

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: A43-02532E
Date Received: 6/ 6/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J. E. TRACY INC.
Address:

208-824-5571

ALMO ID

83312

2. Date of Priority: JUN 15, 1961

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	22		SE	SE		CASSIA
		27	NE	NW	NW		CASSIA

5. Description of diverting works:

2 WELLS 500' DEEP, ONE IN 22 ARTESIAN, ONE IN 27 HAS 20 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.200		
STOCKWATER	01/01	12/31	0.360		

7. Total Quantity Appropriated is:

4.320 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER 400 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	23	NE	SW		IRR	40.0
			NE	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	23	SW		SW		IRR	40.0
			SW		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
			NE		SE		IRR	40.0
			NE		SE		STOCK	
			NW		SE		IRR	40.0
			NW		SE		STOCK	
							Section Acres	200.0
		26	NW		NW		IRR	40.0
			NW		NW		STOCK	
			SW		NW		IRR	10.0
			SW		NW		STOCK	
							Section Acres	50.0
		27	NE		NE		IRR	30.0
			NE		NE		STOCK	
			SE		NE		IRR	10.0
			SE		NE		STOCK	
							Section Acres	40.0
							Total Acres	290.0

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:
ALMO WATER COMPANY SHARES

14. Remarks:

TRANS. 2156.

THIS RIGHT COMBINED WITH 43-02532D AND CLAIMED AS A43-02532C.

12-17-99: A43-02532C WAS CHNG'D TO Z STATUS SO THAT EACH PART OF THE COMBINED RIGHT COULD BE CLAIMED SEPERATELY AS A43-02532D AND A43-02532E. POU LIMITS ON D AND E PORTIONS WERE NOT EQUAL. - VH

15. Basis of Claim: LICENSE

Water Right Number: 30035

NOTE TO FILE

From: Vikie Hancock

12/17/99

Regarding: Claim number A43-02532C

This claim represents the combination to two licenses: A43-02532E and A43-02532D. I believe the combining of these two licenses will make it difficult to accurately describe the water right, as license 43-02532D is appurtenant to 287 acres, but as a result of transfer number 2156, 43-02532E is appurtenant to only 167 acres.

This claim is further complicated by the fact that the original, hand written, signed claim was for a total of 290 acres, but the oldest (unsigned) Claim Form printed lists a total of 210 acres with no explanation of how or why the numbers were reduced. Diversion rates on the original, hand written, signed claim were confusing as the rates for each claimed use do not seem to relate to the total claimed diversion rate.

I have, therefore, decided that it would be least confusing to the claimant and to future water right inquiries to recommend each part of this claim under its original water right number.

Water Right Number - A43-02532C

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - - + - - - - First Name - - - - - + - - - - Address - - - - - +
*** C - CURRENT OWNER ***
J E TRACY INC1 -
2 -
3 -
City- ALMO
Phone - 208-824-5571
State- ID Zip- 83312+ - - - - Priority Date - - - - - + - - - - Region - - - - - + - - - - Stage - - - - - + - - - - Status - - - - - +
06/15/1961 17 SOUTHERN 2 - SEE REMARKS+ - - - - Source - - - - - + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +
15S 24E 22 SE SE (31) CASSIA
27 NE NW NW (31) CASSIA+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 03/15 11/15
04 - STOCKWATER 01/01 12/31+ - - - - Total Div. Rate - - - - - + - - - - Total Div. Volume - - - - - + - - - - Total Consumptive Use - - - - - + - - - - KW Usage - - - - - +
4.320 725.0+ - - - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County - - - - - +
15S 24E 23 NE SW 40.0 01 IRRIGATION (31) CASSIA
15S 24E 23 SW SW 40.0 01 IRRIGATION (31) CASSIA
15S 24E 23 SE SW 40.0 01 IRRIGATION (31) CASSIA
15S 24E 26 NW NW 40.0 01 IRRIGATION (31) CASSIA
15S 24E 26 SW NW 10.0 01 IRRIGATION (31) CASSIA
15S 24E 27 NE NE 30.0 01 IRRIGATION (31) CASSIA
15S 24E 27 SE NE 10.0 01 IRRIGATION (31) CASSIA

Total Acres: 210.0

+ - - - - Diversion Means - 2 WELLS BOTH 500' DEEP, #1, ATRESIAN, #2, PUMPED 20 HP MOTOR.

+ - - - - Non-Irrigation Use - S/ 400 HEAD BEEF CATTLE

+ - - - - Other Rights for Same Use - ALSO USES ALMO WATER CO.

+ - - - - Remarks - - - - - +

GEN THIS CLAIM REPRESENTS THE COMBINING OF 43-02532D AND 43-02532E.

Water right number - A43-02532C

Prefix Translation: ADJUDICATION CLAIM

12-17-99: THIS CLAIM WAS CHANGED TO 2 STATUS SO THAT EACH PART
COULD BE CLAIMED SEPERATELY AS A43-02532D AND A43-02532E. AMONG
OTHER THINGS, POU LIMITS ON D AND E PORTIONS WERE NOT EQUAL. VH

4302532D
4302532E

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

No Comments Found

Audit Fields
12/17/99 VHANCOCK

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C007257	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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: A43-02532C

Date Received: 6/06/1989

Receipt No: C007257

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. E. TRACY, INC. 208-824-5571
Address: ALMO, ID 83312

2. Date of Priority: JUN 15, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	22		SE	SE		CASSIA
		27	NE	NW	NW		CASSIA

5. Description of diverting works:
2 WELLS BOTH 500' DEEP, #1, ATRESIAN, #2, PUMPED 20 HP MOTOR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.200		
STOCKWATER	01/01	12/31	0.360		

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

8. Total consumptive use is 725.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 400 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	24E	23	NE	SW		IRR	40.0

A43-02532C

Page 1

Date: 07/10/89

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	23	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				120.0
		26	NW	NW		IRR	40.0
			SW	NW		IRR	10.0
			Section Acres				50.0
		27	NE	NE		IRR	30.0
			SE	NE		IRR	10.0
			Section Acres				40.0
			Total Acres				210.0

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:
ALSO USES ALMO WATER CO.

14. Remarks:
THIS CLAIM REPRESENTS THE COMBINING OF 43-02532D AND 43-02532E.

15. Basis of Claim: LICENSE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

340ed

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

443-02532

Date Received

Receipt Number

C007257

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

RECEIVED

JUN 06 1989

Please type or print clearly

1. Name of Claimant (s) J. E. TRACEY, Inc Phone (208) 824-5571Mailing Address Almo ID 83312 Zip 833262. Date of Priority (Only one (1) per claim) 6/15 19613. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 15S Range 24E Section 22,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: NE, NW, NW sec 27 T15S, R24E

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

2 wells 500' deep **MICROFILMED**
well in sec. 22 is warm 98° artesian well
well in sec 27 is pumped 20hp motor **MAR 03 1993**

Both wells are piped to Sections 26 & 27 & 23
to open ditches & flood irrig.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 4.2 or _____

For STOCKWATER purposes from 1/1 to 12/31 amount 0.36 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.32 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 3/400 HEAD BEEF CATTLE

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	24E	23									40		40	40	40	40			200
15S	24E	26						40	10										50
15S	24E	27				10													40

Total number of acres irrigated 290

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
ALSO ALMO WATER CO. or None ()

14. Remarks:

MICROFILMED

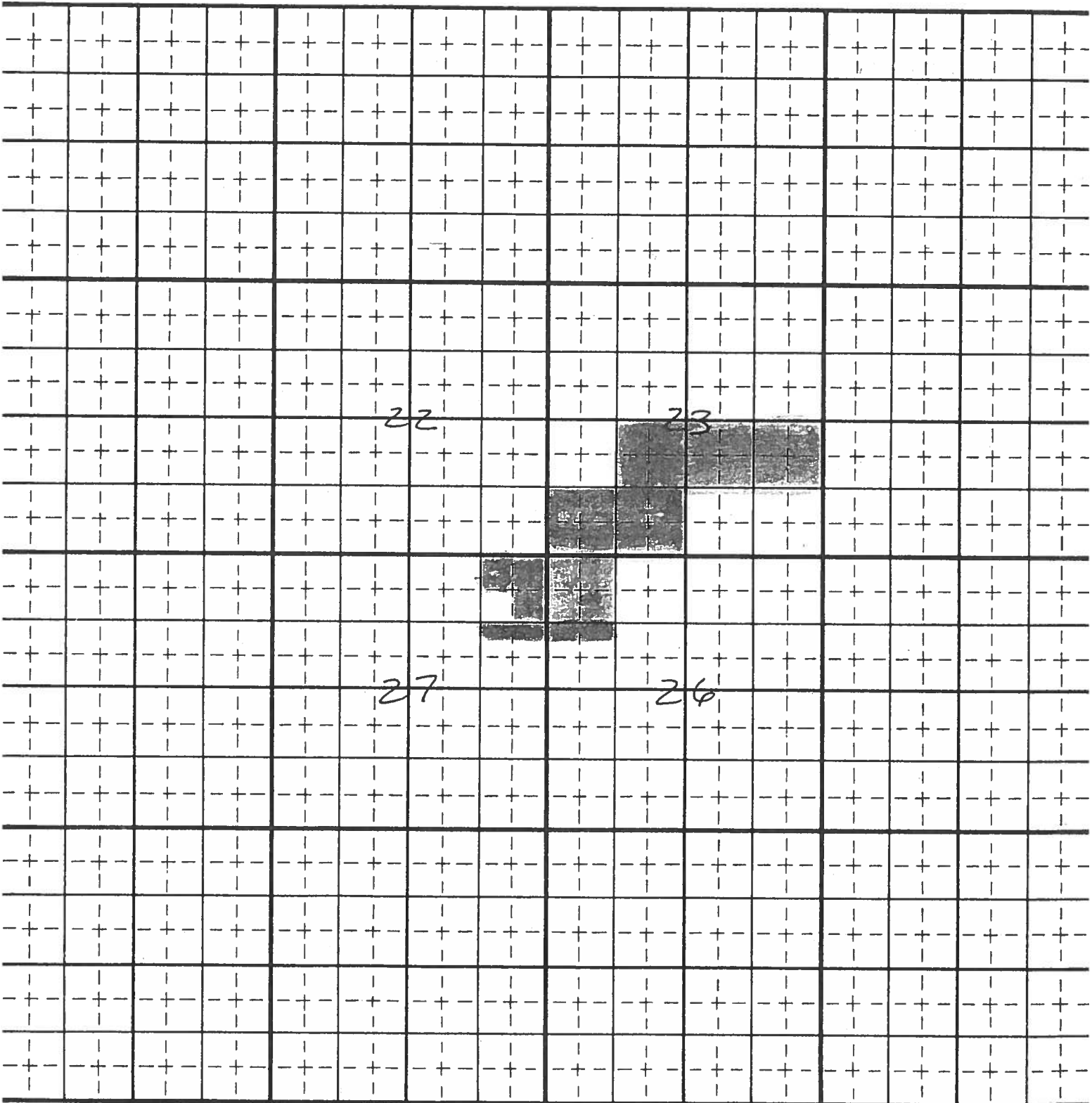
MAR 03 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

