

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 43-07139

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

SOURCE: UNNAMED STREAM TRIBUTARY: CASSIA CREEK

QUANTITY: 1.50 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE  
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-68, 43-70B,  
43-71B, 43-73B, 43-74B, 43-476, AND 43-7139.

PRIORITY DATE: 03/09/1979

POINT OF DIVERSION: T13S R26E S19 LOT 4 (NWSWSW) Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.50 CFS |

| PLACE OF USE: | Irrigation        | Within Cassia County        |
|---------------|-------------------|-----------------------------|
|               | T13S R26E S19     | NESW 21.0 LOT 3 (NWSW) 12.0 |
|               | LOT 4             | (SWSW) 6.0 SESW 11.0        |
|               |                   | NESE 17.0 NWSE 19.0         |
|               |                   | SWSE 26.0 SESE 33.0         |
|               | S20               | NWSW 5.6 SWSW 37.0          |
|               | 187.6 Acres Total |                             |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 187.6 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-68, 43-70B, 43-71B, 43-73B,  
43-74B, 43-476, AND 43-7139.

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. I.C. SECTION 42-1412(6).

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication