

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 24 PM 4 14

**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 43-02532D**
) **(J.E. Tracy, Inc.)**
Case No. 39576)
) **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 1* on September 28, 2001. The Director recommended the claim for .04 cfs for year-'round stockwater use and to irrigate 287 acres from April 1 to October 31.

Brent Jones filed an *Objection* on February 7, 2002, objecting to point of diversion. On August 20, 2002, the Special Master entered an ***Order Granting Motion to File Amended Notice of Claim***. On August 30, 2002, IDWR filed its *Amended Director's Report, Subcase No. 43-2532D* recommending the claim for .08 cfs for year-'round stockwater use and for irrigation of 287 acres from April 1 to October 31. No one objected to the *Amended Director's Report*.

Conclusions of Law

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

DATED October 24, 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

2002 OCT 24 PM 4 14

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02532D

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

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
58.40 AFY

PRIORITY DATE: 06/15/1961

POINT OF DIVERSION: T15S R24E S22 NWSESE Within Cassia County
S27 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.08 CFS
	Irrigation	04-01 TO 10-31	0.08 CFS
			33.60 AFY

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

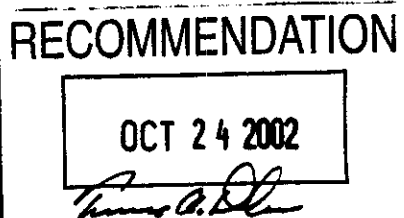
	Stockwater		Within Cassia County
	T15S R24E S23	NESW	SWSW
		SESW	NESE
		NWSE	
	S26	NWNW	SWNW
	S27	NENE	SENE

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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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

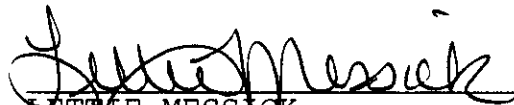
Water Right(s): 43-02532D

On October 24, 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 October 24, 2002.


LETTIE MESSICK
Deputy Clerk

