

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02155
Date Received: 3/21/1989
Receipt No: 5007298
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD TRACY 208-824-5529
Address: HC 72 BOX 2396
MALTA, ID 83342
OR
Name: CHARLOTTE TRACY 208-824-5529
Address: HC 72 BOX 2396
MALTA, ID 83342

2. Date of Priority: MAR 02, 1914

3. Source: SPRINGS Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	25E	24	SE	NE	SW		CASSIA
		25	NE	NW	SW	R	CASSIA
			NW	SW	SW		CASSIA
		35	SE	SW	SE		CASSIA
			SE	SE	SE		CASSIA
		36	NE	NE	NW		CASSIA

5. Description of diverting works:
DITCHES AND PONDS, PIPELINE TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

A43-02155

Page

1

Date: 03/21/89

COPY

MICHAEL J. JONES
MAR 03 1989

9. Non-irrigation uses:
D/2 HOUSES S/200 MIXED DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	25E	13	SE	NW		IRR	12.0
			NE	SW		IRR	9.0
			SE	SW		IRR	9.0
						Section Acres	30.0
		24	SW	SE		DOMEST	
			SW	SE		STOCK	
						Total Acres	30.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-10056

14. Remarks:
SPRINGS KNOWN LOCALLY AS OLIVER SPRINGS.
THREE SOURCES ARE CLAIMED AT OR NEAR THE STATE LINE.
ONE OLIVER SPRING ACTUALLY ORIGINATES IN UTAH, JUST OVER THE
STATE LINE. CLAIMANT OWNS THE LAND IN UTAH WHERE WATER FLOWS
FROM, THE DIVERSION IS MADE AT IDAHO STATE LINE.

15. Basis of Claim: LICENSE
Water Right Number: 10028

MICHAEL
MAR 03 1989

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Harold A Tracy Date: 3-21-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March 19 89 Steve Call
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

MICROFILMED
MAR 03 1989



25E

PU

16S

A43-02155

MAR 17 1953

UPPER RAINIER RIVER
WALL RIVER

14

23

26

35

8

20

20

25E

73 Acres
Range

24 Ac.
Crop/and

36 Ac.
Range

25 Ac.
10 Ac.
H Cropland

14 40 Ac.

331 Acres
Range

248 Acres
Range

Acres
Cropland

577 Acres
Range

776 AEFES

Acres
Range

74 A.
Range.

55 Acres
Cropland

A43-02155

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 43-02155 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 10028

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BROWN

RALPH P.

1 -
2 -
3 -

City- STANDROD
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/02/1914 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRINGS RAFT RIVER

Point of Diversion						
Twn	Rng	Sec	Tract	Lot	Rflg	County
16S	25E	24	NE SW		(31)	CASSIA
16S	25E	24	SW SE		(31)	CASSIA
16S	25E	24	NE SW		(31)	CASSIA
16S	25E	24	SW SW		(31)	CASSIA
16S	25E	35	SE SE		(31)	CASSIA
16S	25E	36	SW SW		(31)	CASSIA
16S	25E	36	SE SW		(31)	CASSIA

UTAH

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION				0.600	
43	DOMESTIC					

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.600

Place of Use								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	25E	13	SE NW		10.0	01	IRRIGATION	(31) CASSIA
16S	25E	13	NE SW		10.0	01	IRRIGATION	(31) CASSIA
16S	25E	13	SE SW		10.0	01	IRRIGATION	(31) CASSIA

Total Acres: 30.0

+ - Diversion Means -
+ - Non-Irrigation Use -
+ - Other Rights for Same Use -

MAR 03 1993

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Start Work Date	- 00/00/0000	Verified Date	- 03/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MAR 03 1993

08/01/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2155

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

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 0.600 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 SENESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S25 SENWSW Within CASSIA County
T16S R25E S25 SESESW Within CASSIA County
T16S R25E S35 SESWSE Within CASSIA County
T16S R25E S36 NWSENW Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.600 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T16S R25E S24 SWSE

IRRIGATION Within CASSIA County

T16S R25E S13 SENW 10.0 T16S R25E S13 NESW 13.0

T16S R25E S13 SESW 12.0

DOMESTIC Within CASSIA County

T16S R25E S24 SWSE

35 ACRES TOTAL

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. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

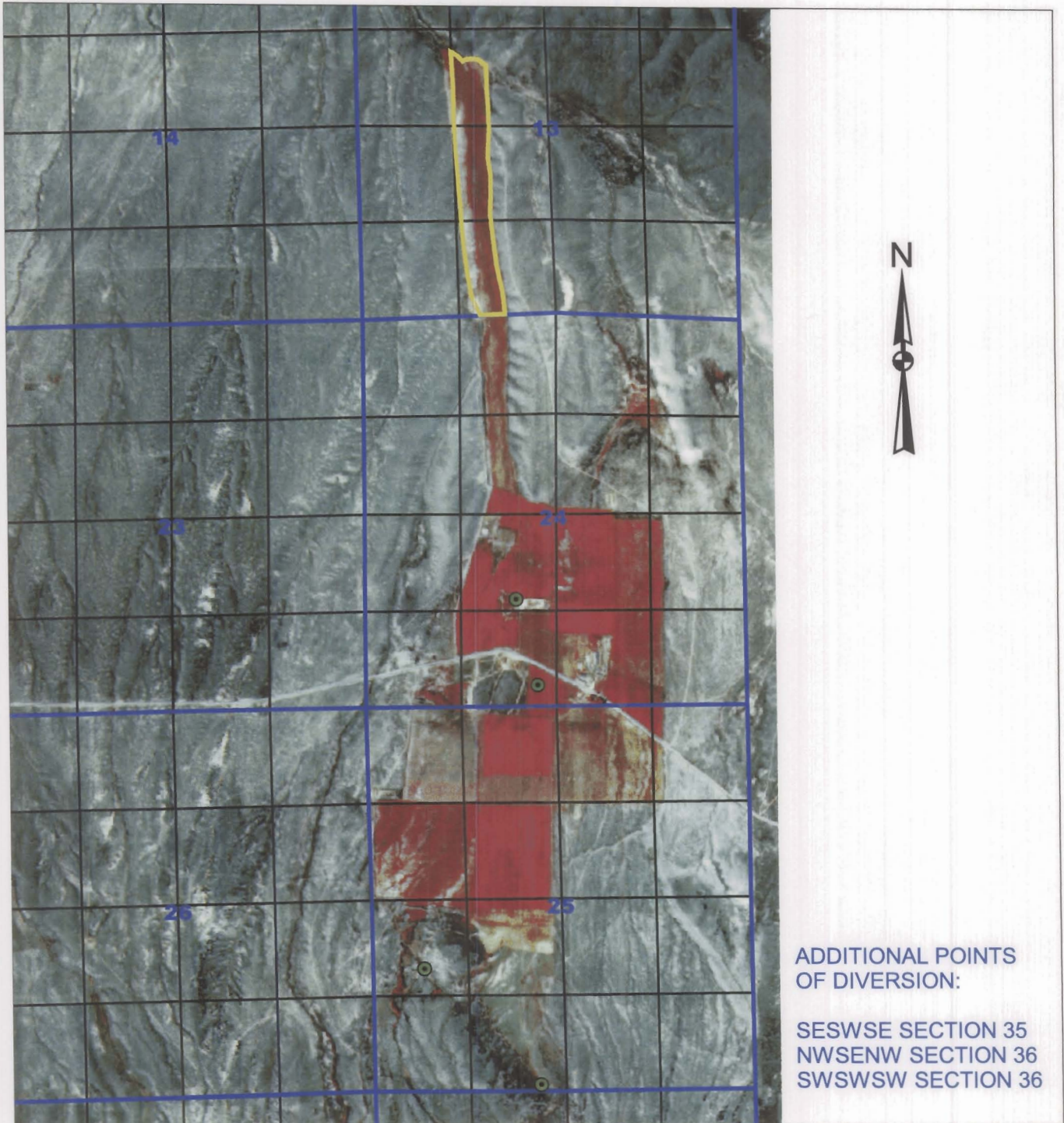
DOMESTIC USE 2 HOMES, STOCKWATER 200 MIXED DAIRY

