

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: **A43-00293B**
Date Received: 6/ 2/1989
Receipt No: S007472
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAVERE TRACY 208-645-2271
Address: MALTA ID 83342
AND/OR
Name: FONTELLA TRACY 208-645-2271
Address: MALTA ID 83342
2. Date of Priority: APR 30, 1880
3. Source: CASSIA CREEK Trib. to: RAFT RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
13S 26E 36 NE NE CASSIA
5. Description of diverting works:
GRAVITY IRRIG.
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 2.800
7. Total Quantity Appropriated is:
2.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	26E	25	NE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	26E	25	SE	SE		IRR	5.0
						Section Acres	10.0
	27E	30	NW	SW	3	IRR	50.0
			SW	SW	4	IRR	50.0
						Section Acres	100.0
						Total Acres	110.0

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:
A43-02392

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

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: _____

MICROFILMED

MAR 03 1993

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

MAR 03 1993

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: A43-00293^B
Date Received: 6/02/1989
Receipt No: S007472
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAVERE TRACY 208-645-2271
Address: MALTA, ID 83342
AND/OR
Name: FONTELLA TRACY 208-645-2271
Address: MALTA, ID 83342

2. Date of Priority: APR 30, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	36	NE	NE			CASSIA

5. Description of diverting works:
GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00293^B

Page 1

Date: 06/02/89

COPY

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	26E	25	NE	SE		IRR	5.0
			SE	SE		IRR	5.0
						Section Acres	10.0
	27E	30	NW	SW	3	IRR	50.0
			SW	SW	4	IRR	50.0
						Section Acres	100.0
						Total Acres	110.0

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:
A43-02392

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

vs

COPY

MICROFILMED
MAR 03 1993

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): *Laure T. Law* Date: 6-2-89

[Signature] Date:

State of Idaho)
County of *TF*) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of *June* 19 89

Lois White
Notary Public

Seal

Residing at *TF*

My Commission Expires 5/94

COPY

MICROFILMED
MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

23-Dec-1991

LAVERE TRACY
FONTELLA TRACY
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-00293
Identification Number Change

Dear Mr. and Mrs. Tracy:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-00293 to A43-00293B. The suffix has been added in order to distinguish your claim from other claims that claim a portion of the same original water right, 43-00293. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie'.

Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A43-00293B

MICROFILMED

MAR 03 1993

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 43-00293B

2003 APR 15 PM 4:19
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.40 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-293B AND 43-2392.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.40 CFS

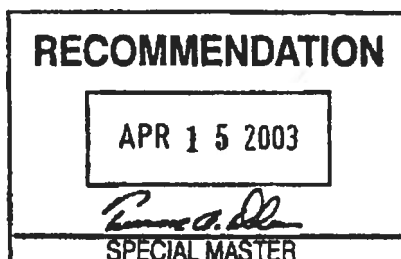
PLACE OF USE:	Irrigation	Within Cassia County
	T12S R26E S25 NESE 4.5 SESE 5.5	
	R27E S30 LOT 3 (NWSW)50.0 LOT 4 (SWSW)50.0	
	110.0 Acres Total	

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

RECEIVED

APR 16 2003

Department of Water Resources

2003 APR 15 PM 4:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 43-00293B
) (Tracy)
)
) SPECIAL MASTER REPORT

Findings of Fact

Lavere and Fontella Tracy, 149 W. 1st North, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on June 2, 1989, claiming 2.8 cfs from Cassia Creek to irrigate 110 acres in Cassia County from March 15 to November 15 with a priority date of April 30, 1880, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim be disallowed: "Forfeited / abandoned due to non-use from 1980 to 1987."

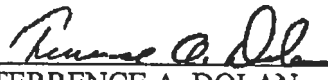
Bud Tracy filed an *Objection* on February 5, 2002, objecting to purpose of use and period of year. Mr. Tracy also filed a *Motion to File Amended Notice of Claim* on November 21, 2002, claiming a different point of diversion. A hearing on the *Motion* was held on January 16, 2003, and granted.

IDWR filed its *Amended Director's Report, Subcase No. 43-293B* on February 11, 2003. The Director recommended the amended claim as filed, but for 1.4 cfs with an accomplished change in point of diversion. No one objected to the *Amended Director's Report*.

Conclusions of Law

Lavere and Fontella Tracy are entitled to a partial decree adjudicating a water right under claim 43-00293B as recommended by IDWR in its *Amended Director's Report* and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 43-00293B*.

DATED April 15, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2003 APR 15 PM 4:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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): 43-00293B

CERTIFICATE OF MAILING

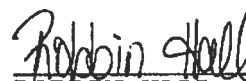
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 15, 2003, with sufficient first-class postage prepaid to the following:

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

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

FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342
Phone: 208-645-2425

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
04/15/03

2003 APR 15 PM 4:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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): 43-00293B

On April 15, 2003, 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 April 15, 2003.

