

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: **A43-02233**
Date Received: 4/ 4/1989
Receipt No: S006766
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: BUD TRACY 208-645-2425
Address: PO BOX 654
MALTA ID 83342
AND
Name: LUCY TRACY 208-645-2425
Address: PO BOX 654
MALTA ID 83342

2. Date of Priority: NOV 22, 1918

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	26E	20	NE	SW	NW		CASSIA

5. Description of diverting works:
EARTH DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	26E	17	SW	SE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	26E	17	SE	SE		IRR	15.0
Section Acres							40.0
Total Acres							40.0

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:
A43-02089

14. Remarks:

THIS CLAIMANT IS THE ONLY WATER USER FROM THIS SOURCE.

3/15/99 TF; OWNERSHIP CHANGED GILL TO TRACY PER 1409(6) AND
WARRANTY DEED REC'D 1/20/99.

15. Basis of Claim: LICENSE

Water Right Number: 13840

DATE: 03/16/99
PAGE: 1

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:



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 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BUD TRACY
LUCY TRACY
PO BOX 654
MALTA ID 83342

RE: SRBA Claim(s) A43-02089, A43-02233
Decreed Water Right 43-10075

Dear Mr. and Mrs. Tracy:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

enc.

KRC

RECEIVED

JAN 14 1999

RECEIVED

JAN 20 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A43-10075 A43-02233 A43-0289

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant LOYAL F. GILL & CELIA GILL

MALTA, IDAHO 83342

4. New Owner/Claimant(s) BUD & LUCY TRACY

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address Box 654

City, State and ZIP Code MALTA, IDAHO 83342

New Telephone Number (208) 645-2425

5. Date you acquired the property 12-5-94

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Bud & Lucy Tracy

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

234173

FURNISHED BY Land Title and Survey Inc.

WARRANTY DEED

For Value Received LOYAL F. GILL and CELIA GILL

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto BUD TRACY AND
LUCY TRACY 149 W 1ST NORTH MALTA, IDAHO 83542

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho,
to-wit:

S 1/2 SE1/4, Section 17, Township 14S., Range 26E.B.M., with all water rights
including but not limited to:

A43-10075

A43-02233

A43-02089

THE SALE INCLUDES THE FOLLOWING ALONG WITH THEIR ESTABLISHED VALUES.

HOUSE	\$25,000.00
STORAGE SHED	2,500.00
LIVESTOCK SHEDS	2,500.00
CORRALS & GATES	1,000.00
FENCES 2.5 miles	5,000.00
WATER LINES	1,000.00
N.H. HAY RAKE	500.00
SPRINKLER LINE	1,500.00
LAND	6,000.00

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 5, 1994

Loyal F. Gill
Celia A. Gill

STATE OF IDAHO, COUNTY OF *Cassia*
On this *5* day of *Dec*, 1994,
before me, a notary public in and for said State, personally appeared *Loyal F. Gill*

& *Celia A. Gill*

known to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that executed the same.

R. U. L.
malta
Notary Public
Commission expires *10/31/97*

Notary Public
Idaho

RECORDED AT THE REQUEST OF
FILED *Bud Tracy*
DEC 7 1994
FEE *300*
REORDER
X5: *Malta*

234173

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: A43-02233
Date Received: 4/04/1989
Receipt No: S006766
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOYAL GILL
Address: STAR RT.
MALTA, ID 83342

208-645-2244

2. Date of Priority: NOV 22, 1918

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	26E	20	NE	SW	NW		CASSIA

5. Description of diverting works:
EARTH DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	26E	17	SW	SE		IRR	25.0
			SE	SE		IRR	15.0
Section Acres							40.0

A43-02233

Page 1

Date: 04/04/89

COPY

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Total Acres 40.0

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:
A43-02089

14. Remarks:
THIS CLAIMANT IS THE ONLY WATER USER FROM THIS SOURCE.

15. Basis of Claim: LICENSE
Water Right Number: 13840

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): Loyal F. Gull Date: 4-4-89