MAR 03 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 43-02532 (split ??)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) X [Signature] Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____
of J. E. Tracy, Inc. Organization _____, that I have signed the foregoing
document in the space below as J. E. President Title _____ of J. E. Tracy, Inc. Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William H. Tracy
Title and Organization President of J. E. Tracy, Inc. Date 5-30-89

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30th day of May 1989
SEAL Notary Public [Signature]
Residing at Boise Idaho
My Commission Expires 12/7 1994
Please Print Name _____

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

MICROFILMED
MAR 03 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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. 19576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-02532E

2002 AUG 20 PM 4:44

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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

SOURCE: GROUND WATER

QUANTITY: 3.40 CFS
611.00 AFY

PRIORITY DATE: 06/15/1961

POINT OF DIVERSION: T15S R24E S27 NENWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 10-31	0.09 CFS
	Irrigation	04-01 TO 10-31	3.40 CFS
			611.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T15S R24E S23	SWSW 40.0	SSSW 40.0
	S26	NWNW 38.0	SWNW 10.0
	S27	NENE 29.0	SENE 10.0
	167.0 Acres Total		

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43D.

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.

RECOMMENDATION

AUG 21 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG 21 2002

Department of Water Resources

AUG 20 PM 4:43
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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 43-02532E
Case No. 39576) (J.E. Tracy, Inc.)
SPECIAL MASTER REPORT

Findings of Fact

J.E. Tracy, Inc., P.O. Box 138, Almo, Idaho 83312, filed a *Notice of Claim to a Water Right* on June 6, 1989, claiming 4.32 cfs from groundwater for year-round stockwater use and to irrigate 290 acres in Cassia County from March 15 to November 15 with a priority date of June 15, 1961, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim for 3.4 cfs for stockwater use and irrigation of 167 acres from April 1 to October 31.

Brent Jones filed an *Objection* on February 7, 2002, objecting to point of diversion. On August 14, 2002, J.E. Tracy, Inc., Brent Jones and IDWR filed a *Standard Form 5* agreeing to amend the point of diversion.

Conclusions of Law

J.E. Tracy, Inc., is entitled to a partial decree adjudicating a water right under claim 43-02532E as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02532E*.

DATED August 20, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

POD chg =
Well in
SES Sec 22
Removed
DOL

NOTE TO FILE

From: Vikie Hancock

8/7/02

Regarding: Claim numbers: 43-2532A, 43-2532D, 43-2532E

In response to objections to the above SRBA recommendations, and a possible resolution, I did some additional investigating into the historical record of these rights.

June 15 1961 application for permit was filed by Tracy, Ward and King for 7 cfs from a well in the SESE Section 22.

When the well was drilled it was artesian and flowed at a rate of 18 inches. A pump was put on the well to increase diversion capacity and in 1962 a protest was filed by Glen Jones and Edwin Durfee who claimed the diversion from the well affected their domestic well and springs.

Tracy, Ward and King were ordered to mitigate any continued injury to the senior water right holders and to cap or valve the flowing well.

Assignments of permit were signed in 1967 that specified that Tracy got the bulk of the water applied for in permit 43-2532 but that 1/3 of the produced flow of the well in SESE Section 22 was reserved by Ward, 1/3 by Tracy and 1/3 by King. Ward referred to his 1/3 production as 18".

In 1967 Tracy amended his portion of the permit to add an additional point of diversion in the NWNE Section 27 for irrigation on all his lands. The stated purpose was to increase diversion capacity to fill the permit.

In 1968 a field exam was conducted that found 6 inches (0.12 cfs) of water available at the flowing well in the SESE Section 22. The examiner allowed .04 cfs for irrigation and stockwater to each of Ward, King and Tracy for 43-2532A, 43-2532B and 43-2532D respectively. He measured 5.46 cfs at the well in the NWNE Section 27. Tracy received 5.4 cfs for irrigation on 43-2532C.

On January 6th 1969 Tracy amended his portion of the permit to list only the well in the NWNE Section 27 as the point of diversion. This does not seem to be reflected in licensed right 43-2532C, issued on January 30th 1969, which lists both wells as points of diversion. This could be an error on the part of IDWR.

In 1977, an approved transfer split right 43-2532C and moved 2.0 cfs from the Tracy property to the property of Arlo Lloyd in Elba, leaving Tracy the use of 3.4 cfs for use on 167 acres under his part of "C", now represented by 43-2532E, and the use of .04 cfs from the well in the SESE Section 22 represented by "D".

According to both Tracy and Ward, they receive their respective well water for stock and irrigation through Almo Creek after the well discharges into the stream channel in the SESE Section 22. Currently there does not appear to be an approved controlling or measuring device on the well. Mr Tracy stated on August 7, 2002 that the well water is not piped to his property.

Adjudication claims were filed on 43-2532A by Doug Ward and on 43-2532D and E by Bill Tracy. 43-2532B was not claimed. According to Cassia County Taxlot information, the majority of the property appurtenant to this portion of the license now belongs to Bill Tracy.

PERMIT 43-2532 LICENSED IN 1967 IN FOUR PARTS

(A) Ward
.04 yds
32 ac
well 1

(B) King
.04 yds
257 ac
well 1

(C) Tracy
5.4 yds
287 ac
wells 1 & 2

(D) Tracy
.04 yds
287 ac
well 1

0.12
5.40
5.52

ADJUDICATION

(A) Doug Ward
.04 yds
32 ac
well 1

NO CLAIM

(F) Lloyd
2.0 yds
120 ac
ELBA

(F) Lloyd
2.0 yds
120 ac
ELBA

(E) Tracy
3.4 yds
167 ac
well 1 & 2

Combined
by
claimant

(C) Split
by
Agent

(E) Tracy
3.4 yds
167 ac
well 1 (?) & 2

(D) Tracy
.04 yds
287 ac
well 1 & 2

0.08
2.0
3.4
5.48

8-7-02

Phone conversation with Tammy Jones & Bill Tracy RE:

Jones objection to Tracy Rights 43-2532D

and 43-2532E

and Jones objection to Doug Ward's right 43-2532

Objection is to volume & diversion from hot well in SESE Sec 22 & lack of controlling devices.

Bill Jones said he thought that only 18" was diverted from the well in SESE Sec 22 & the rest from the well in Section 27 by the school. He said that about the time the license was split 3 ways he changed his point of diversion to the other well.

He acknowledged that the 18" was put into Almo Creek & they got it when it was their turn on Almo Creek. Doug Ward did the same thing. We discussed that the 2" Doug Ward had probably never got to him, anyway.

Tammy said there was still an issue of capping the well. We decided to meet her

at the office at a time that Tammy &
Brent Jones, Bill Tracy & Doug Ward could
all meet.

ASSIGNMENT

For value received, I, the undersigned, 225 1/3 miner's inches of our water right and interest in and to water to appropriate to the public use of the State of Idaho No. 2-3000, to

James J. E. Tracy, Inc.
Address: Almo, Idaho 83413

to be diverted from two points of diversion: NW1/4, Sec. 27, T. 15 S., R. 24 E., S.M. and SE1/4, Sec. 22, T. 15 S., R. 24 E., S.M.; however, only 1/3 of the actual production of the well located in the SE1/4, Sec. 22, is included in this assignment; to be used on NW1/4, SE1/4, NW1/4, Sec. 23, NE1/4, NW1/4, Sec. 26; NW1/4, NW1/4, Sec. 27, T. 15 S., R. 24 E., S.M., totaling 240 acres.

Warden

Kings

Tracy, Inc.

March 12, 1968

(Date)
State of Idaho }
County of Cassia } ss.

Robert J. White
Charles J. White
H. E. King
James W. King
W. H. King
Robert L. Hedges
Edward W. Barclay
His Attorney in Fact

On this 12th day of March, 19 68, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

W. H. King
Notary Public residing at _____
Burley, Idaho

My commission expires 2-20-70

20035

CORRECTED ASSIGNMENT & DECLARATION OF
INTEREST

FOR VALUE RECEIVED, We, Harold K. Ward and Ethel B. Ward, wife of Harold K. Ward, and owners of an undivided one-third interest in and to Permit to appropriate the Public Waters of the State of Idaho, Permit No. G-30035, do hereby assign all their right, title and interest in and to said Permit to J. E. Tracy, Inc., an Idaho corporation of Almo, Cassia County, Idaho, and we retain the right to 18 inches of said permit to be used upon the

NW1/4 of Section 25, Township 15 South, Range 25, E.B.M.
in Cassia County, Idaho.

and we certify that we were the owners of a one-third interest in said Permit and that J. E. Tracy, Inc., is the owner of a one-third interest in said Permit and that H. E. King is an owner of a one-third interest in said permit and we further certify that the J. E. Tracy, Inc. has caused this instrument to be signed by one of its officers, duly authorized, and that J. E. Tracy, Inc. has also retained 18 inches of said Permit No. G-30035 to be used upon the following described lands located in Cassia County, Idaho, to-wit:

N1/2, E1/2, SW1/2 of Section 23, Township 15 South,
Range 24, E.B.M.

And the undersigned further certify that H. E. King still claims an undivided one-third interest in and to said Permit No. G-30035 and we further certify that H. E. King has sold his interest in his farming property including the well to John Hedges of Pocatello, Idaho, the assignment of said permit to be made at the time the contract is paid in full.

DATED This 21st day of October, 1967.

Harold K. Ward
Permit Holder

Ethel B. Ward
Wife of Permit Holder

William J. Tracy, Inc.
Permit Holder
J. E. Tracy, Inc.

