

**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

Subense No.: 43-13243

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

This right, along with right 43-13244, are split from and constitute the whole right of 43-10056. The original right is now superseded by this right and right 43-13244.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Harold Tracy 8-2-02
Harold Tracy Date

CLAIMANT:

Charlotte Tracy 8-2-02
Charlotte Tracy Date

OBJECTOR:

Steven J. Schuster 7/31/02
Steven J. Schuster, Date
Attorney for Dept. of Lands

RESPONDENT:

David L. Negri, US DOJ
Attorney for USFS

IDWR CONCURRENCE:

[Signature] 8/8/02
Sr. Water Resource Agent Date

Candice McCoy 8/8/02
Approved as to form Date
Attorney for IDWR

07/31/2002

**IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 43-13243

NAME AND ADDRESS: MAROLD TRACY
1591 E 3600 S
MALTA ID 83342

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 1.060 CFS

PRIORITY DATE: 03/02/1914

POINT OF
DIVERSION: T168 R25E S24 SEWSEW Rediversion Within CASSIA County
T168 R26E S24 SEWSEW Within CASSIA County
T168 R26E S25 SEWSEW Within CASSIA County
T168 R25E S26 SEWSEW Within CASSIA County
T168 R25E S34 SEWSEW Within CASSIA County
T168 R25E S36 SEWSEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.060 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T168 R25E S24	SEW	28.0	T168 R25E S24	SEW	21.0
T168 R25E S24	SEW	29.0	T168 R25E S25	SEW	37.0
T168 R25E S25	SEW	36.0	T168 R25E S25	SEW	38.0
T168 R25E S25	SEW	36.0	T168 R25E S25	SEW	17.0

242 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 LIMITED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10096.

WATER RIGHT 43-13243

1

DAH
SME
9/5
CJ
SJS

CERTIFICATE OF SERVICE

I certify that on Aug 8, 2002, I caused to be served true and correct copies of this Standard Form ~~8~~, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Harold Tracy
Charlotte Tracy
1591 E 3600 S
Malta, ID 83342

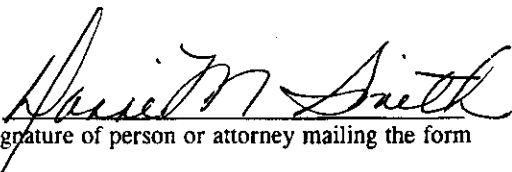
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Steven Schuster
Idaho Dept. of Lands
954 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0050

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

07/31/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-13243

NAME AND ADDRESS: HAROLD TRACY
1591 E 3600 S
MALTA ID 83342

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 1.060 CFS

PRIORITY DATE: 03/02/1914

POINT OF
DIVERSION: T16S R25E S24 SENESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S25 SENWSW Within CASSIA County
T16S R25E S35 SESWSE Within CASSIA County
T16S R25E S36 NWSSENW Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.060 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R25E S24	NESW	28.0	T16S R25E S24	SESW	21.0
T16S R25E S24	SWSE	29.0	T16S R25E S25	NWNE	37.0
T16S R25E S25	NENW	36.0	T16S R25E S25	SWNW	38.0
T16S R25E S25	SENW	36.0	T16S R25E S25	NESW	17.0

242 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10056.

SMC
H
CJ
SJS