

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 43-13243
Date Received: 7/23/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

HAROLD TRACY Phone: (208)824-5529

1591 E 3600 S
MALTA ID USA 83342

CHARLOTTE TRACY Phone: (208)824-5529

1591 E 3600 S
MALTA ID USA 83342

2. Date of Priority: 03/02/1914

3. Source: SPRINGS

Trib. to: RAFT RIVER

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.05	

7. Total Quantity Appropriated is:
1.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	25E	24	NE	SW	IRRIGATION	28
			SE	SW	IRRIGATION	21
			SW	SE	IRRIGATION	29
			Section Acres		78	
16S	25E	25	NW	NE	IRRIGATION	35
			NE	NW	IRRIGATION	36
			SW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	36
			NE	SW	IRRIGATION	17
			Section Acres		161	
Total Acres		239				

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:

14. Remarks:

7-23-2002: 43-13243 IS A PORTION OF 43-10056 SPLIT TO RESOLVE OBJECTION TO SRBA RECOMMENDATION FROM IDAHO DEPARTMENT OF LANDS. TRACY RETAINED 239 ACRES OF PRIVATE LAND, STATE OF IDAHO RECEIVED 81 ACRES WITHIN A PPU OF 93 ACRES REPRESENTED BY CLAIM 43-13244- VH

15. Basis of Claim: Beneficial Use

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: A43-10056
Date Received: 3/21/1989
Receipt No: 5007298
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAR 02, 1914

3. Source: SPRINGS Trib. to: RAFT RIVER

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.400		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

A43-10056

Page 1

Date: 03/21/89

COPY

MICROFILMED

MAR 04 1993

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
16S	25E	24	NE	NW		IRR	8.0			
			SE	NW		IRR	10.0			
			NE	SW		IRR	20.0			
			SE	SW		IRR	10.0			
			NE	SE		IRR	5.0			
			NW	SE		IRR	40.0			
			SW	SE		IRR	20.0			
			SW	SE		DOMEST				
			SW	SE		STOCK				
			SE	SE		IRR	5.0			
									Section Acres	118.0
			25	NW	NE		IRR	40.0		
				NE	NW		IRR	35.0		
				NW	NW		IRR	27.0		
SW	NW			IRR	40.0					
SE	NW			IRR	40.0					
NE	SW			IRR	20.0					
						Section Acres	202.0			
						Total Acres	320.0			

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02155

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

15. Basis of Claim: BENEFICIAL USE

COPY

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MAR 04 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of March 19 89

Steve [Signature]
Notary Public

Seal

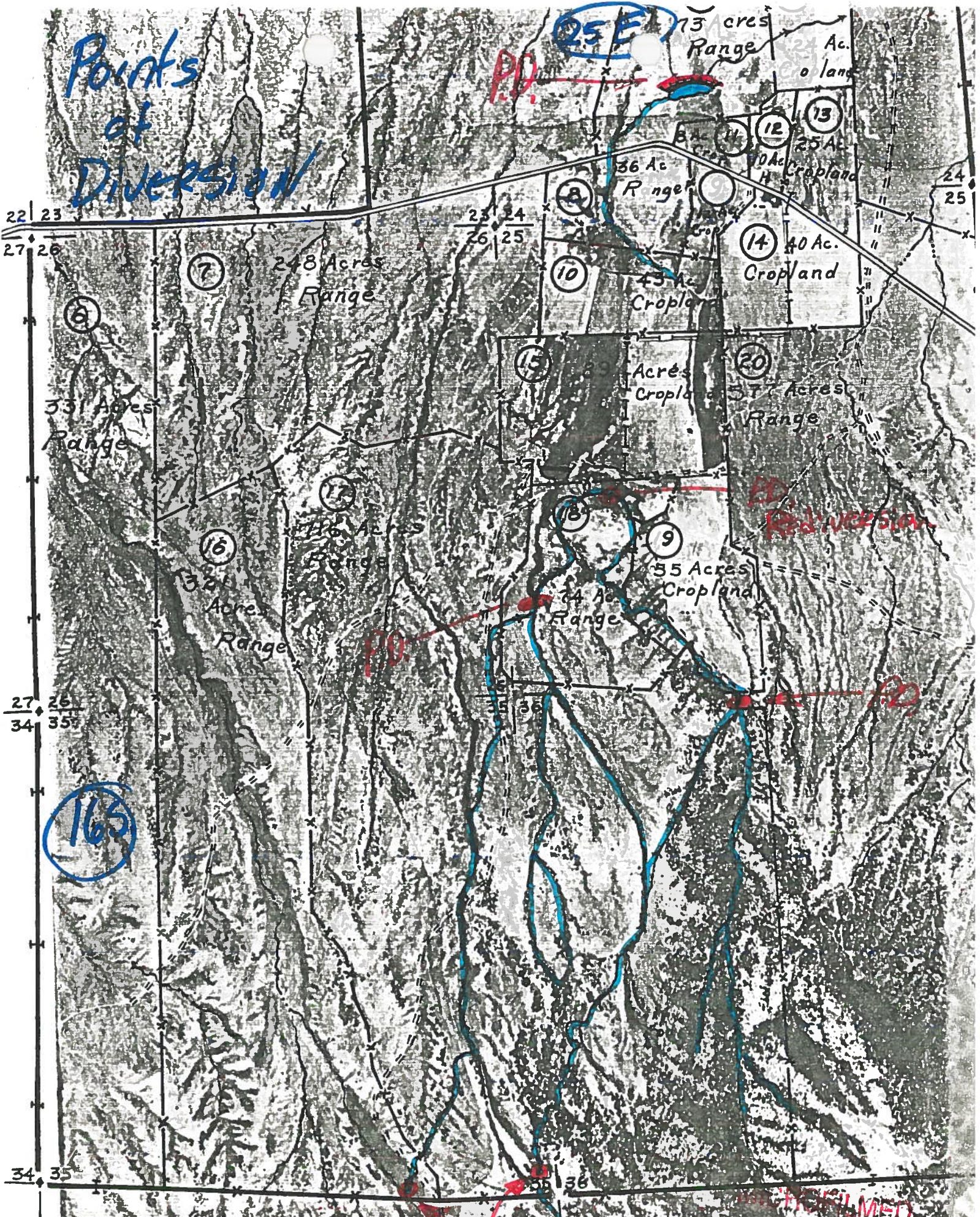
Residing at Twin Falls
My Commission Expires Dec 7, 1994

COPY

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MAR 04 1993

Points of Diversion



RECEIVED

MAY 24 1989

Department of Water Resources
Southern Region Office

TRACY, HAROLD

ADJUDICATION FEE
**DUE BEFORE JUNE 8, 1989

0410162 9337 6490

\$450.00
\$

\$

WR/NO: A43-02155 A43-10056

Idaho Department of Water Resources

Region:

Signature: _____

IDWR
2148 4th Ave East
Twin Falls ID
83301

Attn. Steve

MICROFILMED

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

A43-10056
HAROLD TRACY
CHARLOTTE TRACY
HC 72 BOX 2396
MALTA

ID 83342

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

MICROFILMED
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

R. KEITH HIGGINSON
Director

20-Dec-1991 13:22

Charlotte Tracy
HC 72 Box 2396
Malta, ID 83342

RE: Evidence of Priority for SRBA Claim A43-10056

Dear Mrs. Tracy:

Our office recently received your letters regarding the evidence of when your water use was first established. I am returning these letters so that you may prepare the statements in affidavit form. This will put your evidence in a better legal standing and be admissible in court. The information provided in your letters is of the type we are looking for so if these letters were notarized they would properly evidence your claim.

If you have questions please contact our office.

Sincerely,

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

Allen Merritt, PE
Water Rights Supervisor

Enc:

MICROFILMED

MAR 04 1993

RECEIVED

DEC 20 1991

Department of Water Resources
Southern Region Office

12-17-91

Mr. Allen Merritt, P.E.
Water Rights Supervisor

Mr. Merritt,

Please accept the enclosed letters as evidence of a
priority date for notice number A43-10056 Harold and
Charlotte Tracy.

If these letters are not sufficient or more
evidence is needed please let me know.

Sincerely,

Charlotte Tracy
HC 72 Box 2396
Malta, Idaho 83342

Phone 208 824-5529

MICROFILMED

MAR 04 1993

RECEIVED

DEC 20 1991

Department of Water Resources
Southern Region Office

12-12-91

I, Viola Tracy, know by personal knowlege that all water on the Oliver Springs Ranch has been used at least since 1940 and to this date for domestic home use and to water cattle and to irrigate crops. I know this because I have lived and worked on said ranch for the space of 51 years, and participataed in the development, improvement and use of all of its water systems.

Sincerly,

Viola Tracy

Viola Tracy

MICROFILMED

MAR 04 1993

RECEIVED

DEC 20 1991

Department of Water Resources
12-17-91 Southern Region Office

A43-10056

To Whom It Concerns,

I, Wallace H. Tracy, know by personal knowledge that all of the water from the springs on the Oliver Springs Ranch has always, or as long as I can remember, been used for irrigation of crops, to water cattle and for domestic use.

My earliest recollection of working with crops and cattle using this water would be in about the year 1927 when my father leased this place and later bought it. I have in my possession deeds dating back to 1917 that mention the water from the springs known as Oliver Springs.

Also I have lived and worked on this ranch for the past 50 some odd years and directed and participated in the development, improvement and use of all of its water systems.

Sincerely,

Wallace H. Tracy

Wallace H. Tracy

MICROFILMED

MAR 04 1993

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

December 30, 1991

Priority Claim #A43-10056

I, Wallace H. Tracy, know by personal knowledge that all of the water from the springs on the Oliver Springs Ranch has always, or as long as I can remember, been used for irrigation of crops, to water cattle and for domestic use.

My earliest recollection of working with crops and cattle using this water would be in about the year 1927 when my father leased this place and later bought it. I have in my possession deeds dating back to 1917 that mention the water from the springs known as Oliver Springs.

Also I have lived and worked on this ranch for the past 50 some odd years and directed and participated in the development, improvement and use of all of its water systems.

Sincerely,

Wallace Tracy

Wallace Tracy

Subscribed and sworn before me this 21 day of December, 1991

Deanna D. Kauer
Notary Public

MICROFILMED
MAR 04 1993

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

December 30, 1991

Priority Claim #A43-10056

I, Viola Tracy, know by personal knowledge that all water on the Oliver Springs Ranch has been used at least since 1940 and to this date for domestic home use and to water cattle and to irrigate crops. I know this because I have lived and worked on said ranch for the space of 51 years, and participated in the development, improvement and use of all of its water systems.

Sincerely,

Viola Tracy
Viola Tracy

Subscribed and sworn before me this 31 day of December, 1991

Deanna F. Kaus
Notary Public

Expires 12-27-94

MICROFILMED

MAR 04 1993

RECEIVED

JAN 02 1992

Department of Water Resources
Southern Region Office

RECEIVED

DEC 20 1991

Department of Water Resources
Southern Region Office

Priority Claim #

A 43-14056

12-12-91

I, Viola Tracy, know by personal knowlege that all water on the Oliver Springs Ranch has been used at least since 1940 and to this date for domestic home use and to water cattle and to irrigate crops. I know this because I have lived and worked on said ranch for the space of 51 years, and participataed in the development, improvement and use of all of its water systems.

Sincerely,

Viola Tracy

Viola Tracy

MICROFILMED

MAR 04 1993

RECEIVED

DEC 20 1991

12-17-91
Department of Water Resources
Southern Region Office

A43-10056

To Whom It Concerns,

I, Wallace H. Tracy, know by personal knowledge that all of the water from the springs on the Oliver Springs Ranch has always, or as long as I can remember, been used for irrigation of crops, to water cattle and for domestic use.

My earliest recollection of working with crops and cattle using this water would be in about the year 1927 when my father leased this place and later bought it. I have in my possession deeds dating back to 1917 that mention the water from the springs known as Oliver Springs.

Also I have lived and worked on this ranch for the past 50 some odd years and directed and participated in the development, improvement and use of all of its water systems.

