

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: A43-04156
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: DEC 31, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	32		NE	NE		CASSIA
		33		NW	NE		CASSIA
		34		SW	NW		CASSIA

5. Description of diverting works:
EARTH DAM AND POND; PIPE TO GRAV. SPRINKLERS; CHECK DAMS/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	09/01	5.600		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 BEEF

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	32	NE		NE		STOCK	
			NW		NE		STOCK	
		33	NE		NE		IRR	40.0
			NE		NE		STOCK	
			NW		NE		IRR	40.0
			NW		NE		STOCK	
			NE		NW		IRR	40.0
							Section Acres	120.0
		34	NE		NW		IRR	40.0
			NE		NW		STOCK	
			NW		NW		IRR	40.0
			NW		NW		STOCK	
			SW		NW		IRR	40.0
			SW		NW		STOCK	
			SE		NW		IRR	40.0
							Section Acres	160.0
							Total Acres	280.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
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 _____

330-

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 A-43-4156Date Received 5/19/89Receipt Number C007257

RECEIVED
JUN 06 1989

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

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) J. E. Tracy, Inc. Phone (208) 824-5571Mailing Address Almo Idaho 83312 Zip _____2. Date of Priority (Only one (1) per claim) 12/31/18853. Source of water supply (a) Cycle Creek
which is tributary to (b) Left River4. a. Location of existing point of diversion is: Township 15S Range 24E Section 32,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CassiaAdditional points of diversion if any: SW 1/4 NW 1/4 Sec 34 T15S R24E; NW 1/4 NE 1/4 Sec 33 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.

Earth dam and pond; pipeline
to gravity sprinkler. Check dams and ditches

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 9/1 amount 5.6 or _____

For Livestock purposes from 1/1 to 12/31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.65 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 840 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 beef

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	
155	24E	32	S	S															
		33	40S	40S			40												120
		34					40S	40S	40S	40									160

Total number of acres irrigated 280

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 ☒ 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.

or None ☒

14. Remarks: Based on license # 43-4156

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Last Name TRACY Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. The grid is divided into four quadrants by a thick black cross. A 4x4 area in the center is shaded with diagonal lines. The shaded area is located in the center, spanning from the 8th to the 11th row and the 8th to the 11th column. The numbers 32, 33, and 34 are written in the grid. A blue arrow points to the cell at row 10, column 9.

MAR 04 1993

Last Name

TRACY

Ident No.

A43-04156

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ License ☒ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number 43-04154

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) _____ 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 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 N. 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 Anna Baumbach

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 _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Tracy Inc

CLAIM IDENT. NO.

A43-04156

DATE RECEIVED

CK #

000257

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: ABDate: 6/19/89Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: AB
Claim data entered by: AB
Sent to claimant by: AB

Date: 7/19/89Date: 7/19/89Checked by: ABDate: 7/19/89Comments: good = 3300

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MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 6, 1990

William H. Tracy, President
J.E. Tracy, Inc.
Almo, ID 83312

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-02432C & A43-04156
Receipt #C007257 - \$80.00

RECEIVED

SEP 11 1990

Department of Water Resources
Southern Region Office

Dear Mr. Tracy:

It has been brought to our attention that you had an overpayment on your above claims of \$80.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:sf:ref:south

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APRIL 5, 1990

MEMO TO FILE

TO: DON SHAFF

FROM: STEVE CLELLAND

RE: A43-02532C

A43-04156

REC. C007257

WHILE RESEARCHING THE OVERPAYMENT FOR ALMO WATER CO. I CAME ACROSS THIS RECEIPT THAT APPEARS TO HAVE BEEN AN OVERPAYMENT OF FEES FOR THE WATER RIGHTS LISTED. PERHAPS YOU MAY PASS THIS ALONG TO ANNA B. WHO RECEIVED THE CLAIM. ATTACHED ARE THE NOTES I BRIEFLY OUTLINED ON THE PROOF.

IF THIS IS CORRECT A REFUND NEEDS TO BE ISSUED TO THE CLAIMANT.

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MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04156
J.E. TRACY INC.

ALMO

ID 83312

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 04 1993

J. E. Tracy, Inc.
Almo, Idaho 83301
January 22, 1992

State of Idaho
Dept of Water Resources
222 Shoshone St., East
Twin Falls, ID 83301

RECEIVED

JAN 24 1992

Department of Water Resources
Southern Region Office

Re: A43-04156

J. E. Tracy, Inc.

Your Department has requested evidence of a priority date to support the referenced claim.

Enclosed are copies of 4 affidavits executed in 1955 by 4 different individuals who had personal knowledge of when beneficial use was first made of the water in question and the length of time of that use.

The originals of the affidavits are in my possession and I have only one original executed copies. I'm sure you can understand that I would be extremely reluctant to surrender the only original signed copies that I have.

If some further action on my part is necessary please let me know.

Sincerely,

William H. Tracy

William H. Tracy
President
J. E. Tracy, Inc.

MICROFILMED

MAR 04 1993

To Whom it May Concern

Dated 14 Day of April, 1955

This is to certify that I William L Eames do declare that I having been a resident of Almo, Idaho for the past 70 yrs. am acquainted with the following described use water right.

To wit.- that the waters of City of Rocks Creek, Almo, Idaho have been undisputed and peacefully used for the past 70 yrs. from an upstream point of approx. the Sec line of Sec 31 & 32 twp 15 S. R. 24 E B M thence down stream to reservoir site then down canyon onto the following land. N E 1/4-N W 1/4 and N 1/2-N E 1/4 Sec 33 and NW 1/4 Sec 34 - Twp 15 S R 24 E B M.

William L Eames;

State of Idaho

ss

County of Cassia

On the 14th day of April in the year 1955 before me, Gene Baxter a Notary Public, in and for said State, personally appeared William L. Eames known to me to be the person whose name is subscribed to the above instrument, and acknowledges to me that he executed the same.

My commission expires 3-7-59

Gene Baxter
Notary Public
Malta, Idaho
Residence

MICROFILMED

MAR 04 1993

AFFIDAVIT.

To Whom it May Concern

Dated 15 Day of April, 1955

This is to certify that I Leo Durdle do declare
that I having been a resident of Almo, Idaho for the past 80 yrs.
am acquainted with the following described use water right.

To wit.- that the waters of City of Rocks Creek, Almo, Idaho
have been undisputed and peacefully used for the past 30 yrs.
from an upstream point of approx. the Sec line of Sec 31 & 32 twp
15 S. R. 24 E B M thence down stream to reservoir site then down
canyon onto the following land. N E 1/4-N E 1/4 and N 1/2-N E 1/4
Sec 33 and NW 1/4 Sec 34 - Twp 15 S R 24 E B M.

Signed. Leo Durdle

State of Idaho
County of Cassia'ss

Subscribed and sworn to before me this 15th day of April, 1955.

Henry Thompson
Notary Public.

My commission expires
January-25-1957.

Residing at Malta, Idaho.

MICROFILMED
MAR 04 1993

1925

Return to
Es. Superior Court
Burley, Idaho

To Whom it May Concern

Dated 14 Day of April, 1955

This is to certify that I John C. Hard Do declare
that I having been a resident of Almo, Idaho for the past 65 yrs.
am acquainted with the following described use water right.

To wit.- that the waters of City of Rocks Creek, Almo, Idaho
have been undisputed and peacefully used for the past 65 yrs.
from an upstream point of approx. the Sec line of Sec 31 & 32 twp
15 S. R. 24 E B M thence down stream to reservoir site then down
canyon onto the following land. N E 1/4-N W 1/4 and N 1/2-N E 1/4
Sec 33 and N W 1/4 Sec 34 - Twp 15 S R 24 E B ...

John C. Hard

Subscribed before me this 15th April 1954

Oleand E. Bateman

Notary Public, Burley, Idaho

1890

To Whom it May Concern

Dated 14 Day of April, 1955

This is to certify that I Herman H Taylor Do declare that I having been a resident of Almo, Idaho for the past 74 yrs. am acquainted with the following described use water right.

To wit.- that the waters of City of Rocks Creek, Almo, Idaho have been undisputed and peacefully used for the past 70 yrs. from an upstream point of aprox. the Sec line of Sec 31 & 32 twp 15 S. R. 24 E B M thence down stream to reservoir site then down canyon onto the following land. N E 1/4-N W 1/4 and N 1/2-N E 1/4 Sec 33 and N W 1/4 Sec 34 - Twp 15 S R 24 E B M.

Herman H Taylor

State of Idaho

ss

County of Cassia

On the 14th day of April in the year 1955 before me, Gene Baxter a Notary Public, in and for said State, personally appeared Herman H. Taylor known to me to be the person whose name is subscribed to the above instrument, and acknowledged to me that he executed the same.

