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AUG 26 2002

Department of Water Resources

AUG 23 AM 11:13
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
AM

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 43-02155
Case No. 39576) (Tracy)
_____) SPECIAL MASTER REPORT

Findings of Fact

Harold and Charlotte Tracy, 1591 East, 3600 South, Malta, Idaho 83542, filed a *Notice of Claim to a Water Right* on March 21, 1989, claiming .6 cfs from springs for year-round domestic and stockwater uses and to irrigate 30 acres in Cassia County from March 15 to November 15 with a priority date of March 2, 1914, 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 as filed, but for irrigation from April 1 to October 31.

The State of Idaho, Department of Lands filed an *Objection* on January 25, 2002, objecting to name and address. On August 8, 2002, the Tracys, the State and IDWR filed a *Standard Form 5* agreeing to amend the points of diversion and places of use.

Conclusions of Law

Harold and Charlotte Tracy are entitled to a partial decree adjudicating a water right under claim 43-02155 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02155*.

DATED August 23, 2002.

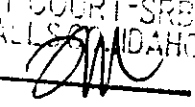

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 43-02155

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

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

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 0.60 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	SENESEW	(Rediversion)	Within Cassia County
	S25	SESESEW		
	S35	SENESEW		
	S36	SESESEW		
		SESESEW		
		SESESEW		

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic	01-01 TO 12-31	0.04 CFS
	Irrigation	04-01 TO 10-31	0.60 CFS

PLACE OF USE:	Irrigation		Within Cassia County
	T16S R25E S13	SENEW 10.0	NESW 13.0
		SESEW 12.0	
	35.0 Acres Total		
	Stockwater		Within Cassia County
	T16S R25E S24	SWSE	
	Domestic		Within Cassia County
	T16S R25E S24	SWSE	

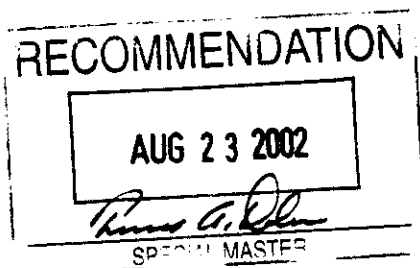
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 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

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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)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02155

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.

[Signature]

LETTIE MESSICK
Deputy Clerk

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TWIN FALLS, IDAHO
FILED *ONE*

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): 43-02155

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

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08/23/02

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


LETTIE MESSICK
Deputy Clerk