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE FOR
DOMESTIC AND STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO
CODE.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE
TWP 16S, RNG 25E, SEC 24, 25
PREPARED JULY 31, 2002

RIGHT: 43-2155



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES

**GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY**

PREPARED BY VIKIE HANCOCK



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2002

Harold and Charlotte Tracy
1591 E 3600 S
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Settlement of Objections

Dear Harold and Charlotte,

I'm glad that we were all able to agree on a resolution to the State Department of Land's objections to your water rights. I hope that you are satisfied with the outcome. I believe that the points of diversion that you and Bryce Taylor identified are more correct than the locations that I had, as he certainly seemed to know the territory. We met here at the office and I was impressed that he did such a thorough investigation.

Enclosed are new GIS layouts showing the lands included in your water rights. (Don't be confused by the fact that I used a yellow outline on one and a yellow hash mark on the other). I wanted you to have a visual tool to see what areas of your farm are not included in your rights.

You should receive your Partial Decrees from the SRBA 5th District Court in the mail sometime soon. These documents are legal proof of your water rights and supercede the License and Certificate of Water right that was issued in 1914 for right 43-2155. If you have any questions, don't hesitate to call me. Thank you for your patience and cooperation in the SRBA process.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

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 No.: 43-2155

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Charlotte Tracy 8-2-02
Charlotte Tracy Date

CLAIMANT:

Harold Tracy 8-2-02
Harold Tracy Date

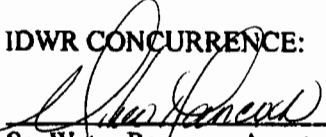
OBJECTOR:

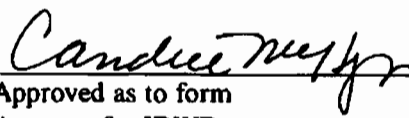
Steven J. Schuster 7/31/02
Steven J. Schuster Date
Attorney for Dept. of Lands

RESPONDENT:

David L. Negri, US DOJ
Attorney for USFS

IDWR CONCURRENCE:

 8/8/02
Sr. Water Resource Agent Date

 8/8/02
Approved as to form Date
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAW

RIGHT NUMBER: 43-2155

NAME AND ADDRESS:

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

HAROLD TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS Tributary: RAFT RIVER

QUANTITY: 0.600 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 SENESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S35 SESESW Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County
T16S R25E S25 SESESW Within CASSIA County
T16S R25E S25 SENWSW Within CASSIA County
~~T16S R25E S25 NWSWSW Within CASSIA County~~
T16S R25E S36 NWSWSW Within CASSIA County
~~T16S R25E S36 NENENW Within CASSIA County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	0.600 CFS
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

STOCKWATER within CASSIA County
T16S R25E S24 SWSE
DOMESTIC within CASSIA County
T16S R25E S24 SWSE
IRRIGATION within CASSIA County
T16S R25E S13 SENW 10.0
T16S R25E S13 NESW 13.0
T16S R25E S13 SESW 12.0

~~T16S R25E S24 NENW 0.4~~
~~T16S R25E S24 SENW 12.0~~
~~T16S R25E S24 NESW 28.0~~
~~T16S R25E S24 SESEW 22.0~~
~~T16S R25E S24 NENE 4.8~~
~~T16S R25E S24 NWSE 29.0~~
~~T16S R25E S24 SWSE 30.0~~

~~T16S R25E S24 SESE 4.7~~
~~T16S R25E S25 NENE 38.0~~
~~T16S R25E S25 NENW 36.0~~
~~T16S R25E S25 NWNW 19.0~~
~~T16S R25E S25 SNWN 38.0~~
~~T16S R25E S25 SENW 36.0~~
~~T16S R25E S25 NESW 17.0~~

35 ACRES TOTAL 268.0 ACRES TOTAL

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - License

DOMESTIC USE 2 HOMES, STOCKWATER 200 MIXED DAIRY
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE FOR DOMESTIC
AND STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO CODE.

SJS
CJ
HT
8m^s
UAK

RECEIVED

JUN 11 2002

Department of Water Resources

2002 JUN 07 PM 03:05
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *DM*

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 SETTING SUBCASE(S)
FOR INITIAL HEARING
SUBCASE NOS: 43-02155 43-10056

The Initial Hearing for this subcase will be held before
Special Master TERRENCE A. DOLAN

WEDNESDAY, AUGUST 14, 2002 at 01:30 PM
CASSIA COUNTY COURTHOUSE
1459 OVERLAND AVE
BURLEY, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
AUGUST 07, 2002 or hearing will not be vacated.

Dated: JUNE 07, 2002

/S/ LETTIE MESSICK
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 6/07/02

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on JUNE 07, 2002 _____,
with sufficient first-class postage to the following:

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

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

CHARLOTTE TRACY

HAROLD TRACY

1591 E 3600 S

MALTA, ID 83342

Phone: 208-824-5529

RECEIVED

JAN 24 2002

Department of Water Resources

COPY

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 43-2155

Case No. 39576

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 28 2002

Department of Water Resources
Southern Region

NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
CHRISTIE A. CUNNINGTON
Deputy Attorney General
Idaho Department of Lands
Attorney Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
Attorney Phone No. (208) 334-0200
Idaho State Bar # 5704

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Harold and Charlotte Tracy
Address: 1591 E. 3600 S.
Malta, Idaho 83342

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State University endowment land. This land is more particularly described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 16 South, Range 25 East, Boise Meridian, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 16 South, Range 25 East, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

Christie A. Cunningham, duly sworn, upon oath, deposes and says:

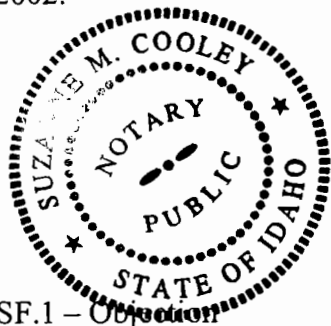
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

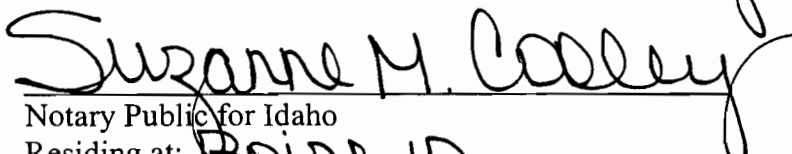
ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
CHRISTIE A. CUNNINGTON
Deputy Attorney General
Idaho Department of Lands


CHRISTIE A. CUNNINGTON

Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 22nd day of January,
2002.




Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 22nd day of January, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

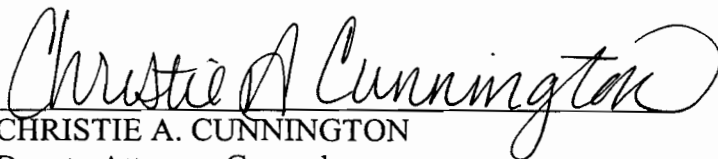
Name: Harold and Charlotte Tracy
Address: 1591 E. 3600 S
Malta, Idaho 83342

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


CHRISTIE A. CUNNINGTON
Deputy Attorney General
Idaho Department of Lands

11/30/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2155

NAME AND ADDRESS: CHARLOTTE TRACY
HAROLD TRACY
HC 72 BOX 2396
MALTA, ID 83342

SOURCE: SPRINGS TRIBUTARY: RAFT RIVER

QUANTITY: 0.6 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
	T16S R25E S24	SESESW		Within CASSIA County
	T16S R25E S25	NWSWSW		Within CASSIA County
	T16S R25E S35	SESWSE		Within CASSIA County
	T16S R25E S36	NENENW		Within CASSIA County
	T16S R25E S36	SWSWSW		Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.04 CFS
IRRIGATION	04-01 10-31	0.60 CFS
DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County			
T16S R25E S24	SWSE		
IRRIGATION Within CASSIA County			
T16S R25E S13	SENEW	10	T16S R25E S13 NESW 13
T16S R25E S13	SESEW	12	T16S R25E S24 NENW 9.4
T16S R25E S24	SENEW	12	T16S R25E S24 NESW 28
T16S R25E S24	SESEW	22	T16S R25E S24 NESE 4.8
T16S R25E S24	NWSE	39	T16S R25E S24 SWSE 30
T16S R25E S24	SESE	4.7	T16S R25E S25 NWNE 38
T16S R25E S25	NENW	36	T16S R25E S25 NWNW 19
T16S R25E S25	SWNW	38	T16S R25E S25 SENW 36
T16S R25E S25	NESW	17	
DOMESTIC Within CASSIA County			
T16S R25E S24	SWSE		

368.9 ACRES TOTAL

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. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

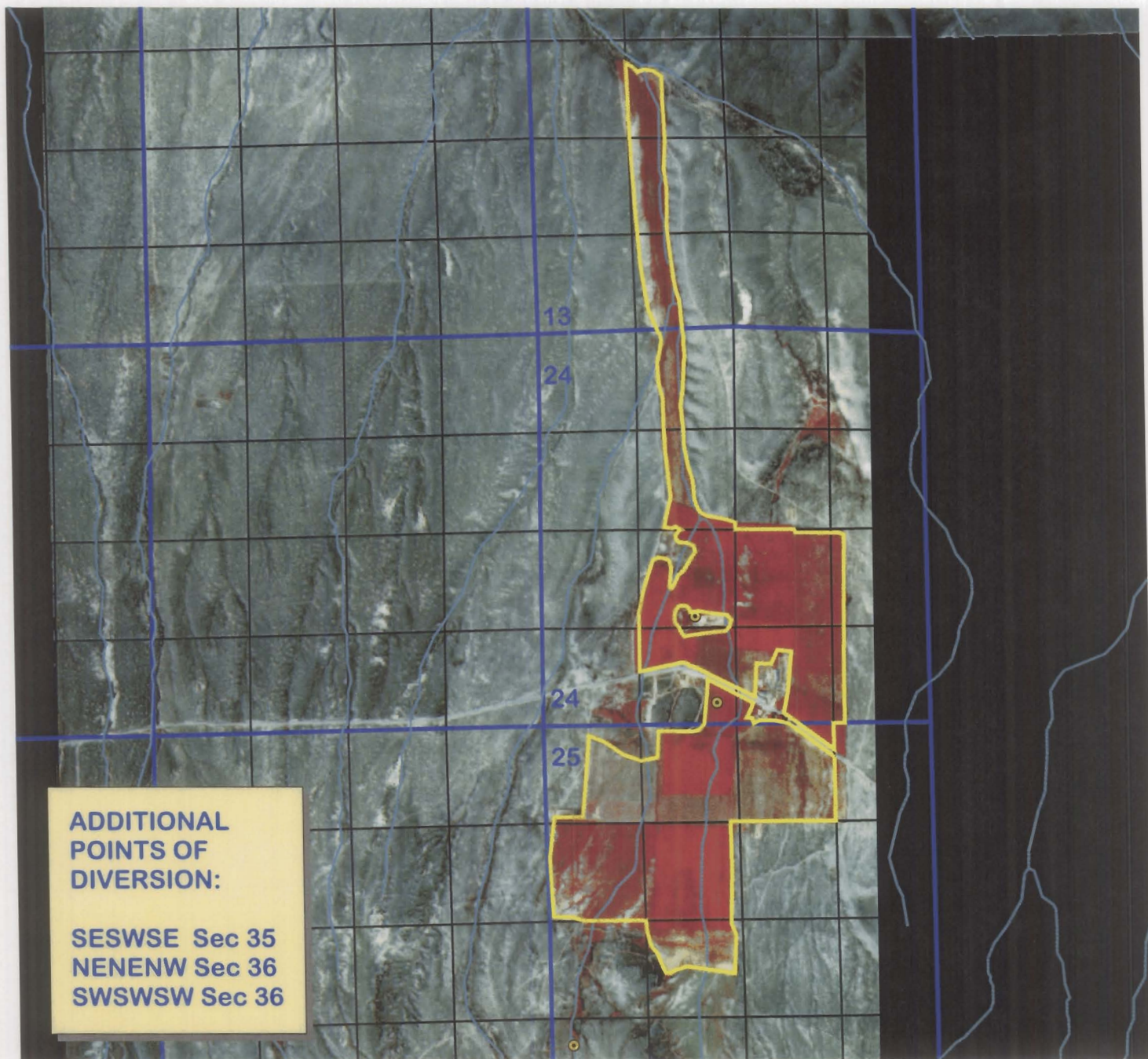
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE FOR
DOMESTIC AND STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO
CODE.