Gene Baxter
Notary Public
Malta, Idaho
Residence

My Commission expires 3-7-59

- Mary Lloyd v Albert Nicholson 1949
microfilm Roll B-13
5257 in index of Civil Lawsuits

- Plaintiffs Lloyd claimed poll of
n¹/₂ NE, NE NW S. 33
NW NW S. 34

That in 1887 Richard Powell constructed
a dam and diverted 200" 1/4 mile
west of the west line of the NW 1/4 Sec 33.

Clenton Bronson owned Poll in 1998

- Defendants Nicholson claimed that
their predecessors in interest, specifically
Leensford, homesteaded & built
ditches & dams in 1884 & used all
of Creele Creek.

See Cross Complaint.

Nicholson purchased in 1938.

06/19/2001

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

RIGHT NUMBER: 43-4156

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

SOURCE: CIRCLE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.84 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1885

POINT OF DIVERSION: T15S R24E S32 SENWNE Within CASSIA County
T15S R24E S34 SWNWNW 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	1.80 CFS
STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R24E S33	NENE	16	T15S R24E S33 NWNE 27
T15S R24E S33	NENW	32	T15S R24E S34 NWNW 15
STOCKWATER Within CASSIA County			
T15S R24E S32	NWNE		T15S R24E S33 NENE
T15S R24E S33	NWNE		T15S R24E S33 NENW
T15S R24E S34	NWNW		

90 ACRES TOTAL

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

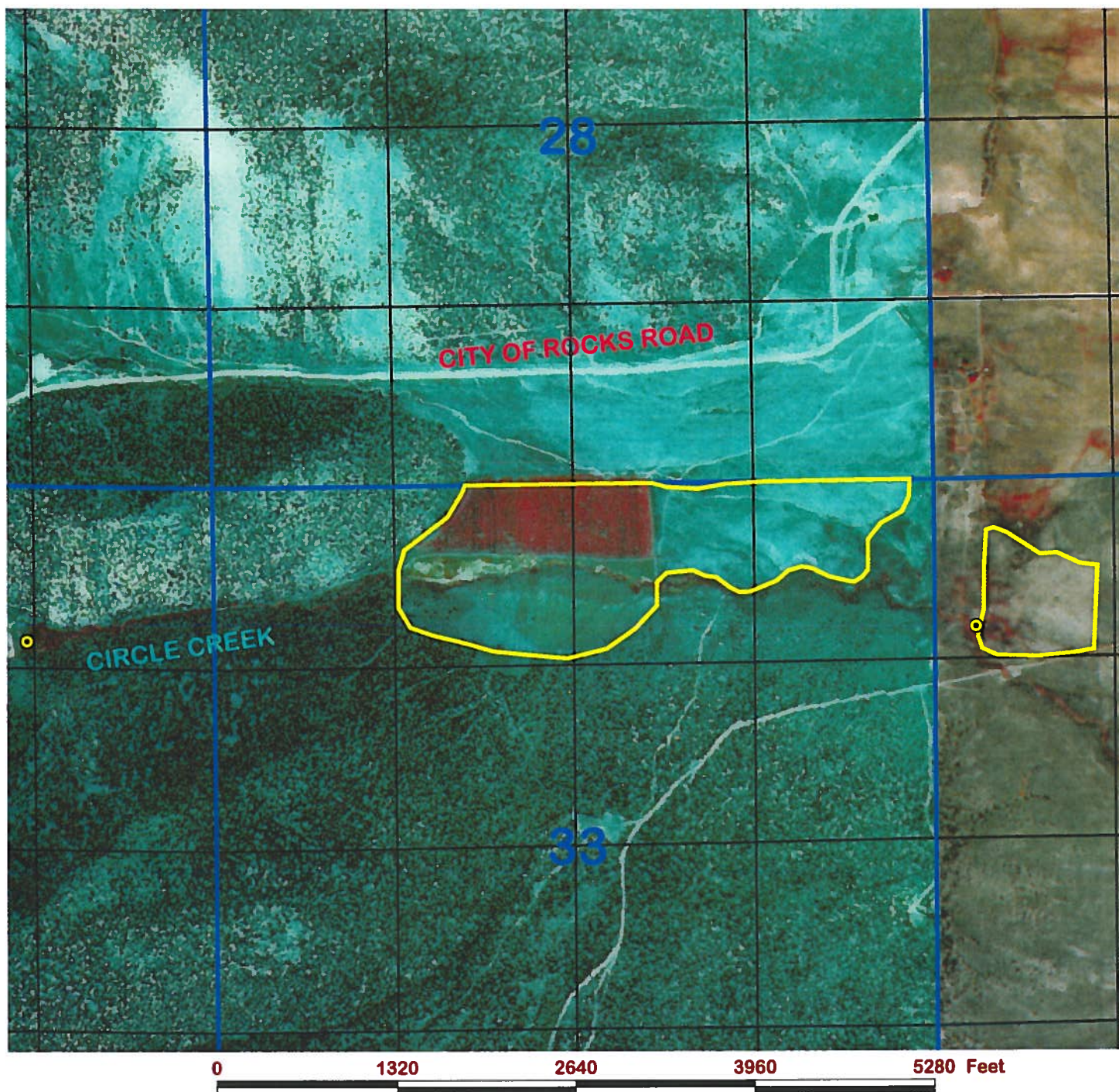
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use

RIGHTS: 43-4156

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on June 19, 2001



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 19, 2001

J.E. Tracy
PO Box 138
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Notice of Error Claim 43-4156

Dear Mr. Tracy,

I received your request for additional acres and a diversion rate of 4.7 cfs in response to our Notice of Error mailing. In talking with Ted and reviewing your claim, I was able to recommend an additional 15 acres of irrigation in the NWNW Section 34 and a diversion rate for irrigation of 1.8 cfs (1 inch per acre).

I was unable to find any evidence that 160 acres had been irrigated in the northwest quarter of Section 34, and in addition, 80 acres of the northwest quarter is under BLM ownership. I hope that you understand the basis of my recommendation. If you have any questions or additional comments, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock', is written over a horizontal line.

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

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/19/2001

Regarding:

Contact:

43-4156

Ted Tracy

I met with Ted Tracy, the son of J. E. Tracy, regarding this claim and the NOE that his father sent in. J. E. Tracy had requested an increase in diversion rate to 4.7 cfs and an increase of 160 acres of irrigation in the NW ¼ of section 34.

I had also talked to Ted by phone previously, and he had said that there was irrigation in the NWNW Sec 34 that could be seen in the 1987 photo that I had not included in my recommendation. He described the ditch running to the north of the POD that I had identified as used for stockwater only. I outlined 15 acres by GIS and showed it to Ted this date. He said that there were times he thought that they had irrigated more, but not for a long time. I pointed out that two of the quarters his Dad had identified in the NOE were BLM land.

We also discussed the diversion rate for stockwater and I explained that as the cattle just drank out of the creek or diversion ditches 0.04 would be an appropriate diversion rate for the claimed 200 beef cattle.

I told Ted that I would be comfortable recommending this additional 15 acres based upon the 1987 NAPP photo and would change my recommendation accordingly. He took copies of my GIS layouts to show his father.

Revised acres recommended = 90 acres
Revised diversion rate for irrigation 1.8 cfs
Diversion rate for stockwater = .04 cfs

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4156

J E TRACY INC

PO BOX 138

ALMO ID 83312

Telephone Number: (208) 824-5571

RECEIVED

JUN 18 2001

Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity & : : Place of use

2. Describe the changes you wish to make in the proposed recommendation:

*Quantity increased to 4.7 for irrigation of 160 acres in sec. 34
NE NW NW NW SE NW*

3. Give a brief explanation as to why you disagree with these portions:

The water right should include water for the 160 acres in section 34

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-13-01 SIGNATURE: William H. Tracy

Please print your name: WILLIAM H. TRACY

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208) 736-3033

11/06/2000

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

RIGHT NUMBER: 43-4156

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

SOURCE: CIRCLE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.54 CFS

1.84

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1885

POINT OF DIVERSION:	T15S R24E S32	SEWNNE	Within CASSIA County
	T15S R24E S34	SWNNWN	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.04 CFS
IRRIGATION	04-01 10-31	1.50 CFS

1.80

PLACE OF USE:

IRRIGATION Within CASSIA County
T15S R24E S33 NENE 16
T15S R24E S33 NENW 32
STOCKWATER Within CASSIA County
T15S R24E S32 NWNE
T15S R24E S33 NWNE
T15S R24E S34 NWNW
75 ACRES TOTAL