STATE OF IDAHO)
 : ss.
County of Cassia)

On this 21st day of October, 1967, before me, a Notary Public for the State of Idaho, residing at Burley, Cassia County Idaho, personally appeared Harold K. Ward and Ethel B. Ward, known to me to be the persons whose names are subscribed

RECEIVED
MAY 22 1967

Application for Amendment

Department of Reclamation

POINT OF DIVERSION

Permit No. 0-30035

Come now J. E. TRACY, INC.

to the State Reclamation Engineer of the State of Idaho

That he is (are) the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 0-30035

That the point of diversion is described in said Permit as being located:

Section 22, Township 15 South Range 24 East, Lot 1 of Block 2 of Durfee's Addition to Almo Townsite

That he now requests that the point of diversion be changed to a point

located Section 27, Township 15 South Range 24 East, NE 1/4, NE 1/4, NE 1/4 *This is the new point*

That the reason for desiring to make such change is as follows:

To drill another well to obtain enough water to fill the permit
so as to irrigate more land.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Almo, Idaho, this 18th day of May

19 67

Date of Receipt at Department of Reclamation 5/22/67

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higgins, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 0-30035. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 105 of
Permits, at Page 170035
June 12, 1967

R. Keith Higgins
State Reclamation Engineer

30635

Name of supply

Spectator

Location of P.D.

21st St. 21st
15th St. 15th St.

Water is used for

18th St.

Quantity of water used

How was the measurement made?

micrometer

Measurement calculations

10.1 (10.1 x 1.1) = 11.11

Measurement used:

10.1 (10.1 x 1.1) = 11.11

10.1 (10.1 x 1.1) = 11.11

What was the measurement taken? DEPART

What was the measurement taken? DEPART

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What was the measurement taken? DEPART

What was the measurement taken? DEPART

If water is used for purposes other than
used and what is done with it after

Who requested the permit? Mr. T. T. T.

Recommended reference for handling

Description of required equipment, to

10.1 (10.1 x 1.1) = 11.11

10.1 (10.1 x 1.1) = 11.11

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10.1 (10.1 x 1.1) = 11.11

PL- 824-2713

Source of supply Fossilite Lake
Location of P.O. (h) Box 554 22 T. 15S R. 24E
CASSIA

Water is used for irrigation of stock water
Quantity of water found about 5-6 cu. ft.
How was the measurement made? estimated
Measurements calculations _____

If water is used for irrigation, the user must indicate the amount of water used and what is done with the water.

Stock water

Who presented the permit when it was obtained?
Mr. H. B. King

Recommended alterations for irrigation:
Description of improvements: containing
add of

Division needs description and location

1/2" GASTED WIRE GUTTER
LOCATED AT TOP
APPROX. 5' HIGHER
IN CHANNELS TO WELLS
POOL

Indicate area irrigated in each subdivision on the map.
Total acreage irrigated 57 Acres

Report completed
Examination date 8-27-08 Done

6 MI = 0.12 S.F.S. TOTAL DISSECTION

$$(0.12 \text{ S.F.S.}) (1.255 \text{ AC-FT}) = 15 \text{ FT / DAY}$$

$$(24 \text{ AC-FT / DAY}) (365 \text{ DAYS}) = 87.6 \text{ AC-FT / YEAR}$$

$$\frac{87.6 \text{ AC-FT / YEAR}}{3 \text{ PARTS}} = 29.2 \text{ AC FT / YEAR / PART}$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR AMENDMENT

Comes now J. E. Tracy, Inc.

Permit No. 5-20035
of (address)

Almo, Idaho 83312
Engineer of the State of Idaho, and represents to the State Reclamation

That ^{he} is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 8-20035 (part) and requests that the permit and permit map be changed as follows

1. Point of diversion: NW 1/4 NE 1/4 Sec 27 T. 15 S. R. 24 E. B.M. Other points of diversion

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

For _____ mo - day _____ mo - day
purposes from _____ to _____ (both dates incl)
For _____ mo - day _____ mo - day
purposes from _____ to _____ (both dates incl)
For _____ mo - day _____ mo - day
purposes from _____ to _____ (both dates incl)
For _____ mo - day _____ mo - day
purposes from _____ to _____ (both dates incl)

3. Place of use or land to be irrigated

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15 S	24 E	23																	
		26					39	10			40	39	39		40	40			198
		27				10													40

Total number of acres to be irrigated

30035

Map of the Survey of the ...

22	23		
24	25		

Scale 2 inches equal 1 mile

that the one will be injured by such change, and that such change will be made at permit holder's own

this 6 day of January, 1969

J. E. Brady, Jr.
William H. Tracy
(Signature)

ACTION OF STATE RECLAMATION ENGINEER

JACK A. BARNETT, Deputy

State Reclamation Engineer of the State of Idaho - 1-9-5

approve the above application for amendment for permit no. G-30035,

E. coli, *S. aureus*

16, 1984

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of Closing of Well
in Section 22, Township 13 South,
Range 24 East, Boise Meridian,
Boise County, State of Idaho

ORDER

WHEREAS, the Department has knowledge of a certain flowing well located in Section 22, Township 13 South, Range 24 East, Boise Meridian, pursuant to Permit No. 9-10023, issued in the name of E. M. King, J. M. Tracy, Inc. an Idaho Corporation, and Harold E. Ward for irrigation of 500 acres of land in Sections 22, 23, and 24, Township 13 South, Range 24 East, Boise Meridian,

WHEREAS, the well is now being allowed to flow uncontrolled without proper control devices in violation of Idaho law; and

WHEREAS, the State Reclamation Engineer is vested with certain authority and responsibility with regard to such flowing wells pursuant to the following section of Idaho Code:

42-257a. POWER OF THE STATE RECLAMATION ENGINEER

In the administration and enforcement of this act and in the execution of the policy of this state to conserve its ground water resources, the state reclamation engineer is empowered:

- a. To require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use.
- b. To require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves, or pumps either above or below the land surface."

NOW, THEREFORE, Pursuant to said authority, I, E. Keith
Higginson, State Mechanical Engineer of the State of Idaho, do
hereby order E. E. King, J. E. Tracy, Inc. an Idaho Corporation,
and Harold E. Ward and any other owner or owners of said wall
to within 10 days repair said wall with valves or whatever other
devices are necessary to control the flow of the wall.

Given under my hand this 10th day of January, 1937

E. Keith Higginson
E. Keith Higginson
State Mechanical Engineer

STATE OF IDAHO
DEPARTMENT OF AGRICULTURE

EDWIN H. DUFFEE and GLEN JONES

Claimants

H. E. KING, J. E. TRACY, INC.,
and HAROLD E. WYRD,

Respondents

PROCEEDINGS, DECISION AND ORDER
OF THE
LOCAL GROUND WATER BOARD
FOR
CASSIA COUNTY, IDAHO

The above entitled matter came on regularly for hearing before a local ground water board consisting of Carl H. Tanner, Chairman, Joel E. Anderson and August H. Howell, established according to statute, at 10 o'clock, A. M. on June 20, 1968, at Albion, County of Cassia, State of Idaho.

Claimants Edwin H. Duffee and Glen Jones were represented by Herman E. Fodke, Attorney at Law. The respondents H. E. King, J. E. Tracy, Inc., and Harold E. Wyrd were represented by Alvin H. Nielsen, of the firm of Nielsen and Nielsen, Attorneys at Law. Both legal representatives main offices at Burley, Idaho.

THE BOARD FINDS THAT:

1. The claimants, Edwin H. Duffee and Glen Jones, own lands within the basin of Albion Creek and tributaries in Sections 22 and 23, Township 15 South, Range 2 East of the Boise Meridian.

2. The claimant, Edwin H. Duffee appropriates ground water by pumping from a household well at his residence. The household well is 1 foot deep and has been equipped with a small electric motor and pump to provide water for domestic use.

3. The claimants, Edwin H. Duffee and Glen Jones, appropriate spring waters by diversion of the so-called "North and Middle Springs" issuing on the farmed lands of the said Edwin H. Duffee and located in the NE 1/4, Section 22

of rock formation

and other

of solid

made

a local

Smithson

, A. H.

by Herman

Inc., and

Holston

is at

within the

South,

summit;

36035

Township 15 South, Range 24 East of Boise Meridian.

diverted are used on claimant's lands, as above described,

stock water purposes. The channels leading from the above springs to the fields where the water is used have not been improved by the claimants.

4. The yield of the household well is reported to have been sufficient to furnish the Edwin R. Durfee residence with domestic and culinary water supply for years.

5. The "North and Middle Springs" were measured September 12, 1961, flowing 9.3 and 6.5 miners inches, respectively, thus providing a total of 15.8 miners inches (0.32 cubic feet per second). The evidence indicates that these spring flows have continued without noticeable change in volume for many years prior to June, 1961.

6. The claimants, Edwin R. Durfee and Glen Jones, their grantors and predecessors have put to beneficial use for irrigation and stock water purposes sixteen (16.0) miners inches (0.32 cubic feet per second) of the waters in the "North and Middle Springs" on the lands above described.

7. The respondents, H. E. King, J. E. Tracy, Inc., and Harold R. King own lands within the basin of Almo Creek and tributaries in Sections 22, 23, 24, 25 and 26, Township 15 South, Range 24 East of Boise Meridian. These lands are located north and east from the claimants' lands and down country from the "North and Middle Springs".

8. The respondents, H. E. King, J. E. Tracy, Inc., and Harold R. King, by application June 15, 1961, for permit to appropriate three hundred fifty (350) miners inches (7.6 cubic feet per second) of ground water by means of a well located in Section 22, Township 15 South, Range 24 East of Boise Meridian to supplement existing irrigation water rights on lands owned by them. This irrigation well is about one-fourth mile south of the "North and Middle Springs" and has been drilled to a depth of 500 feet (20-inch casing for 200 feet, 16-inch casing for 140 feet, and uncased for 160 feet) See Permit No. G-30035.

8. The respondent's irrigation well, when completed, was under artesian pressure. Soon thereafter a large capacity electric pump was installed over the well with a view to increase its discharge. The well is not capped, has no control valve and flows freely to the surface when the pump is not running.

9. The artesian flow from the respondent's irrigation well, the first of its kind in the area, was about 100,000 gallons (40,000 cubic feet) per second. The electric pump operated for 9 days during October, 1961. The pump discharge was estimated at one hundred twenty five (125) miners inches (7.50 cubic feet per second) with an incident drawdown of 156 feet. The pump was then shut down and the artesian flow from the well continued thereafter at about eighteen (18.0) miners inches (0.36 cubic feet per second).

