

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.: 43-2155

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.

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:

Charlotte Tracy 8-2-02
Charlotte Tracy Date

CLAIMANT:

Harold Tracy 8-2-02
Harold Tracy Date

OBJECTOR:

Steven J. Schuster 7/26/02
Steven J. Schuster Date
Attorney for Dept. of Lands

RESPONDENT:

David L. Negri, US DOJ
Attorney for USPS

IDWR CONCURRENCE:

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

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

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

RIGHT NUMBER: 43-2155

NAME AND ADDRESS:

CHARLOTTE TRACY
1591 E 3600 E
MALTA ID 83342

HAROLD TRACY
1591 E 3600 E
MALTA ID 83342

SOURCE: SPRINGS Tributary: RAFT RIVER

QUANTITY: 0.400 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/02/1914

POINT OF DIVERSION:

T16S R25E S24 SESESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S35 SESESW Within CASSIA County
T16S R25E S36 SESESW Within CASSIA County
T16S R25E S25 SESESW Within CASSIA County
~~T16S R25E S25 SESESW Within CASSIA County~~
~~S14E R25E S25 SESESW Within CASSIA County~~
~~T16S R25E S36 SESESW Within CASSIA County~~
~~S14E R25E S36 SESESW Within CASSIA County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	0.600 CFS
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

STOCKWATER within CASSIA County
T16S R25E S24 SESE

DOMESTIC within CASSIA County
T16S R25E S24 SESE

IRRIGATION within CASSIA County
T16S R25E S13 SESE 10.0
T16S R25E S13 SESE 13.0
T16S R25E S13 SESE 12.0

~~T16S R25E S24 SESE 0.4~~
~~S14E R25E S24 SESE 12.0~~
~~S14E R25E S24 SESE 36.0~~
~~S14E R25E S24 SESE 12.0~~
~~S14E R25E S24 SESE 4.0~~
~~S14E R25E S24 SESE 36.0~~
~~S14E R25E S24 SESE 36.0~~

35 ACRES TOTAL 348.0 ACRES-REGAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Director's Report: 43-2155

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

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Licensee

DOMESTIC USE 2 BONES, STOCKWATER 200 MIXED DAIRY
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE FOR DOMESTIC
AND STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO CODE.

SJS
CJ
JH
SM^s
UAK

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

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

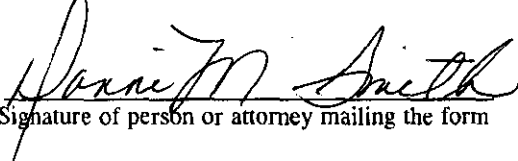
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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 W. Fort St. MSC 033
Boise, ID 83724

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


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 43-2155

NAME AND ADDRESS:

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342
HAROLD TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS Tributary: RAFT RIVER

QUANTITY: 0.600 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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 S35 SESWSE Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County
T16S R25E S25 SESESW Within CASSIA County
T56S R25E S25 SENWSW Within CASSIA County
~~T16S R25E S25 NWSWSW Within CASSIA County~~
T16S R25E S36 NWSSENW Within CASSIA County
~~T16S R25E S26 NENENW Within CASSIA County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	0.600 CFS
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

STOCKWATER within CASSIA County
T16S R25E S24 SWSE
DOMESTIC within CASSIA County
T16S R25E S24 SWSE
IRRIGATION within CASSIA County
T16S R25E S13 SENW 10.0
T16S R25E S13 NESW 13.0
T16S R25E S13 SESW 12.0

~~T16S R25E S24 NENW 0.4~~
~~T16S R25E S24 SENW 12.0~~
~~T16S R25E S24 NESW 28.0~~
~~T16S R25E S24 SESEW 22.0~~
~~T16S R25E S24 NESE 4.8~~
~~T16S R25E S24 NWSSE 39.0~~
~~T16S R25E S24 SWSE 30.0~~

~~T16S R25E S24 SESE 4.7~~
~~T16S R25E S25 NWNW 38.0~~
~~T16S R25E S25 NENW 36.0~~
~~T16S R25E S25 NWNW 19.0~~
~~T16S R25E S25 SWNW 39.0~~
~~T16S R25E S25 SENW 36.0~~
~~T16S R25E S25 NESW 17.0~~

35 ACRES TOTAL ~~349.9 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 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:

BASIS OF CLAIM - License

DOMESTIC USE 2 HOMES, STOCKWATER 200 MIXED DAIRY
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE FOR DOMESTIC
AND STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO CODE.

SJS
CJ
HT
8m^c