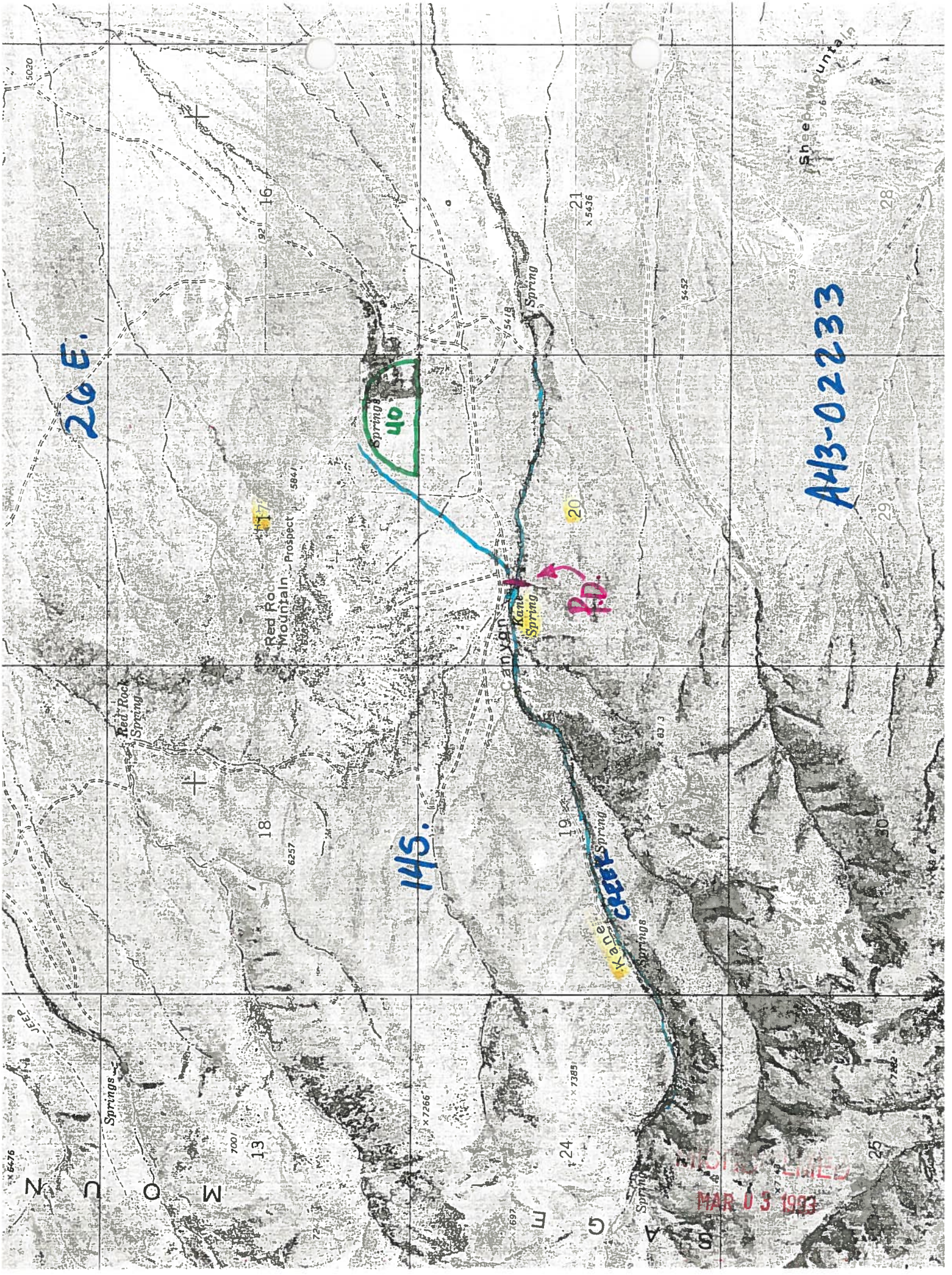
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 89 Steve Chell
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



20 E.

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A43-02233

MAR 03 1903

2002 NOV 4 PM 3 53

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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 43-02233**
)

On September 27, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-02233 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED November 4, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

2002 NOV 4 PM 3 53

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) 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 NESWN 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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 NOV 04 PM 02:00
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): 43-02233

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-02233 was mailed
on November 04, 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

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/04/02

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.: 43-2233

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

COPY

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, which matches the original recommendation of the right as reported in the Director's Reports for Irrigation and Other Reporting Area 7, IDWR Basin 43, filed September 28, 2001. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Bud Tracy

Date

CLAIMANT:

Lucy Tracy

Date

IDWR CONCURRENCE:

Sr. Water Resource Agent

Date

Approved as to form
Attorney for IDWR

Date

08/27/2002

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

RIGHT NUMBER: 43-2233

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

LUCY TRACY
149 W 1ST N
MALTA ID 83342

SOURCE: KANE CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 11/22/1918

POINT OF
DIVERSION: T14S R26E S20 NESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R26E S17 SWSE 10.0 T14S R26E S17 SESE 30.0

40 ACRES TOTAL

8m²

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

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and 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:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

Bud & Lucy Tracy
Box 654
Malta, ID 83342

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

Signature of person or attorney mailing the form

SF 5s mailed
8-30-02
KKC

August 30, 2002

Bud Tracy
Box 654
Malta, ID 83342

RE: Standard Form 5s in subcases 43-2089 and 43-2233

Dear Mr. Tracy:

Enclosed you will find original Standard Form 5s (SF5s) for two of your water rights, listed above. These documents are the standard settlement agreement forms used by the SRBA Court to resolve objections. Attached to the SF5s are the descriptions (recommendations) of your water rights. As discussed at the initial hearing held on August 14, 2002, in Burley, no changes have been made to the recommendations of these water rights.

Please review the water right descriptions carefully. If the recommendations meet with your approval, please initial the description pages, sign the first pages of the SF5s, fill out the Certificate of Service (the last page) and send the original signed forms to the SRBA court. Please send IDWR a copy of the signed forms and retain a copy of the forms for your records.

Should you have any questions or require any further assistance, please don't hesitate to contact me at 208-736-3033 or Paralegal Vicki Kelly at 208-327-5458. Thank you.

Sincerely,

Kelly Christensen
Sr. Water Resource Agent

Enclosures

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 43-2233

(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: Bud & Lucy TEACY

Address: Box 654

MALTA, IDAHO 83342

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

Volume 2 ACRES

F.

VERIFICATION (Must be Completed)

State of IDAHO)
) ss.
County of CASSIA)

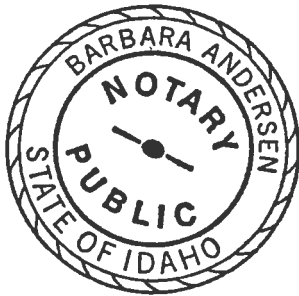
POND TRACY _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

(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:

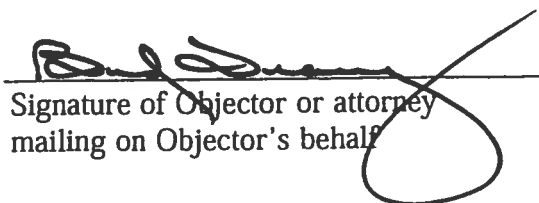
Name: _____
Address: _____

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

07/20/2001

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

RIGHT NUMBER: 43-2233

NAME AND ADDRESS: BUD TRACY
LUCY TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: KANE CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 11/22/1918

POINT OF DIVERSION: T14S R26E S20

NESWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R26E S17 SWSE

10

T14S R26E S17

SESE

30

40 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: BASIS OF CLAIM - License



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: kchrste@idwr.state.id.us
enclosures

07/20/2001

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

RIGHT NUMBER: 43-2233

NAME AND ADDRESS: BUD TRACY
LUCY TRACY
149 W 1ST N
MALTA, ID 83342

SOURCE: KANE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 11/22/1918

POINT OF DIVERSION: T14S R26E S20 NESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R26E S17	SWSE	10	T14S R26E S17	SESE	30