10. The respondents, after pumping their irrigation well for only 9 days in October, 1961, voluntarily shut down the pump when the effects of its operation on the domestic supply of the Edwin R. Durfee household well and on the flow of the North and Middle Springs came to their attention. Looking for control facilities at the irrigation well the artesian flow therefrom continued.

11. The ground waters appropriated are warm waters under artesian pressure with piezometric surfaces below the ground level at the household well, which does not flow, and above the ground level at the irrigation well, which does flow. The spring waters appropriated are also warm waters and issue from the ground at an intermediate elevation as compared with the higher ground level at the household well and the lower ground level at the irrigation well.

12. The potentials of the sources of these ground waters and spring flows have been sufficient to serve the domestic and ordinary uses of the Edwin R. Durfee household and to maintain the flow the claimants springs at a uniform rate for many years prior to the opening of the respondent's irrigation well. The intermingling of waters from other and independent sources precludes any declaration that the decrease in artesian pressure on the household well and the spring flows has been caused solely by the operation of the irrigation well.

of the respondents, yet it is evident that the primary source is
interconnected and of common origin.

11. The artesian pressure or pressures of the under ground water in the household well, flowing at the springs and tapped by the respondents, and other wells unknown or undiscovered represent a common potential to the water source. The well pressure or pressures is/are not deemed a necessary condition for the water to be artesian. The water is/are deemed a necessary condition for the water to be artesian.

12. The records of the State Department of Taxation include a copy of the water decree issued by the District Court of Cassia County (Kirk vs. Bartholomew) and signed by Judge C. J. Stockdale on October 5, 1893. This decree includes among the priorities established to the use of the waters of the Snake River and tributaries those applying to tracts of lands then belonging to A. B. Durfee and Jacob Padon. Each is represented as owning 200 acres and entitled to a diversion based on one inch per acre. The priorities decreed to the Padon tract are junior to those decreed to the Durfee tract. The Padon right to the use of creek waters is shown in this decree as inclusive of 10 inches of Warm Springs water. Information is lacking as to which of the several warm springs are to be tapped and as to which particular portion of the Jacob Padon tract is to be served or if issuing on lands owned by the appropriator or others. The evidence presented at the subject hearing indicated that part of the Padon tract is now owned by claimant Glen Jones (10 acres) and part by J. E. Tracy, Inc. (120 acres). The present ownership of the remaining part (10 acres) was not indicated. The extent and continuity of use under this right is in controversy as to the specific spring source and the manner in which the water may have been diverted and/or applied.

EXHIBIT A AND C

THE OLD QUARRY

I.

The right of claimant, Edwin J. Durfee to one (1.0) square inch (2.02 cubic feet per second) of ground water for domestic and irrigation purposes for use in the basin in which he has resided at Warm Springs, Idaho.

Section 37, Township 1, South, Range 21, East of ...
representing a superior use of land standing.

II.

The right of claimants, Edwin H. Purfee and Helen Jones, ...
... spring water ...
... confirmed with a priority date of April 30, 1870.

The right of ... owners (respondent J. E. Tracy, Inc., ...
... of the Jacob Paden tract of ...
... in the decree of the District Court of Cassia County, dated ...
October 5, 1893 (as ... Bartholomew) to ten (10.0) inches of "Warm Springs"
... of priority date of April 30, 1880, be confirmed subject to clarification
... of the intent of the Court as to the particular spring source or sources to be
... the specific parcel of Paden lands to be served and further proof that
... title to the ... right has been conveyed to the present ... owner or owners
... beneficial use of the waters made for agricultural purposes.

IV.

The water rights of respondents, E. E. King, J. E. Tracy, Inc., ...
... as may obtain through proof of cultivation of crops and
... beneficial use as defined in Permit No. 0-30015 for the irrigation will be
... as of junior priority date to those rights as set forth hereinafter
(See I, II, and III).

V.

In administration of the water rights as confirmed in the above -
going paragraphs, due recognition shall be given to the provisions of the Idaho
ground water statutes to the end that the respondents may exercise the junior
rights going under Permit No. 0-30015.

(a) By supplementing the diminished flow of the North and Middle
... and is kind to maintain a total constant flow

16 miners inches (0.32 cubic feet per second) or less.

may be mutually agreed upon between said claimants and respondents and/or successors;

(b) By providing other suitable substitute supply to maintain constant flow of one (1.0) miner inch (0.02 cubic feet per second) in the domestic water supply of the H. E. Durfee homestead well, as shown on the map of the said well and restored stream to be recovered within reasonable limits to be set by the State Reclamation Engineer;

VI

Further in the administration of the foregoing water rights due diligence shall be given to the increased drafts here authorized from the source tapped by the respondents well to the end that the senior or superior rights shall not be impaired through the dissipation of the ground-water supply and the consequent inability of the respondents to supplement the diminished ground flow of the domestic supply at any future time.

THE BOARD FURTHER ORDERS THAT:

VII

The claimant E. E. Durfee and Glen Jones shall keep clean the channels leading from the North and Middle Springs to the point at which water issuing from these two springs flow freely and without saturating the adjacent domestic surrounding ground, to the fields where the water is used.

VIII

The respondents H. E. King, J. E. Trusey, Inc., and Harold K. Ward equip their irrigation well with capping and/or control devices meeting the specifications of the State Reclamation Engineer.

Signed at Boise and Oakley, Idaho, this 1st day of December, 1940.

Carl E. Tappan
Chairman

John A. Buchanan
Member

RECEIVED

JUN 11 2002

Department of Water Resources

2002 JUN 07 PM 01:42
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED DN

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) NOTICE SETTING SUBCASE(S)
Case No. 39576) FOR INITIAL HEARING
) SUBCASE NOS: 43-02532D 43-02532E

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

WEDNESDAY, AUGUST 14, 2002 at 10:00 AM
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:

J E TRACY INC
PO BOX 138
ALMO, ID 83312
Phone: 208-824-5571

BRENT JONES
PO BOX 151
ALMO, ID 83312
Phone: 208-824-5533

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

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

RECEIVED

FEB 11 2002

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 43-2532 E
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Brent Jones

Address: P.O. Box 151

Almo, ID 83312

Daytime Phone: (208) 824-5533

Name & Address of Attorney, if any:

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

Name: J E TRACY INC

Address: PO Box 138

Almo, ID 83312

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** *See below*
Should be: _____
6. ☐ **Instream Flow Description**
Should be: *8* _____
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):** *JH* _____

Ruling before that well is to be capped
Well is located in T15S, R24E, S22, NW 1/4 S
SE 1/4

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Lewiston) ss.

Brent Jones, 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.

Brent Jones
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 2-7-2002



Vikie Hancock
Notary Public for Idaho
Residing at: Buhl Idaho
My Commission Expires: 5-7-2003

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 2-8, ²⁰⁰²~~199~~, 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: JE Tracy inc
Address: PO Box 138
Almo, ID 83312

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

Brent Jones
Signature of Objector or attorney
mailing on Objector's behalf

01/26/2001

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

RIGHT NUMBER: 43-2532E

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

SOURCE: GROUND WATER

QUANTITY: 3.4 CFS
611 AFY

PRIORITY DATE: 06/15/1961

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	3.40 CFS
		611.00 AFY
STOCKWATER	4-01 10-31	0.09 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R24E S23	SWSW	40	T15S R24E S23	SESW	40
T15S R24E S26	NWNW	38	T15S R24E S26	SWNW	10
T15S R24E S27	NENE	29	T15S R24E S27	SENE	10
<u>STOCKWATER Within CASSIA County</u>					
T15S R24E S23	SWSW		T15S R24E S23	SESW	
T15S R24E S26	NWNW		T15S R24E S26	SWNW	
T15S R24E S27	NENE		T15S R24E S27	SENE	

167 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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

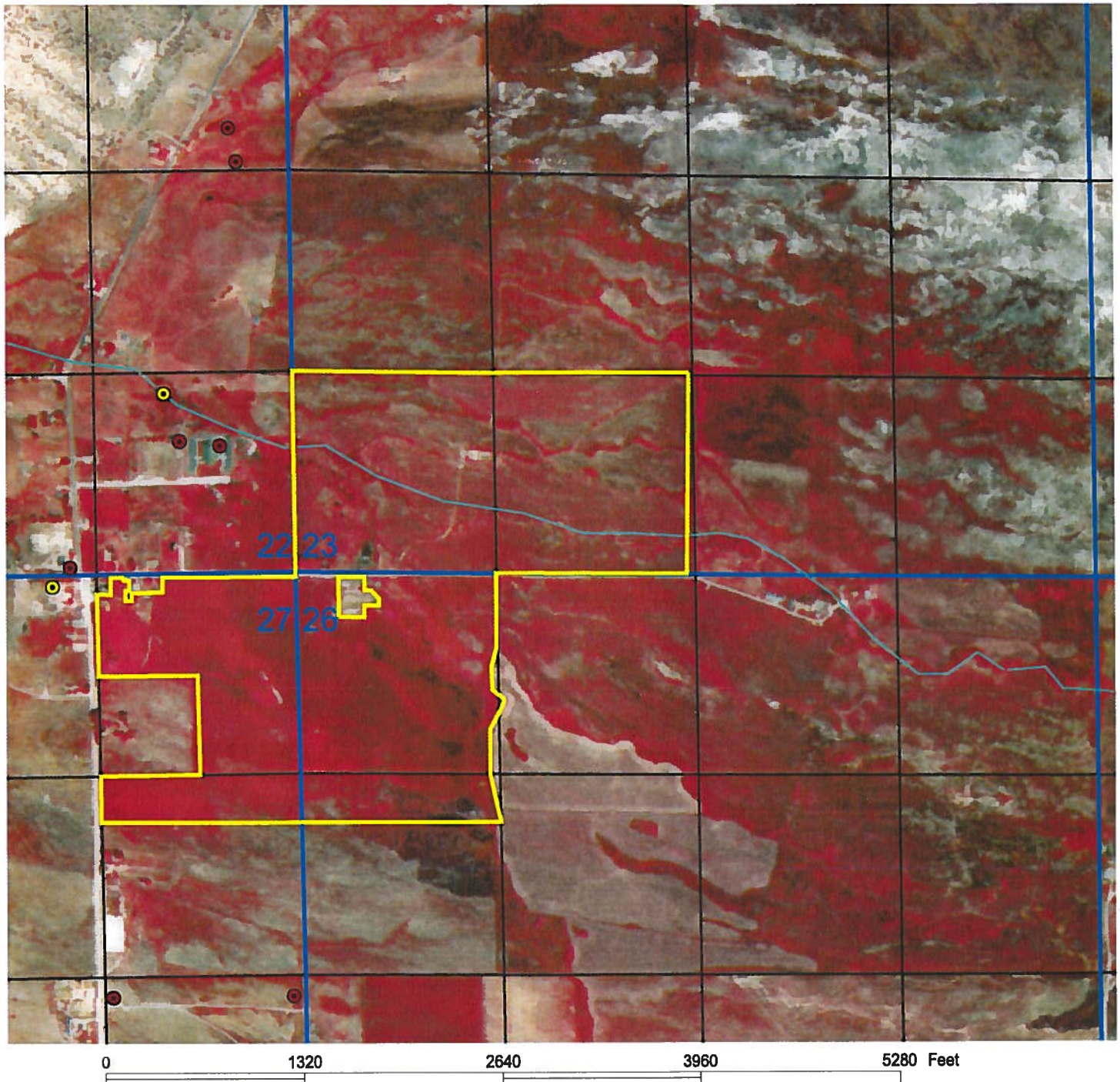
USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER
COMPANY.