Sincerely,

Wallace Tracy

Wallace H. Tracy

MICROFILMED

MAR 04 1993

08/01/2002

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

RIGHT NUMBER: 43-13243

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

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 1.060 CFS

PRIORITY DATE: 03/02/1914

POINT OF
DIVERSION: T16S R25E S24 SENESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S25 SENWSW Within CASSIA County
T16S R25E S35 SESWSE Within CASSIA County
T16S R25E S36 NWSNW Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.060 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R25E S24	NESW	28.0	T16S R25E S24	SESW	21.0
T16S R25E S24	SWSE	29.0	T16S R25E S25	NWNE	37.0
T16S R25E S25	NENW	36.0	T16S R25E S25	SWNW	38.0
T16S R25E S25	SENW	36.0	T16S R25E S25	NESW	17.0

242 ACRES TOTAL

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

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

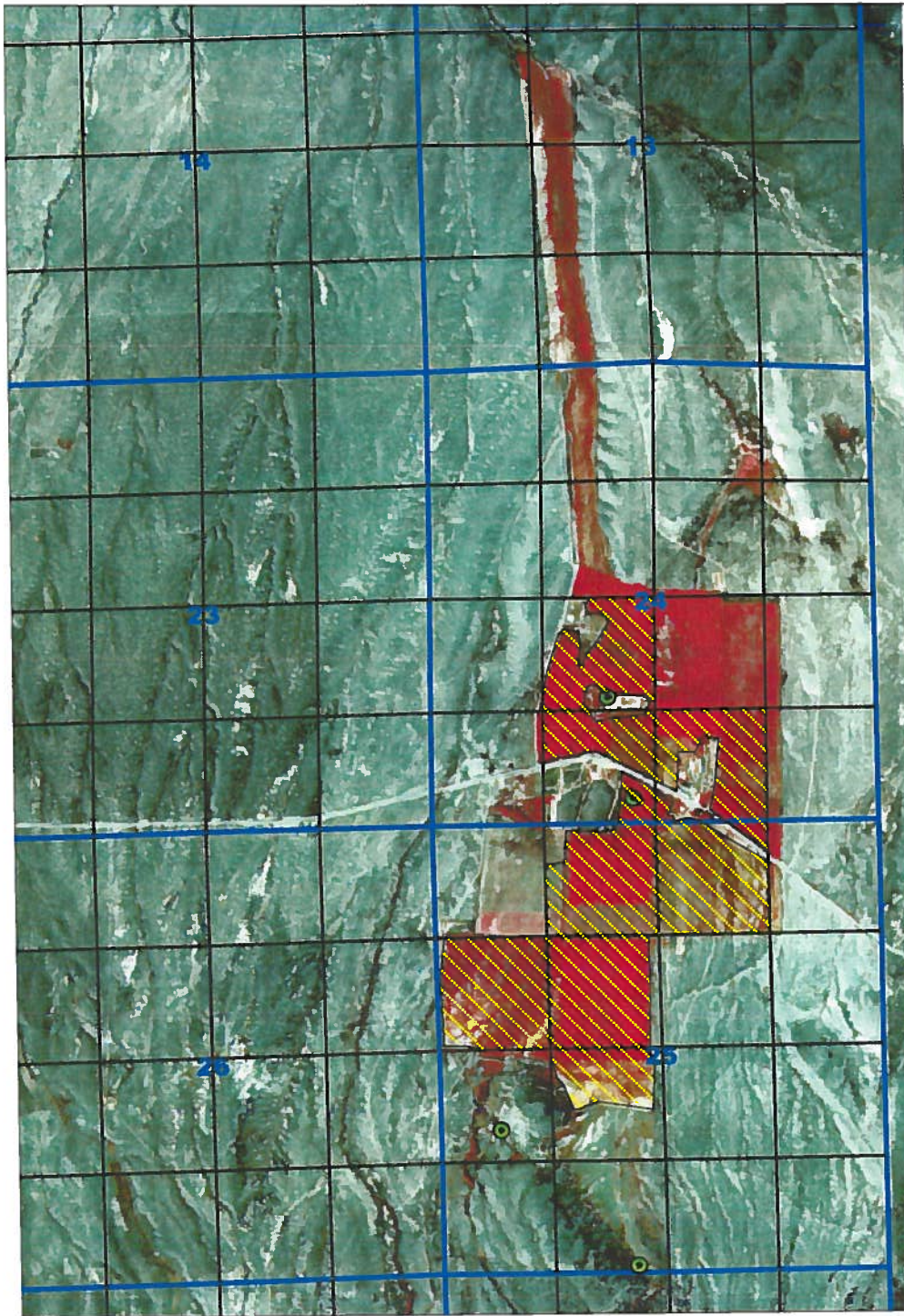
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10056.

Idaho Department of Water Resources

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

RIGHT: 43-13243



ADDITIONAL POINTS
OF DIVERSION:

SESWSE SECTION 35
NWSNW SECTION 36
SWSWSW SECTION 36

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

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

PREPARED BY VIKIE HANCOCK

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 No.: 43-13243
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

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

This right, along with right 43-13244, are split from and constitute the whole right of 43-10056. The original right is now superseded by this right and right 43-13244.

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

CLAIMANT:

Harold Tracy 8-2-02
Harold Tracy Date

CLAIMANT:

Charlotte Tracy 8-2-02
Charlotte Tracy Date

OBJECTOR:

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

RESPONDENT:

David L. Negri, US DOJ
Attorney for USFS

IDWR CONCURRENCE:

[Signature] 8/8/02
Sr. Water Resource Agent Date

[Signature] 8/8/02
Approved as to form Date
Attorney for IDWR

07/31/2002

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

RIGHT NUMBER: 43-13243

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

CHARLOTTE TRACY
1591 E 3600 S
MALTA ID 83342

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 1.060 CFS

PRIORITY DATE: 03/02/1914

POINT OF

DIVERSION: T16S R25E S24 SESESW Rediversion Within CASSIA County
T16S R25E S24 SESESW Within CASSIA County
T16S R25E S25 SENWSW Within CASSIA County
T16S R25E S35 SESWSE Within CASSIA County
T16S R25E S36 NWSESW Within CASSIA County
T16S R25E S36 SWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.060 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R25E S24	NESW	28.0	T16S R25E S24	SESW	21.0
T16S R25E S24	SWSE	29.0	T16S R25E S25	NWNE	37.0
T16S R25E S25	NENW	36.0	T16S R25E S25	SWNW	38.0
T16S R25E S25	SESW	36.0	T16S R25E S25	NESW	17.0

242 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10056.

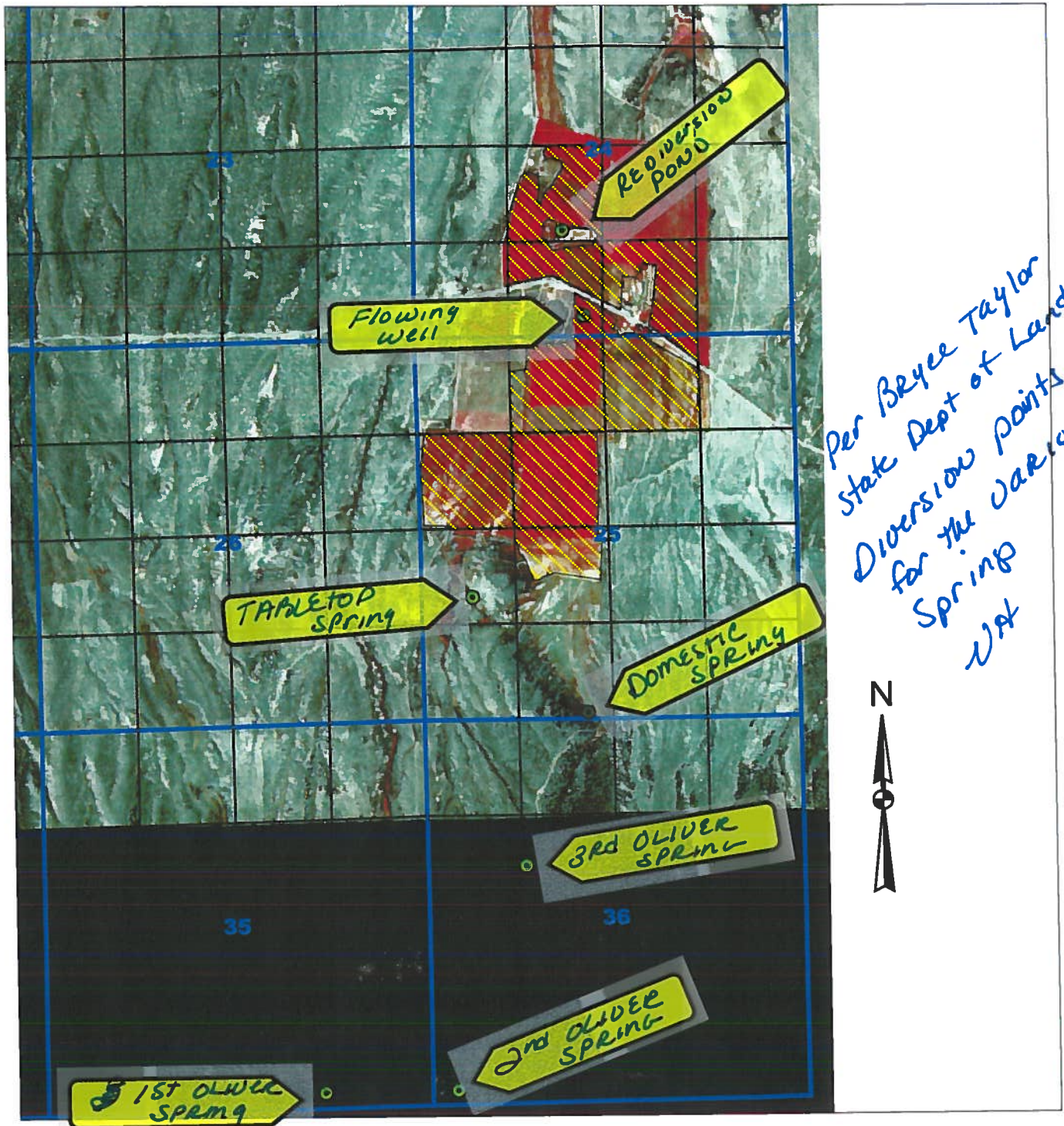
WATER RIGHT 43-13243

Idaho Department of Water Resources

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

43-2155
RIGHT: 43-13243

43-13244



Per Bryce Taylor
State Dept of Lands.
Diversion points
for the various
water

○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER SECTION LINES

GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK

Hancock, Vikie

From: Hancock, Vikie
Sent: Tuesday, July 16, 2002 12:19 PM
To: McHugh, Candice
Subject: 43-2155 & 43-10056

Candice,

I've spoken with the claimant, Charlotte Tracy by phone. She told me her impression was that Mr. Schuster would like to split right 43-10056, which is only for irrigation, and not 43-2155 which is for irrigation of 30 acres, stock and domestic use. This would be a very fair solution, as the original license for 43-2155 was entirely on private land located in section 13. I would change my recommendation for 43-2155 so that no State land was included in the POU.

Regarding 43-10056: Tracy's claimed 320 acres in Section 24. I found 332 acres irrigated in Section 24. Of the recommended 332 acre PPU, 239 irrigated acres were on private ground and 93 on State. I would support an assumption that the 12 unclaimed acres were all State land, however Tracy's did make educated guesses as to the number of acres in each tract they listed, and under claimed what I actually found irrigated in both State and private tracts. If this assumption is accepted, the Tracy's would be able to irrigate 81 acres of State land and could choose which 12 of the 93 acres to leave dry in any irrigation season. They would retain the right to irrigate all of the private land they are currently irrigating each year.

As currently recommended, 43-10056 is limited to 320 acres and a diversion rate of 1.4 cfs. The number of acres of State land represented in that 320 acres is 81.

Proposed split of 43-2155: 10056

239 acres to Tracy
81 acres within a PPU of 93 acres to State Dept of Lands

$1.4 \text{ cfs} / 320 \text{ ac} \times 239 \text{ ac} = 1.05 \text{ cfs}$ to Tracy
 $1.4 \text{ cfs} / 320 \text{ ac} \times 81 \text{ ac} = 0.35 \text{ cfs}$ to State Dept of Lands

IF this sounds acceptable to you, would you pass this on to Mr. Schuster at Dept of Lands? I would be glad to answer any questions he might have about my calculations, etc.

Vikie

7/29/02 VHA

Per conversation with Steve Schuster, State Land is in 40 acre tracts. Slices of land in NWNE & SWNW Sec 25 are not State & should be included in Tracy's water right. Therefore Tracy's portion would be 242 ac, State Dept of Lands 78 within 90 ac PPU.

