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AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4:43
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

) Subcase 43-02532E
) (J.E. Tracy, Inc.)
)
) SPECIAL MASTER REPORT

Findings of Fact

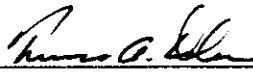
J.E. Tracy, Inc., P.O. Box 138, Almo, Idaho 83312, filed a *Notice of Claim to a Water Right* on June 6, 1989, claiming 4.32 cfs from groundwater for year-round stockwater use and to irrigate 290 acres in Cassia County from March 15 to November 15 with a priority date of June 15, 1961, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim for 3.4 cfs for stockwater use and irrigation of 167 acres from April 1 to October 31.

Brent Jones filed an *Objection* on February 7, 2002, objecting to point of diversion. On August 14, 2002, J.E. Tracy, Inc., Brent Jones and IDWR filed a *Standard Form 5* agreeing to amend the point of diversion.

Conclusions of Law

J.E. Tracy, Inc., is entitled to a partial decree adjudicating a water right under claim 43-02532E as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02532E*.

DATED August 20, 2002.


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 43-02532E

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: J E TRACY INC
PO BOX 138
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 3.40 CFS
611.00 AFY

PRIORITY DATE: 06/15/1961

POINT OF DIVERSION: T15S R24E S27 NENWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 10-31	0.09 CFS
	Irrigation	04-01 TO 10-31	3.40 CFS
			611.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T15S R24E S23	SWSW 40.0	SESW 40.0
	S26	NWNW 38.0	SWNW 10.0
	S27	NENE 29.0	SENE 10.0
	167.0 Acres Total		

Stockwater		Within Cassia County
T15S R24E S23	SWSW	SESW
S26	NWNW	SWNW
S27	NENE	SENE

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.

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.

RECOMMENDATION

AUG 2 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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DISTRICT COURT-SRBA
TWIN FALLS, 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

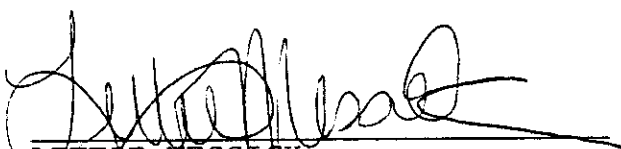
Water Right(s): 43-02532E

On August 20, 2002, 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 August 20, 2002.


LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
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

CERTIFICATE OF MAILING

Water Right(s): 43-02532E

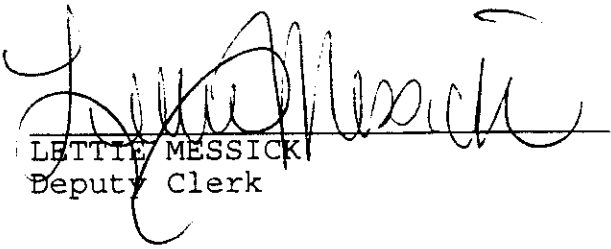
CERTIFICATE OF MAILING

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 August 20, 2002, with sufficient first-class postage prepaid to the following:

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

J E TRACY INC
PO BOX 138
ALMO, ID 83312
Phone: 208-824-5571

BRENT JONES
PO BOX 151
ALMO, ID 83312
Phone: 208-824-5533


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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