

AUG 26 2002

Department of Water Resources

2002 AUG 23 AM 11:13  
 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     | ) | Subcases 43-10056, 43-13243 (Tracy)      |
|                | ) | and 43-13244 (Idaho Department of Lands) |
| Case No. 39576 | ) |                                          |
|                | ) | SPECIAL MASTER REPORT                    |
|                | ) | AND RECOMMENDATION                       |

---

### Findings of Fact

Harold and Charlotte Tracy, 1591 East, 3600 South, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* under 43-10056 on March 21, 1989, claiming 1.4 cfs from springs for year-round domestic and stockwater uses and to irrigate 320 acres in Cassia County from March 15 to November 15 with a priority date of March 2, 1914, based on beneficial use. 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 1* on September 28, 2001. The Director recommended the claim as filed, but only for irrigation from April 1 to October 31.

The State of Idaho, Department of Lands, 954 W. Jefferson Street, P.O. Box 83720, Boise, Idaho 83720-0050, filed an *Objection* on January 25, 2002, objecting to name and address. On August 8, 2002, the Tracys, the State and IDWR filed *Standard Forms 5* agreeing to split 43-10056 into 43-13243 (Tracy) and 43-13244 (State).

### Conclusions of Law

Harold and Charlotte Tracy and the State of Idaho, Department of Lands are entitled to partial decrees adjudicating water rights under claims 43-13243 (Tracy) and 43-13244 (State) as described in the *Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-13243 and 43-13244*.

### Recommendation

THEREFORE, IT IS RECOMMENDED that claim 43-10056 **not** be adjudicated as a water right, the claim having been split into 43-13243 and 43-13244.

DATED August 23, 2002.

*Terrence A. Dolan*  
2002 AUG 23 AM 11:13  
TERRENCE A. DOLAN DISTRICT COURT-SRBA  
Special Master TWIN FALLS CO., IDAHO  
Snake River Basin Adjudication FILED 6

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 43-13243

2002 AUG 23 AM 11:13

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *DM*

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

SOURCE: SPRINGS TRIBUTARY: RAFT RIVER

QUANTITY: 1.06 CFS

PRIORITY DATE: 03/02/1914

POINT OF DIVERSION: T16S R25E S24 SENESW (Rediversion) Within Cassia County  
SESESW  
S25 SENWSW  
S35 SESWSE  
S36 NWSGENW  
SWSWSW

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-01 TO 10-31 1.06 CFS

PLACE OF USE: Irrigation Within Cassia County  
T16S R25E S24 NESW 28.0 SESW 21.0  
SWSE 29.0  
S25 NWNW 37.0 NENW 36.0  
SWNW 38.0 SENW 36.0  
NESW 17.0  
242.0 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.

RECOMMENDATION

AUG 23 2002

*Thomas G. Olsen*  
SPECIAL MASTER

Roger Burdick  
Presiding Judge of the  
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 43-13244

2002 AUG 23 AM 11:13

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *ON*

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  
S25 SENWSW  
S35 SESWSE  
S36 NWSWNW  
SWSWSW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.34 CFS |

| PLACE OF USE: | Irrigation       | Within Cassia County                            |
|---------------|------------------|-------------------------------------------------|
|               | T16S R25E S24    | SWNE 1.3<br>SENE 12.0<br>NWSE 38.0<br>NWNW 19.0 |
|               | S25              | NENW 9.8<br>NESE 4.9<br>SESE 5.1                |
|               | 90.1 Acres Total |                                                 |

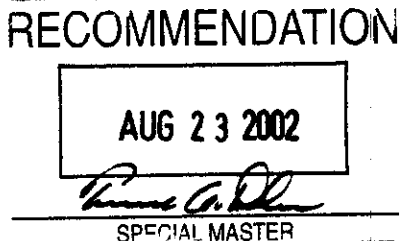
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 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

RECEIVED

AUG 26 2002

Department of Water Resources

AUG 23 AM 11:13

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 43-10056

On August 23, 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 23, 2002.

  
LETTIE MESSICK  
Deputy Clerk

RECEIVED

AUG 26 2002

Department of Water Resources

2002 AUG 23 AM 11:13

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

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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 43-10056

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 23, 2002, with sufficient first-class postage prepaid to the following:

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

IDAHO DEPARTMENT OF LANDS

Represented by:  
CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:  
DAVID NEGRI  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
08/23/02

CHARLOTTE TRACY  
HAROLD TRACY  
1591 E 3600 S  
MALTA, ID 83342  
Phone: 208-824-5529

  
\_\_\_\_\_  
LETTIE MESSICK  
Deputy Clerk

AUG 26 2002

2002 JUN 23 AM 11:13

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Case No. 39576

Water Right(s) : 43-13243

  
LETTIE MESSICK  
Deputy Clerk

RECEIVED

AUG 26 2002

Department of Water Resources

AUG 23 AM 11:13

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

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): 43-13243

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 23, 2002, with sufficient first-class postage prepaid to the following:

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

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

*[Signature]*  
LETTIE MESSICK  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
08/23/02

RECEIVED

AUG 26 2002

Department of Water Resources

2002 AUG 23 AM 11: 13

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

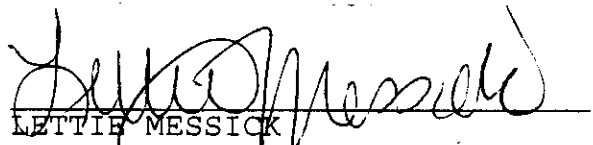
Water Right(s): 43-13244

On August 23, 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 23, 2002.

  
LETTIE MESSICK  
Deputy Clerk

RECEIVED

AUG 26 2002

Department of Water Resources

AUG 23 AM 11:13

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

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) : 43-13244

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 23, 2002, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO  
Represented by:  
CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

*[Signature]*  
LETTIE MESSICK  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
08/23/02