STOCKWATER 400 RANGE

RIGHT NO. 43-02532D IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

RIGHT: 43-02532E

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 22, 23, 26, 27
Data entry on June 6, 2000



● 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

Water Right Number - A43-02532E

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 30035

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

*** C - CURRENT OWNER ***
J. E. TRACY INC.

1 - PO BOX 138

State- ID Zip- 83312

2 -
3 -
City- ALMO
Phone - 208-824-5571

State- ID Zip- 83312

*** O - ORIGINAL OWNER ***
WARD

HAROLD K.

1 -
2 -
3 -
City- NA
Phone - 208-000-0000

State- ID Zip- 00000

KING

H. E.

1 -
2 -
3 -
City- NA
Phone - 208-000-0000

State- ID Zip- 00000

COMBINED RIGHT

1 -
2 -
3 -
City- NA
Phone - 208-000-0000

State- ID Zip- 00000

+ - - Priority Date - - +
06/15/1961

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
15S	24E	22	NE SE SE	(31)	CASSIA			
		27	NE NW NW	(31)	CASSIA			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	4-1	3.4	167 ac transfer
04 - STOCKWATER		01/01	12/31	10-51	0.09	for 400 acre

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
4.320 3.4 167 ac 0.09 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	23	NE SW		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	23	SW SW		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	23	SE SW		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	23	NE SE		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	23	NW SE		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	26	NW NW		40.0		01	IRRIGATION	(31) CASSIA

167 ac transfer
for 2154

Water right number - A43-02532E

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	26	SW NW		10.0		01	IRRIGATION	(31) CASSIA
15S	24E	27	NE NE		30.0		01	IRRIGATION	(31) CASSIA
15S	24E	27	SE NE		10.0		01	IRRIGATION	(31) CASSIA
15S	24E	23	NE SW				04	STOCKWATER	(31) CASSIA
15S	24E	23	SW SW				04	STOCKWATER	(31) CASSIA
15S	24E	23	SE SW				04	STOCKWATER	(31) CASSIA
15S	24E	23	NE SE				04	STOCKWATER	(31) CASSIA
15S	24E	23	NW SE				04	STOCKWATER	(31) CASSIA
15S	24E	26	NW NW				04	STOCKWATER	(31) CASSIA
15S	24E	26	SW NW				04	STOCKWATER	(31) CASSIA
15S	24E	27	NE NE				04	STOCKWATER	(31) CASSIA
15S	24E	27	SE NE				04	STOCKWATER	(31) CASSIA

Total Acres: 290.0

+ - - Diversion Means - 2 WELLS 500' DEEP, ONE IN 22 ARTESIAN, ONE IN 27 HAS 20 HP PUMP

+ - - Non-Irrigation Use - STOCKWATER 400 RANGE

+ - - Other Rights for Same Use - ALMO WATER COMPANY SHARES

..... Remarks

GEN TRANS. 2156.

THIS RIGHT COMBINED WITH 43-02532D AND CLAIMED AS 443-02532C.

12-17-99: 443-02532C WAS CHNG'D TO Z STATUS SO THAT EACH PART OF
THE COMBINED RIGHT COULD BE CLAIMED SEPERATELY AS 443-02532D AND
443-02532E. POU LIMITS ON D AND E PORTIONS WERE NOT EQUAL. - VH

3-30-2000: ADDED PO BOX TO ADDRESS PER PHONE CONVERSATION - VH

----- Old Water Right Numbers -----

Conditions of Approval

No Conditions of Approval found.

+ - - - Decree Plaintiff - - +	+ - - - Decree Defendant - - +	+ - Decree Date - -
		00/00/0000

No Comments Found

See P

6m9
BO9
43

Water right number - A43-02532E

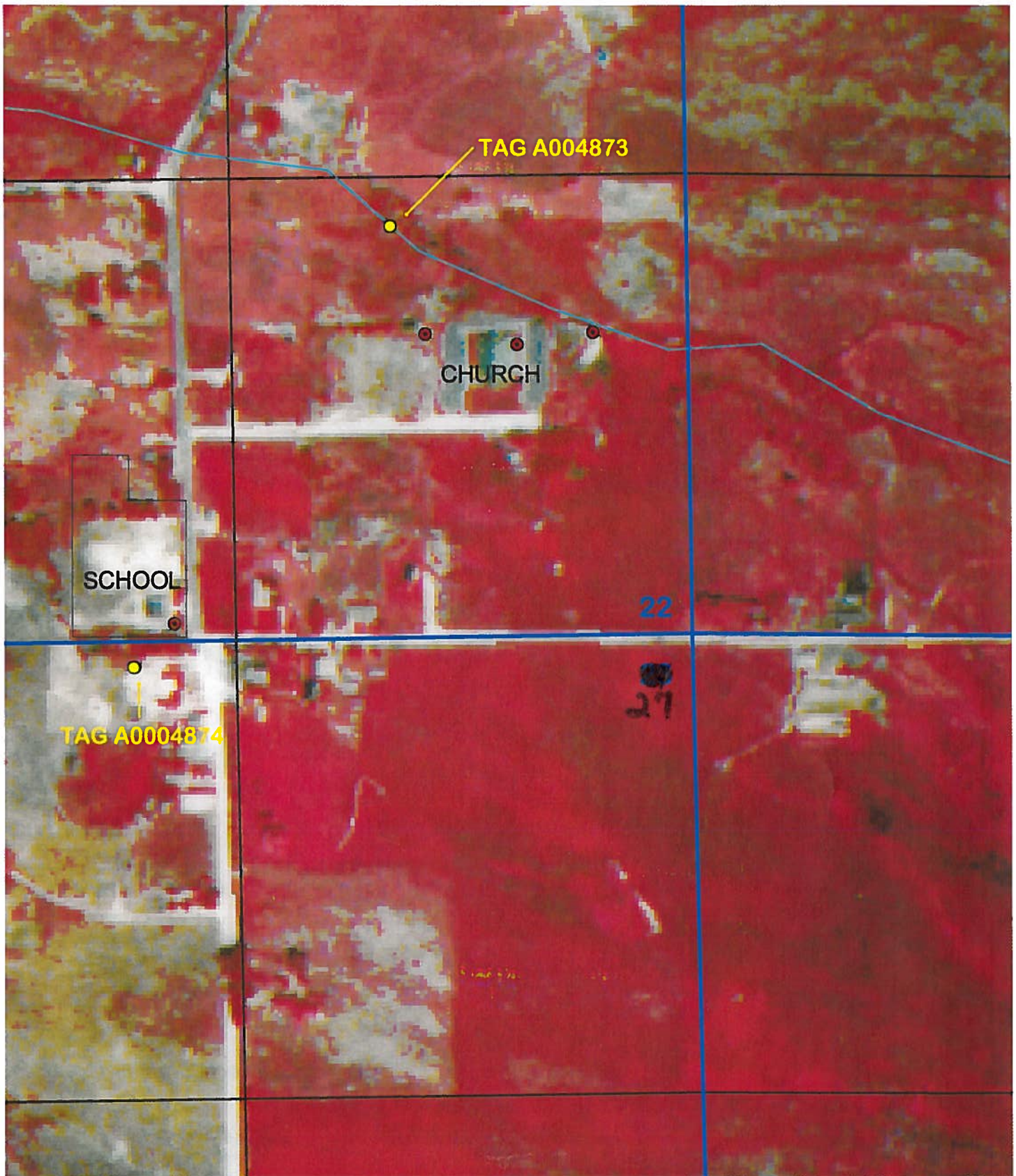
Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576			
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 06/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P				
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-				
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S				
		POU Ownership Flag	- Y	Presumption Flag	-				
		Name Connector	-	Notice of Error Flag	-				