$1.4 / 320 \times 242 = 1.06 \text{ gfs Tracy}$
 $1.4 / 320 \times 78 = 0.34 \text{ gfs To State g Id}$

Hancock, Vikie

Subject: SF5s 31-2155, 43-10056 (Tracy)
Due Date: Friday, July 19, 2002

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Hancock, Vikie
Requested By: McHugh, Candice

Below is an email from Steve Schusters with the Idaho Department of Lands. He wants to split the water rights. I'm not sure whether his email gives you enough information. It might be helpful to talk with the claimants. Thanks

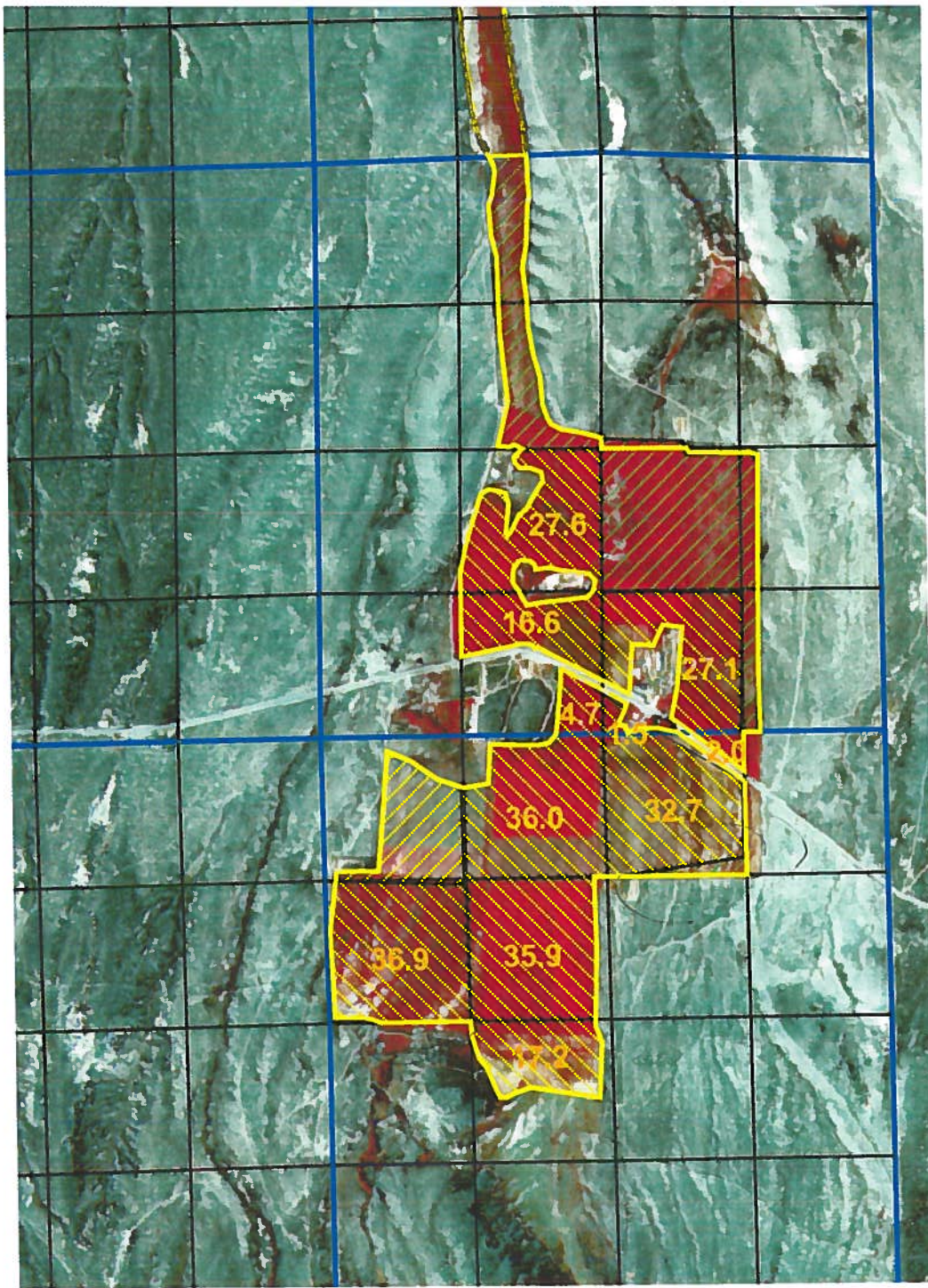
Well, I have a concept of what we need to do here, but not sure which one of you is handling this basin. In general, what we would like to do is split the ownership of each of these two so that the irrigation on State is in the name of the State, and that the stockwater, irrigation and domestic on private land in 43-2155 is in the name of Tracys. There are also corrections needed on legal descriptions.

The legal for State irrigation and acreage is the same on both rights, so perhaps we could get that into one State right for a certain amount?

Is there a way to allocate the amount of water to split for the irrigation by some rule of thumb, i.e. we have X acres of irrigation, at Y amount of water/acre, so we can calculate what we should put in the State right?

This could be a bit complicated, but there is no disagreement with the parties, so its jusdt a matter of figuring what to do.

I have a strong motive to get this done now since I have to be up north to work on our ESA case on 8/14, in conflict with the hearing on this



TWP 16S RNG 25E SECTIONS 24, 25



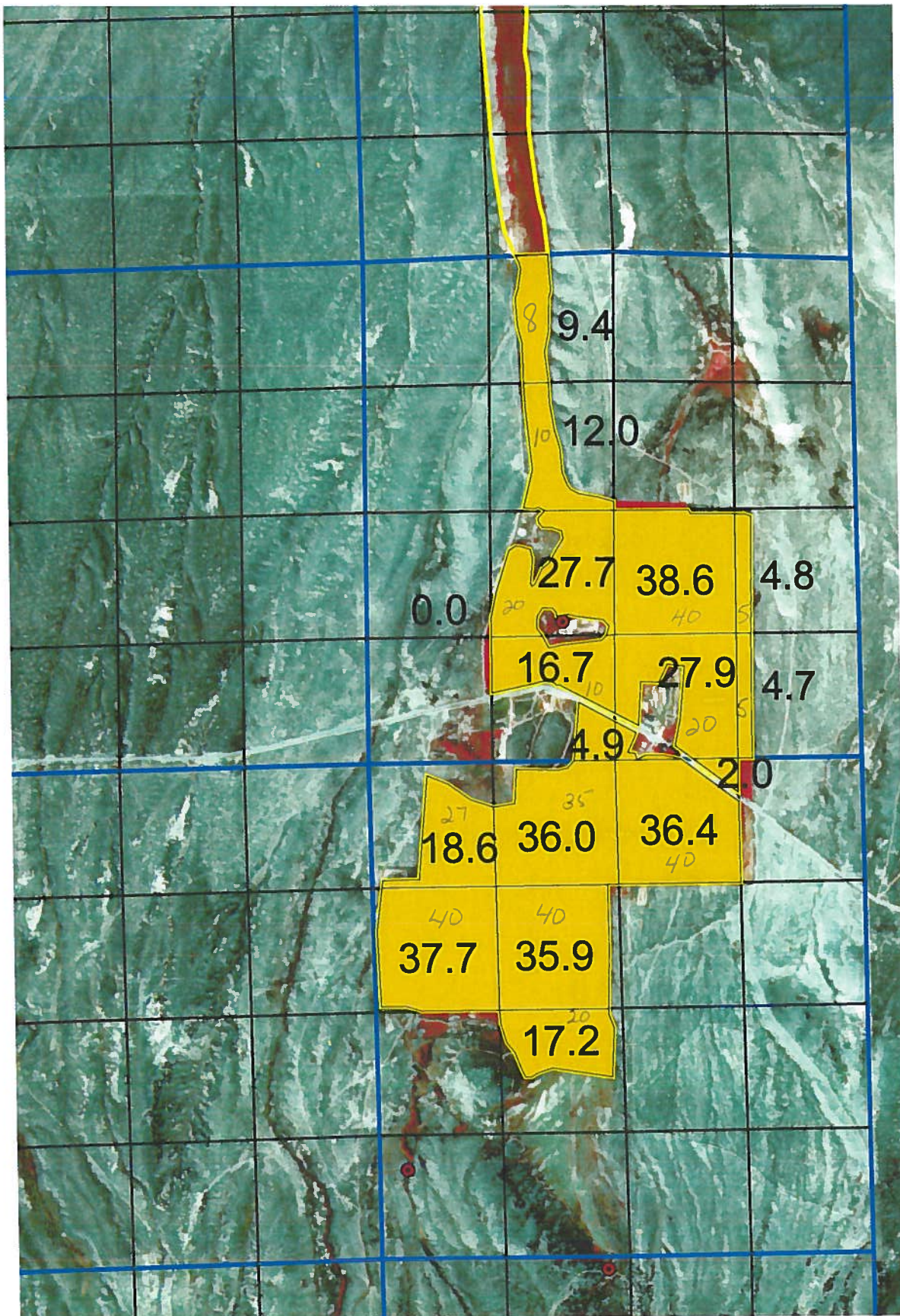
*need corrected boundary
See note
7/29/02
VH*

- TOTAL RECOMMENDED PLACE OF USE
- TRACY PRIVATE LAND
- IDAHO STATE LAND
- SECTION LINE
- QUARTER SECTION LINE

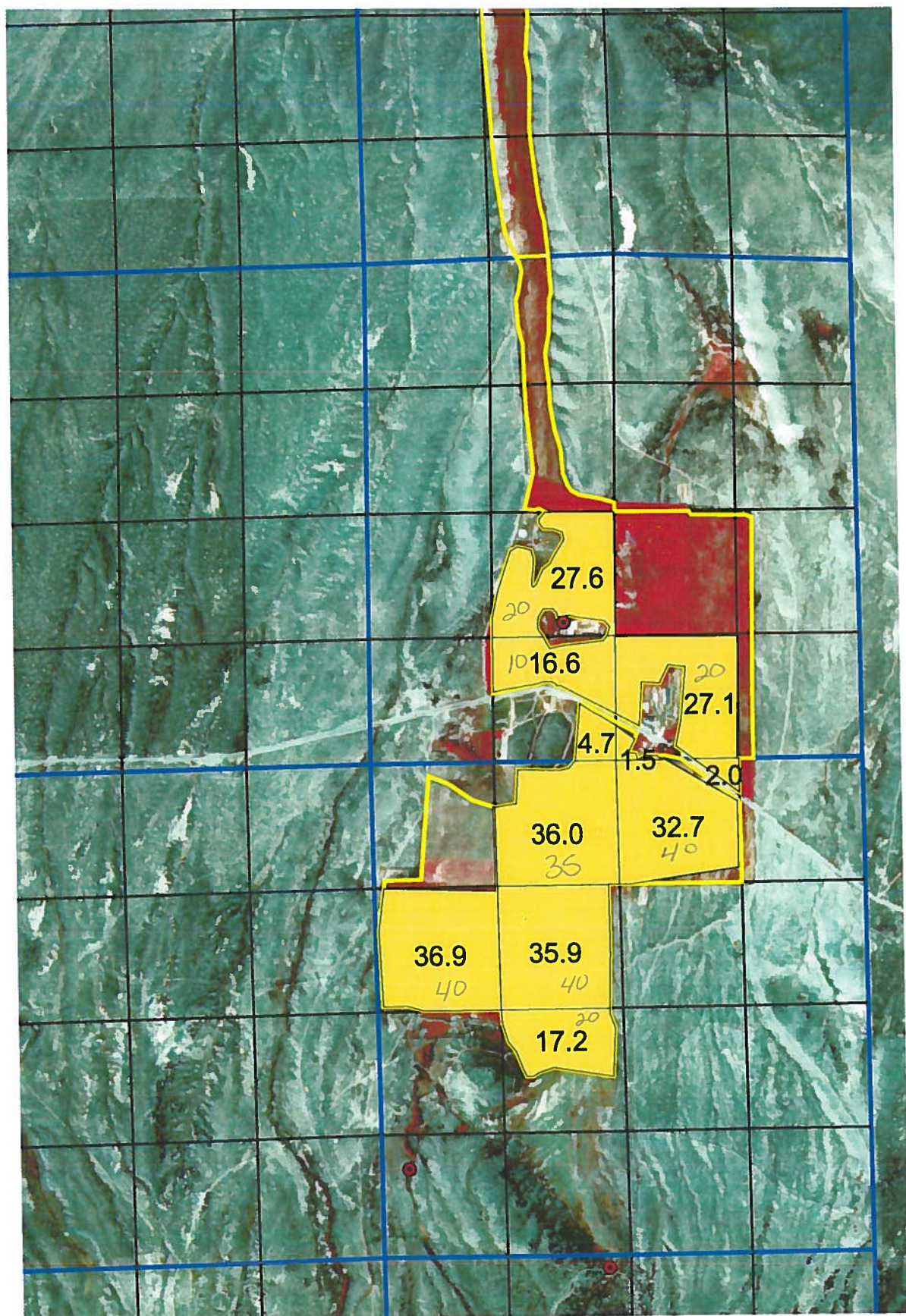
V HANCOCK
IDWR
7/23/2002

45-10056

FOUND IRRIGATED AND RECOMMENDED IN PPU.