DOMESTIC USE 2 HOMES, STOCKWATER 200 MIXED DAIRY

Idaho Department of Water Resources

RIGHTS: 43-2155, 43-10056

RECOMMENDED PLACE OF USE
TWP 16S, RNG 25E, Sec 13, 24, 25,
Data entry on November 29, 2000



ADDITIONAL
POINTS OF
DIVERSION:

SESWSE Sec 35
NENENW Sec 36
SWSWSW Sec 36



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

CLAIM NUMBER: A43-02155

~~75.00-ATN~~

Stage: LICENSE

CASSIA County

CASSIA County

SE

30.0

SE

SE

1. d. davis

done the PCR

ϕ

21

RECOMMENDATION NOTES

From: Vikie Hancock

11/30/00

Regarding: 43-2155 and 43-10056

Mr. Tracy claimed 30 acres under the license, and 320 acres under the beneficial use SRBA claim. 369 acres were found irrigated in the claimed tracts by GIS using field notes and 1987 NAPP aerial photography. One possible explanation is a discrepancy in the acreage I found and the 30 acres licensed in section 13, as the examiner noted in the 1918 field exam that there were probable errors due to the difficulty in finding property boundaries. Mr. Tracy also may have been somewhat incorrect in his estimation of the number of acres he irrigates in section 24 and section 25. Some of the acreage pointed out by Mr. Tracy as irrigated looked marginally irrigated at best, especially that located in the NENE Section 25. 85 acres claimed by Mr. Tracy is under State of Idaho ownership, and he is aware of that.

Mr. Tracy claims a 1914 priority date for the beneficial use claim, as he says that the entire farm was being irrigated prior to the time the license was issued for additional lands in section 13. According to State and Federal land boundaries, it appears that there were approximately 300 acres in the original homestead located within sections 24 and 25, which would have represented the land farmable in those tracts in that time frame. State land separates the apparent homestead in sections 24 and 25 and the land in section 13. Evidence exists in 1976 orthophotoquad maps that the expansion of acres onto State land had been accomplished by the early 1970s.

The farm is now irrigated by gravity sprinkler system. Current points of diversion seem to be consistent with those found in the 1918 licensing field exam. The March 1918 field exam notes indicate that a total of 1.74 cfs was measured at five springs, but a capacity of 2.4 cfs was noted for the diversion works. My June 1999 field exam measured 1.46 cfs, but excluded the spring in the SESESW Section 24, as the outlet pipe was buried and submerged within the reservoir. In 1918, that spring - now known by Tracys as the "artesian well" - was measured at .22 cfs. The total claimed by Mr. Tracy is 2 cfs, which is probably reasonable in times of high water, less than the noted capacity in 1918 and less than 1 inch per acre. Mr. Tracy is the only claimant on these springs.

Photos and documentation taken during the field exam for these claims is included in beneficial use claim 43-10056.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

JAN 16 2001

Department of Water Resources
Southern Region

☐ Water Right Number(s): 43-10056 , 43-2155

☐ Old Mailing Address: H.C 72 BOX 2896

MALTA 83342

☐ New Mailing Address: 1591 E 3600S

MALTA 83342

☐ New Telephone Number: () -

✓ ☒ Signature of Claimant(s): Harold L Tracy

Charlotte L Tracy

✓ Date: 12-26-00

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: 1/16/01	By: <i>[Signature]</i>

Tracy Dairy
Harold & Charlotte Tracy
1591 E 3600 S
Malta ID 83342

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

May 24, 1999

Regarding:

Customer:

A43-10056, A43-~~02511~~

Charlotte Tracy

[illegible]

I returned Mr. Tracy's call and talked to his wife, Charlotte. She was able to tell me that the source referred to by everyone as "the well" was a shallow, hand dug depression that had been completed before she came to live on the farm 25 years ago. Her description of it was that it was a spring that was piped from underground. She said that several wet spots on the farm were drained by perforated pipe, and that most of that water eventually made it to the pond. They said that they joked at the time they put it all in that they should have made a map, but didn't. I told her that it would be good if I could measure the main intake to the pond that Mr. Tracy showed me on 5-12-99. She said that the pond is usually drawn down by August, but that spring flows may also be down then. I told her I would probably be in touch sometime toward the end of summer to see if we could get a measurement on the intake.

I also told her to tell Mr. Tracy that I had measured a total amount just about equal to what they had claimed, and that it agreed with an old field exam we had done back in the early 1900's. She said that when they claimed a diversion rate, they were going on word of mouth info about the amount of water they had. We exchanged pleasantries, and I told her I would probably be back in touch.

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-02115, A43-10056

Name or Area of Concern: Harold Tracy

Page 1 of 1

1999

Date	Roll	Pic #	Description
5/12	1	1-7	5 shot pan to S/SW from south side of
		-5	Waf-Strwell Rd
		6	Dairy from N side of Rd
		7	Intake to Pond from Artesian Well
		8	Dairy from pond
		9-	Pan of 4 pix NORTH FROM POND
		12	BANK
	2	1	Pond
		2	Mr Tracy
		3	Spring measurement site #3

Audio tape # 8

Notes: Mr Tracy has 2 houses & A dairy which includes 120 milking & 30 dry cows. He irrigates all his land from springs to the south which are at a sufficient altitude that all sprinklers are run from gravity pressure. There is no flood irrigation. Houses & dairy are also served by spring water. An artesian well is located in the NE NW Sec 25. This water is piped underground to several stock tanks and then into the pond. Only the "neck" area to the north is irrigated from the pond.

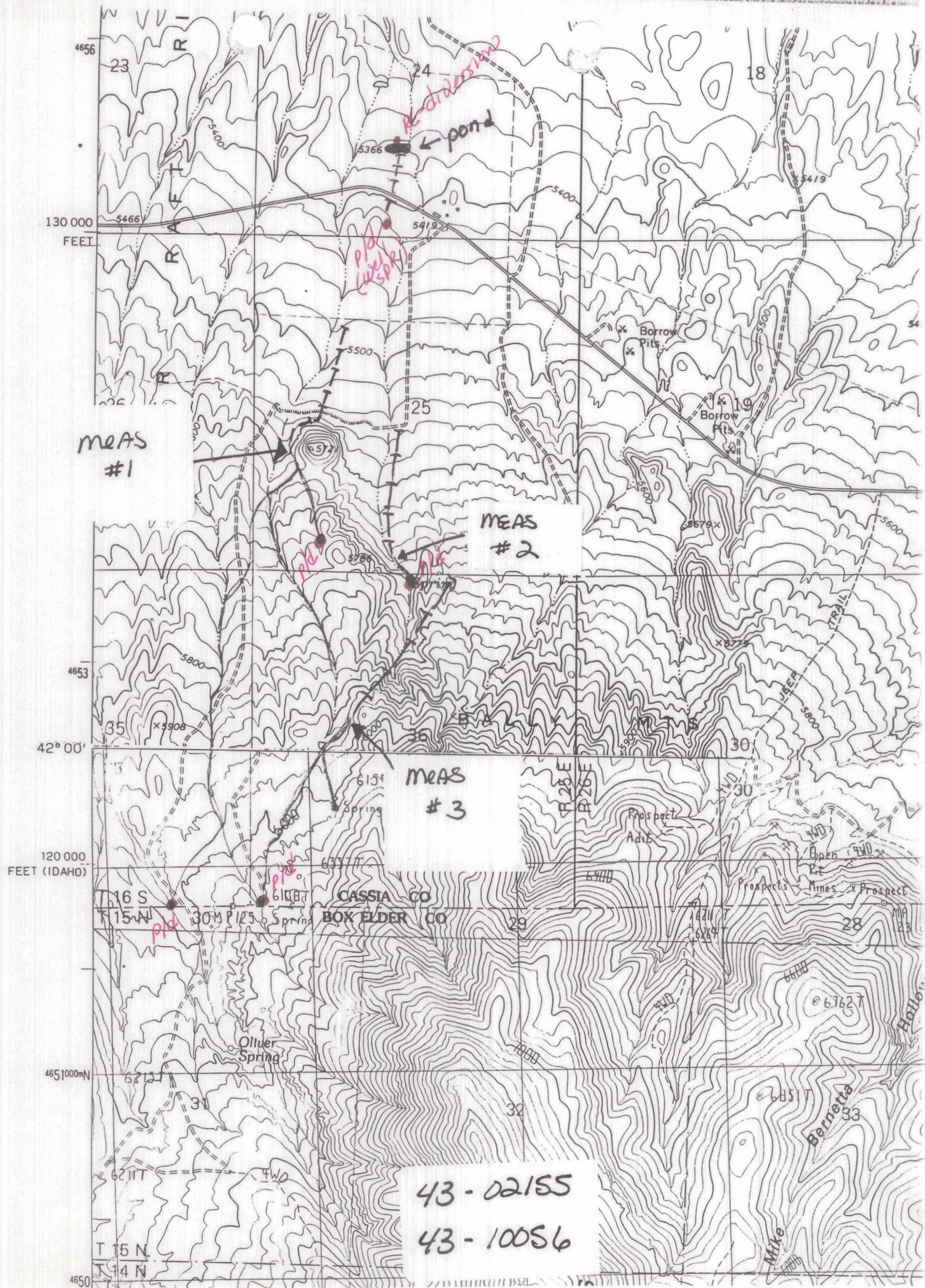
I made 3 measurements which Mr Tracy said included all the spring water he collects from the south.