FIELD NOTES

Claim No(s): 43-02532D & E

TWP 15S, RNG 24E



V HANCOCK

Date: 6-6-2000

1987/1988 NAPP PHOTOGRAPHY

**IDAHO DEPARTMENT OF WATER RESOURCES
GPS FIELD LOG FORM**

IDWR-GPS02, Ed. 3/93

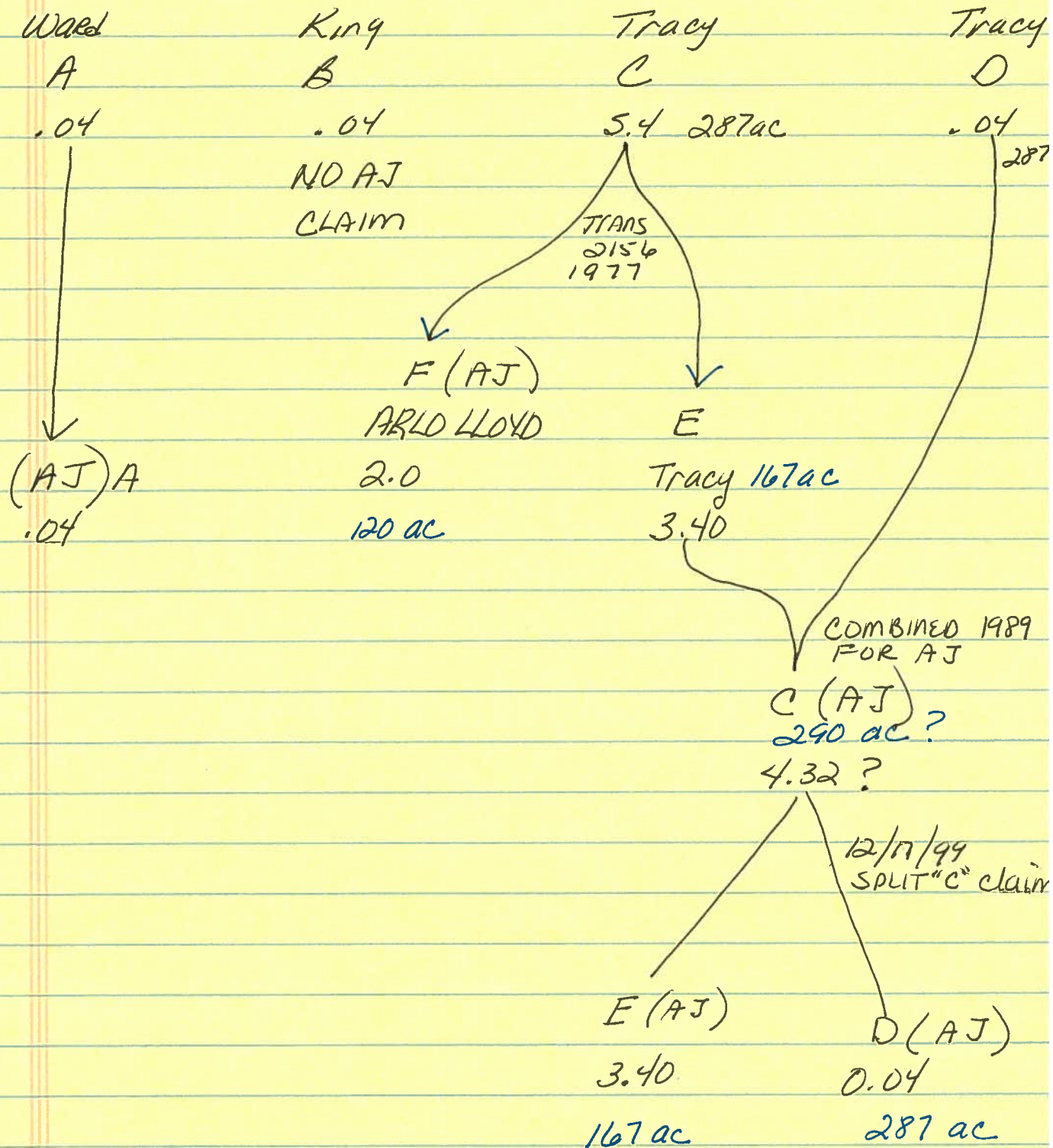
NAME: Mike Hancock PROJECT: SEBA B-43

RECEIVER SERIAL NO. _____

PAGE 3 OF _____

Date	Time	GPS File Name	Well Owner	T, R, Sec.	Other Well Name	Comments
11/2/99	11:44	R100217A	Clark Ward	WR 43-00-107		Duckhorn G.R. Sec 6
"	11:55	R100217B	"	Well Stat claim.		A004845
"	12:04	R100218A	"	G.L. Diversified Section 7		
"	12:08	R100218B	"	Springs		
"		R100218d	"	Key track Division		
"	1:01	R100219A	"	Well Licensed		T94 A004816
"	1:34	R100219B	"	Edwards Division		(Damned)
"	1:55	R100219C	"	Little Lost Creek Division		
"	2:10	R100220A	"	Upper Little Lost Creek		
"	2:21	R100220B	"	Alms division - Shroud w/ Doug Ward		
5/05/00	1:45	R050219A	JE Tracy	Upper well in SE 33		T96 A0004873
5/05	2:00	R050220A	JE Tracy	Well in 23 by Shor		T96 A0004874

43-02532
Issued 1969 in 4 parts



"E" represents the
remaining portion
of "C" after transfer
of 120 ac & 2 yrs
to Lloyd

"D" represents
orig Lic
"D" portion

Water Right Number 43-02532E

Prefix Translation: WATER RIGHT

Old (D) Number - 30035

*** C - CURRENT OWNER ***

J. E. TRACY INC.

*** O - ORIGINAL OWNER ***
KING

H. E.

1 -
2 -
3 -
City- ALMO
Phone -
State- ID Zip- 83312

J. E. TRACY INC.

State- Zip-

WARD

HAROLD K.

1 -
2 -
3 -
City-
Phone -
State- Zip-
City-
Phone -
State- Zip-

Priority Date 06/15/1961 Region 17 SOUTHERN Stage L - LICENSE Status

Source GROUNDWATER Tributary

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
15S	24E	22	SE SE			(31) CASSIA				
		27	NW NE			(31) CASSIA				

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		3.400	

Total Div. Rate 3.400 Total Div. Volume Total Div. Capacity Total Consumptive Use 0.0 KM Usage

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	23	SW SW		39.0	01	IRRIGATION		(31) CASSIA
15S	24E	23	SE SW		39.0	01	IRRIGATION		(31) CASSIA
15S	24E	26	NW NW		39.0	01	IRRIGATION		(31) CASSIA
15S	24E	26	SW NW		10.0	D1	IRRIGATION		(31) CASSIA

WATER RIGHT

(31) CASSIA
(31) CASSIA

+ - - Other Rights for Same Use -

GEN TRANS. 2156.

Conditions of Approval
No Conditions of Approval found.