Robbin Hall
ROBBIN HALL
Deputy Clerk

AMENDED DIRECTOR'S REPORT

Subcase No. 43-293B

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

February 6, 2003

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Special Master's Bench Order of January 16, 2003, granting the Motion to File Amended Notice of Claim, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 6th day of February, 2003.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

01/28/2003

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

RIGHT NUMBER: 43-293B

NAME AND ADDRESS: LAVERE TRACY
149 W 1ST N
MALTA ID 83342

FONTELLA TRACY
149 W 1ST N
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.400 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-293B AND 43-2392.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S25	NESE	4.5	T12S R26E S25	SESE	5.5
T12S R27E S30 Lot 3 NWSW	50.0		T12S R27E S30 Lot 4 SWSW	50.0	

110 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF SERVICE

I certify that on February 7, 2003, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Cassia County Courthouse
1459 Overland Ave.
Burley, ID 83318

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Bud Tracy
Box 654
Malta, ID 83342

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Fontella Tracy
Lavera Tracy
149 W 1st N
Malta, ID 83342

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person mailing form

01/28/2003

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

RIGHT NUMBER: 43-293B
NAME AND ADDRESS: LAVERE TRACY
149 W 1ST N
MALTA ID 83342
FONTELLA TRACY
149 W 1ST N
MALTA ID 83342

Version 2
VERIFIED BY KKC

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER
QUANTITY: 1.400 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-293B AND 43-2392.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S25	NESE	4.5	T12S R26E S25	SESE	5.5
T12S R27E S30 Lot 3 NWSW	50.0		T12S R27E S30 Lot 4 SWSW	50.0	

110 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



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

DEPT INTERNET WEB SITE: [www/idwr.state.id.us](http://www.idwr.state.id.us)

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 2002

BUD TRACY
PO BOX 654
MALTA ID 83342

RE: LAVERE & FONTELLA TRACY CLAIM 43-293B AND PEARL HALL CLAIMS 43-91, 43-92,
AND 43-2257

Dear Bud

After our meeting in Burley you should have stayed around to discuss the results of our meeting and to set tentative hearing dates. I just attempted to check with the SRBA court home page on the internet to see what dates had been set but their site is not operative right now. I will have to check later.

I received the power of attorney and personal representative documents and submitted them to the state office for their review. It is my understanding that both Laverre and Fontella are deceased. If this is correct then the Power of attorney for Fontella is no longer valid. You indicated that the current owner is a trust. If this is correct then a change of ownership is necessary. I have enclosed a change of ownership for your use. It is required that an authorized trustee sign the change of ownership form.

I have submitted the basis of our discussions to the legal department for review concerning the validity of the right and I will contact you if additional information or action is necessary.

Pearl's claims 43-91, 43-92, AND 43-2257

The department needs to know who has the authority to act on Pearl's behalf. If you are to represent her, then we need power of attorney or other legal representation to proceed on these rights. As the claims are before the court, we are now working on their time schedule and do not have as much flexibility to schedule or reschedule appointments and/or deadlines. Please notify the department attorney, Candice Mc Hugh, or me as soon as possible.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us
enclosures

1 **TUFT & BYWATER**

2 Attorneys at Law
3 205 East 15th Street
4 P. O. Box 1088
5 Burley, Idaho 83318
6 Telephone: (208) 678-1164
7 Fax: (208) 678-2924

(SPACE BELOW FOR FILING STAMP ONLY)

RECEIVED

AUG 21 2002

Department of Water Resources
Southern Region

8 Attorneys for

9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
10 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

11 IN THE MATTER OF THE ESTATE OF)

12 JESSE LAVERE TRACY,
13 a/k/a J. L. TRACY, J. LAVERE TRACY,
14 LAVERE TRACY, and JESSE TRACY,
15 Deceased.)

CASE NO. SP 96-286

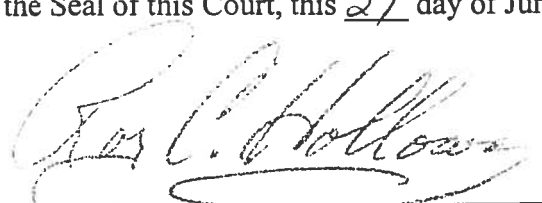
LETTERS OF ADMINISTRATION

16 Vernon L. "Bud" Tracy was duly appointed and qualified as General Personal
17 Representative of the estate of the above-named decedent on the 27 day of June, 1996, by the
18 Court with all authority pertaining thereto.

19 Administration of the estate is unsupervised.

20 These letters are issued to evidence the appointment, qualification, and authority of
21 the said personal representative or special administrator.