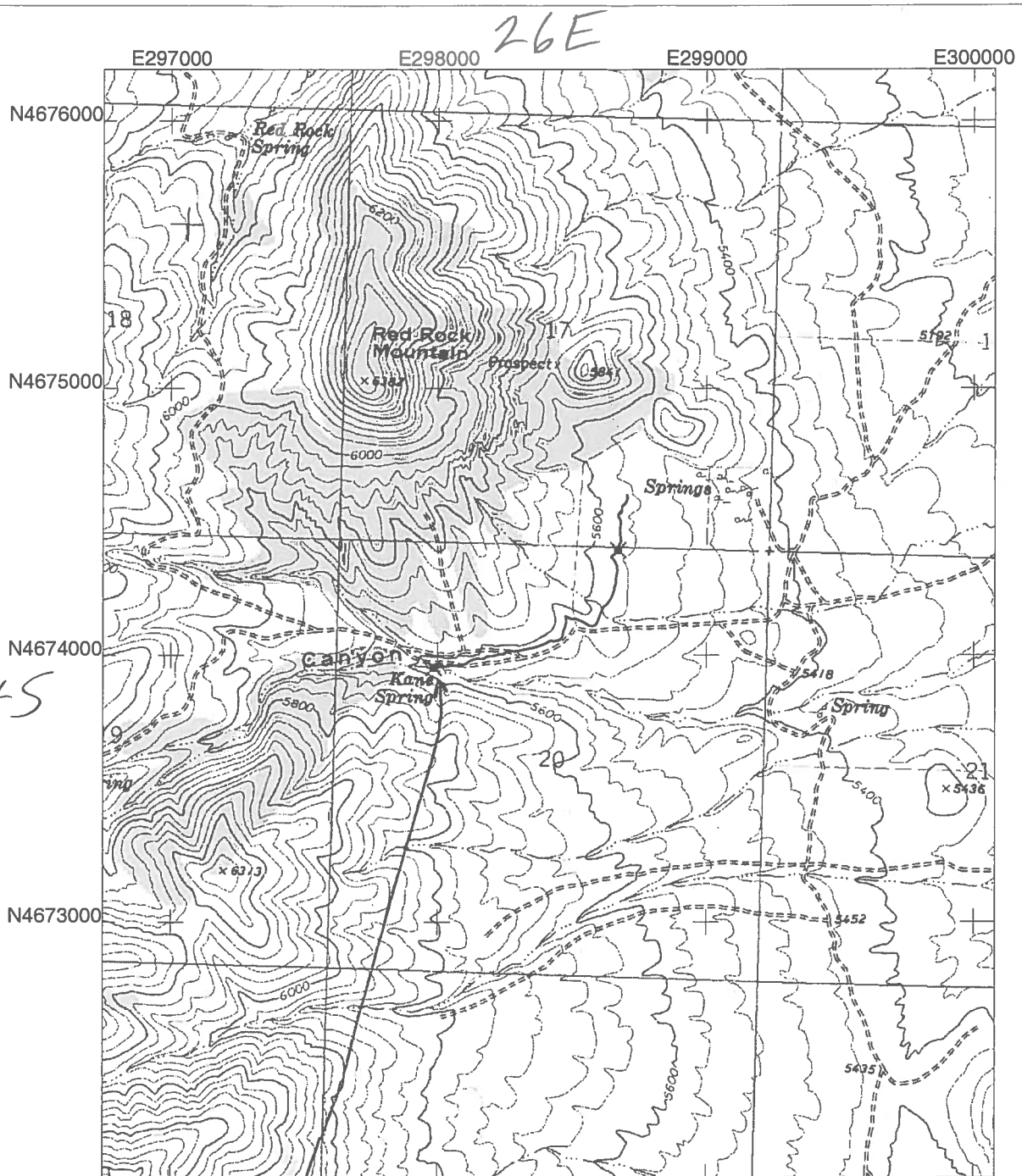
40 ACRES TOTAL

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: BASIS OF CLAIM - License

Claim # 43-2233 (Bud & Lucy Tracy)



Location Of Diversion Dam (POD)
As Determined By GPS By BLM On Nov. 3, 1998

UTM
12 North
NAD 1927 (Conus)