45-10056
FOUND IRRIGATED ON PRIVATE LAND



Claimed
225 ac
of
238.2 ac
shown

13 acres
undisclosed

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

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

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

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

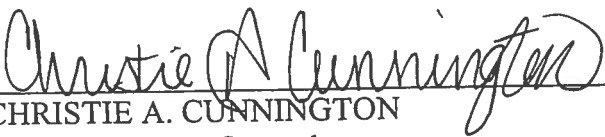
Name: Harold and Charlotte Tracy
Address: 1591 E. 3600 S
Malta, Idaho 83342

3. Copies to:

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

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

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


CHRISTIE A. CUNNINGTON
Deputy Attorney General
Idaho Department of Lands

11/30/2000

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

RIGHT NUMBER: 43-10056

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

SOURCE: SPRINGS

TRIBUTARY: RAFT RIVER

QUANTITY: 1.4 CFS

PRIORITY DATE: 03/02/1914

POINT OF DIVERSION:	T16S R25E S24 ⁽²⁾	SESESW	Rediversion	Within CASSIA County
	T16S R25E S24 ⁽¹⁾	SESESW	ADD'D	Within CASSIA County
	T16S R25E S25 ⁽²⁾	NWSWSW		Within CASSIA County
	T16S R25E S35 ⁽⁴⁾	SESWSE		Within CASSIA County
	T16S R25E S36 ⁽³⁾	NENENW		Within CASSIA County
	T16S R25E S36 ⁽⁵⁾	SWSWSW		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	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T16S R25E S13	SENW	10	T16S R25E S13	NESW	13
T16S R25E S13	SESW	12	T16S R25E S24	NENW	9.4
T16S R25E S24	SENW	12	T16S R25E S24	NESW	28
T16S R25E S24	SESW	22	T16S R25E S24	NESE	4.8
T16S R25E S24	NWSE	39	T16S R25E S24	SWSE	30
T16S R25E S24	SESE	4.7	T16S R25E S25	NWNE	38
T16S R25E S25	NENW	36	T16S R25E S25	NWNW	19
T16S R25E S25	SWNW	38	T16S R25E S25	SENW	36
T16S R25E S25	NESW	17			

368.9 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

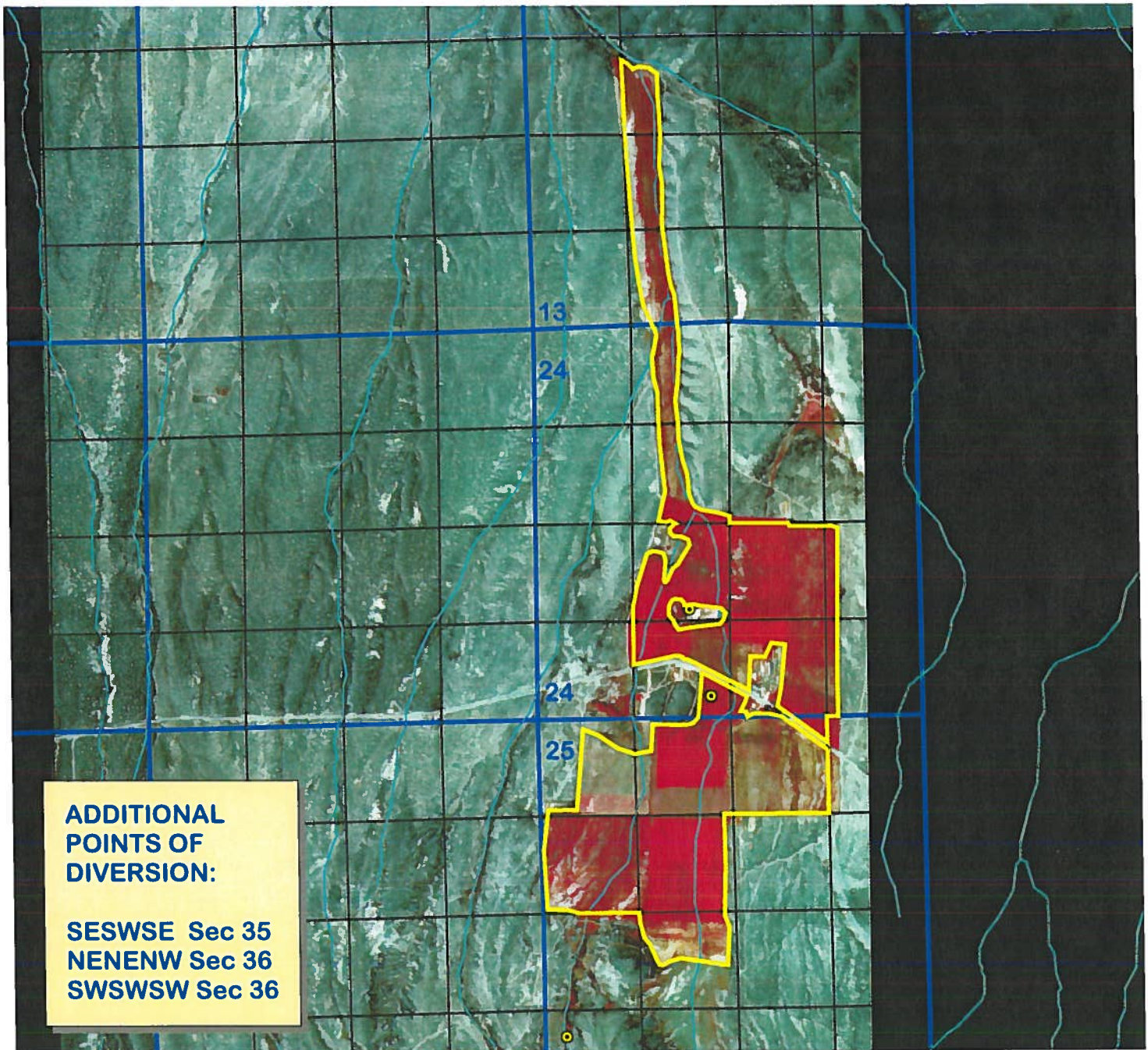
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SUPERCEDED BY STIPULATION

RIGHTS: 43-2155, 43-10056

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

SUPERCEDED BY STIPULATION

RECEIVED
JAN 23 2001
Department of Water Resources
Southern Region

January 19, 2001

State of Idaho
Department of Water Resources
Vikie Hancock
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 43-2155 and 43-10056

Dear Ms Hancock,

Please be advised that we do not want to file another claim for the additional nineteen acres.

Thank you very much for your concern and information on this matter.

Sincerely,

Charlotte Tracy

Charlotte Tracy
1591 E 3600 S
Malta, Idaho 83342

RECOMMENDATION NOTES

From: Vikie Hancock

11/30/00

Regarding: 43-2155 and 43-10056

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

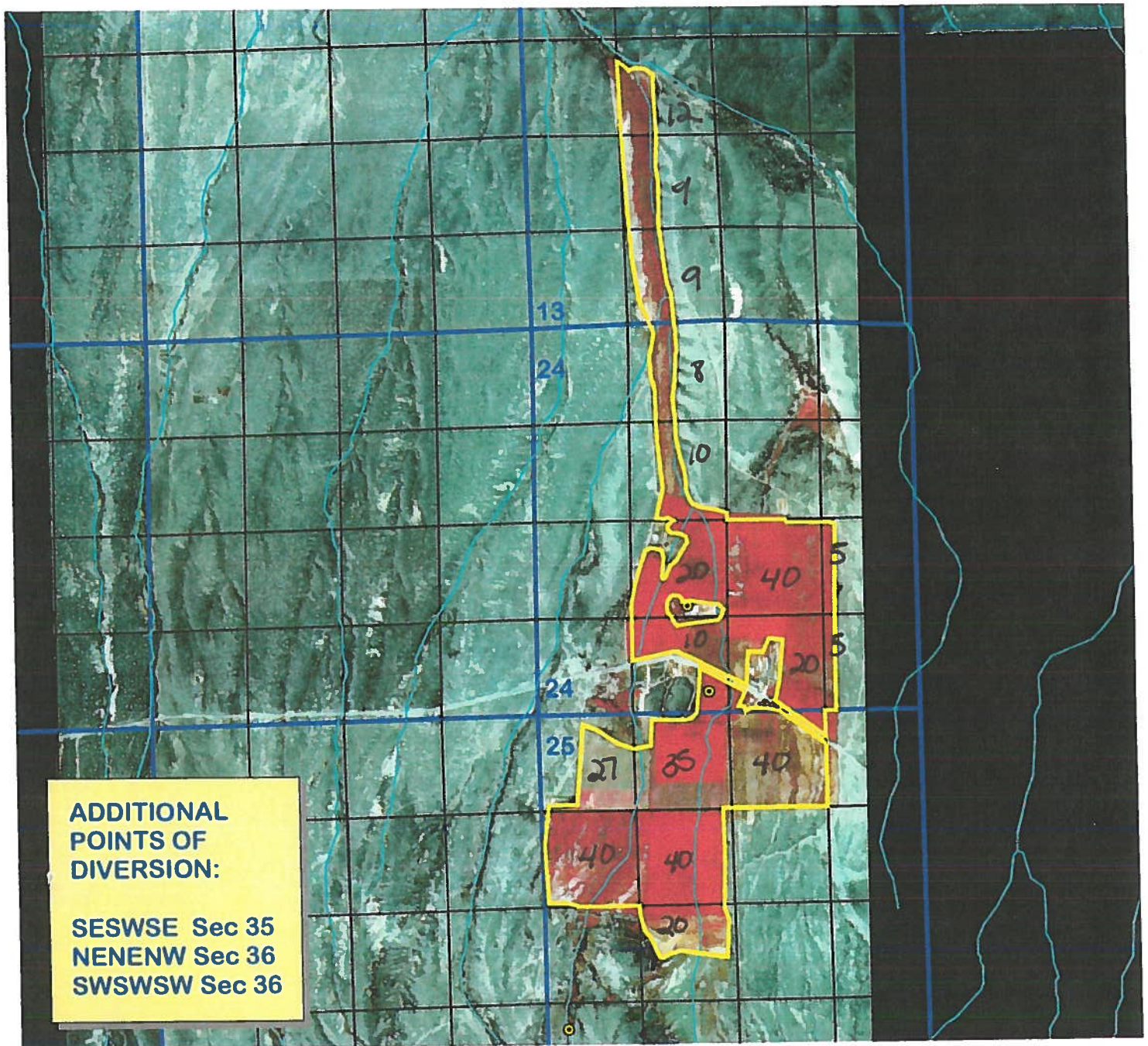
Mr. Tracy claims a 1914 priority date for the beneficial use claim, as he says that the entire farm was being irrigated prior to the time the license was issued for additional lands in section 13. According to State and Federal land boundaries, it appears that there were approximately 300 acres in the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

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

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

RIGHTS: 43-2155, 43-10056

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



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



Acres Claimed
43-2155 & 43-10056

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

TOTAL DIVERSION:	1.40 CFS
CONSUMPTIVE USE:	~~800.00 AFA~~

403000



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

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

JAN 16 2001

Department of Water Resources
Southern Region

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

☐ Old Mailing Address: H.C 72 BOX 2896
MALTA 83342

☐ New Mailing Address: 1591 E 3600S
MALTA 83342

☐ New Telephone Number: () -

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

✓ Date: 12-26-00

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

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

COMMUNICATION DOCUMENTATION

From: Vikie Hancock
2000

December 18,

Regarding:

New Claim

Customer:

Charlotte Tracy

[illegible]

Mrs. Tracy called about filing an additional claim for the acres found irrigated but not included on their existing two claims. She said that she didn't have enough information to fill out a claim for additional acres. I told her that there had been some maps submitted with the two claims we had, so perhaps she needed to look for those. In the meantime, I would send her some information from the file here to help. I sent copies of the original notices of claim and a GIS layout showing the number of acres found irrigated in each tract.

New Address: 1591 E 3600 S
MILWAUKEE 83342



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

November 30, 2000

Harold Tracy
HC 72 Box 2396
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 43-2155 and 43-10056

Dear Mr. Tracy,

In going over your SRBA files, I have noticed that you may not have included all the acres that you irrigate in your claims. The number of acres that I calculated using my field exam notes and aerial photography from 1987 comes to a total of 369 acres. Between the license (30 acres) and beneficial use claim (320 acres) there are 19 acres that you did not include.

The boundary of State Land surrounding your property indicates that the original homestead was approximately 300 acres and that in 1914, the date of priority asserted in both your claims, it is probable that there were no more than 350 acres being irrigated at that time. However, from 1976 aerial photos, it does appear that the expansion of irrigation may have occurred sometime prior to the 1970s. If you wish to file a claim for the additional 19 acres you may do so. The department would require some evidence of when the expansion occurred, and the fee for the additional filing would be \$50.00 plus \$1.00 per acre for 19 acres.