22 WITNESS, my signature and the Seal of this Court, this 27 day of June, 1996.

23 
24 MAGISTRATE

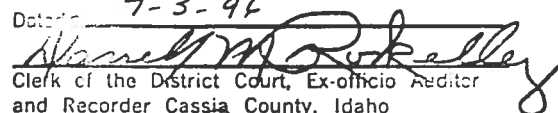
25 Letters Testamentary -1

26 C:\ESTATE\LETTESTM TRA

State of Idaho } ss
County of Cassia }

I hereby certify that the foregoing instrument
is a full, true and correct copy of the original
as _____ in this office.

Date: 7-3-96


Clerk of the District Court, Ex-officio Auditor
and Recorder Cassia County, Idaho

By K. Barhe
Deputy

ORIGINAL

GENERAL POWER OF ATTORNEY Durable - Comprehensive

I, **Fontella H. Tracy**, a single person, of Malta, Cassia County, Idaho 83342, hereby appoint **Bud Tracy**, of P.O. Box 617, Malta, Idaho, 83342, my true and lawful attorney-in-fact for me and in my name, place and stead, and for my use and benefit.

TO EXERCISE, DO, OR PERFORM Any act, right, power, duty, or obligation whatsoever that I now have or may acquire the legal right, power, or capacity to exercise, do or perform in connection with, arising out of, or relating to any person, item, thing, transaction, property, real or personal, tangible or intangible, or matter whatsoever;

TO ENGAGE IN AND TRANSACT Any and all lawful business of whatever nature or kind for me and in my name;

TO SIGN, ENDORSE, EXECUTE, Acknowledge, assign, transfer, surrender, and deliver such contracts, agreements, deeds, conveyances, mortgages, deeds of trust, bills of sale, assignments, transfers, security agreements, financing statements, leases, rental agreements, documents of title, certificates of title, annuities, insurance policies, applications, endorsements, purchase orders, options, proofs of loss, claims, liens, releases, satisfactions, settlements, compromises, checks, drafts, savings certificates, certificates of deposit, promissory notes, commercial paper, stock certificates, bonds, warrants, dividends, proxies, transfers of stock certificates or bonds, or other instruments of any kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

AND WITHOUT LIMITING Any of the foregoing rights, powers, and privileges, to exercise any or all of the same in connection with or in furtherance of acting for me and on my behalf, in any or all of the following kinds of matters:

--Government Payments. To collect, manage and disburse social security benefits, Medicare benefits, Medicaid benefits, or other government payments, entitlements or benefits, endorsing any checks for such payments, and arranging for automatic deposit of any such payments into a bank account on which my attorney-in-fact is authorized to draw checks.

--Financial Institution Transactions. Managing any checking account, savings account, or savings certificates or deposits, including drawing checks and withdrawing sums, renewing certificates, making deposits, or acquiring or opening additional certificates or accounts.

--Real Estate Transactions. Managing any real estate or interest therein owned by me; exercising the right to sell, lease, or mortgage the same for me; and repairing and maintaining such property.

--Securities Transactions. Managing any and all investments of mine in corporate stocks, bonds, or other interests, limited partnership interests, interests in limited liability companies, trust investments, or other forms of securities or investments; exercising the right to sell or transfer, receive and collect dividends or other returns, change investments, reinvest, buy and sell, transfer, change ownership, or change the titles of, stocks and bonds and any other financial instruments or evidences of investments; and hire, direct, and discharge brokers, brokerage firms, or other representatives.

--Business Operations. Managing any business or farming operations owned by me or in which I have an interest.

--Claims and Litigation. Pursuing any claims, actions, or causes of action which I may at any time have, including through litigation; defending any claims or litigation brought against me; and exercising the discretionary right and power to compromise and settle any or all claims by or against me.

--Borrowing and Selling. To borrow money, including on a secured basis, or sell assets, as is necessary or appropriate to provide for my support or to protect or preserve any of my assets and properties.

--Tax Returns. To prepare, sign and file for me, income tax returns, Federal and state, and to adjust or settle any problems arising or audits connected therewith.

--Planning for Personal and Health Care. My attorney-in-fact shall have the power to transfer property, establish special trusts, enter annuity contracts-- commercial or private, purchase life insurance policies, acquire medical insurance and nursing home insurance, and take any and all other steps and actions with the object of assuring that if I am confined to a hospital, nursing home, or similar facility, where extended care is required, or if extended care can be provided in my home or the home of a family member, that I will qualify, as appropriate, for medicaid or other government assistance, or have means provided to the extent of my resources, to assure support and maintenance in my home or in a substitute home or facility that may be required.

--Making Gifts. Make gifts to family members or to charitable organizations, where appropriate in the discretion of my attorney-in-fact, for estate planning or tax planning purposes, or for health care planning, or to provide for family members in need, or to support worthy charities, or for any other purpose deemed appropriate by my attorney in fact, considering the nature and extent of my estate, any information available as to my wishes, and any other relevant factors. Maintaining resources to assure support, maintenance, health and comfort of myself under my accustomed standard of living, shall have the highest priority.