T15S R24E S33
34
T15S R24E S33
T15S R24E S33

NWNE 27
nwnw 15
NENE
NENW

90 ac 1" per ac

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

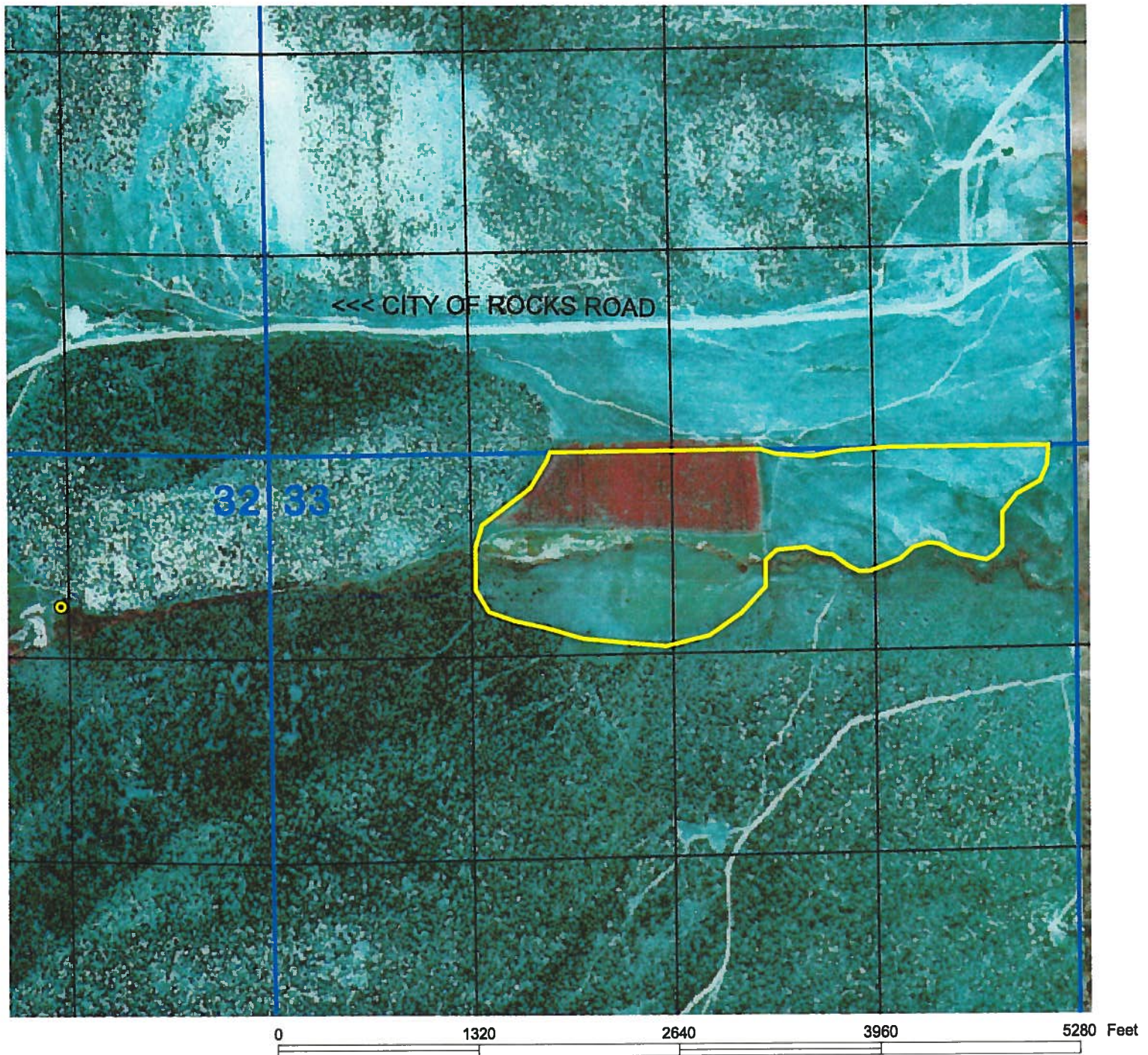
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT: 43-04156

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 33
Data entry on June 12, 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

USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
04-01	09-01	5.60 CFS	1.5
01-01	12-31	0.05 CFS	24

840.00 RFA

CASSIA County
CASSIA County
CASSIA County

SE

TOTAL ACRES

NIH

[illegible]

W. J. 10

W. J. 10

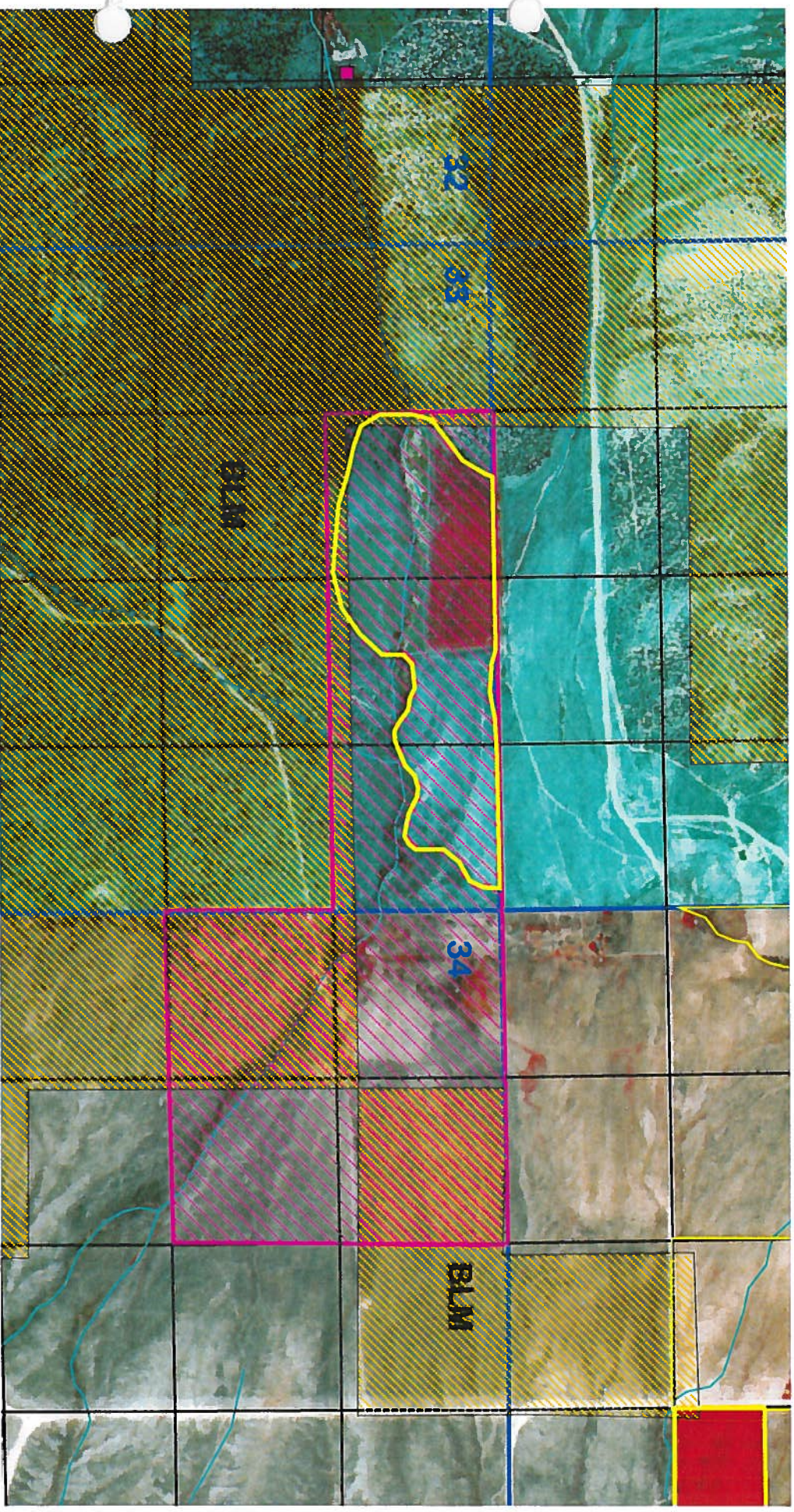
Verified Date: 03/07/1986

Field Inspection Flag:
Presumption Flag:

6-18

J E TRACY
and the BLM

FIELD NOTES



1987 NAPP AERIAL PHOTOGRAPHY
AGENT: V. HANCOCK

Field Exam Notes

Field Exam Date: 5-25-2000

Claim No: A43-04156

Agent: Vikie Hancock

I was accompanied by Ted Tracy on my investigation of this claim.

