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SEP 30 2002

Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 27 2002

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 43-02233
Case No. 39576) (Tracy)
SPECIAL MASTER REPORT

Findings of Fact

Loyal Gill filed a *Notice of Claim to a Water Right* on April 4, 1989, claiming .8 cfs from Kane Creek for irrigation of 40 acres in Cassia County from April 1 to November 1 with a priority date of November 22, 1918, 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 to Vernon (Bud) and Lucy Tracy, 149 West 1st North, Malta, Idaho 83342, and for irrigation from April 1 to October 31.

The claimants filed an *Objection* on February 5, 2002, objecting to quantity and place of use. On September 19, 2002, the claimants and IDWR filed a *Standard Form 5* agreeing to the claim as recommended by IDWR.

Conclusions of Law

Vernon and Lucy Tracy are entitled to a partial decree adjudicating a water right under claim 43-02233 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02233*.

DATED September 27, 2002.

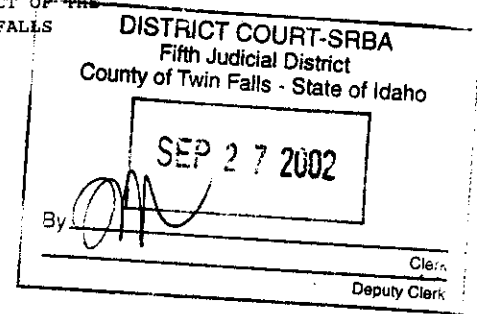

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 43-02233



NAME AND ADDRESS: LUCY TRACY
VERNON L. (BUD) TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: KANE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.80 CFS

PRIORITY DATE: 11/22/1918

POINT OF DIVERSION: T14S R26E S20 NESWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE: Irrigation Within Cassia County
T14S R26E S17 SWSE 10.0 SESE 30.0
40.0 Acres Total

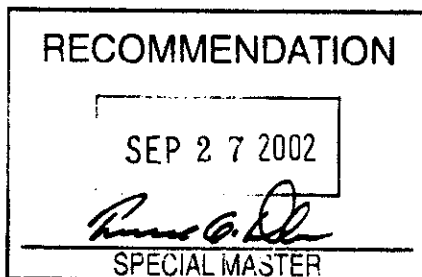
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 27 2002	
By 	Clerk
	Deputy 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02233

On September 27, 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.

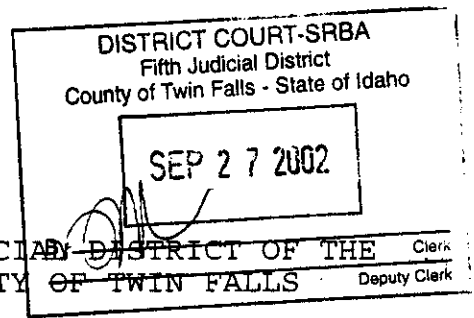
DATED September 27, 2002.


LETTIE MESSICK
Deputy Clerk

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Department of Water Resources



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): 43-02233

CERTIFICATE OF MAILING

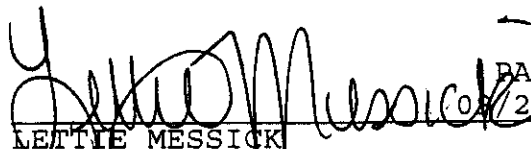
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 27, 2002, with sufficient first-class postage prepaid to the following:

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

BUD TRACY
BOX 654
MALTA, ID 83342
Phone: 208-645-2211

LUCY TRACY
VERNON L. (BUD) TRACY
149 W 1ST N
MALTA, ID 83342
Phone: 208-645-2271

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk
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