I GRANT TO MY SAID ATTORNEY-IN-FACT Full power and authority to perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney-in-fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorneys and the rights and powers herein granted.

IF MY ATTORNEY-IN-FACT Should be unable or unwilling, for any cause, at any time, to act for me, then VERNA HAMBY, of SALT LAKE CITY, UTAH, shall serve as my alternate or successor attorney-in-fact with all powers, authorities and rights granted herein. If he should be unable or unwilling, for any cause, at any time, to act for me, then KENDALL TRACY, shall serve as my alternate or successor attorney-in-fact with all powers, authorities and rights granted herein.

THIS IS A DURABLE POWER OF ATTORNEY And shall become effective upon my disability or incapacity to act for myself, certified in writing by a licensed medical doctor who has examined me at the request of my attorney-in-fact; or shall become effective upon a written direction signed by me directing my attorney-in-fact to commence acting for me under this power of attorney. Any third party dealing with my attorney-in-fact shall be justified in acting upon the representation of my attorney-in-fact that he is authorized to act for me, when coupled with the certificate from the medical doctor or my written direction. This General Power of Attorney shall not be affected by subsequent disability or incapacity of me, but all powers and authority granted herein shall continue and survive any disability or incapacity on my part.

IF PROTECTIVE PROCEEDINGS Be commenced at any time by anyone, for my person or estate, I nominate Bud Tracy, if he be qualified and willing to serve, as guardian of my person and as conservator of my estate, and if not (or if appointed and thereafter shall cease to serve for any reason), I nominate _____ (and as an alternate or successor, _____), to serve as guardian of my person and as conservator of my estate, and request and direct that the Court, if determining that a guardian or conservator, or both, be appointed, to appoint the persons named, in that order of priority.

THIS POWER OF ATTORNEY Shall continue in force and effect from date hereof until revoked in writing by me.

THIS INSTRUMENT IS TO BE Construed and interpreted as a general power of attorney.

I DIRECT That this power of attorney be construed and applied in accordance with the laws of the State of Idaho, including the Uniform Durable Power of Attorney Act, Idaho Code § 15-5-501 through § 15-5-507, as it now exists or is hereafter amended.

DATE: June 2nd, 1997.

Fontella H. Tracy
Fontella H. Tracy

STATE OF IDAHO,)
 ss.
County of Cassia.)

On this date, before me, the undersigned, a Notary Public in and for said State, personally appeared **Fontella H. Tracy**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

DATE: June 2nd, 1997.

Sherie Erickson
Notary Public for Idaho
Residing at: Almo
My Commission Expires: 3/14/02

RECEIVED

FEB - 5 2002

Department of Water Resources

RECEIVED

FEB 12 2002

Department of Water Resources
Southern Region

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

A. Subcase 43-293 B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: BUD TEACY

Address: Box 654

MALTA, IDAHO 83342

Daytime Phone: (208) 645-2211

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: FONTELLA & LAVERRE TEACY

Address: MALTA, IDAHO

83342

F.

VERIFICATION (Must be Completed)

State of IDAHO)
County of CASSIA) ss.

BUD TEACY, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

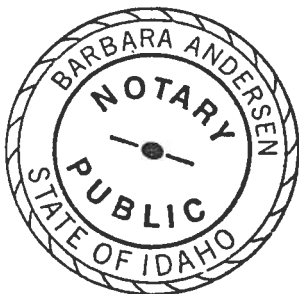
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 4, 2002

Barbara Andersen
Notary Public for Idaho
Residing at: Albion, Idaho
My Commission Expires: 7/23/05



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on February 4, 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, ID 83303-2707

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

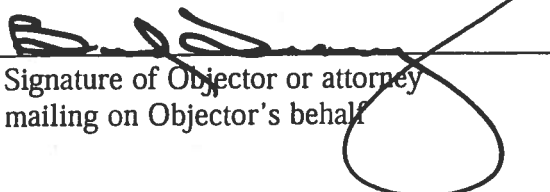
Name: _____
Address: _____

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

05/03/2001

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

RIGHT NUMBER: 43-293B

NAME AND ADDRESS: FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2.8 CFS

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R26E S36

NENE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3-15 11-15

QUANTITY
2.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S25	NESE	5	T12S R26E S25	SESE	5
T12S R27E S30	LOT 3 NWSW	50	T12S R27E S30	LOT 4 SWSW	50

110 ACRES TOTAL

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1980 TO 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TOMMY HUTCHISON

1911 S 1125 E

1/4 40S 1E

10/1/1994

10/1/1994

October 17, 2001

Water Resource

To whom it may concern,

I Tommy Hutchison Water Master of 43C am writing concerning Bud Tracy's water. I have always delivered water to Bud Tracy's ground. Bud leased his ground out to Ron Harper during this time Ron took Buds water right, out at his headgate. This made it easier for Ron to water Bud's ground. If you have any questions concerning this please contact me at 312-5524.