This claim is based upon a statutory claim for 280 acres, however Ted Tracy, son of Claimant Bill Tracy of J. E. Tracy Inc, showed me approximately 75 acres of ground that he irrigates with sprinkler from a pond on Circle Creek. I showed him GIS layout dated 5-25-2000 and he agreed that it just about outlined the extent of the irrigation he had done on the place. He said that in 1987 he was still growing alfalfa on part of it, and that was the red area on the NAPP photo.

At the time of my visit, Tracy had completed plowing up the area in preparation of re-seeding to grass. It looked like there had been a lot of sage brush plowed under, and Tracy said that in dry years there had not been much water to irrigate with and the brush had got ahead of him. This is evidenced by pictures Frank Hitchcock took in May 1995. There is a mainline pipe running down the canyon from a pond on Circle Creek in the NWNE Section 32. The entire 75 acres is sprinkler irrigated, however he showed me the old ditches along the contour of the hills that had been used to flood irrigate by previous owners. He said that he was going to try to get it seeded and some water on this year, however it looked like there was not going to be much water available from Circle Creek. He does not plan to plant alfalfa or cut the grass for hay, but to use the land as pasture.

Stockwater is used on the entire 280 acres.

*Note Land Use map. BLM NE NW & SW NW Sec 34
moved ~~to NW NW~~ pond in Section 34 into
private land in NW NW Sec 34, per GIS.*

