

MICHO, JAMES

JUN 05 2003

WATER RIGHT NO. 43-71B
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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 12 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2003

WATER RIGHT NO. 43-73B
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-73B is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 01, 1894

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.31 CFS	
			1.31 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S 26E 20										L 3							
										5.6	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. 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. 43C.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
6. This right does not grant any right-of-way or easement across the land of another.

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JUN 05 2003

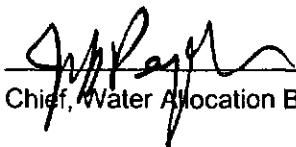
WATER RIGHT NO. 43-73B
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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 12 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2003

WATER RIGHT NO. 43-74B
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-74B is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 27, 1910

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.16 CFS	
			0.16 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S	26E	20										5.6	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.
2. 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. 43C.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
6. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.

[Signature]

JUN 05 2003

WATER RIGHT NO. 43-74B
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 12 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2003

WATER RIGHT NO. 43-476
As Modified by Transfer No. 70491

In accordance with the approval of Transfer No. 70491, Water Right No. 43-476 is now described as follows.

Right Holder: LARRY KINCADE And
 DARLENE KINCADE
 1781 E HWY 77
 MALTA ID 83342

Priority Date: April 30, 1872

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.24 CFS	
			0.24 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County
CASSIA CREEK	NESE	Sec. 24 Twp 13S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	19									21.0	11.0		7.8	17.0	19.0	26.0	33.0	134.8
13S	26E	20										1.3	37.0						42.6

Total Acres: 177.4

CONDITIONS OF APPROVAL

1. 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. 43C.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 when combined shall not exceed a total diversion rate of 4.11 cfs, shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 177.4 acres.
4. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B and 43-476 are diverted through the point(s) of diversion described above.
5. Rights 43-68, 43-70B, 43-71B, 43-73B, 43-74B, 43-476 and 43-7139 when combined shall not exceed 0.02 cfs per acre at the field headgate, and the irrigation of 187.6 acres.
6. This right does not grant any right-of-way or easement across the land of another.

JUN 05 2003

WATER RIGHT NO. 43-476
As Modified by Transfer No. 70491

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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 12 day of May, 2003


For Chief, Water Allocation Bureau

PAGE 1
Jun-20-2002

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
JUN 05 2003

MEMORANDUM

TO: FILE 43-70B
FROM: VAULT
RE: TRANSFER # 70491
DATE: 5.12.03

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 43-68

MICROFILMED
JUN 05 2003