Sincerely,



Tommy Hutchison



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 DEPT INTERNET WEB SITE: [www/idwr.state.id.us](http://www.idwr.state.id.us)

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 24, 2002

Attn BUD TRACY
RAFT RIVER RURAL ELECTRIC
BOX 617
MALTA ID 83342

RE: OBJECTIONS AND RECOMMENDATIONS FOR BASIN 43 RIGHTS

Dear Bud

I have enclosed 6 claims in your name, 2 claims in Fontella's name, and 3 claims in Pearl's name, all for irrigation.

I have also enclosed 4 objection forms for your use. An instruction sheet on how to complete the forms is attached to one of the objection forms. You may duplicate the forms if you need additional forms. Please remember that the deadline for filing objections is February 8, 2002.

If you have any questions please call or come in to this office and I will assist you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchriste@idwr.state.id.us
enclosures

05/03/2001

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

RIGHT NUMBER: 43-293B
NAME AND ADDRESS: FONTELLA TRACY
LAVERE TRACY
149 W 1ST N
MALTA, ID 83342

DISALLOWED

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 2.8 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R26E S36 NENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	2.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T12S R26E S25	NESE	5	T12S R26E S25
T12S R27E S30	LOT 3 NWSW	50	T12S R27E S30 LOT 4 SESE
			SWSW
			5
			50

110 ACRES TOTAL

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1980 TO 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



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

March 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Attn BUD TRACY
RAFT RIVER RURAL ELECTRIC
BOX 617
MALTA ID 83342

RE: LEONARD HALL CLAIMS 43-91, 43-92, AND 43-2257; LAVERE TRACY CLAIMS 43-293B
AND DECREED RIGHT 43-296

Dear Bud

LEONARD HALL CLAIMS

I have enclosed claims for 43-91 and 43-92. They currently show the claims as recorded by the department. Please strike out the acres you want to change, enter the correct acres, and initial the changes. If there is anything else you want changed on those claims, please follow the same procedure for those elements. When those rights are combined with 43-2257 the variable fees paid total \$40.00, therefore, if you do not claim in excess of 40 acres within the SESE of sec 14 there will be NO additional fees. Any additional acreage exceeding 40 requires an additional \$1.00 per acre variable fee.

LAVERE TRACY CLAIMS

I have included a copy of page 35 of the Jobe Adams decree that describes the rights associated with Lavere's property and the Harper's property. I have also enclosed two worksheet pages showing the split analysis for 43-293 and 43-296. The worksheets show the allocations rights listing, the adjudication claims listings, and a split tree listing some elements of the rights. These are just my notes and do not necessarily represent a finding of any material elements of the rights.

If you elect to claim a portion of 43-296 please use the four-page claim form NOTICE OF CLAIM TO A WATER RIGHT, which is enclosed. I have enclosed the instructions and you should have no trouble completing the claim but if you have any questions please give me a call. I have also enclosed a copy of 43-293B that you can use to compare legal descriptions and such. The claim form requests a map or sketch of the system on page 3 but you can skip that portion as that information is already available to me in the other claims. Variable fees of \$110.00 were paid for this system so if you file against 43-296 there would be no variable fees due so long as you claim the same 110 acres. There IS a \$50.00 variable fee due for this filing. The late fee is waived. Fontella Tracy should file this claim unless there is a change of ownership change. She needs to sign the claim and have it notarized.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

SPLIT ANALYSIS FOR 43-293

	decree		ron	tracy		total
decree rate =	2.8	claimed rate =	1.4	2.8		4.2
acres =	180	claimed acres =	70	110		180
					<i>0.016 CFS</i> <i>1.71 / 110 =</i>	
		based upon 180 base	1.089	1.711		2.800

SPLIT ANALYSIS FOR 43-296

	decree		ron	doug	tracy	total
decree rate =	2.8	claimed rate =	1.11	0.88	0	1.99
acres =	380	claimed acres =	145	115	110	370
		based upon 380 base	1.068	0.847	0.811	2.726
		based upon 370 base	1.097	0.870	0.832	2.800