Scale 1:24,000
0 3,000
Feet

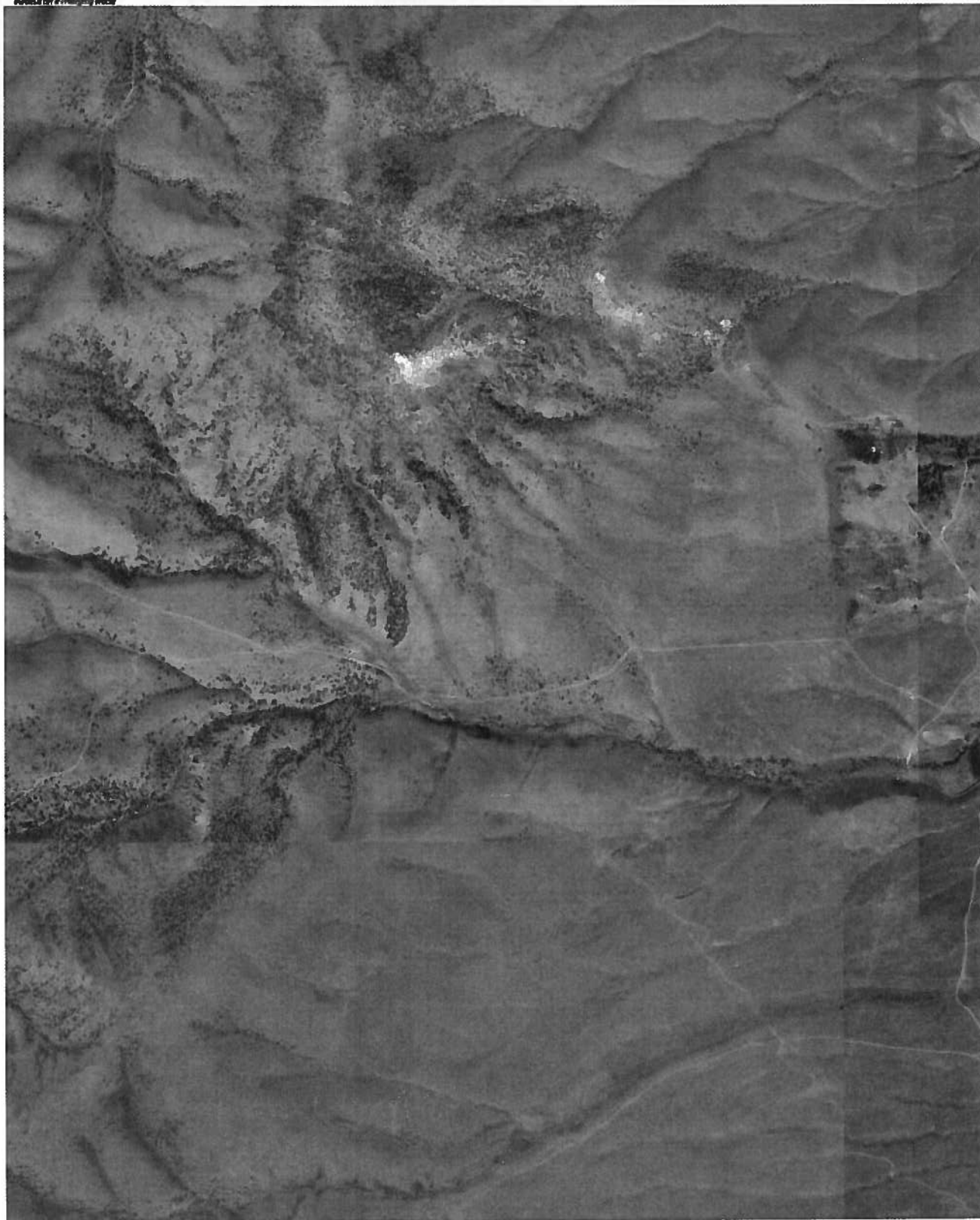
p110318a.cor
7/13/01
GPS Pathfinder
Trimble

Microsoft TerraServer

Display Image

USGS Aerial Photograph

111 km SW of Pocatello, Idaho, United States 27 Aug 1992



03/19/2001

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

RIGHT NUMBER: 43-2233
NAME AND ADDRESS: BUD TRACY
LUCY TRACY
PO BOX 654
MALTA, ID 83342

SOURCE: KANE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.8 CFS

VERIFIED BY: KKC

PRIORITY DATE: 11/22/1918

POINT OF DIVERSION: T14S R26E S20 NWSNW Within CASSIA County

NE SWNW
Changed
7-20-01
KKC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R26E S17 SWSE

