

**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 No.: 43-13244
	)	
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 43-13243, are split from and constitute the whole right of 43-10056. The original right is now superseded by this right and right 43-13243.

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 7/6/02
Steven J. Schuster,
Attorney for Dept. of Lands
Date

RESPONDENT:

David L. Negri, US DOJ
Attorney for USFS

IDWR CONCURRENCE:

Chuck Hancock 8/8/02
Sr. Water Resource Agent
Date

Candace McHugh 8/8/02
Approved as to form
Attorney for IDWR
Date

07/23/2002

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

RIGHT NUMBER: 43-13244

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
964 WEST JEFFERSON ST
PO BOX 83730
BOISE ID 83720-0050

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 0.34 CFS

PRIORITY DATE: 03/02/1914

POINT OF DIVERSION:

T168 R25E S24 SEENSW Rediversion Within CASSIA County
T168 R25E S24 SEENSW Within CASSIA County
T168 R25E S25 SEENSW Within CASSIA County
T168 R25E S35 SEENSW Within CASSIA County
T168 R25E S36 SEENSW Within CASSIA County
T168 R25E S36 SEENSW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.340 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T168 R25E S24	SEENSW	1.3	T168 R25E S24	SEENSW	9.8
T168 R25E S24	SEENSW	12.0	T168 R25E S24	SEENSW	4.9
T168 R25E S24	SEENSW	30.0	T168 R25E S24	SEENSW	5.1
T168 R25E S25	SEENSW	19.0			

90.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. SECTION 62-2412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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

Water Right 43-13244

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CERTIFICATE OF SERVICE

I certify that on Aug 8, 2002, I caused to be served true and correct copies of this Standard Form 5, 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

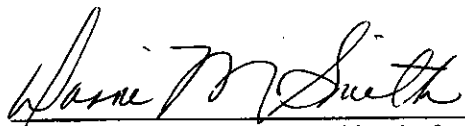
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

07/23/2002

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

RIGHT NUMBER: 43-13244

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
954 WEST JEFFERSON STR
PO BOX 83720
BOISE ID 83720-0050

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 0.34 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 NWSWNW Within CASSIA County

T16S R25E S36 SWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.340 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T16S R25E S24	SWNE	1.3	T16S R25E S24	NENW	9.8
T16S R25E S24	SENE	12.0	T16S R25E S24	NESE	4.9
T16S R25E S24	NWSE	38.0	T16S R25E S24	SESE	5.1
T16S R25E S25	NWNW	19.0			

90.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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

HT
CJ
SJS
8m²