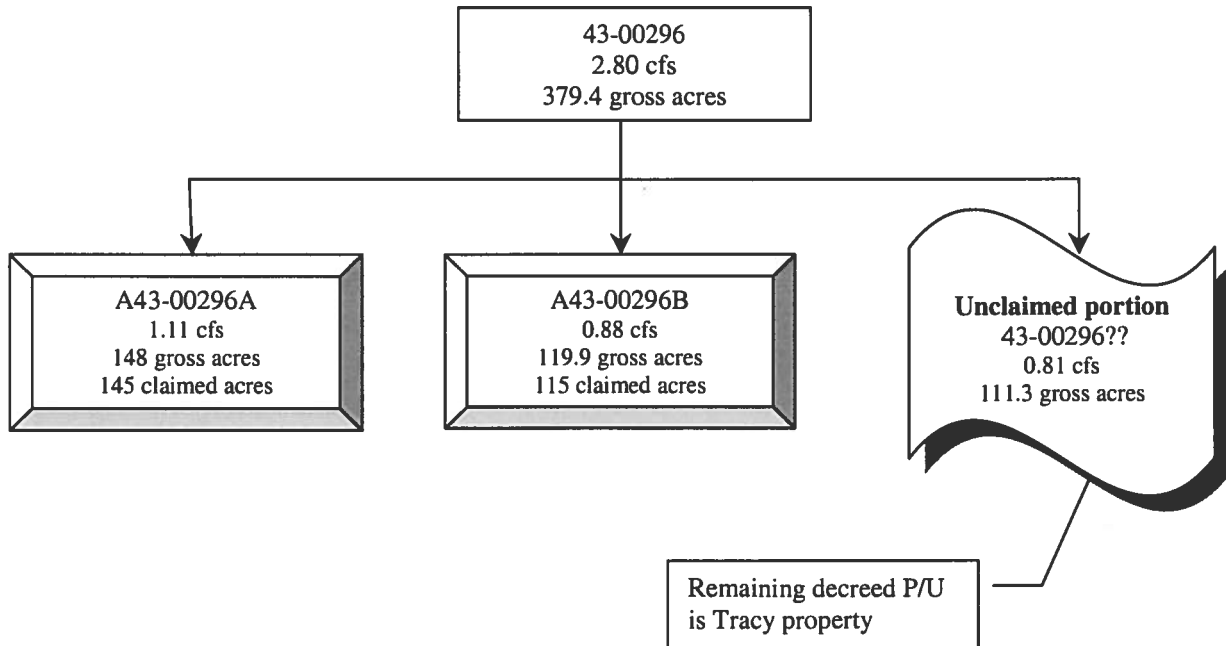
*Lavere
deceased
Bud tracy (son)
manages property*

SPLIT ANALYSIS FOR 43-00296

PREPARED 5-18-99
BY KKC

SD-0611-2 Basin: 43 Starting Water Right: 00296

S	E Water	Name	O	W Priority	STG/	Use	S
L Right No.	Last, First	N Date	STS Source	Desc	Y	S	
- 43-00296	SHAW, HARRY	C 04/01/1894	D/ CASSIA CREEK	IRR	WR		
- A43-00296	SPLIT RIGHT	C 04/01/1894	/Z CASSIA CREEK	IRR	AJ		
- A43-00296A	HARPER, RONALD	C 04/01/1894	D/ CASSIA CREEK	IRR	AJ		
- A43-00296B	HARPER, DOUGLAS R	C 04/01/1894	D/ CASSIA CREEK	IRR	AJ		



IDAHO DEPARTMENT OF WATER RESOURCES

43-00296 DECREED P/U
OVERLAP ANALYSIS



TWP 12S; RNG 26E & 27E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- OVERLAP WITH 43-00294 & 43-00295
- OVERLAP WITH 43-00302
- OVERLAP WITH 43-00293
- SECTION LINES
- QUARTER QUARTER LINES

CASSIA Co.



CLAIM NUMBER

43-00293B

DATE

TRANSFER NUMBER

02392

AGENT

CLAIMED ACRE TOTAL

116

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	12S	26E	25													5			5
GIS																4.2			5.7
RECOM																			9.
CLAIM	12S	27E	30									50	50						1
GIS												50.8	50.5						
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

Claim matches licensed acres for 43-02392.

SHAPE NOS.

43-00293B includes the entire diversion rate. the other
 portion of the decreed P/U has been claimed as 43-0029.

43-DBPOD.SHP

A portion of 43-00296 is also decreed to the
 P/U but is not claimed at this time.