For your convenience, I am enclosing a Notice of Claim form with this letter. I would ask that you submit this claim soon if you wish to have it included in our report that is due out the end of January 2001. Please contact me if you have any questions.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

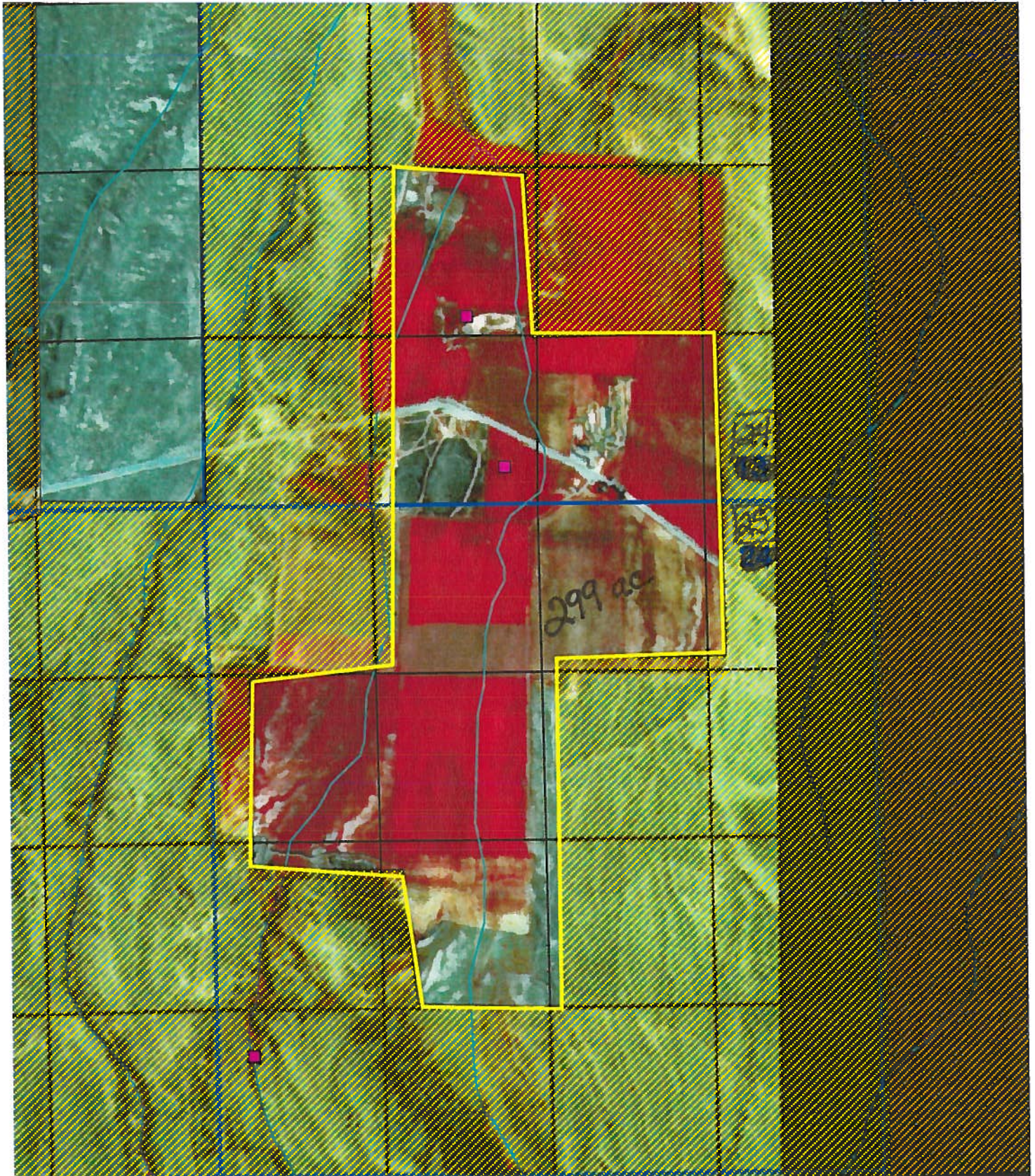
FILE NOTES

43-10056

ORIGINAL HOMESTEADED ACRES INDICATED BY BOUNDARY OF STATE AND FEDERAL LANDS. 300 ACRES.

TWP 16S RNG 25E

*Boundary By Cassia Co
TAX LOT*



COMMUNICATION DOCUMENTATION

From: Vikie Hancock

May 24, 1999

Regarding:

Customer:

A43-10056, A43-02511 ⁰²¹⁵⁵

Charlotte Tracy

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

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

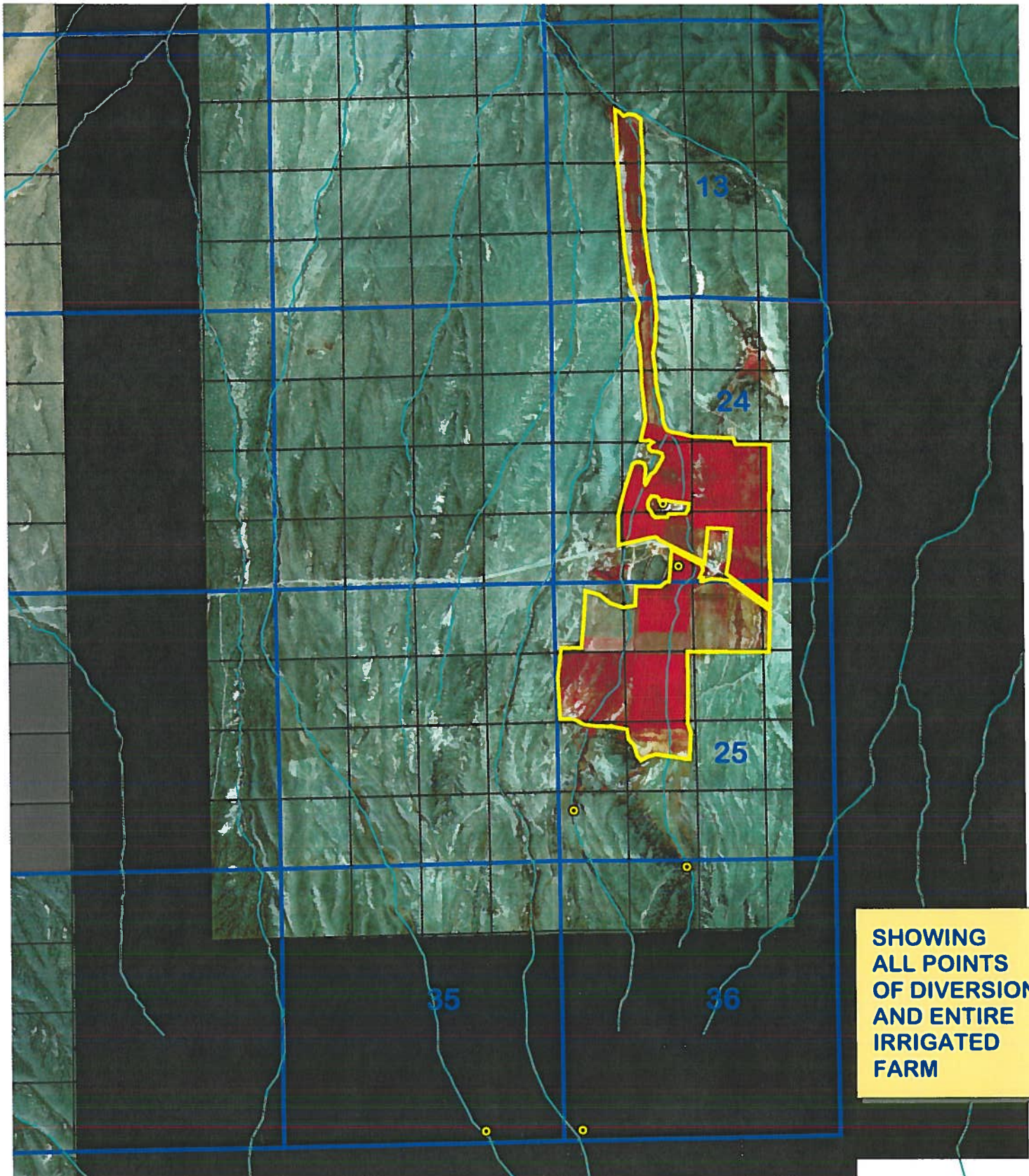
I also told her to tell Mr. Tracy that I had measured a total amount just about equal to what they had claimed, and that it agreed with an old field exam we had done back in the early 1900's. She said that when they claimed a diversion rate, they were going on word of mouth info about the amount of water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

1-13-2000
File Note - River returned to Tracy
property to measure "artesian well".