10

T14S R26E S17

SESE

30

40 ACRES TOTAL

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

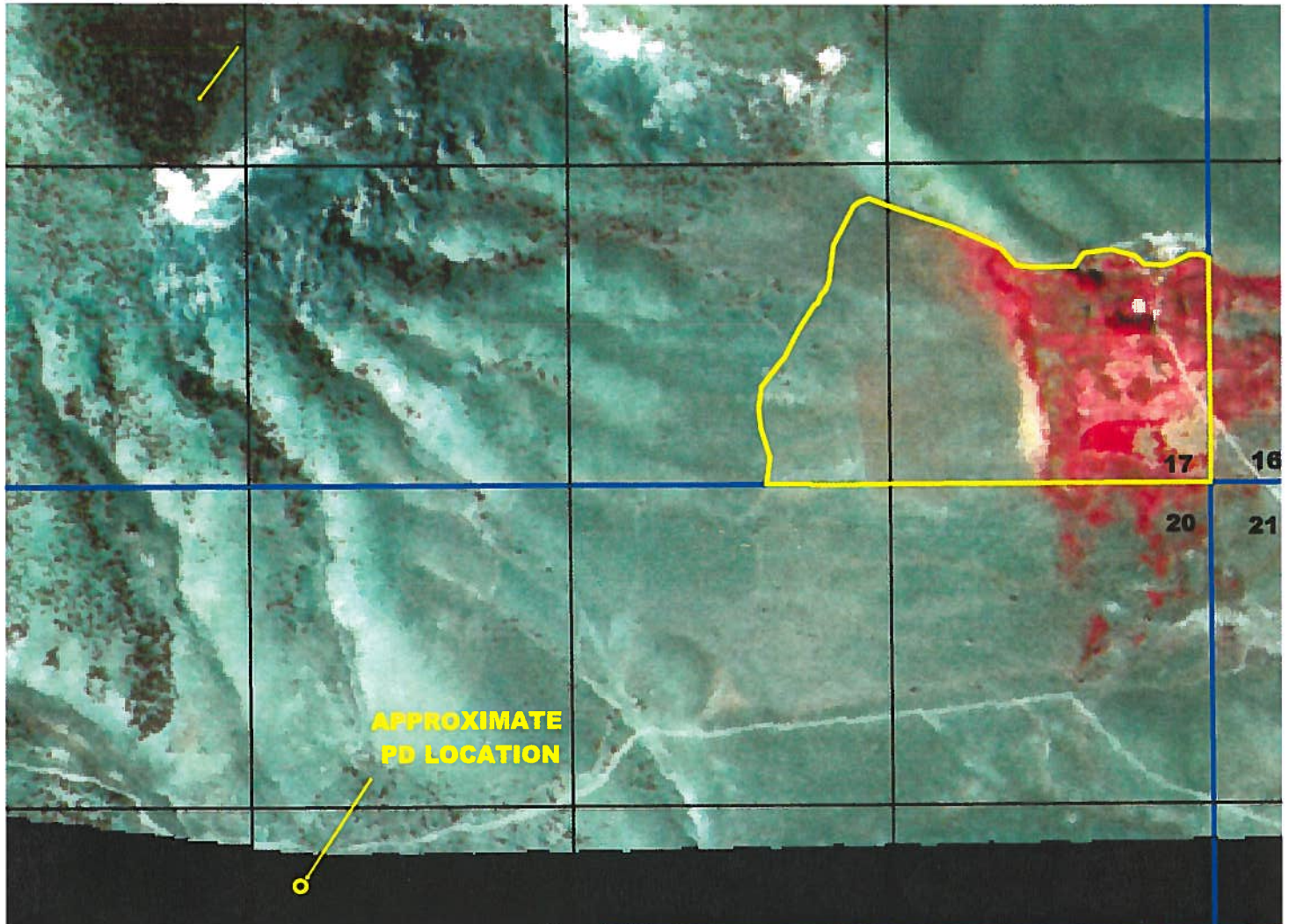
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This preliminary recommendation is based upon inadequate
information and does not reflect the expected final
recommendation for this right and any other overlapping
rights. Communication between the claimant and the department
is required to resolve the outstanding issues.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR
43-2233