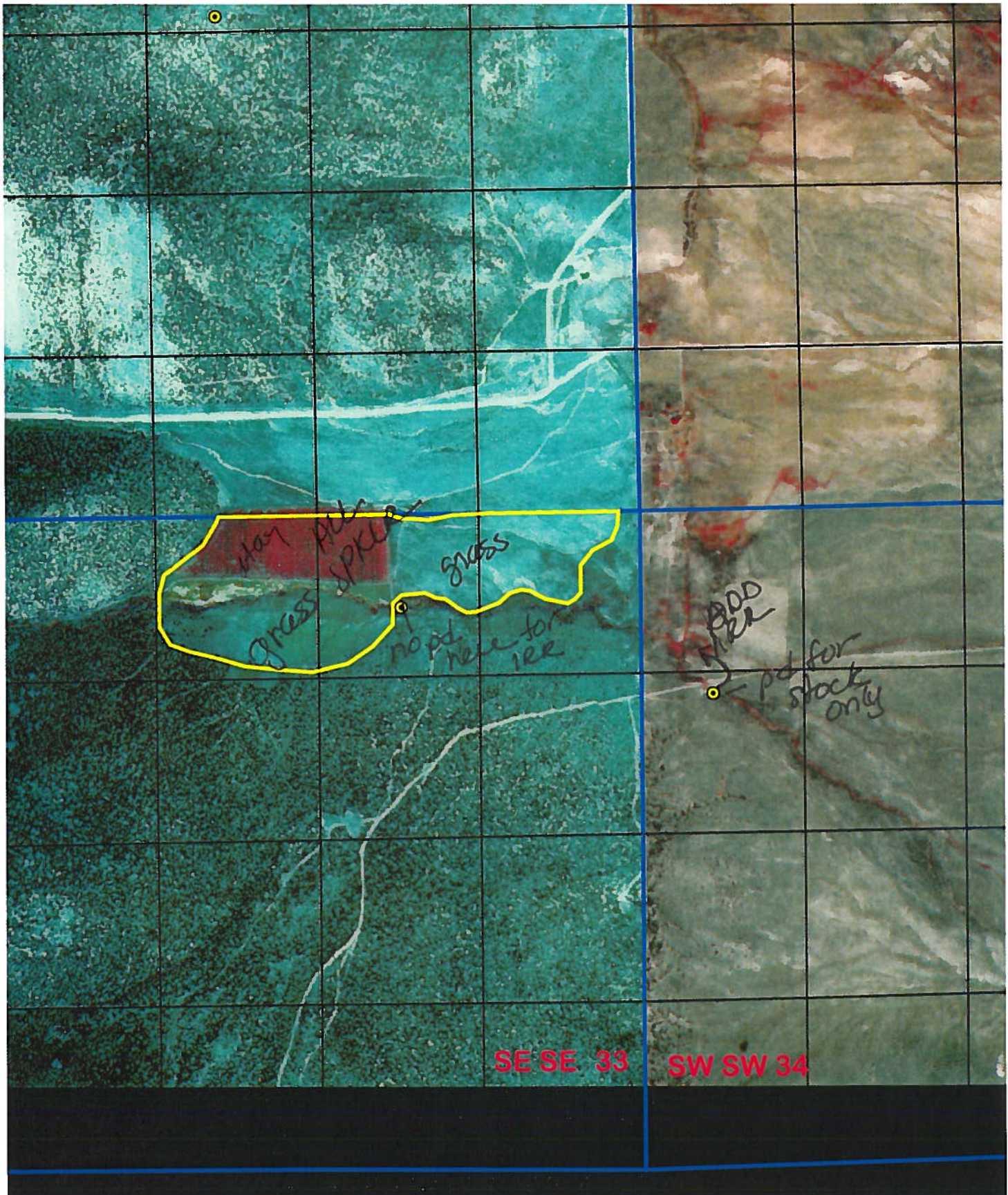
DAH

FILE NOTES

- 04154

CLAIM NO(S): 43-~~47000~~

T 15S, R 25E SEC 18



V. HANCOCK

DATE: 5-25-2000

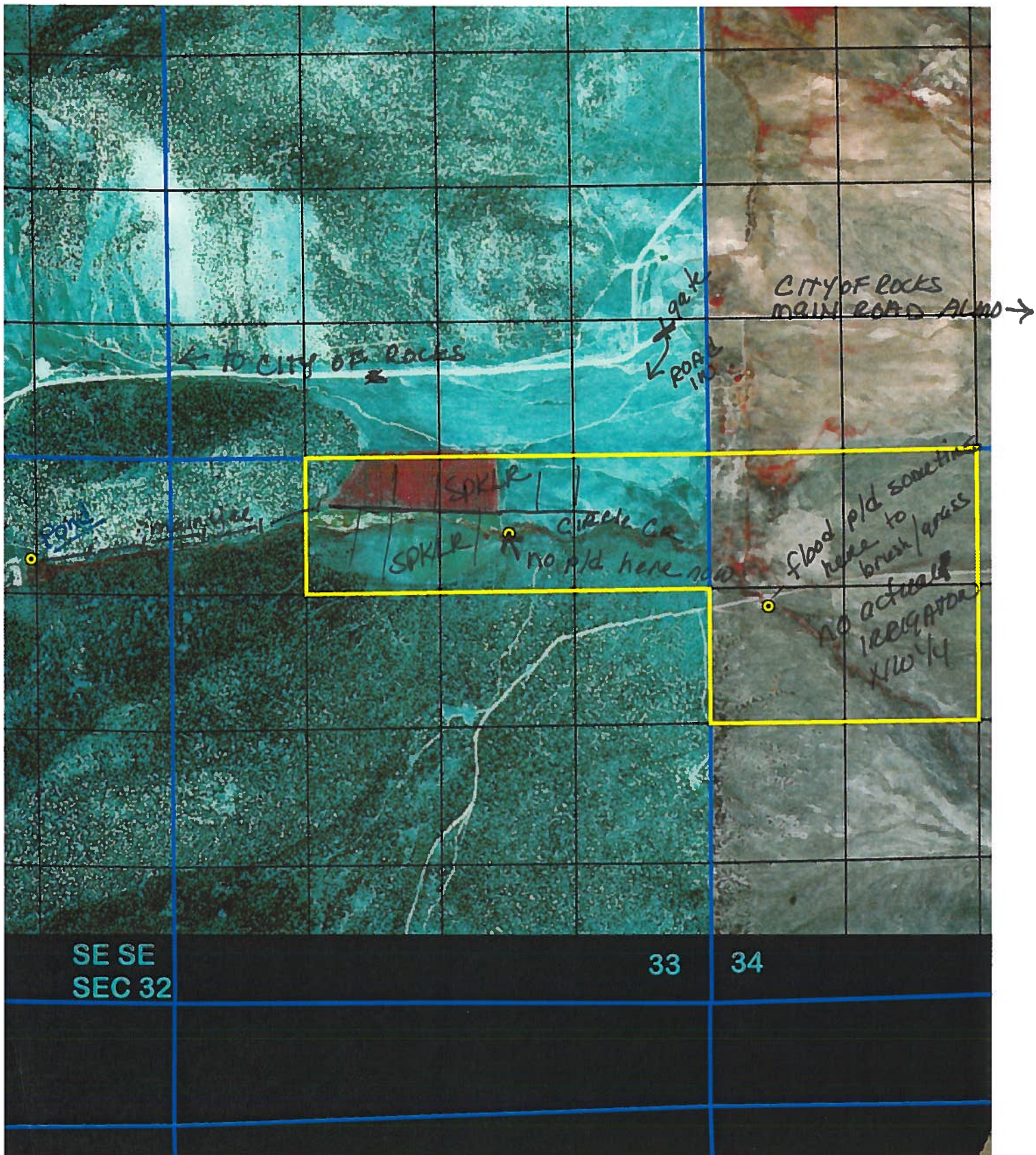
1987/88 NAPP PHOTOGRAPHY

Ted Towner states outline and representation of POW

FIELD NOTES

CLAIM NO(S): A43-04156

TWP 15S ,RNG 24E,
SEC 32, 33, 34



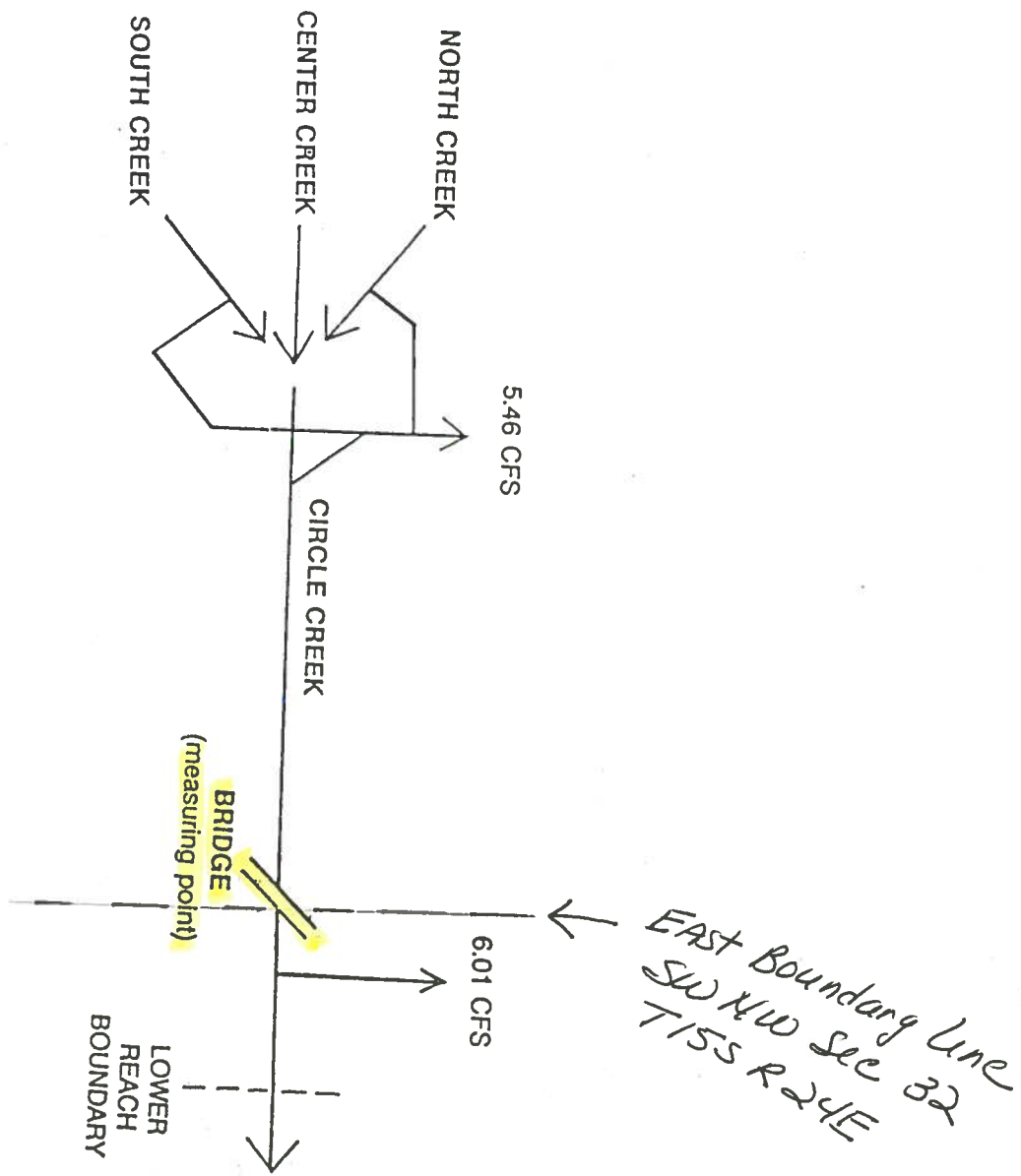
V HANCOCK

Date: 5/25/2000

1987/1988 NAPP PHOTOGRAPHY

I-4016

3



LICENSE FILE 43-07285
FROM PROPOSED MEMORANDUM
DRAFTING & REVISION

Date:

Regarding:

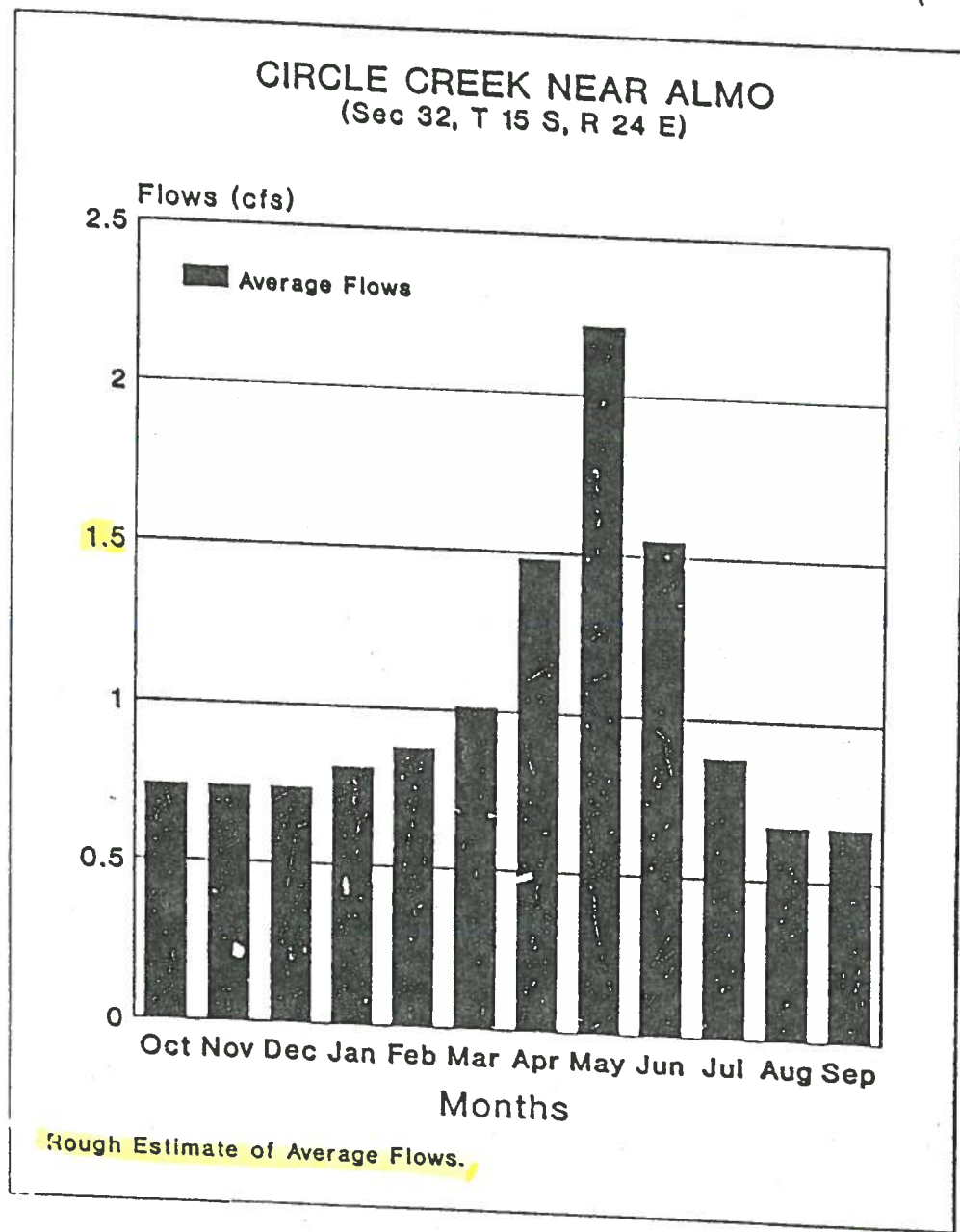
Customer:

From: Vikie Hancock

Ted called to cancel Tuesday 10/5 appt. moving cattle. Will call me later to reschedule.