The water from the artesian well was not measured as the underground pipe entered the pond below the surface.

Mr Tracy is aware some of the land he irrigates is IN STATE OWNERSHIP.

Total of 5/12/98 measurements 1.46 cfs

Claimed 1.4 cfs Claim 10056



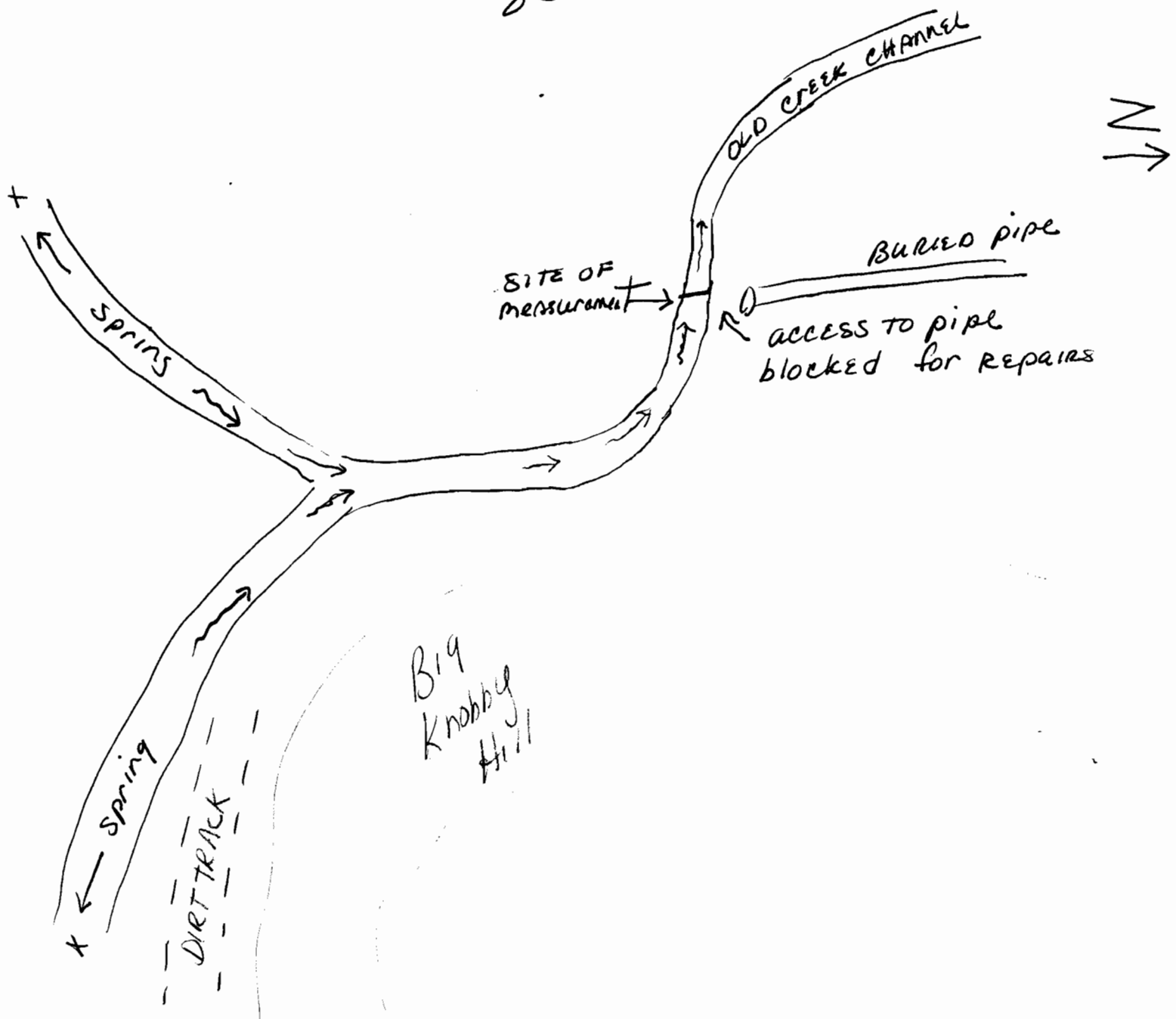
Measurement Site #1 5-12-99

V-notch WIER Head = .46'