NOS. DESCRIPTION

DBF TABLES UPDATED

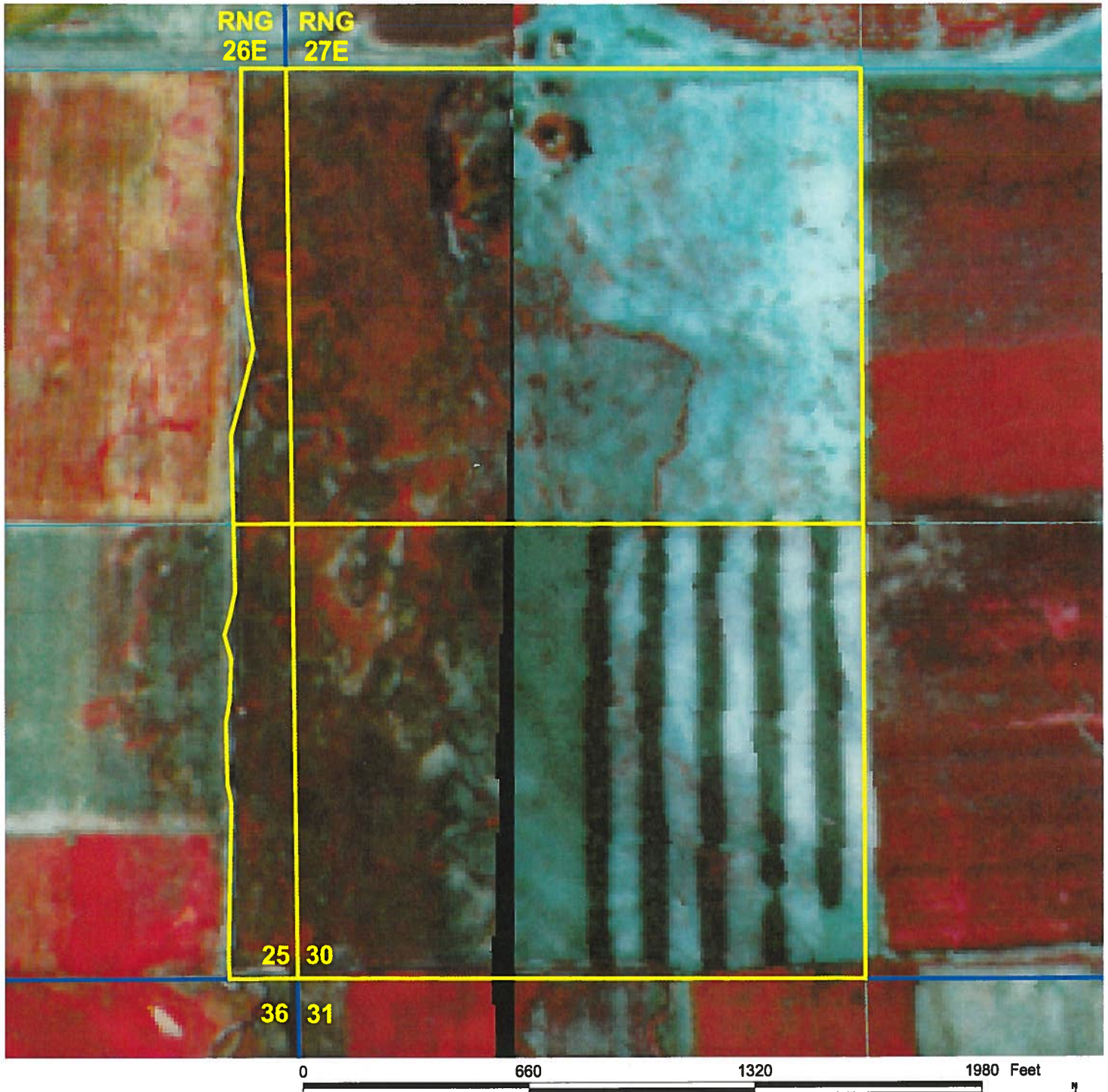
B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