FILE NOTES

43-2155, 43-10056

TWP 16S RNG 25E



V. HANCOCK

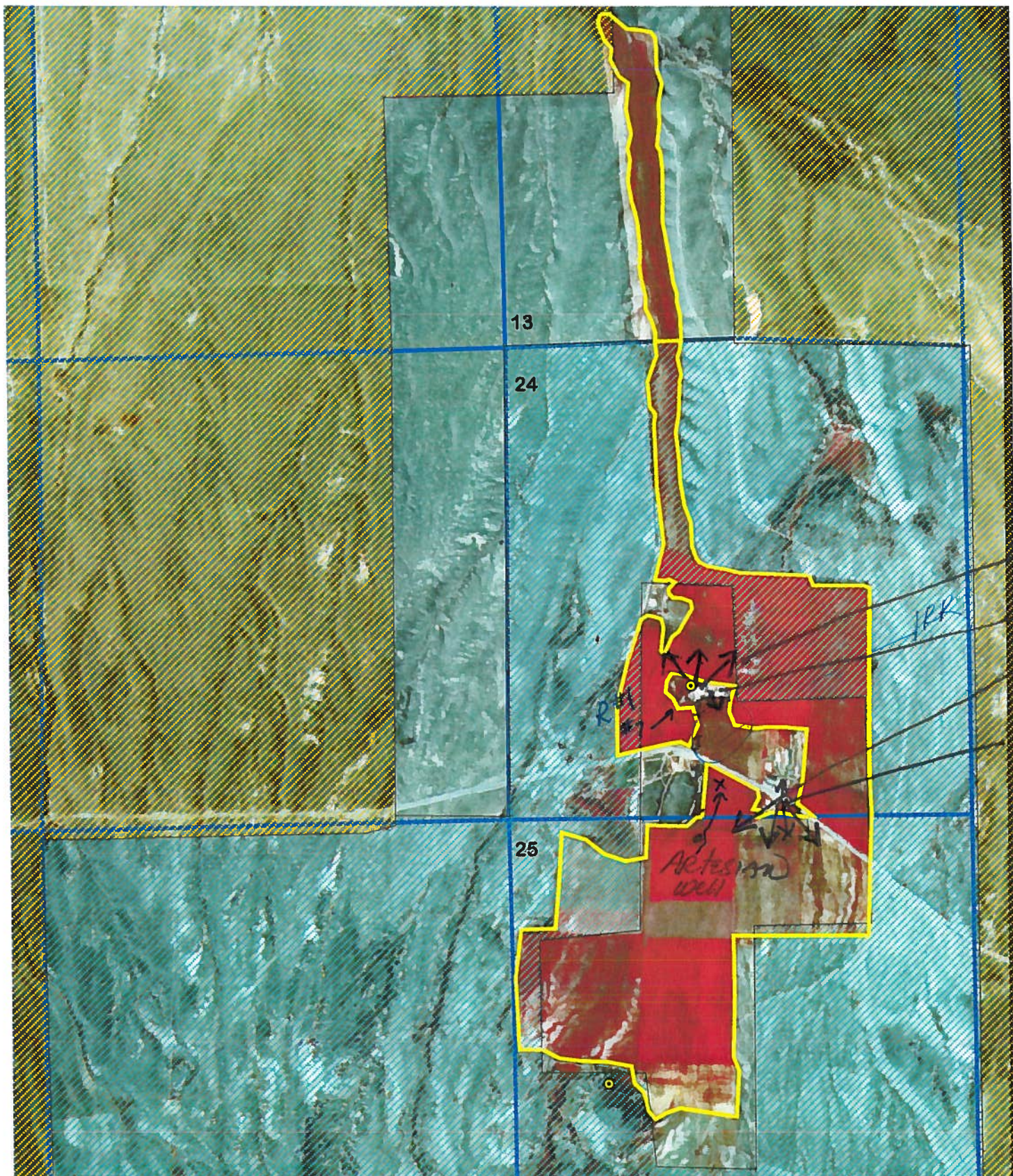
1987
1962 NAPP AERIAL PHOTOGRAPHY

FARM OVERVIEW

FIELD NOTES

TWP 16S, RNG 25E

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



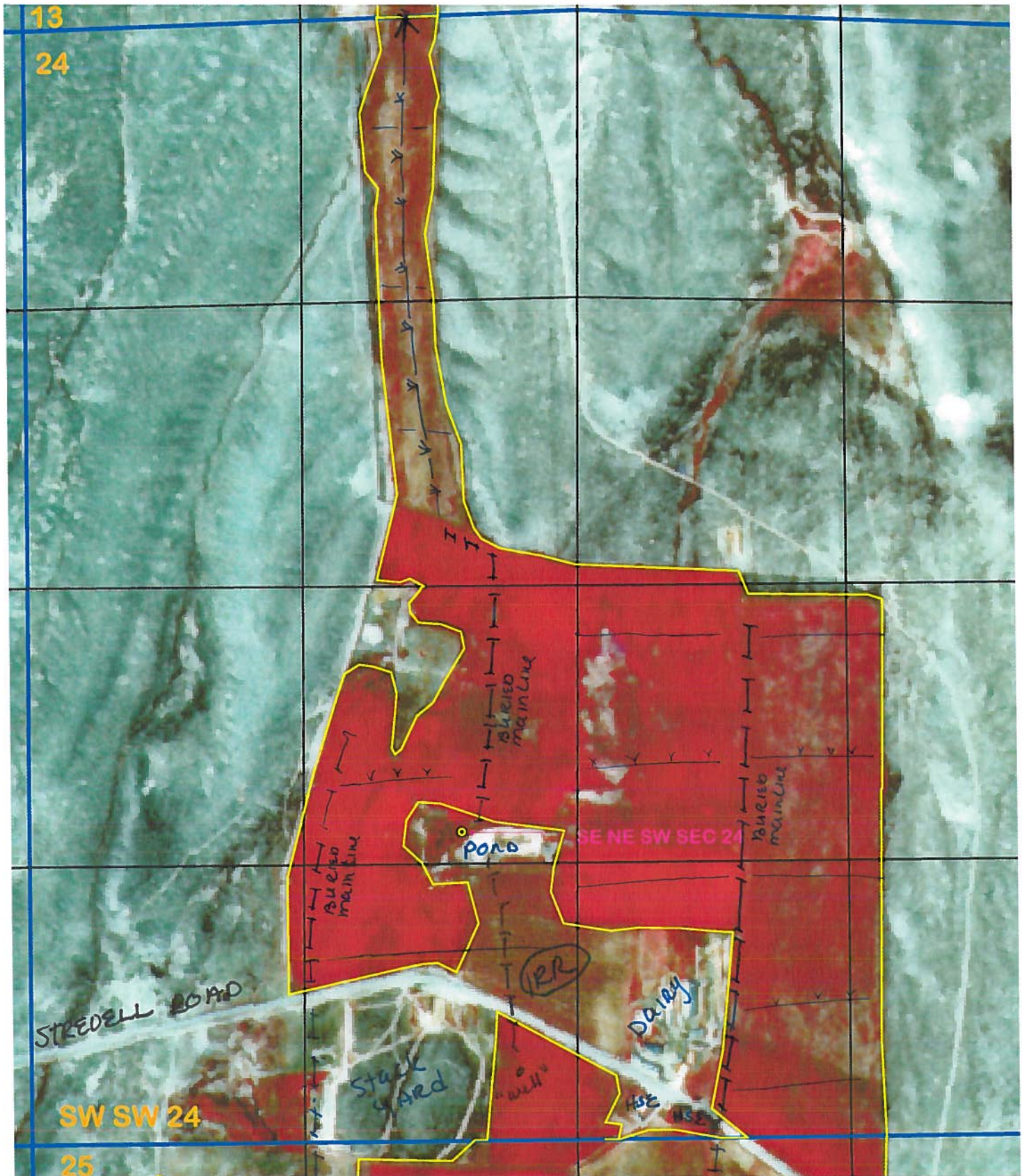
V HANCOCK

Date: 5-12-99

1987/1988 NAPP PHOTOGRAPHY

FIELD NOTES

CLAIM NO(S): A43-10056

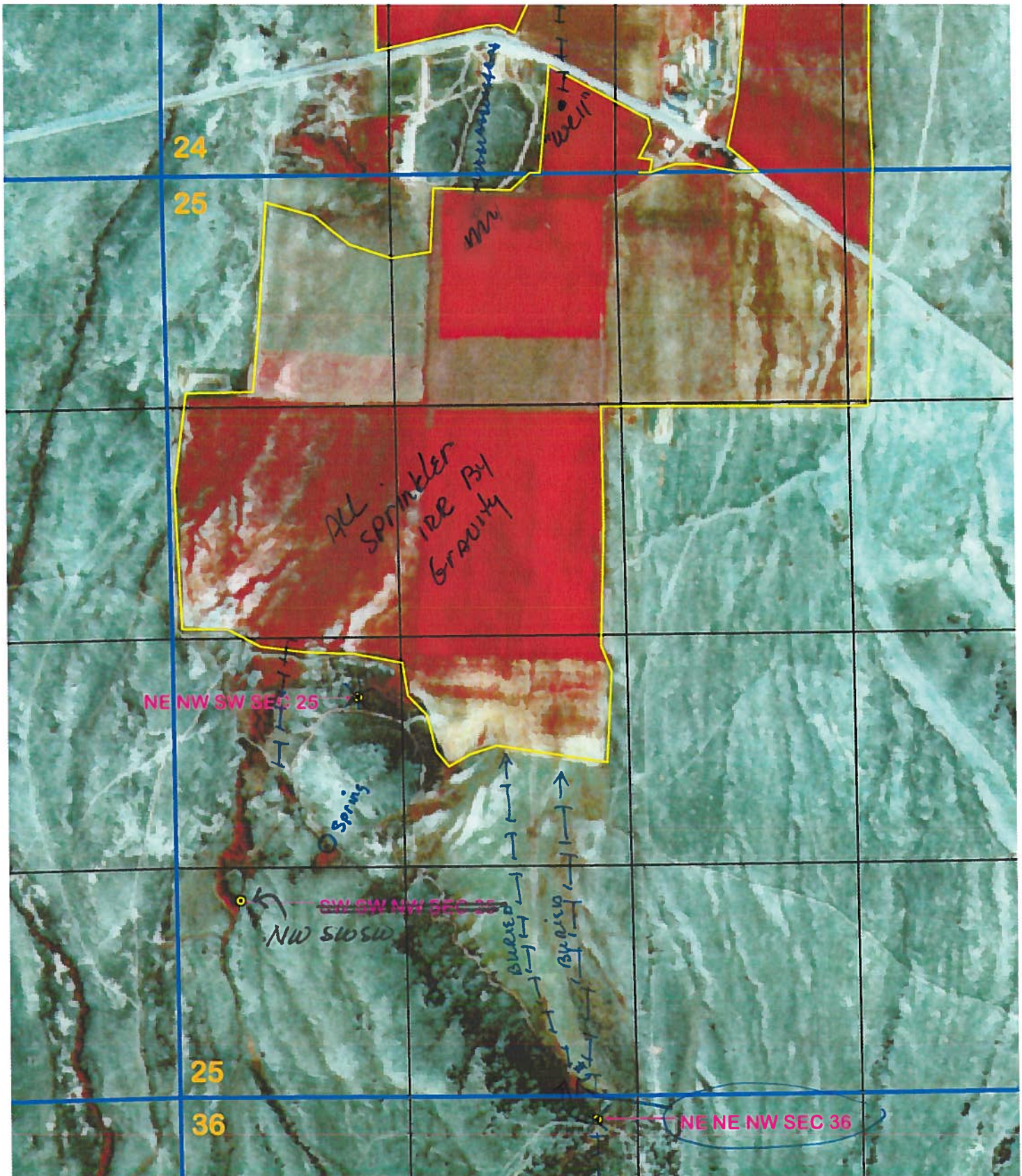


V HANCOCK Date: 5/12/99

1987/1988 NAPP PHOTOGRAPHY

FIELD NOTES

CLAIM NO(S): A43-10056



V HANCOCK

Date: 5/12/99

1987/1988 NAPP PHOTOGRAPHY

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-02115, A43-10056

Name or Area of Concern: Harold Tracy

Page 1 of 1

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

Audio tape # 8

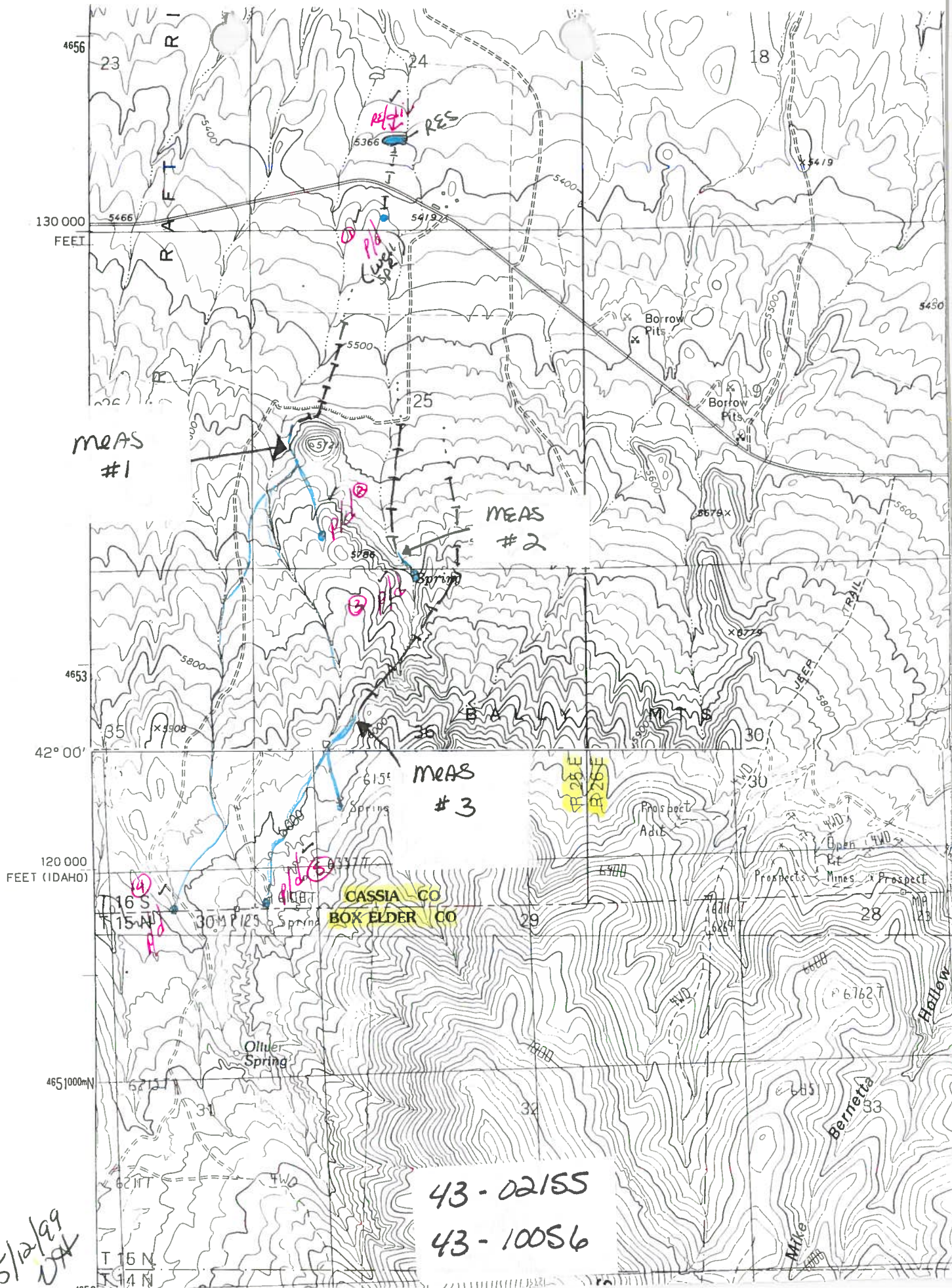
Notes: Mr Tracy has 2 houses & a dairy which includes 120 milking & 30 dry cows. He irrigates all his land from springs to the south which are at a sufficient altitude that all sprinklers are run from gravity pressure. There is no flood irrigation. Houses & dairy are also served by spring water. An artesian well is located in the NE 1/4 Sec 25. This water is piped underground to several stock tanks and then into the pond. Only the "neck" area to the north is irrigated from the pond.