This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

PLACE OF USE
TWP 14S, RNG 26E, SEC 17
Data entry on March 19, 2001

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

RECOMMENDED POINT OF DIVERSION



PLACE OF USE NOT CLAIMED



RECOMMENDED PLACE OF USE

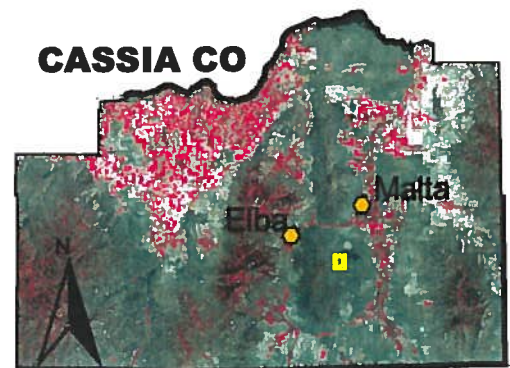


SECTION LINES



QUARTER/QUARTER LINES

CASSIA CO



Log for claim A43-02233

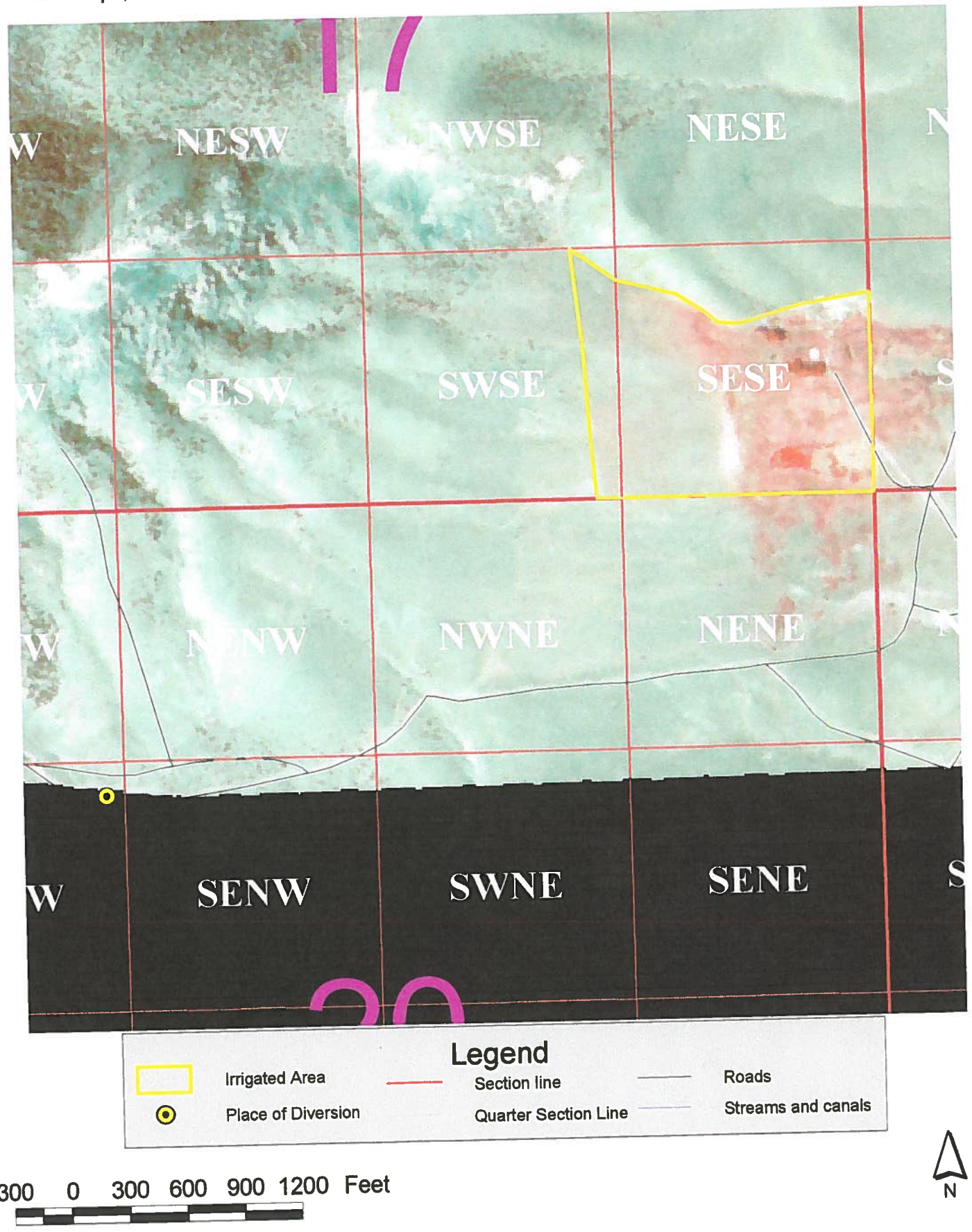
Spatial Dynamics LRR

1/31/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
14	26	17	SWSE	25	5	No apparent use
14	26	17	SESE	15	31	
Totals:				40	36	

Water Right Claim Number A43-02233

Township , 14S26E



State of Idaho
License and Certificate of Water Right

Water License No. 13840
Water District No. 8-B

Amount 0.8 sec. ft.
Priority 11-22-1918.

THIS IS TO CERTIFY that **Mary E. Hall,**
of **Malta, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **November 22**, 1918; that Permit No. 13840
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.2 second feet, was issued on **November 5**, 1923, showing that said works
were completed on the **3rd** day of **November**, 1923, and that on the **4th**
day of **December**, 1926.