Per WIER table #11

Page 270 Water Meas. Manual

$$.46 = .362 \text{ cfs}$$



Measurement Site #2 5-12-99

5 gal Bucket & Stopwatch

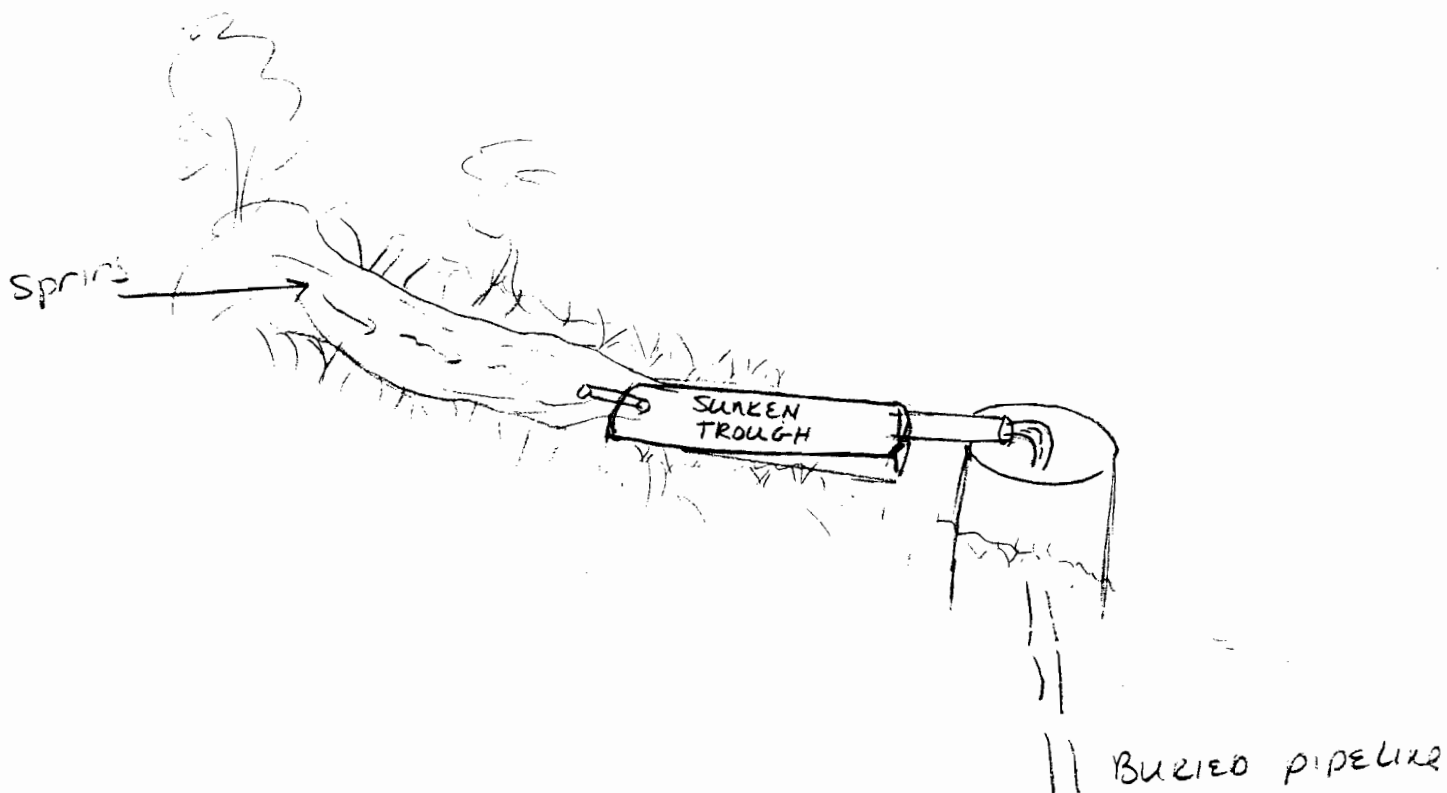
#1 6.57

#2 7.12

Ave 6.83

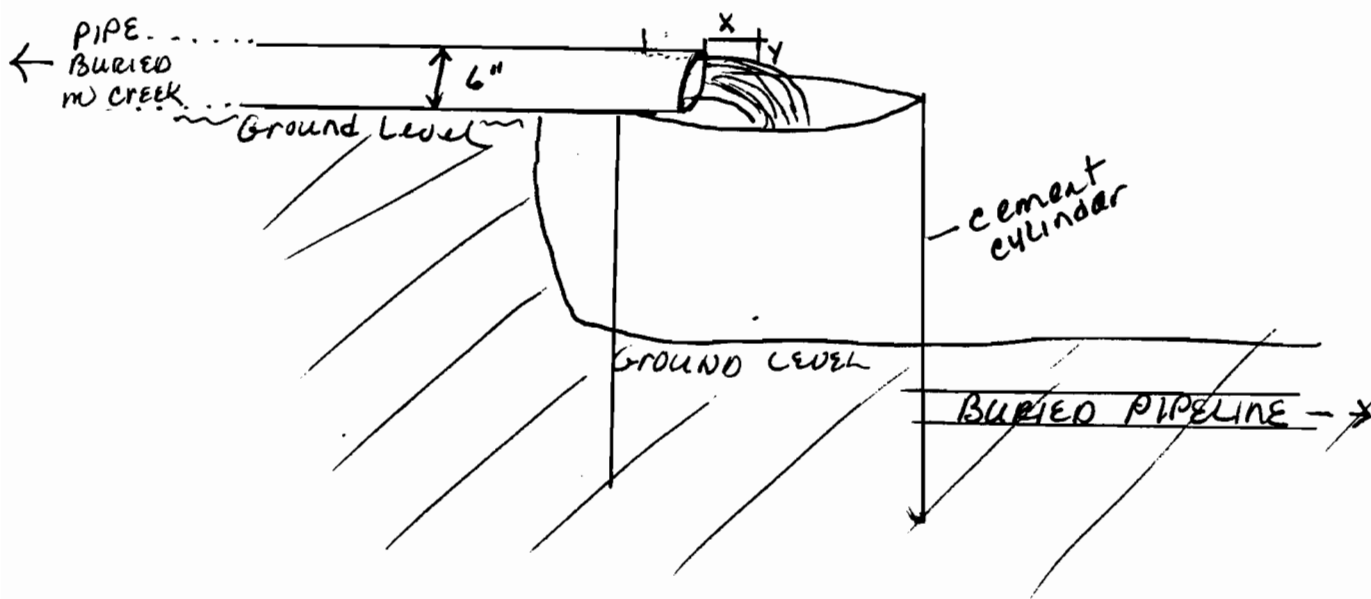
#3 6.80

$$\frac{300}{6.83} = \frac{43.92 \text{ gpm}}{448} = .098 \text{ cfs}$$



Measurement - Site #3 5-12-99

$$x = 6''$$
$$y = 3.5''$$



Calculation from page 202
Water Measurement Manual
Figure 92

If $x = 6$ and $y = 3.6$ $Q = 450$ gpm in 6" pipe
 $GPM = \approx 450 \text{ gpm} = 1.004 \text{ cfs}$

CONVERSATION MEMO

Date:

5-10-99

Regarding:

A43-10056, A43-02115

Customer:

Harold Tracy

From: Vikie Hancock

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

Called Mr Tracy $\approx$ 11:30 and made
an appt to examine property on
Wednesday, 5-12-99 at 10:30 AM

Directions to place:

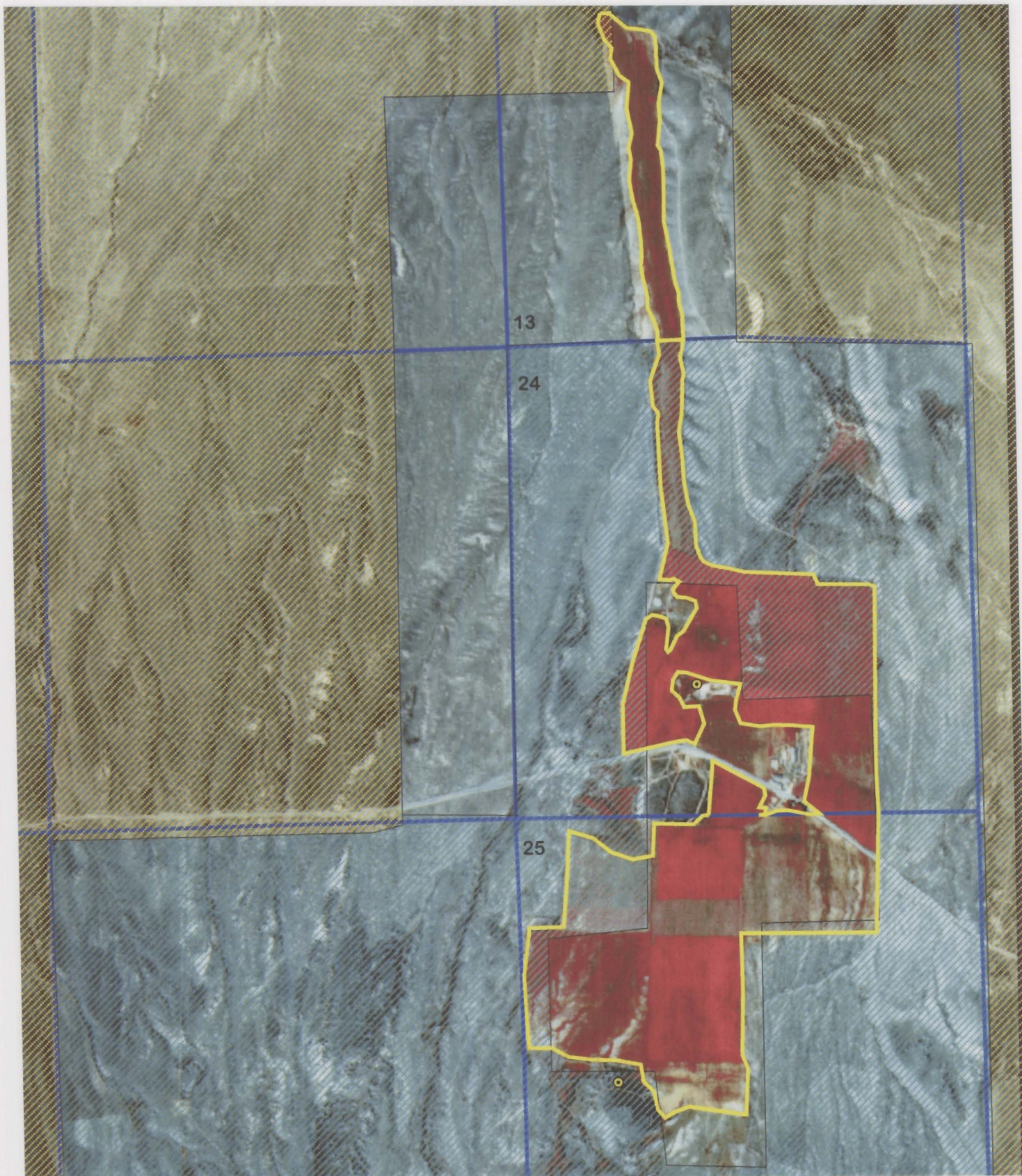
Take Road South thru Maize
To Strevell (nearly to Utah line)
Turn west & go $\approx$ 15 miles to
Farm. Dairy on N. side house on
South. Will be around.