10-15-99 - I called Ted at 824-5503
no answer

IWRB
4



License file 43-07295
From proposed memorandum
decision & order dated 12-7-1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that J. E. Tracy Inc.
(Name of Claimant)

Almo. ID 83312

(Mailing Address)

(Name of Claimant)

Telephone No. 824-5571

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1885

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Circle Creek _____ tributary to _____ Raft River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

				(Both dates inclusive)	
(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Mo., Day)
Quantity <u>5.6 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Apr 1</u>	To	<u>Sep 1</u>
Quantity <u>0.05 cfs</u>	Use	<u>Livestock</u>	Period of Use From <u>Jan 1</u>	To	<u>Dec 31</u>
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____

(4) 5.65 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

Additional points of diversion: NE 1/4 Sec. 32 Twp. 15S Rge. 24E, B.M., County of Cassia
SW 1/4 Sec. 34 T. 15S R. 24E; NW 1/4 Sec. 33 T. 15S R. 24E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Earth dam & pond; pipeline to gravity sprinkler. Check dams & ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

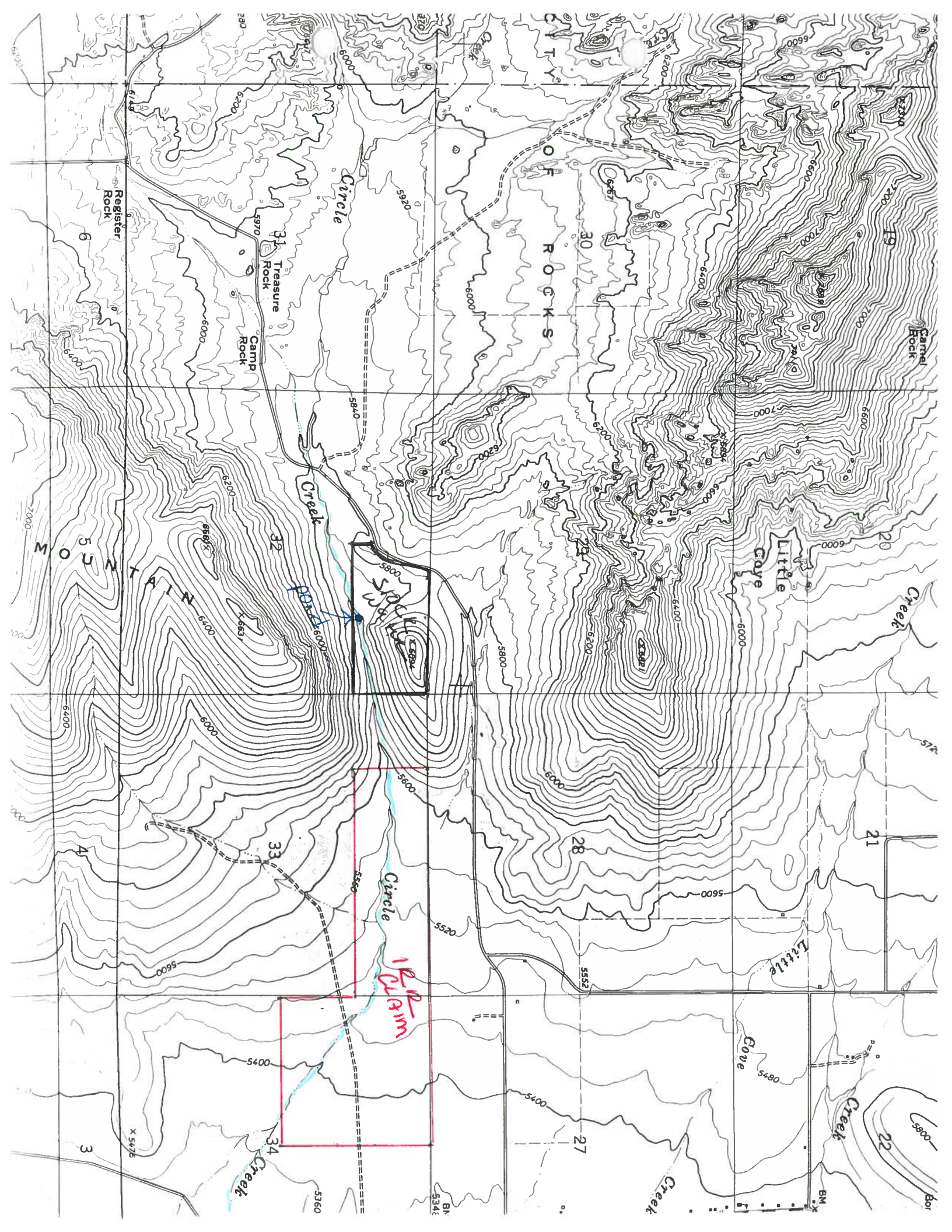
[illegible]No. of acres 280

B) If water is used for other than Irrigation, fully describe that use, being as specific as possible: _____

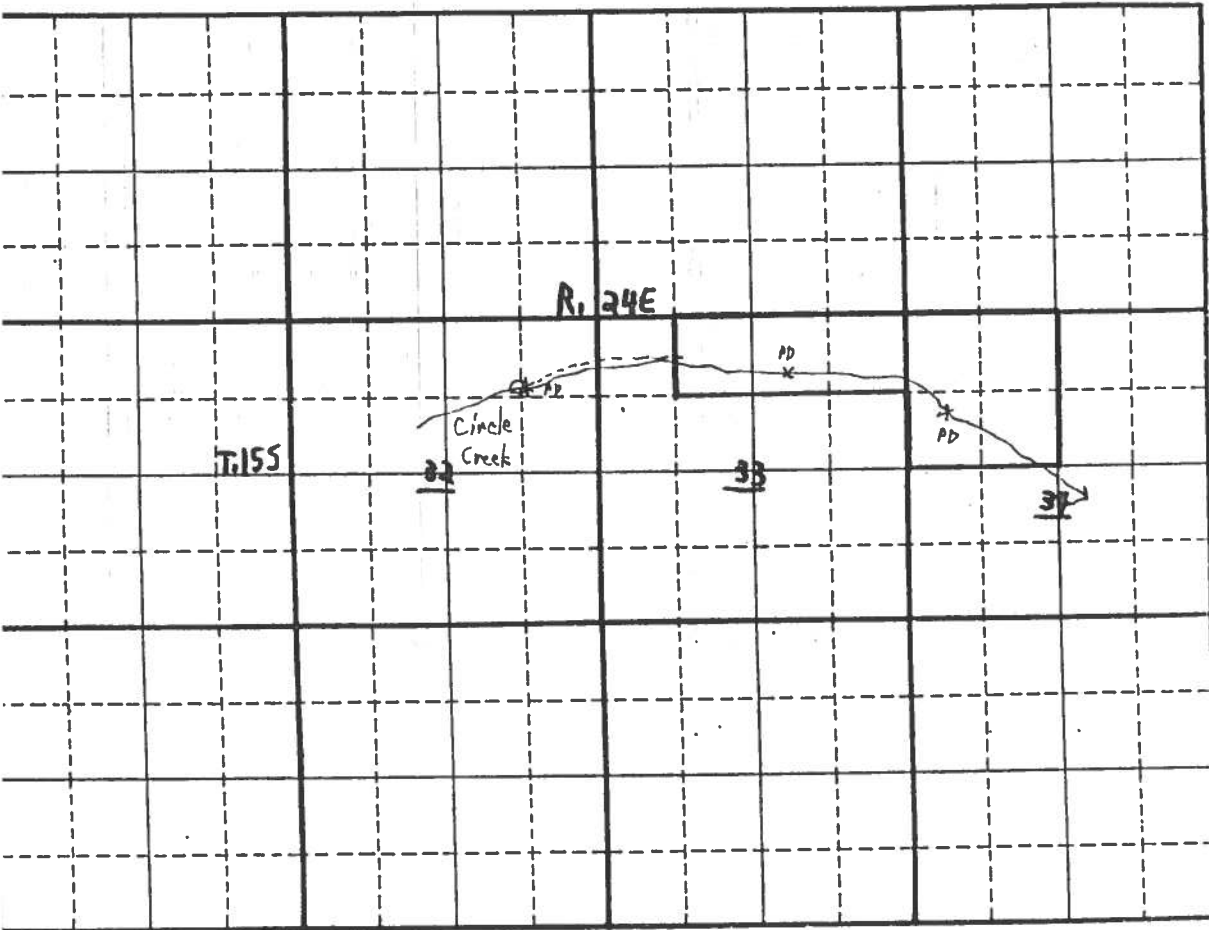
NOTE: Include here the type and number of stock watered: 200 beef cattle

(7) If you are claiming water as a member of an organization, list name of organization:

43-4156



(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

J. E. Tracy, Inc.
William H. Tracy
(Claimant)

Sworn to before me this 16th day of May, 1983.