00/00/0000

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+ - - Audit Fields - 02/11/85 05/28/88 CONVERT

```

Field Exam Fee

Presumption Flag	Name	Connector	POU Ownership Flag
------------------	------	-----------	--------------------

Transfer No. 2156

Application No. _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 2 1978

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources
Southern District Office

APPROVED

Name of applicant J. E. Tracy, Inc. Phone 824-5570Post office address Almo, ID 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)

in case of _____ VS _____

dated _____ in _____ county of _____

(Name of court)

b. License No. G-30035 (partial) c/ 43-4532 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water groundwater tributary to _____4. Date of priority June 15, 1961

5. Water is used for the following purposes:

amount 5.56 cfs for irrigation purposes from Apr. 1 to Oct. 31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. 5.56 5.4 cubic feet per secondb. _____ &/or
acre feet per annum7. Location of original point of diversion is _____ SE _____ % of _____ SE _____ % of Section 22Township 15S Range 24E., B.M., in Cassia CountyAdditional points of diversion, if any NW 1/4 NE 1/4, Sec. 27, Twp. 15S, Rge. 24E., B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	24E	23									40		39	39	40	40			198
		26						39	10										49
		27	30			10													40

Total number of acres to be irrigated 287

Telephone Conference with Mr. Tracy 18

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 2 cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion NW 1/4 NE 1/4, Section 27 Township 15S
Range 24E., B.M., Cassia County
Additional points

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	24E	23									40 ~~23~~ <i>B.L.</i>				40	40			120 ~~123~~ <i>B.L.</i>

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

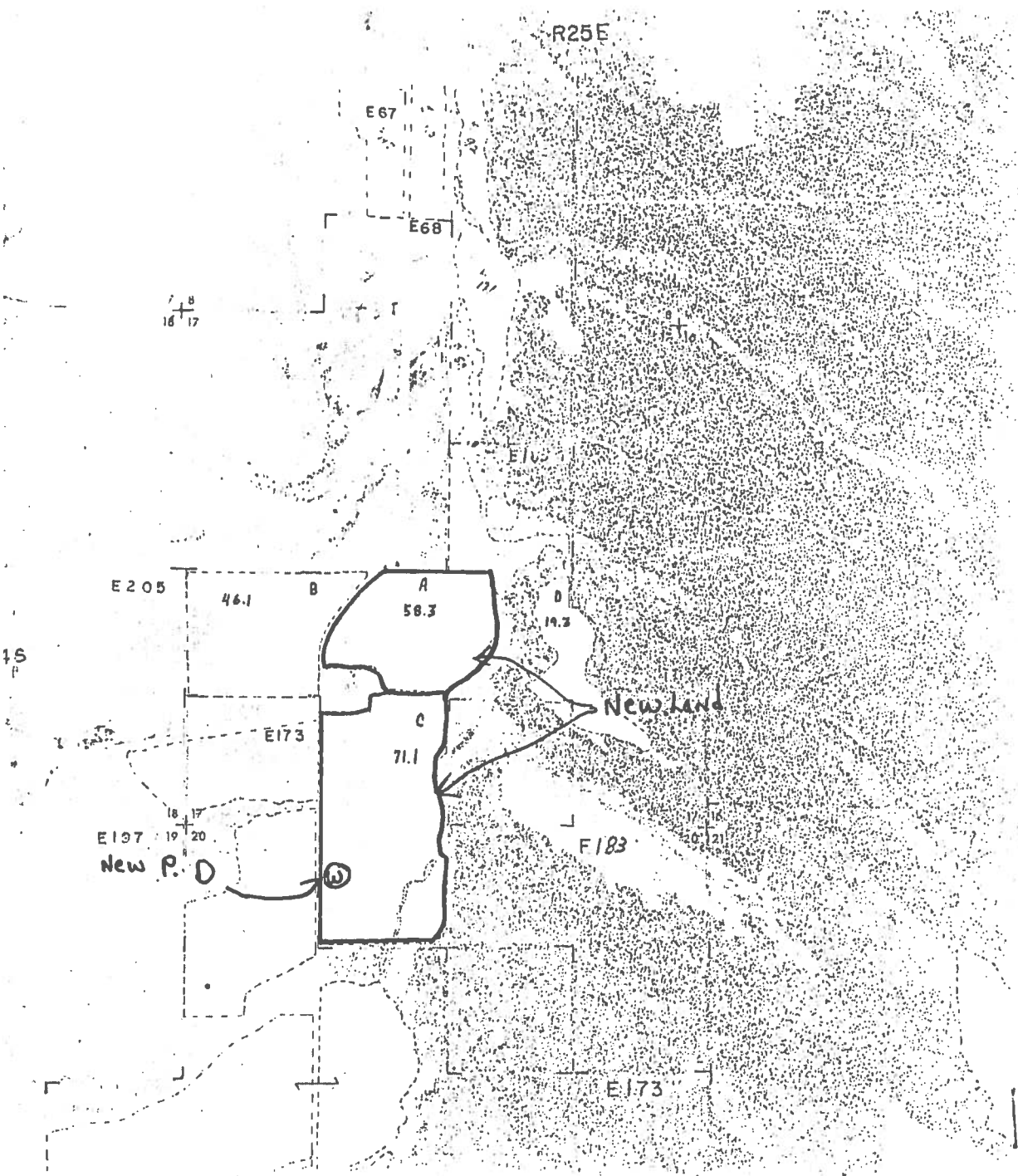
1. Change in point of diversion
 - a. Amount of water to be diverted 2 c.f.s. &/or acre feet
 - b. Point(s) of diversion NE 1/4 NW 1/4, Section 20 Township 14S
Range 25E., B.M., Cassia County
Additional points
 - c. Description of diverting works well, pump, sprinkler system
 - d. Describe the reasons for applying for a change in the point(s) of diversion to apply the water to more beneficial use also to locate well in a less congested pumping area.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	25E	17									31			35		18 ~~21~~ <i>B.L.</i>			84 ~~87~~ <i>B.L.</i>
		20					36												36

Total number of acres to be irrigated 120 ~~123~~ *B.L.*



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

J. C. Tracy, Inc.
Benito Lloyd, Vice Pres.
(Signature of applicant)

Subscribed and sworn to before me this 11th day of August, 19 77

[Signature]
(Notary public)

My commission expires 2-22-81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2532 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 29 day of January, 19 78

[Signature]
Deputy Director

FOR DEPARTMENT USE ONLY

Received by TGB Date 8/11/77

Prelim. check by SS Fee \$30.00 # 8104

Receipted by Am Date 8/11/77

Published in South Idaho Press

Pub. dates 9/6 & 9/13/77

Watermaster recommendation requested on _____
rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial 26
by Michael L. Stull

22

23

24

5.4 cfs + .04 cfs = 5.44 cfs

J.E. TRACY

P.D. →

* P.D.

27

26

HE KING 25

32

.04 cfs

HAROLD K. WARD

* Well located in NW 1/4 sec 27 is appurtenant to only lands irrigated by J.E. Tracy. See Field Exam.

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

MAP - From Transfer 2156 which applied to 2532C

MEMORANDUM

FROM: Terry Blau

DATE: December 28, 1977

TO: Jim Johnson

SUBJECT: Transfer No. 43-2532 - question of ownership

On the above date I called William Tracy regarding the changes on application for Transfer No. 43-2156. He stated that to his knowledge John Hedges, present owner of Kings land and Harold Ward still each retained one third (1/3) interest in one well described in license No. 43-2532, part A & B. He also concurred that the partial portion labled C of license 43-2532 which J. E. Tracy intended to transfer was for 5.4 cfs. This change has been made on the transfer and is being returned to you for completion of processing.

On the above date I also called the residence of David Boden (brother-in-law of John Hedges) regarding the ownership question on application 43-2532. Mrs Boden said that Mr. Hedges had purchased the land which belonged to H. E. King, therefore, he assumed an interest in application 43-2532, she also did not know why Mr. Hedges would abandon his right to 43-2532.

Mr. Hedges is spending the winter in McCall. However, she gave me his phone number in McCall. The phone number is 634-2841. You may want to contact Mr. Hedges for additional information on his abandonment.

TB



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMO

TO: MIKE STEELE
FROM: JIM JOHNSON
RE: Transfer Application No. 43-2532

Mike, there are a few items regarding this transfer that I can't answer; perhaps you can shed some light on it.

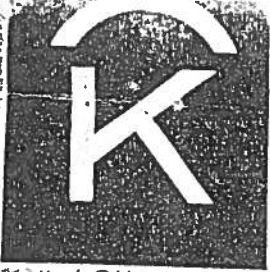
Our master file has a letter from Quarter Circle K Ranch which wishes to abandon all rights to 43-2532, (attached). I am not sure which part of the rights belongs to Quarter Circle K Ranch. The master file contains a power of attorney authorizing David W. Boden to transact any matters belonging to John K. Hedges with reference to Quarter Circle K Ranch. The only document which Mr. Hedge's or Mr. Boden's name appears is an assignment agreement made between the three parties of the (then water permit) which are 1) H. E. King, 2) Harold K. Ward, and 3) J.E. Tracy, Inc. Note that signatures for Tracy, Inc. were made by W. H. Tracy and Boden.

Is it proper to assume that J. E. Tracy, Inc. water right is now abandoned by virtue of the letter dated October 17, 1977 or did Mr. Hedges only want to disclaim his interest in the water right leaving W. H. Tracy, et. al. the current owners?

I believe it is the latter, but this should be clearer so we can determine if this transfer can be approved.

Mike, also note that there are three other errors on the transfer and the file.

1. The amount of the combined water right is 5.52 cfs not 5.56 cfs.
In this particular transfer application that deals with a partial ownership of a water right, either the amount that is owned by the applicant should be shown on lines 6 thru 8, or if the total right is listed then the partial right should be shown on Part B.
2. The water right number is 43-2532 instead of 43-4532 as shown on A.1b.
3. The file number shown as 43-2156 should be 43-2532 not the transfer number which is 2156.



Quarter Circle K Ranch, Inc.

ALMO, IDAHO 83312

RECEIVED

OCT 25 1977

Department of Water Resources
October 17, 1977
Boise District Office

Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

Dear Sir:

I wish to abandon all rights to partial license #432532.

Very truly yours,

John Hedges
JOHN HEDGES

JH/bh

10/29/77
Daniel H. Haugstad
Notary Public
Pocatello, Idaho
Commission Expires 4-15-

A S S I G N M E N T

For value received, we hereby assign 116 2/3 miner's inches of our right, title, and interest in and to permit to appropriate the public waters of the State of Idaho no. G-30035 to:

Name: H. E. King
Address: Almo, Idaho 83312

116 2/3 miner's inches not to exceed or be greater than 1/3 of the production of the well located in SE1/4SE1/4, Sec. 22, T. 15 S, R. 24 E, B.M., to be used on NE1/4, NE1/4NW1/4, SE1/4NW1/4, Sec. 26, T. 15 S, R. 24 E, B.M., totaling 240 acres and SW1/4SE1/4, Sec. 23, T. 15 S, R. 24 E, B.M., totaling 40 acres for a grand total of 280 acres.

Wards

Kings

Tracy, Inc.

March 12, 1968

(Date)
State of Idaho)
County of Cassia) ss.

On this 12th day of March, 1968, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public residing at
Burley, Idaho

My commission expires 2-20-70

Seal

RECEIVED

MAR 18 1968

Department of Reclamation

ASSIGNMENT

For value received, we hereby assign 18 miner's inches of our right, title, and interest in and to permit to appropriate the public waters of the State of Idaho no. G-30035 to:

Name: Harold K. Ward
Address: Almo, Idaho 83312

to be diverted from a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 15 S, R. 24 E, B.M.; and to be used upon the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 15 S, R. 24 E, B.M, totaling 40 acres; quantity of water not to exceed or be greater than 1/3 of the production of the well.

Wards

Kings

Tracy, Inc.

March 12, 1968

(Date)

State of Idaho)

County of Cassia)

ss.

By

David W. Burley
His Attorney in Fact

On this 12th day of March, 1968, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

David W. Burley
Notary Public residing at
Burley, Idaho

My commission expires 2-20-70

Seal

RECEIVED

A S S I G N M E N T

For value received, we hereby assign 225 1/3 miner's inches of our right, title, and interest in and to permit to appropriate the public waters of the State of Idaho no. G-30035 to:

Name: J. E. Tracy, Inc.
Address: Almo, Idaho 83312

to be diverted from two points of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 15 S, R. 24 E, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 15 S, R. 24 E, B.M.; however, only 1/3 of the actual production of the well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, is included in this assignment; to be used on NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 15 S, R. 24 E, B.M., totaling 290 acres.

Wards

Donald R. Ward

Kings

Philip B. Stand
H. E. King
Faun. W. King

Tracy, Inc.

Wm. H. Tracy
John K. Hedger

March 12, 1968

(Date)

State of Idaho)

County of Cassia)

ss.

By David W. Sorden

His Attorney in Fact

On this 12th day of March, 19 68, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

DT Fuller

Notary Public residing at

Burley, Idaho

My commission expires 2-20-70

AGREEMENT OF SALE

THIS AGREEMENT, Made and entered into this ____ day of June, 1952, by and between WILLIAM H. TRACY and PHYLLIS TRACY, husband and wife of Almo, County of Cassia, State of Idaho, parties of the first part, hereinafter called the Vendors, and J. E. TRACY, INC., an Idaho corporation, of Almo, County of Cassia, State of Idaho, party of the second part, hereinafter called the Purchaser;

WITNESSETH: That the Vendors did on the 3rd day of June, 1952, enter into a certain agreement with William L. Eames and Georgia Eames, his wife of Almo, Cassia County, Idaho, to purchase the hereinafter described property, together with the property reserved and retained by the Vendors herein, and

WHEREAS, it is the desire of the Vendors to sell all their equity in and to the hereinafter described property to the Purchaser, and

WHEREAS, it is the desire of the parties hereto that when the agreement dated the 3rd day of June, 1952, above mentioned, has been complied with, that the Warranty Deed now in escrow and the Warranty Deed be executed by the Vendors to the Purchaser, herein will be delivered to the Purchaser herein.

NOW, THEREFORE, the said Vendors, for and in consideration of the sum of Twelve Thousand Dollars (\$12,000.00), lawful money of the United States of America, to be paid as hereinafter specified and the covenants and agreements hereinafter to be complied with by the Purchaser. The said Vendors do hereby covenant and agree to sell, transfer and convey unto the said Purchaser and the said Purchaser covenants and agrees to purchase of and from the said Vendors all the Vendors title and interest in and to the following described real estate and water rights located in Cassia County, Idaho, to-wit:

North Half of the Southeast Quarter, East
Half of the Southwest Quarter, Southwest
Quarter of the Southwest Quarter, all in
Section Twenty-three, Township Fifteen
South, Range Twenty-four, East of the Boise
Meridian;

except the following described property:

Commencing 150 Feet East from the Southwest
Corner of Section 23, Township 15 South,
Range 24, East of the Boise Meridian, thence

running North 70 Feet, thence running East
190 Feet, thence running South 70 Feet,