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

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

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

Total of 5/12/99 measurements 1.46 cfs
Claimed 1.4 cfs Claim 10056



5/12/99
DJK

43-02155
43-10056

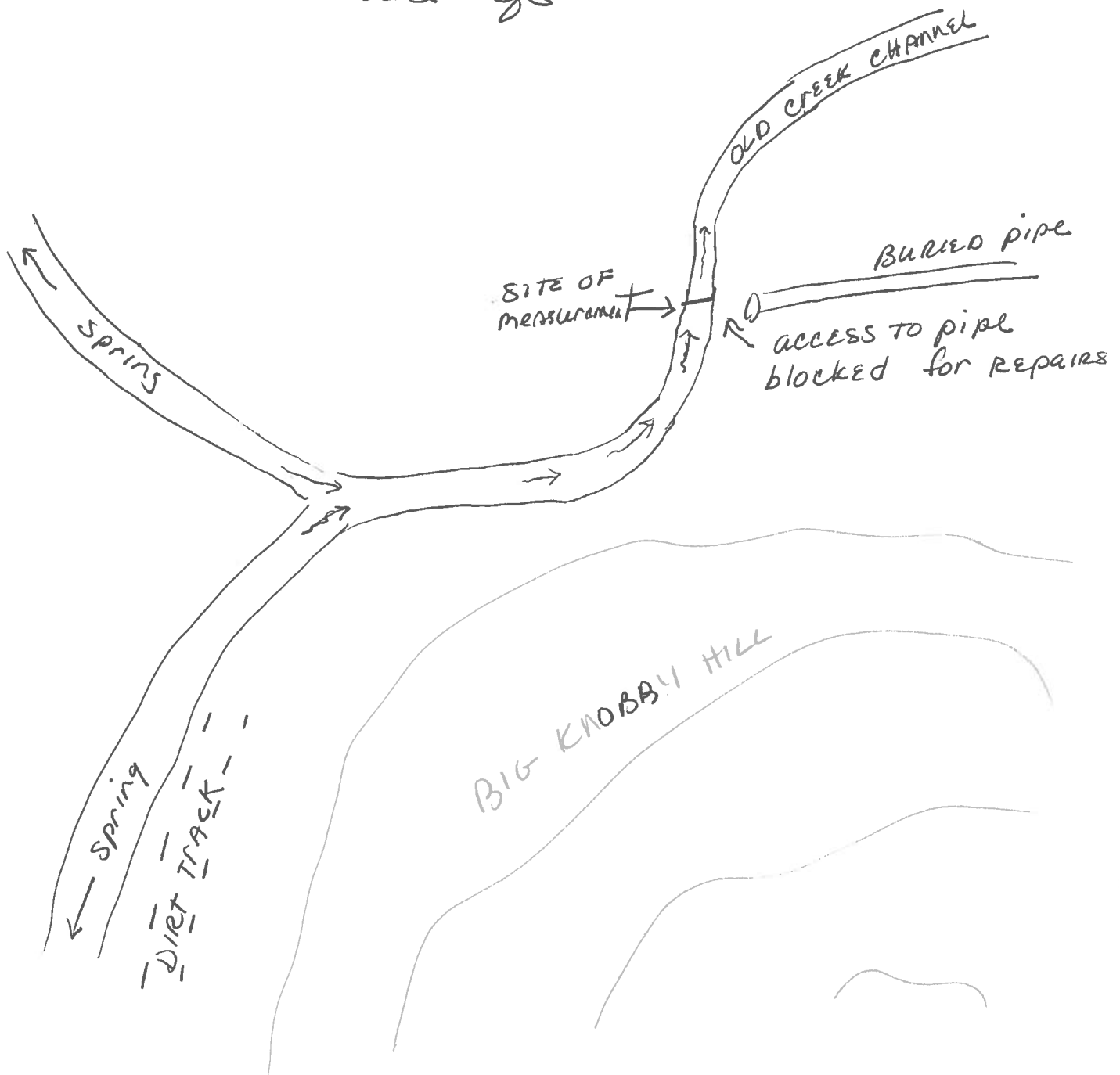
Measurement Site #1 5-12-99

V-notch WIER Head = .46'

Per WIER table #11

Page 270 Water Meas. Manual

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

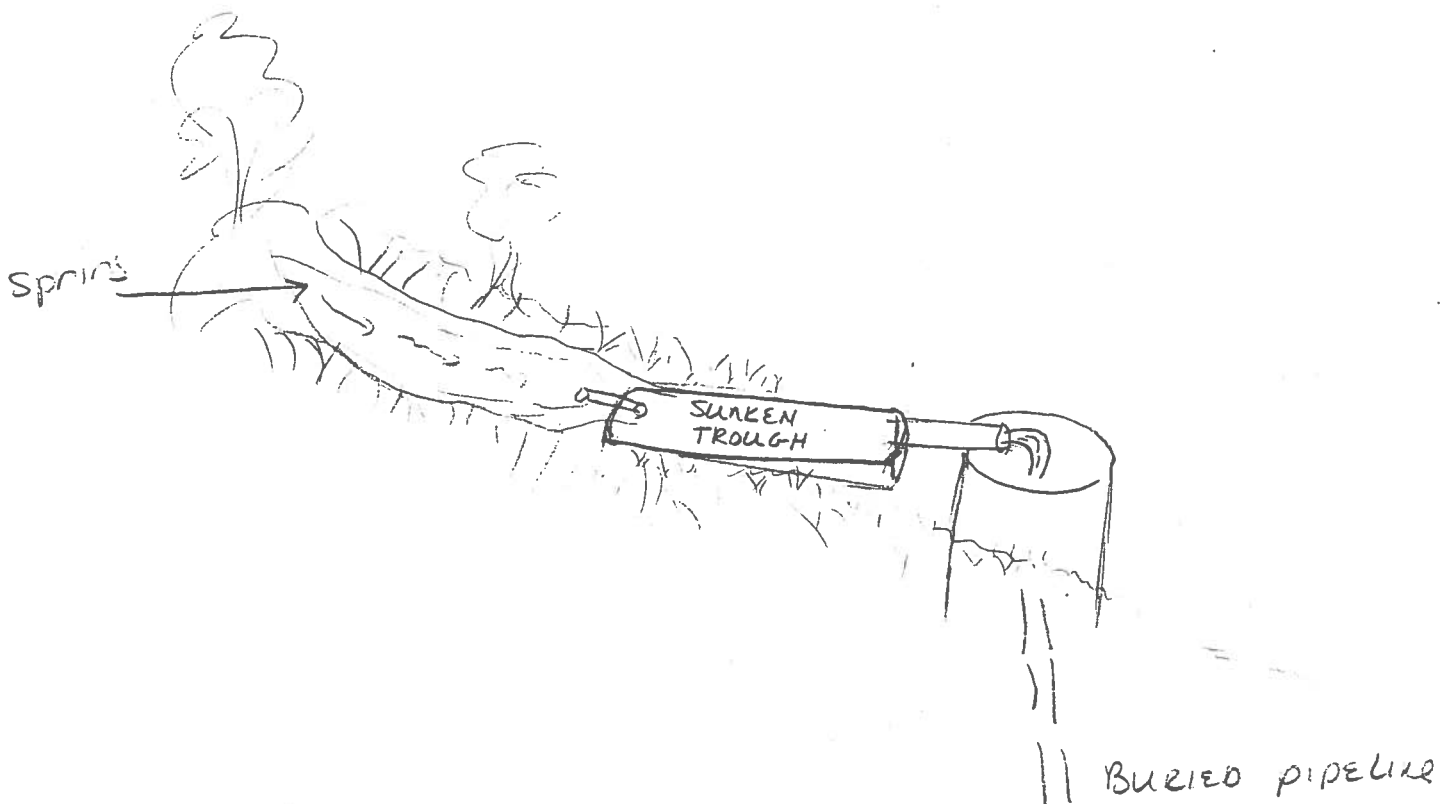


Measurement Site #2 5-12-99

5 gal Bucket & Stopwatch

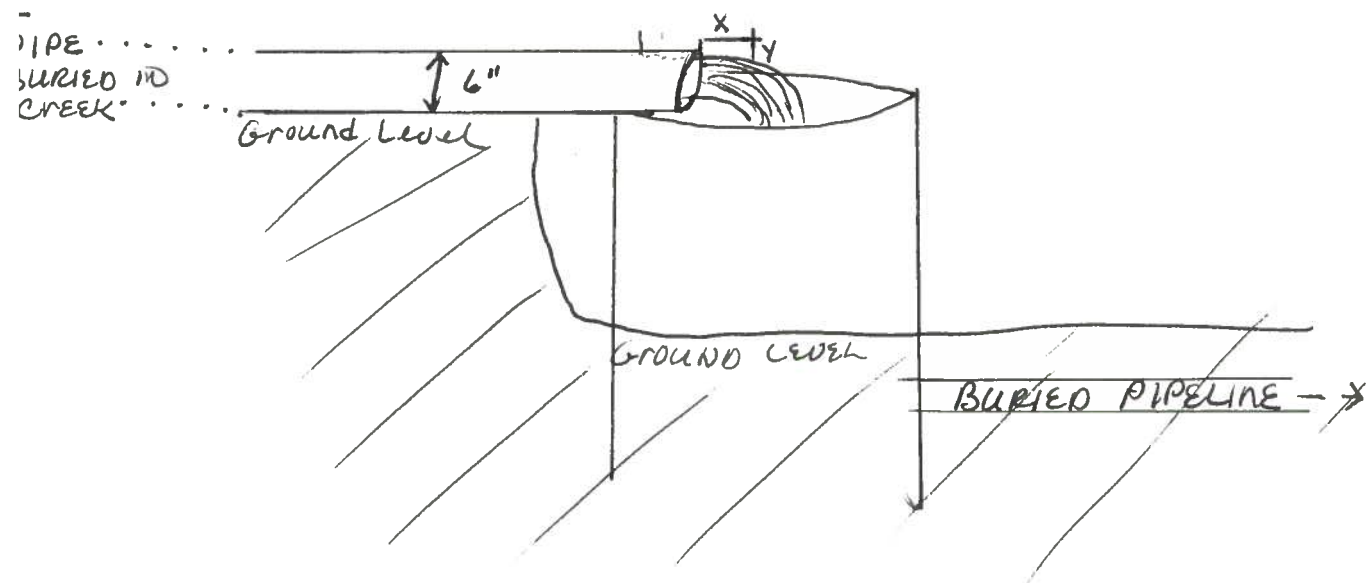
#1	6.57	
#2	7.12	Ave 6.83
#3	6.80	

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



Measurement - Site #3 5-12-99

$$X = 6''$$
$$Y = 3.5''$$



Calculation from page 202
Water Measurement Manual
Figure 92

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

From Pipe Flow Tables:

6" diam pipe @ 5'/sec = .98 cfs

Roll 99-1 Pk 1-5



Spring in hills
located here to
south

↑
Feed yard

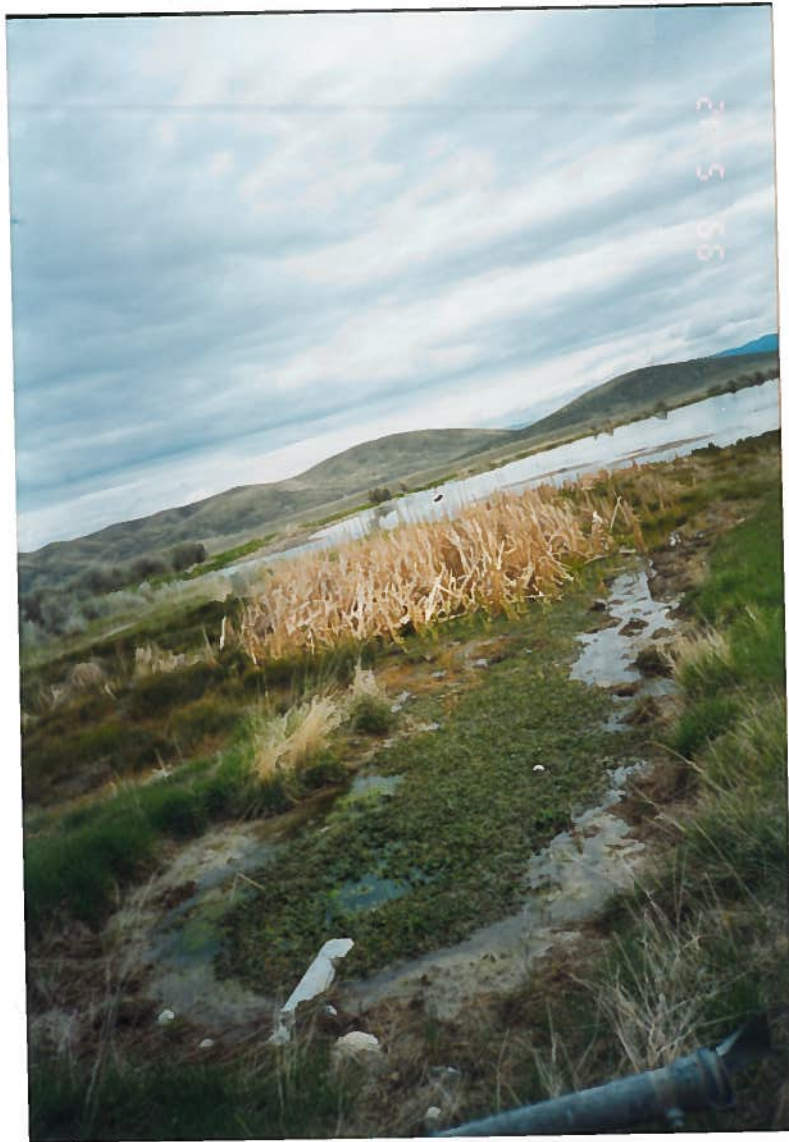
Looking south from
Along Waf-Stowell Rd. Looking toward place
Showing place of use.