Loren O'Hallinan
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>J. E. Tracy</u>	Date <u>5-16-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>J. E. Tracy</u>	Date <u>5-24-83</u>		claimant by:	
\$30.00 fee received by <u>JA</u>	Date <u>5-16-83 427347</u>			
Published in: <u>South Idaho Press</u>				
Dates <u>6/3-7/7/83</u>				

John W. Stanton

DATE 5-16-35

INTERDEPARTMENT MEMO — 1

TO FILE

REJECT claim to a Water Right, J. E. Tracy Inc.

By the claimant's own admission, this is a false claim. Mr. Tracy stated that while more acres had been irrigated in the past, not over 80 acres have been irrigated since he bought the place some 16-20 years ago. I originally prepared a claim showing 80 irrigated acres, but made a new claim showing that the entire 280 acres is being irrigated at the claimant's request. He stated that more of the land had not been irrigated due to the steepness of the ground, although there were additional old ditches present that he had not used. His original claim showed only the NW 1/4 Sec. 33 & NW 1/4 Sec. 34 as being irrigated. I explained the minimal value of false claims to Mr. Tracy, but he still wanted to submit the claim as herewith filed.

J. E. Stanton
SIGNATURE

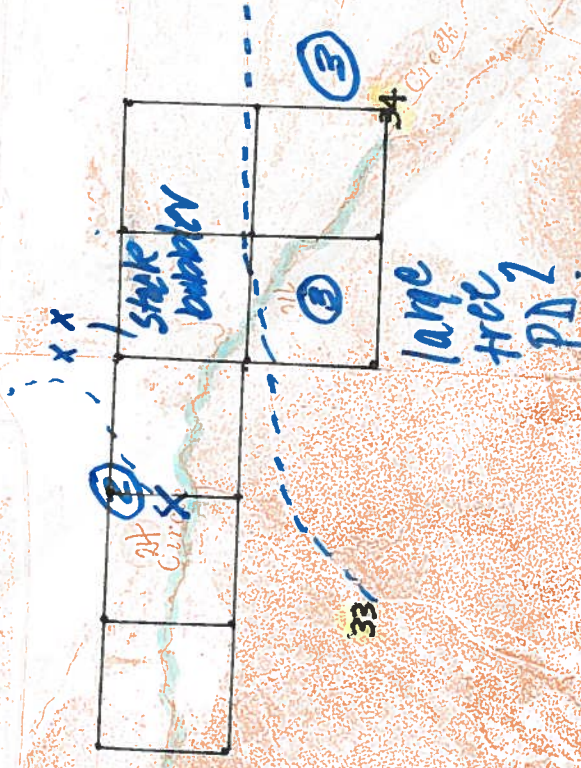
EX. A.
NOTE - Usage

Prairie discharges @
open end x

22: NICHOLSON
24: TRACY

DAM +
24: POND-PIX 1, 2 + 3
CREEK 4, 5 + 6
MEASURE.

area below DAM
war/messy
along + above the
discharge pipe
back into channel



① homesite Nicholson
culvert under road

24 ② & 24 ③
not reviewed
NAPP either or
STANTON-USAGE
@ EX. A

Cr. Channel very
full of big boulders
and large cobbles
water doesn't cover

09



#1

POND

#2

Roll 16 F#1. See Photo Log 5-8-95



#3



#4



#5



#4

Roll 16 FH



#7

Roll 16 FH.



#8



#9



Roll 16 FH

#10



#11



#12



#1

Roll 17

F. H.

See Photo Log

5-8-95



#2



#3

A43-04156

J.E. TRACY INC.



Roll 17
FH

#4



#5



#6

#7

A43-04156

J.F. TRACY INC.

05-08: CLOUDY, COOL
05-09: SUNNY, PTLV CLOUDY

DATE	ROLL	PIC #	
1:20	5-89516	2	TRACY: A43-04156 PD# SE POND
		2	on CIRCLE CREEK; looking over
		3	pond / concrete diversion box from the NO.
1:30		4	looking W @ discharge valve below dam
2:20		5	measurement in creek - survey rod.
.40		6	looking NO. toward dam + discharge pip
11:21	5-995	7	looking NO. up diversion* ditch W side
	*run-off		just NO. of the old homestead 500'
.26		8	looking due E above tree over PDV.
.27		9	" " " next to tree " "
.35		10	" " " over sound up to tree PD
		11	" " SW/W towards Hill
			no discernible channel.
12:05		12	looking due E from side of Hill
.07		13	pasture in foreground - creek to the right
			pipeline - facing SW towards dam located on side of Guan Hill.
.14	5-995		TRACY A43-04156
.20			looking NO. over CIRCLE CR @ base of Hill towards pipeline @ shed.
			looking across "pasture" area to pipeline from creek channel.
.25		17	looking E down formerly irrig pasture
.28		2	" " " channel
2:15		3	" NO - 1ST HYDRO - ea. 50' → E.
		4	@ PD from CIRCLE CR in § 34 - look E
		5	" " " " " " - down
			the ditch in PDV claimed.
.20		6	looking SE over PD for § 34 - PDV claimed
		7	looking NO. to homestead over ditch / pipe under fire road @ CIRCLE CR.

DISTANCE	WIDTH	DEPTH	AREA	VEL 1	VEL 2	AVERAGE VELOCITY	DISCHARGE
1.5	0.15	0					
1.8	0.3	0.45	0.14	0.58		0.58	0.08
2.1	0.3	0.6	0.18	0.75		0.75	0.14
2.4	0.3	0.7	0.21	0.95		0.95	0.20
2.7	0.3	0.85	0.26	0.98		0.98	0.25
3	0.3	0.9	0.27	1.00		1.00	0.27
3.3	0.3	0.9	0.27	0.33		0.33	0.09
3.6	0	0	-	-		-	-
3.9	0	0	-	-		-	-
4.2	0	0	-				
	0	0	-				-
	0	0	-		-		-
	0	0	-	-	-	-	-
	0	0	-	-	-	-	-
	0		-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
~~4.1~~	~~1.95~~		-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
			-	-	-	-	-
							1.02

TOTAL CFS

LOCATION: BELOW DAM AND POND

ALSO SEE MEASUREMENT NOTES

.0 .10 .20 .30 .40 .50 .60 .70 .75 .80

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A43-0415
Water Right N
(if applicable)
J.E. TRACY

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

- Name of stream or ditch: CIRCLE CREEK CLOUDY, COOL, DRIZZ
- Location: BELOW DAM AND POND 25' E OF DISCHARGE
- Person conducting measurement: F. HITCHCOCK 155 24E 532 NWN
- Date and time of measurement: 08-05-1995
- Accompanied by: Q POND: 175' W
- Measuring device size and ID no.: PUGMV R#792 XBL
- Spin test before measurement OK? 1 MIN 10 SECS after measurement OK? 1
- Purpose of measurement: SRBA B.V. CLAIM REVIEW

B. MEASUREMENT DATA SILT - SOME MOSS
ON BANK

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharg
							At point	Mean in vertical			
	<u>1.5</u>	<u>Q</u>			<u>L.E.W.</u>	<u>1:50</u>					
<u>1.8</u>	<u>1.8</u>		<u>.45</u>		<u>23</u>	<u>40</u>	<u>.58</u>				
<u>2.1</u>	<u>1.5</u>		<u>.60</u>		<u>30</u>		<u>.75</u>				
<u>2.4</u>	<u>1.9</u>		<u>.70</u>		<u>38</u>		<u>.95</u>				
<u>2.7</u>	<u>2.5</u>		<u>.85</u>		<u>39</u>		<u>.98</u>				
<u>3.0</u>	<u>3.0</u>		<u>.90</u>		<u>40</u>		<u>.10</u>				
<u>3.3</u>	<u>3.3</u>		<u>.90</u>		<u>13</u>		<u>.33</u>				
<u>3.6</u>			<u>1</u>		<u>R.E.W.</u>						
<u>3.9</u>											
<u>4.2</u>											
					<u>R.E.W.</u>	<u>2:20</u>					
					<u>MEASURE POND</u>						
					<u>PHOTO BELOW DAM</u>						
					<u>2:30 LV CANYON</u>						
					<u>.50 TO TRUCK</u>						

MEASUREMENT

FILE A43-04156
AGENT: 7H
DATE: 05-08-1995

RE:

NAME OF PARTY:

measurement
TED TRACY - son
WILLIAM TRACY - claimant

2 water for sprinklers

5 years or more

when there has been water its dried up
by AVC

3 mos. or so @ most

main diversion @ the pond when water
is available

TT: 740 msg to son: w/call STINKES OK
claim review

05-09-95

acc. to LLOYDS: springs No of home
always flooded even in the 80s.