thence running West 190 to the place of
beginning. Feet

Also Lot Three Block Two and Lots One, Two and Three
Block Three of Durfee's addition to the Almo Townsite,
Cassia County, Idaho, as the same is platted in the
official plot thereof of record in the office of the
County Recorder of Cassia County, Idaho, together with
all the tenements, hereditaments and appurtenances there-
unto belonging or in anywise appertaining. Together with
all water and water rights appurtenant to any and all
of the above described premises and together with Four
shares of stock in the Almo Water Company, Almo, Cassia
County, Idaho, and together with all rights to any and
all streams situated on said premises and particularly
that certain stream situated on Lot Two, Block Three of
Durfee's addition to Almo, Idaho.

PROVIDED, HOWEVER, That the Vendors retain a proportion of water right
for the above mentioned premises that are excepted from the descriptions here-
before set out. The Purchaser agrees to pay to the Vendors, for the Vendors
interest in and to the above described premises, the sum of Twelve Thousand
Dollars (\$12,000.00) in the manner following, to-wit: One Thousand Dollars
(\$1,000.00) cash prior to the execution of this agreement, receipt of which is
hereby acknowledged by the Vendors. One Thousand Dollars (\$1,000.00) on March
1, 1956, and One Thousand Dollars (\$1,000.00) on the first day of each and
every March thereafter until the total unpaid balance of the purchase price
shall have been fully paid. It is understood and agreed that the unpaid bal-
ance of this agreement shall bear interest at the rate of five per cent (5%)
per annum and that said interest shall be paid annually, on the dates above
mentioned when the principal payments are due and shall be in addition to said
principal payments.

The Vendors promise and agree and it is understood that the Vendors
will make all payments due under the above mentioned agreement dated the 3rd
day of June, 1952, between the Vendors and William L. Eames and Georgia Eames,
husband and wife. It is understood and agreed that in the event the said Ven-
dors fail to make said payments, due under said contract dated the 3rd day of
June, 1952, then the Purchaser herein may make such payments and the payments
so made by the Purchaser shall be counted as payments made to the Vendors under
the terms and conditions of this agreement.

It is understood that the Purchaser may at any time at its option, pay any or all unpaid balances due under this agreement and it is understood and agreed that at the same time any such payments are made that the said advance payments will be paid by the Vendors to William L. Eames and Georgia Eames, or their representative under their terms of the contract dated the 3rd day of June, 1952.

The Vendors promise and agree to pay all taxes of whatever kind or nature, levied or assessed up to and including the year 1954 and the Purchaser promises and agrees to pay taxes for the year 1955 and all subsequent years before the said taxes become delinquent.

It is understood that the Purchaser is now in possession of the above described premises and it is understood that all crops grown during the year 1955 shall belong to and be the property of the Purchaser.

It is understood that all water assessments of whatever kind or nature against the above described property shall be paid by the Purchaser after the date of the execution of this agreement.

It is understood and agreed that at the time of the execution of this agreement that the Vendors will execute a good and sufficient Warranty Deed to the premises which said Deed shall be delivered to the escrow holder as herein provided to be delivered to the Purchaser at the time of the payment in full of this agreement.

It is understood that the Vendors will see and take the responsibility of obtaining an Abstract of Title as provided in the agreement of sale dated the 3rd day of June, 1952, heretofore mentioned herein.

It is understood and agreed that a copy of this agreement, together with the Warranty Deed, heretofore mentioned, shall be placed in escrow with D. L. Evans and Company Bankers at Albion, Cassia County, Idaho, the same to be held in connection with the escrow held by said escrow holder in relation to that certain agreement of sale dated the 3rd day of June, 1952, between William L. Eames and Georgia Eames, his wife, and the Vendors herein, covering the heretofore described property and including the exception contained herein and the said escrow holder ^{is} hereby directed that when all the terms and conditions of this agreement, together with all the terms and conditions of the agreement

dated the 3rd day of June, 1952, had been complied with, that the Warranty Deeds herein mentioned, from William L. Eames and Georgia Eames to the Vendors and from the Vendors to the Purchaser herein, shall be delivered to the Purchaser herein. It being understood that the parties must show to the escrow holder by the production of satisfactory vouchers or receipts, that the payments provided for in the said two contracts, had been fully complied with.

Time is of the essence of this agreement, and in case the Purchaser shall fail, refuse or neglect to pay to the Vendors the payments as is agreed herein to be paid or shall fail to pay the taxes at the time the same becomes due or shall fail to fulfill any of the covenants and agreements on its part to be kept and performed, then and in that event the Vendors shall be relieved from all obligation in law or in equity to convey said property to the Purchaser and the Vendors may at their option cause to be forfeited any and all rights of the Purchaser in and to the above described property, and all money paid by the Purchaser under this agreement shall be retained by the Vendors as liquidated damages for the nonperformance of this agreement and as rental for said property. In such event the Vendors shall have the right to demand the said escrow holder to redeliver to them the said Warranty Deed executed by the said Vendors and from the time the said Warranty Deed is delivered to the Vendors, the Purchaser shall cease to have any right, title or interest in and to the above described property, and the Purchaser agrees upon demand to give to the Vendors immediate possession of the same.

It is specifically agreed by the parties hereto that the Purchaser shall be entitled to the same consideration, under the terms of this agreement, as the Vendors are entitled to under the agreement dated the 3rd day of June, 1952.

The word "Vendors," wherever it appears in this agreement, includes the Vendors, their heirs, executors, administrators and assigns; and the word "Purchaser," wherever it appears herein, includes the Purchaser, its successors and assigns.

IN WITNESS WHEREOF, the Vendors have hereunto set their hands and seals and the Purchaser has caused its corporate name to be hereunto subscribed by its President and its seal attached by its Secretary the day and year first above written.

William H. Tracy (SEAL)

Phyllis Tracy (SEAL)

J. E. TRACY, INC., a corporation

By Estelle E. Tracy
President

ATTEST _____
Secretary

STATE OF IDAHO)
) ss.
County of Cassia)

On this ____ day of June, 1955, before me, A. H. Nielson, a Notary Public in and for said State, personally appeared WILLIAM H. TRACY and PHYLLIS TRACY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public in and for Idaho,
Residing at Burley, Idaho therein.

My commission expires:

February 20, 1958

State of Idaho

THIS IS TO CERTIFY that HAROLD K. WARD

with a storage or carrying capacity of 6 miners inches, said works consisting of

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 20.2

acre feet per season with a maximum rate of diversion of 0.04 cubic feet per second of the waters

of _____ underground water _____ tributary of _____

for the purpose of Irrigation from April 1 to October 31

and for stockwater from January 1 to December 31

from _____ to _____ and for _____

of said waters has been made in accordance with the laws of Idaho and is hereby

...and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation, the water

located in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 15 S, R. 24 E, S. 2

other additional points _____

Cassia

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to

used for said purposes and shall not exceed 29.3 percent of which not more than 10 percent shall be

10.8 acre feet per season.
Description and location of place of use:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Total number of acres irrigated 32

The right to the use of the water 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 Reclamation Engineer, affixed at Boise, Idaho, this 31st day of January, 19 69

State Reclamation Engineer

13 2532

30935

State of Idaho

PARTIAL WATER LICENSE

Water License No. G-30035 (partial)

Priority June 15, 1961

Amount 5.4 c.f.s.

THIS IS TO CERTIFY, that J. E. TRACY, INC.

of Almo, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated June 15, 1961, that Permit G-30035 was issued pursuant to said application; that the proposed works were completed on or about 1961

with a storage or carrying capacity of 5.64 c.f.s.

said works consisting of 1 flowing well, and 11 well with pump, motor and earth ditch

and that on April 26, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1050

acre feet per season; with a maximum rate of diversion of 5.4 cubic feet per second of the waters of underground water

tributary of

for the purpose of irrigation

from April 1

to October 31

and for

to

; and for

from

to

; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is

located in SE

1/4

SE

1/4, Sec. 22

15 S

R. 24 E

other additional points NW 1/4, Sec. 27, T. 15 S., R. 24 E, B.M.

Cuspla

in the County of

and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 1050 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>15 S</u>	<u>24 E</u>	<u>23</u>									<u>40</u>		<u>30</u>	<u>30</u>	<u>40</u>	<u>40</u>			<u>198</u>
		<u>26</u>					<u>30</u>	<u>10</u>											<u>40</u>
		<u>27</u>				<u>10</u>													<u>40</u>

Total number of acres irrigated 287

The right to the use of the water 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 Reclamation Engineer, affixed at Boise, Idaho, this

30th day of January

1969

R. Keith H. H.
State Reclamation Engineer

See
TRANSFER
2156

(C)

E 34 yds 167 ac
F 20 yds 120 ac

58
49
40
46



1957-1958 (1957)

Sounds of Water

Industry

Location of P.D. BRASSFIELD, sec. 27, SE 1/4, T. 15 S., R. 76 E.,

THE

天啓二年

五、

Quantity of water consumed (liters)

2013 Winner

type of measuring device, method or method of measurement and report data.

of American youth. \$15.00

Closing roll - H / U - 10

2251 E 20th / N 36th / Q 10 Layne Butler Pump Co.

Hand to be irrigated or clean if you
TWP 603

1000

800-368-2277

1998

DESCRIPTION

152

卷二



1

511

92

1

154

931

Total Score

THE

Filled - June 15, 1961

Made APR 17 26, 1968

Due - December 31, 1967

Priority - ~~was~~ 15, 1963 (

Other _____ (Indicate amount, source, housing, etc.)

acres covered by subterranean also show land covered on the map.

Almo Water Co. - 5 shares

12/11/2000

LAST: J. E. TRACY, INC.
ADDRESS:
CITY: ALMO
PHONE NUMBER: 208-824-5571

FIRST:

STATE: ID ZIP: 83312

Review 98° notes?

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE Y FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM REPRESENTS THE COMBINING OF 43-02532D AND 43-02532E. ?

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Ted Tracy

PHONE NUMBER: () -

DATE OF FIELD EXAM: 1/1/

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

RELATIONSHIP TO CLAIMANT:

son & heir

PHONE NUMBER: () -

DIRECTIONS TO PROPERTY / NOTES:

West Bureau

*NOTE: A43-02532C split into O & E because
0.04 gcs based upon licensed right 43-02532D was
appurtenant to 087 ac, and 3.4 gcs based upon
43-02532E was only appurtenant to 167 ac. See
Transfer # 2156. See Split tree in file.*

See A43-02532D for complete CVR.

R PROOF

CVR

MAPS

PHOTOS

MISC

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