FARM OVERVIEW

FIELD NOTES

TWP 16S, RNG 25E

CLAIM NO(S): A43-02155 - 30 ac shown
and A43-10056 - 331 ac shown

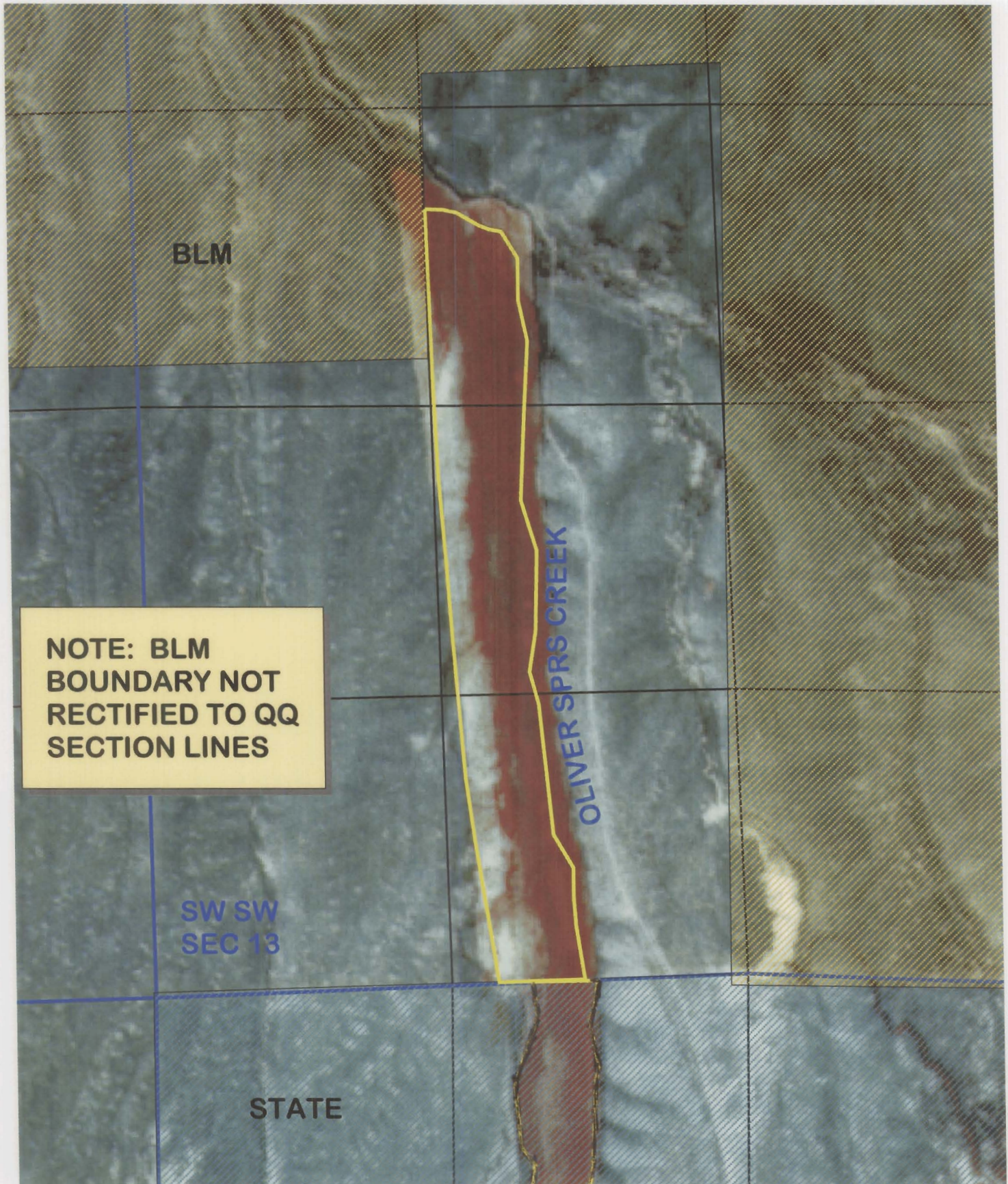


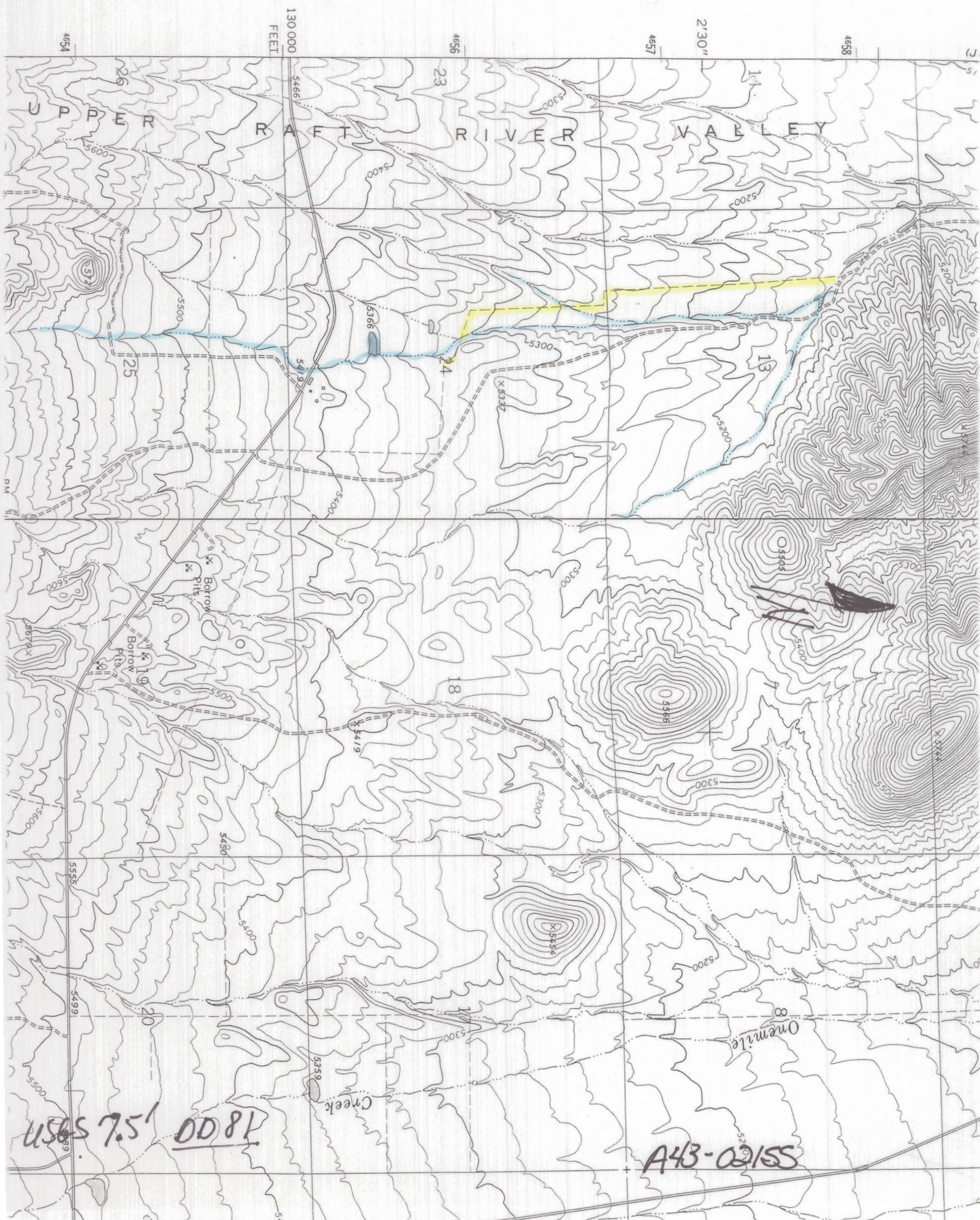
FILE NOTES

CLAIM NO(S): 43-02155

30 AC SHOWN

T 16S, R 25E SEC 13





State of Idaho

License and Certificate of Water Right

Water License No. 10028
Water District No. 8-B

Amount .6 of 1 sec. ft.
Priority 3-2-1914

THIS IS TO CERTIFY that RALPH P. BROWN of Standrod, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 2, 1914; that Permit No. 10028 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.4 second feet, was issued thereunder on October 8th, 1917, showing that said works were completed on the 10th day of September, 1917; and that on the 12th day of November, 1917, RALPH P. BROWN

of Standrod, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Oliver Springs, a tributary of , for the purpose of irrigation and domestic use, under Use Permit No. 10028 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2315, on the 10th day of August, 1918;

The right hereby confirmed dates from March 2d, 1914;

The Points of Diversion ^{B.M.} located as follows: SW $\frac{1}{4}$ Sec. 24; NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 and SW $\frac{1}{4}$ Sec. 25 in the SE $\frac{1}{4}$ Sec. 25 T. 16 S., R. 25 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .6 of 1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	25 E.	13	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	10
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	10
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	10

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 10th day of August, 1918.

(SEAL)

FRED A. WILKIE

State Engineer.

43 2155

REPORT OF ENGINEER

State name of applicant and number of permit: Ralph L. Palmer Permit 10028

State source of water supply: Oliver Springs

Location of point of diversion: Oliver Springs- NW 1/4 & NE 1/4, Sec. 24,

NE 1/4 & SW 1/4, Sec. 25; SW 1/4 & SE 1/4, Sec. 36, SW 1/4, Sec. 35, all in

T. 16 S., R. 25 E.: Oliver Springs Creek- SW 1/4, Sec. 35 & SW 1/4, Sec. 36,

State whether or not the works of diversion are fully completed and in accordance with terms of

Permit:

Describe works as they exist, giving dimensions and capacities of same:

State whether or not water has been turned into works of diversion: YES

Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

40-acre tract. (Describe manner and place of use if for other than irrigation):

~~SW 1/4, SE 1/4, NW 1/4, Sec. 13, T. 16 S., R. 25 E., B.M.~~

SE 1/4 SW 1/4 Sec. 13 T. 16 S. R. 25 E. B.M. 10 Acres

NE 1/4 SW 1/4 " " " " 10 "

SE 1/4 NE 1/4 " " " " 10 "

Total 30 Acres

Submit map on enclosed plan, showing location and details of above description.

Remarks:

The above land description may be in error as to the exact

amounts under cultivation in each forty-acre tract, because the

boundary lines are indefinite and I could not determine the corners.

The total of 30 acres under cultivation is about right, which

in this report I distributed over the entire tract.

This examination was made on the 28th day of March 1918.

(Signed) J. H. Palmer

Examiner.

OVER

10028

Name of Applicant - Ralph P. Brown

B/a

40928