DAIRY ON N. SIDE OF NAF-STREVELL Rd.
Picture taken from Farm House



DAIRY PENS FROM POND LOOKING SOUTH



Pond intake.
Source:
"Artesian
Well"

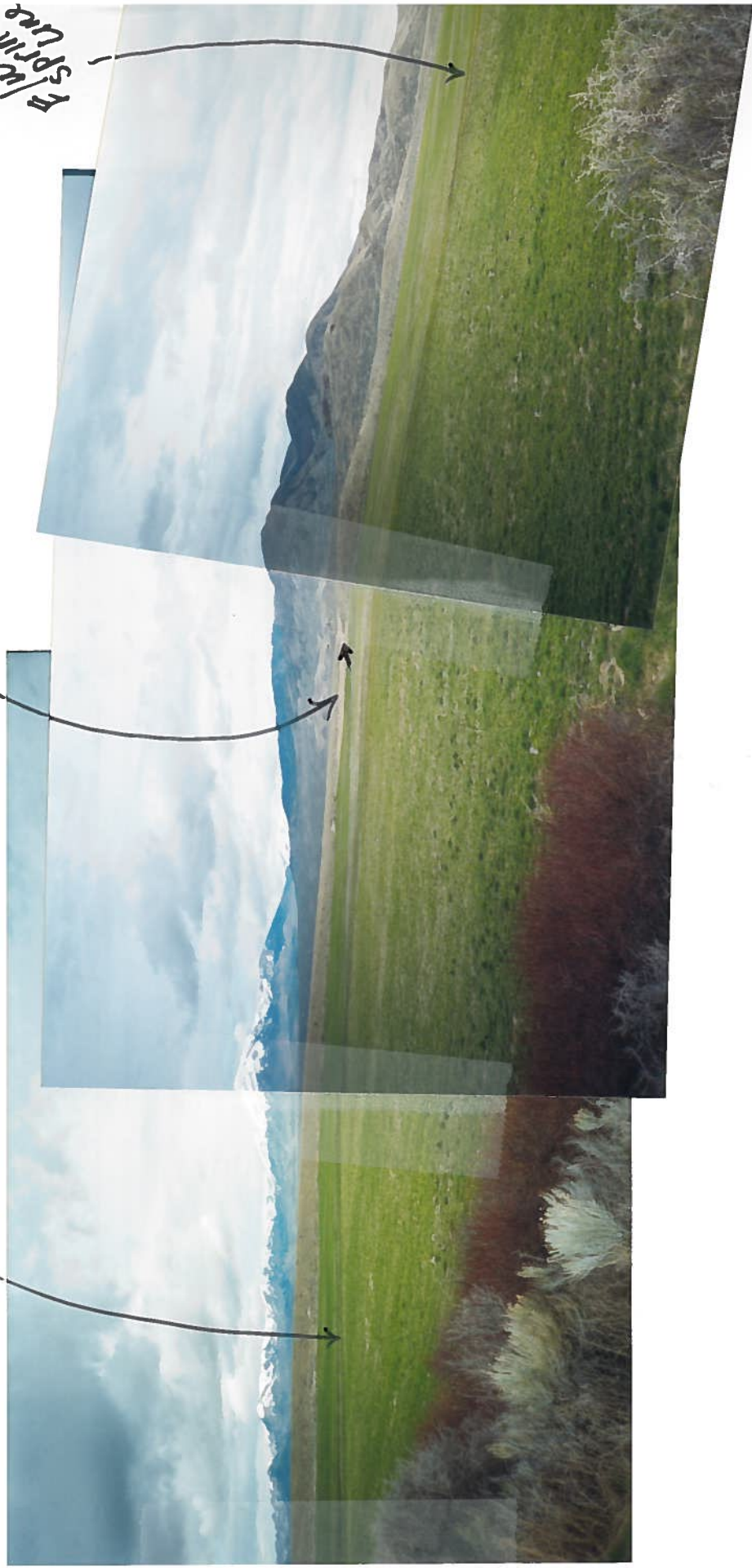


Pond
from
overflow

pour continues
N. valley

N/S
sprinkler line

N/S
sprinkler
line



Looking at place of use North from Pond embankment.



MEASUREMENT SITE #3 Spring fed ditch captured by pipe, conveyed into underground system. Note stock tank in foreground.



MR TRACY. LOOKING WEST FROM FEED YARD

FIELD NOTES

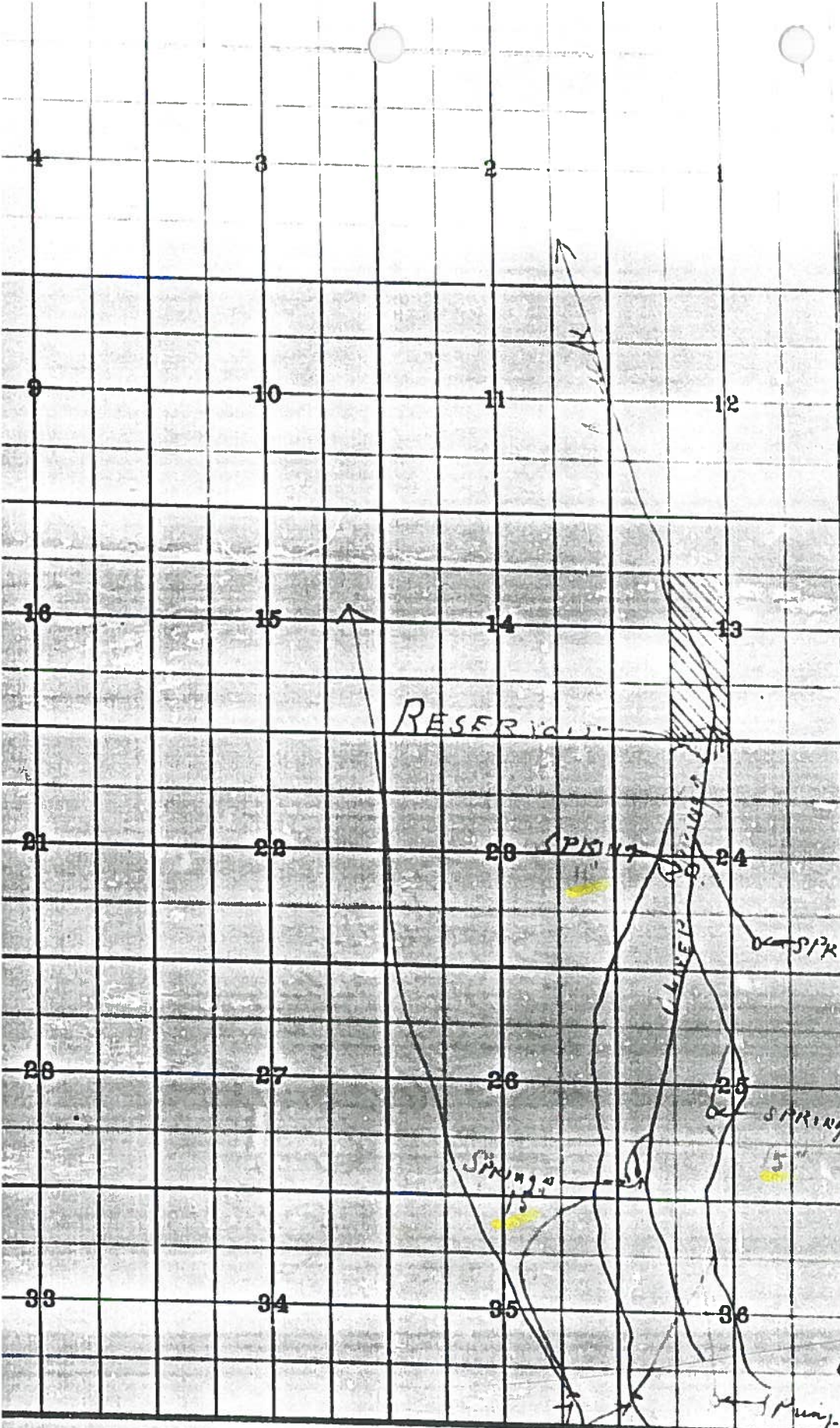
CLAIM NO(S): A43-10056
and A43-02155



V HANCOCK

Date:

1987/1988 NAPP PHOTOGRAPHY



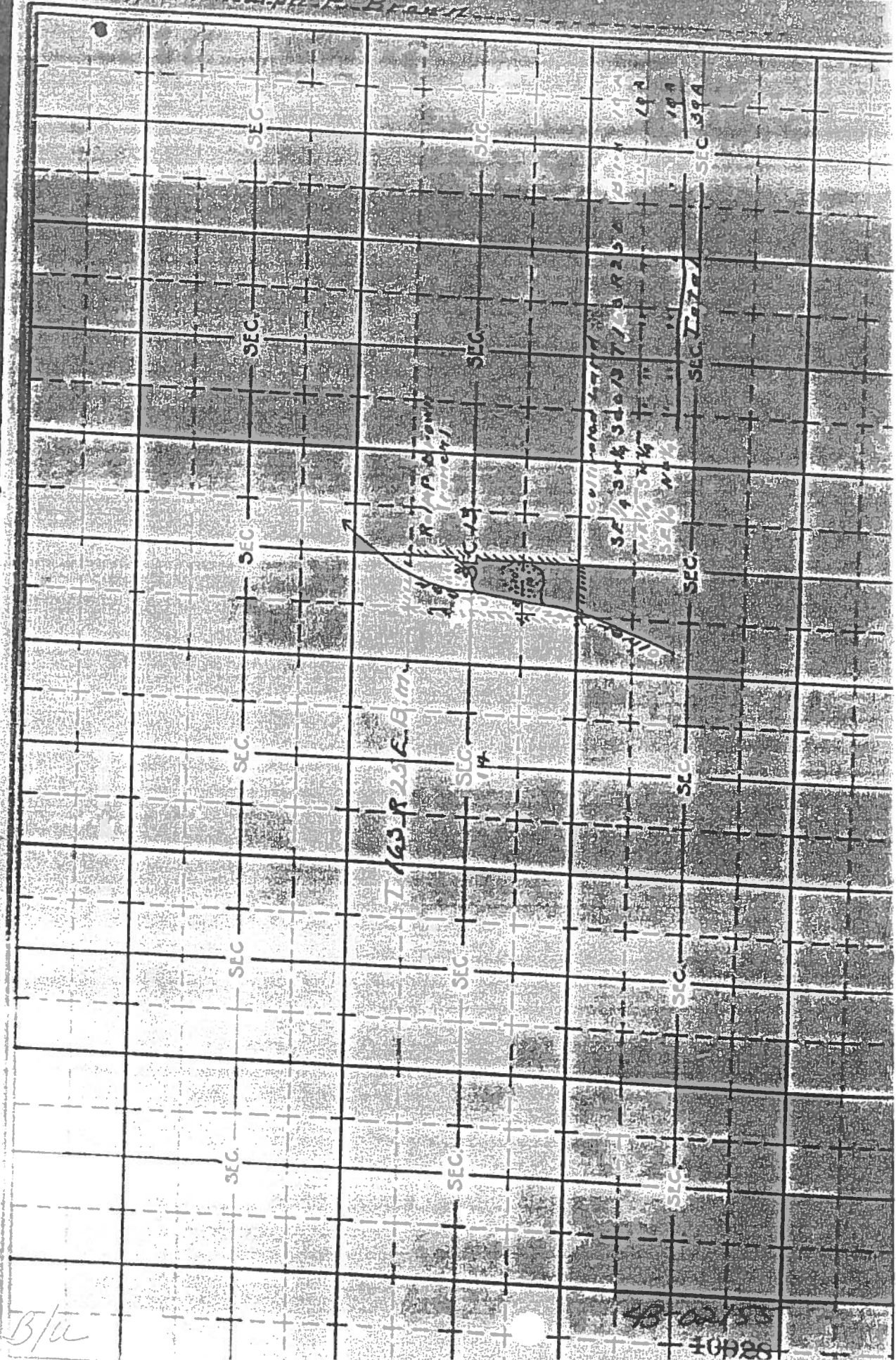
W 24

4B-2/55-

Pt. of Dir.
DITCH

APPLICATION map

Name of Applicant: Ralph P. Brown



B/u

48-02153
10028

REPORT OF ENGINEER

Project No. 10028

Location of works: Oliver Springs

Location of point of diversion: Oliver Springs 3rd Sec. 35, T. 16 S., R. 25 E., B. M.

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

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

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

Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each tract. (Describe manner and place of use if for other than irrigation):

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

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

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

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

Total 30 Acres

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

The above land description may be in error as to the exact amounts under cultivation in each forty-acre tract, because the boundary lines are indefinite and I could not determine the corners. The total of 30 acres under cultivation is about right, which I distributed over the entire tract.

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

(Signed) J. H. Palmer

Examiner

10028

State of Idaho License and Certificate of Water Right

Water License No. 10028

Water District No. B-2

Amount of 10000 cu.
Priority B-2-1914

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

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

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

The Points of Diversion located as follows: SW 1/4 Sec. 25; SE 1/4 Sec. 25; NE 1/4 Sec. 24; NE 1/4 Sec. 25
and SW 1/4 Sec. 25; SE 1/4 Sec. 25; NE 1/4 Sec. 24; NE 1/4 Sec. 25
in the SE 1/4 Sec. 25; SE 1/4 Sec. 25; NE 1/4 Sec. 24; NE 1/4 Sec. 25
P. 16 S., T. 26 N., R. 26 E.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	25 N.	15	SW 1/4	40	10
			NE 1/4	40	10
			SE 1/4	40	10

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

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

(SEAL)

FRED A. WILKIE

State Engineer.

43-2155

43-02155

Date:
5-10-99

A43-10056, A43-02115

Harold Tracy

From: Vikie Hancock

[illegible]

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

Take Road South thru Malta
To Strwell (nearly to Utah here)
Turn west & go $\approx$ 15 miles to
Farm. Dairy on N. side house on
South. It'll be around.