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SEP 17 2002

Department of Water Resources

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| SEP 16 2002                                                                             |
| By _____ Clerk<br>_____ Deputy Clerk                                                    |

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

Case No. 39576

)  
) ORDER OF PARTIAL DECREE  
)  
) For Water Right 43-00190  
)

On July 29, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-00190 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 16, 2002



ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

|                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DISTRICT COURT-SRBA<br/>Fifth Judicial District<br/>County of Twin Falls - State of Idaho</p> <p>SEP 16 2002</p> <p>By _____<br/>Clerk<br/>Deputy Clerk</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 43-00190

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

SOURCE: CLYDE CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T13S R24E S21 SWNESW Within Cassia County  
S27 LOT 3 (NWSWNE)

|                |                |                |          |
|----------------|----------------|----------------|----------|
| PURPOSE AND    |                |                |          |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                | Irrigation     | 04-01 TO 10-31 | 1.00 CFS |

|               |                  |           |                      |
|---------------|------------------|-----------|----------------------|
| PLACE OF USE: | Irrigation       |           | Within Cassia County |
|               | T13S R24E S26    | NWSW 0.5  | SWSW 1.2             |
|               | S27              | SWNE 3.2  | NESE 14.0            |
|               |                  | NWSE 30.0 | SWSE 8.1             |
|               |                  | SESE 2.1  |                      |
|               | 59.1 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. 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.

*Roger Burdick*  
\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 SEP 16 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 43-00190

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-00190 was mailed  
on September 16, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

DARLENE KINCADE  
LARRY KINCADE  
1781 E HWY 77  
MALTA, ID 83342  
Phone: 208-645-2346

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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