

RECEIVED

APR 16 2003

Department of Water Resources

2003 APR 15 PM 4:19

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

)

) Subcase 43-00293B

Case No. 39576

) (Tracy)

)

) SPECIAL MASTER REPORT

Findings of Fact

Lavere and Fontella Tracy, 149 W. 1st North, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on June 2, 1989, claiming 2.8 cfs from Cassia Creek to irrigate 110 acres in Cassia County from March 15 to November 15 with a priority date of April 30, 1880, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim be disallowed: "Forfeited / abandoned due to non-use from 1980 to 1987."

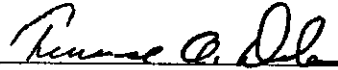
Bud Tracy filed an *Objection* on February 5, 2002, objecting to purpose of use and period of year. Mr. Tracy also filed a *Motion to File Amended Notice of Claim* on November 21, 2002, claiming a different point of diversion. A hearing on the *Motion* was held on January 16, 2003, and granted.

IDWR filed its *Amended Director's Report, Subcase No. 43-293B* on February 11, 2003. The Director recommended the amended claim as filed, but for 1.4 cfs with an accomplished change in point of diversion. No one objected to the *Amended Director's Report*.

Conclusions of Law

Lavere and Fontella Tracy are entitled to a partial decree adjudicating a water right under claim 43-00293B as recommended by IDWR in its *Amended Director's Report* and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 43-00293B*.

DATED April 15, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-00293B

2003 APR 15 PM 4:19
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.40 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-293B AND 43-2392.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.40 CFS

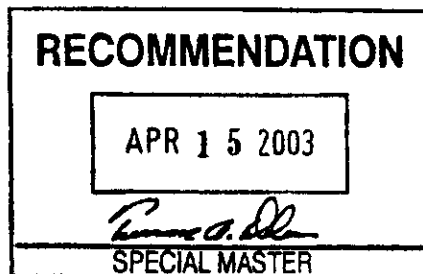
PLACE OF USE: Irrigation Within Cassia County
T12S R26E S25 NESE 4.5 SESE 5.5
R27E S30 LOT 3 (NWSW)50.0 LOT 4 (SWSW)50.0
110.0 Acres Total

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. 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
Presiding Judge of the
Snake River Basin Adjudication

2003 APR 15 PM 4:19

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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 43-00293B

CERTIFICATE OF MAILING

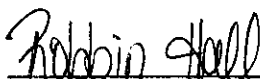
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 15, 2003, with sufficient first-class postage prepaid to the following:

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

BUD TRACY
BOX 654
MALTA, ID 83342
Phone: 208-645-2211

FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342
Phone: 208-645-2425

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
04/15/03

2003 APR 15 PM 4:19

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

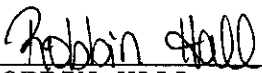
Water Right(s): 43-00293B

On April 15, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 15, 2003.



ROBBIN HALL
Deputy Clerk