COMM. MEMOS

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-04156

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent 7H Date 05-07-95

Contact Person(s) WILLIAM TRACY / J.E. TRACY INC.

Nature of Contact TT

Substance of Communication review / measurement -
brush growing there
can't remember when last had water
not irrigating
stop @ store - house E. of store

8:23
PM

LAST: J.E. TRACY INC. FIRST:
ADDRESS: ALMO STATE: ID ZIP: 83312
CITY: ALMO
PHONE NUMBER: 208-824-5571
OWNER CODE: C
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE N FIELD EXAMINER
NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: TED TRACY 824-5508(SON) PHONE NUMBER: () 824-5574 WILLIAM (FATHER)
DATE OF FIELD EXAM: / / APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: → PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: SON (WEST)

DIRECTIONS TO PROPERTY / NOTES:

05-08-95 WILLIAMSON UP ABOUT 1/2 - 2 MILES FOR SEVENTH ST.
15 MILES OR MORE. DEL UP USUAL RY AND.
3 MILES OR SO. NORTH DIRECTION AT POND WITHIN WATER
IS MINOR.
50. OF ROAD START TO CITY OF PACE'S ROAD - WEST.
757 ON STATE IS THERE ROAD FOR DAYTIME
ADDRESS TO POND ABOUT 1/2 MILE UP LOT PACE'S ROAD
FROM TOP PASTURE FENCE LINE 50. OF ROAD. STOCK WIRE
CANE - KEEP WALK TO POND - WATER START - WATERED M.

05-09-1995: 1:15 PM - out about @ stone - water didn't get
to area (williamson house) but you - ground why doing
this.

CLAMANT
for corp.

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A43-04156

LAST: JE TRACY INC
ADDRESS:
CITY: ALMO
PHONE NUMBER: 208-824-5571
STATE: ID ZIP: 83312

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: THIS RIGHT WAS ESTABLISHED UNDER BENEFICIAL USE. THE SOURCE

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Ted Tracy

PHONE NUMBER: () -

DATE OF FIELD EXAM:

8/25/00

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

Son

DIRECTIONS TO PROPERTY / NOTES:

GATE OFF CITY OF ROCKS ROAD

A. AU CLAIM: # A43-04156 PRIORITY DATE: 12-31-1885 STAGE: S

B. WR RECORD: # 43-04156 PRIORITY DATE: 04-01-1885 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N() ☒

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N() ☒

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N() ☒

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N() ☒

FIELD EXAM COMPLETED

N/A() Y() N() ☐

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N() ☐

LICENSE ISSUED

N/A() Y() N() ☐

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A() Y() N() ☒

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N() ☒

NOTES:

Evidence of priority consists of 4 affidavits from area residents, each calling to a different year, some attesting that the water was in use on the ranch since the year they were born.

Need some additional info before recommendation
6-12-200 DKL.

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-04156	15S	24E			NE				CASSIA		
A43-04156	15S	24E			NW				CASSIA		
A43-04156	15S	24E			SW				CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
A43-10912 NONE

43-02057

SOURCE: CIRCLE CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
43-04156	15S	24E			NE				CASSIA		
43-04156	15S	24E			SW				CASSIA		
43-04156	15S	24E			NW				CASSIA		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

43-02057

A PREFIX R PREFIX
A43-10912 NONE

SOURCE: CIRCLE CREEK

TRIB: RAFT RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N()

1. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)
AJ FIELD EXAM (DATE OF FIELD EXAM 5/25/2008) NAME OF EXAMINER V Hancock Y(____) N(____)
OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

Location of pod at Pond in Section 34
Verified by NADP Aerial Photography westward to
6008 in 'Line 13'. Location of pod in north
sec 34 verified by claimant. No pod in
Section 33 per claimant.

POD for stockwater only in the NW 1/4 Sec 34.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NBR
15S	24E	32	NE	NE	NE				CASSIA		
15S	24E	33	NW	NW	NW				CASSIA		
15S	24E	34	NW	NW	NW				CASSIA		

NW

SOURCE: CIRCLE CREEK

TRIB: RAFT RIVER

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A43-04156

B. POU LISTING						AJ	MR	LANDSAT	FIELD	RECOMM.	
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	ACRES
15S	24E	32	NE	NE		JE TRACY INC	A43-04156 /	43-04156 /			
			NE	NE		US DEPT OF INTERIOR	A43-10912 /	- /			
15S	24E	32	NW	NE		JE TRACY INC	A43-04156 /	43-04156 /			
15S	24E	33	NE	NE		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	33	NE	NE		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	33	NW	NE		JE TRACY INC	A43-04156 /	43-04156 /	40.0		11.0
15S	24E	33	NW	NE		JE TRACY INC	A43-04156 /	43-04156 /	40.0		11.0
15S	24E	33	NE	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		16.0
15S	24E	34	NE	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	NE	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	NW	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	NW	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	SW	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	SW	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
15S	24E	34	SE	NW		JE TRACY INC	A43-04156 /	43-04156 /	40.0		
			SE	NW		RICHARDSON, THOMAS	43-02057 /	25.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A43-04156	280.00	480.00	38.00
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POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-04156	STOCKWATER	JE TRACY INC	FROM 01-01 TO 12-31	0.050 CFS	
A43-10912	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	0.100 CFS	
A43-10912	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	0.100 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(✓)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(✓) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(✓) Y() N(✓)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(✓) N(✓)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(✓)

CHECK DOCUMENTS USED TO VERIFY POL: () ORTHOPHOTOQUAD, IDMR NO. _____; () TOPOGRAPHIC QUAD, IDMR NO. _____;

US MAP, IDMR NO. 1987; () ASCS PHOTO; () OTHER _____

NOTES:

*Imagined area located & calculated
by AR20150 RLS using 1987 NAPP Aerial
photography. Adjusted by claimant 10-12-2000*

RECOMMENDATIONS:

TOTAL ACRES: _____

N/A()

REVIEWED BY: _____

DATE: _____

10-12-2000

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-04156 IRRIGATION	FROM 04-01 TO 09-01	5.600 CFS	
A43-04156 STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	

TOTAL DIVERSION RATE/VOLUME 5.650 CFS

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-04156 IRRIGATION	FROM 04-01 TO 09-01	5.600 CFS	
43-04156 STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	

TOTAL DIVERSION RATE/VOLUME 5.650 CFS

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(✓) Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(✓) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDMR STANDARDS?

Y() N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDMR STANDARDS?

Y(✓) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDMR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(✓) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(✓) Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(✓) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(✓) Y() N()

NOTES:

Seaweed per 1000 lbs.

Diversion rate 1" per acre for 75
marginal acres. See claims filed 43-07295
for measurement estimate. Available water
varies widely throughout season & from
year to year.

AJ CLAIM TOTAL DIVERSION RATE: 5.650 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.650 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A (☒) Y (☐) N (☐)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A (☒) Y (☐) N (☐)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y (☐) N (☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y (☐) N (☒)

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

1205 ~~acres~~ Pymy meter.

SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 75 x 0.02 CFS/ACRE = 1.5 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED?

Y (☒) N (☐)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED?

Y (☐) N (☒)

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE =

840.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

The Diversion amt indicated by amsc
was 0.

Stockwater diversion amt based on
200 head range cattle

Measurement of 102 cfs in August 1995 would
indicate higher flows in spring which would
probably reach to 1.5 cfs or above. Also see.

estimate of flows at bridge above pond included
as Exhibit 1020 #4 with license file 43-07295
that estimates 1.5 cfs available at bridge in
April, May & June

NR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.
	FROM	TO	RATE	CFS	VOL. AF/A	EXAMINER	USE
IRRIGATION STOCKWATER	04-01 01-01	09-01 12-31	5.600 0.050	1.5 0.04		840.0 840.0	840.0
TOTAL FOR THIS RIGHT			5.650	1.54		840.0	

NON-IRRIGATION USES CLAIMED: S/200 BEEF

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: *[Signature]*

DATE: 6-12-2000

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-04156

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 5.650

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	43-04156	5.650
TOTAL CFS						5.650

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?FIELD EXAMINER
DATABASE N Y() N()

NOTES:

NO SPLITS

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____