IDAHO DEPARTMENT OF WATER RESOURCES

**CLAIMED P/U FOR
43-00293B, & 43-02392**



TWP 12S; RNG 26E & 27E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

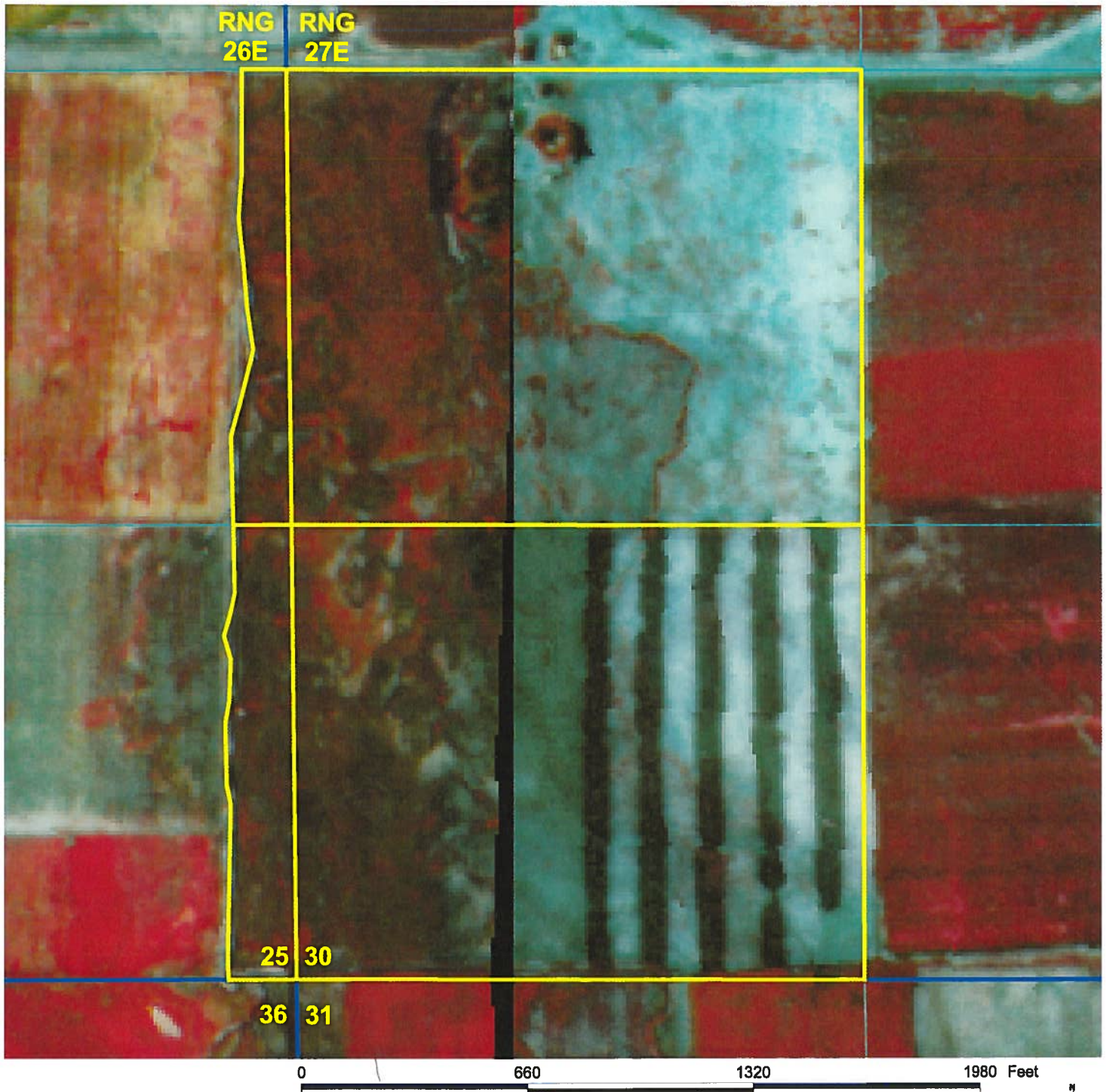
- LICENSED AND/OR DECREED P/U
- SECTION LINES
- QUARTER QUARTER LINES

CASSIA Co.



IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMED P/U FOR
43-00293B, & 43-02392



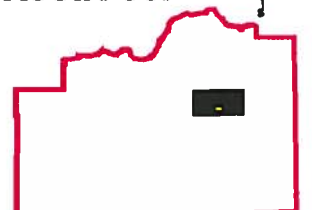
TWP 12S; RNG 26E & 27E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

■ LICENSED AND/OR DECREED P/U
■ SECTION LINES
■ QUARTER QUARTER LINES

CASSIA Co.



NHEL/W

16 NW
126.8 HEL NC

877
156

W
18.0

NHEL/X

W
2
52.1

NHEL

1566

W
3.2 NHEL

2
58.5

NHEL/W

W
W

3
52.4

NHEL/W

NW
HEL

4
29.0

NW

5
38.2

NW
HEL

FW

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 187
Prepared: 12/27
Crop Year
Page:

No. of Tracts: 7

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	Ø27	AØ27	W	CH	FW	PC	AW	HW	RW	MG	CWTE	CWNA	PCI
1397	160.0	.0			N	N	Y	N	N								N
IDENTIFIER			W-28 S-36 T-13 R-24														
OWNER			1 - DOUGLAS R HARPER														
1398	80.0	.0		N	N	N	Y	N	N								N
IDENTIFIER			W-28 S-31 T-13 R-25														
OWNER			1 - LAVERE TRACY														
1561	148.0	135.0	135.0	N	N	N	Y	N	N								N
IDENTIFIER			DD22 S-25 T-12 R-26														
OWNER			1 - RON HARPER														
1562	110.0	100.1	100.1	N	N	N	Y	N	N								N
IDENTIFIER			DD22 S-25.30 T-12 R-27														
OWNER			1 - LAVERE TRACY														
1564	80.0	75.1	75.1	Y	Y	Y	Y	N	N								N
IDENTIFIER			DD22 S-36 T-12 R-26														
OWNER			1 - RON HARPER														
1565	240.0	216.1	216.1	Y	Y	Y	Y	N	N								N
IDENTIFIER			DD22 S-36 T-12 R-26														
OWNER			1 - DOUGLAS R HARPER														
1573	102.0	90.0	90.0	N	N	N	Y	N	N								N
IDENTIFIER			DD24 S-6 T-13 R-27														
OWNER			1 - DOUGLAS R HARPER														

Ron Harper farms

03



POSTAGE DUE ¢



~~POSTAGE DUE \$.23~~

DEPT. OF WATER RESOURCES
RE SV. - Suite 200
US, IDAHO 83301