Mary E. Hall
of **Malta**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Kane Creek**
a tributary of **Raft River**, for the purpose of **irrigation and**
domestic use, under Use Permit No. 13840 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 Commissioner of Reclamation of Idaho and entered of record in Volume **6**
of Licenses, at page **3433**, on the **12th** day of **July**, 1927;

The right hereby confirmed dates from **November 22**, 1918;

The Point of Diversion ^{are} located in **NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, and**
in the **SE $\frac{1}{4}$ W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17**, T^p. 14 S., R. 26 E., B. M. Cassia County.

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 **0.8**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Beneficially Used
14 S.	26 E.	17	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	15
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	25

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this **12th** day of **July**, 1927.

GEO. N. CARTER.
Commissioner of Reclamation

43-0223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 13840

This proof is for Beneficial Use

In Water District No. 6-B

1. Name of applicant: Mary E. Hall

2. Source of water supply: Kane Creek, Hall Creek and Hall Springs

3. Location of point of diversion: Is in the NE 1/4 of Section 20

T. 14 S. R. 26 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Small diversion
of dirt and rock. Ditch 2 ft. wide x 1 ft. deep.
Capacity 2 cu. ft.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): S 1/4 Sec. 17, NE 1/4, N 1/4 Sec. 20, Twp. 14 S., R. 26 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Payt River (in flood times)

Remarks: Called 5/19/27 owner absent. tenant don't know previous but
says Steve Krough claims water but hasn't been on his pl for
5 yrs. (or any other occupant)

This examination was made on the 19th day of May 1927.

13840

(Signed)

Wm. A. Johnson

Examiner.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

State of Idaho
License and Certificate of Water Right

Water License No. 13840
Water District No. 8-B

Amount 0.8 sec. ft.
Priority 11-22-1918.

THIS IS TO CERTIFY that **Mary E. Hall,**
of **Malta, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **November 22**, 1918; that Permit No. 13840
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.2 second feet per second, was issued on **November 5**, 1923, showing that said works
were completed on the **3rd** day of **November**, 1923, and that on the **4th**
day of **December**, 1926.

Mary E. Hall
of **Malta**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Kane Creek**
a tributary of **Raft River**, for the purpose of **irrigation and**
domestic use, under Use Permit No. 13840 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 Commissioner of Reclamation of Idaho and entered of record in Volume **6**
of Licenses, at page **3433**, on the **12th** day of **July**, 1927;

The right hereby confirmed dates from **November 22**, 1918;

The Point of Diversion is located in **NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, and**
in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17**, Twp. **14 S.**, R. **26 E.**, B. M. **Cassia County**.

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 **0.8**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Beneficially Used
14 S.	26 E.	17	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	15
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	25

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this **12th** day of **July**, 1927.

GEO. N. CARTER.
Commissioner of Reclamation

43-02233

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 13840

This proof is for Beneficial Use

In Water District No. 8-B

1. Name of applicant: Mary E. Hall
2. Source of water supply: Kane Creek, Hall Creek and Hall Springs
3. Location of point of diversion: Is in the SE 1/4 of Section 19
T 14 S., R. 26 E., B.M. SE 1/4 of Section 20
County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Small diversion
of dirt and rocks Ditch 2 ft wide x 1 ft deep.
Capacity 2 sec. ft.

5. Water is used for: Irrigation
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List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE 1/4 Sec. 17, NW 1/4, SE 1/4, Sec. 20, Twp. 14 S., R. 26 E., B.M.

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Remarks: Called 5/19/27 owner absent. tenant don't know previous but says Steve Kuehler claims water but hasn't been on his pl for 5 yrs. (or any other occupant)

This examination was made on the 19th day of May 1927.

13840

(Signed)

W. A. Johnson

Examiner.

Permit No. 13840

Examination for BEN. USE

County CASSIA

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

A hand-drawn map on a grid background. The map features a central point labeled "Point of Inversion". A line labeled "Kane Creek" flows from the upper right towards the center. A "ditch" is shown branching off from the creek and flowing towards the left. A shaded rectangular area in the lower left is labeled "Springs". The map is divided into sections by a grid, with numbers 16, 17, 18, 19, 20, and 21 visible. The text "POINT OF INVERSION" is written vertically along the central line. The word "ditch" is written along the branching line. The word "Kane Creek" is written along the upper right line. The word "Springs" is written below the shaded area. The numbers 16, 17, 18, 19, 20, and 21 are placed in various sections of the grid.