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JUN 20 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 19 2014	
By _____	Clerk
_____	Deputy Clerk

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

) Water Right No.: 74-15911

Case No. 39576

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On December 31, 2013, the Director of the Idaho Department of Water Resources filed his *Director's Report For Late Claims in IDWR Basins 01, 21, 22, 25, 29, 31, 37, 45, 47, 61, 63, 65, 74, 75, 85 and 86* ("*Director's Report*"). The *Director's Report* included a recommendation that the above-captioned water right claim be decreed disallowed. Objections to the recommendation were due to be received by the Court on or before March 30, 2014. On June 13, 2014, Malinda Tracy filed an *Objection* to the recommendation. Since the *Objection* is untimely, the Court will treat the *Objection* as a *Motion to File Late Objection*.

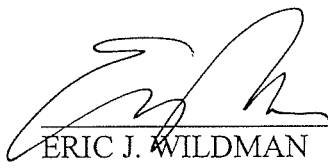
Given the current stage of the Snake River Basin Adjudication, the Court in an exercise of its discretion will set a hearing the *Motion to File Late Objection* on an expedited basis pursuant to *SRBA Administrative Order 1*, § 6.f.(2) as set forth below. The Court will send a copy of this *Notice* as well as the *Motion to File Late Objection* to each person on the current copy of the *Court Certificate of Mailing for Expedited Hearings*. A copy of the *Motion to File Late Objection* is attached hereto as Exhibit A.

Therefore, NOTICE IS HEREBY GIVEN that a hearing on Malinda Tracy's *Motion to File Late Objection* is set for **June 30, 2014 at 2:00 p.m. (Mountain Time)**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone

participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.** Video conferencing ("VTC") will also be available by appearing at either (1) the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho, or (2) the Idaho Department of Water Resources, Eastern Regional Office, 900 N. Skyline Drive, Ste. A, Idaho Falls, Idaho.

IT IS SO ORDERED.

Dated June 18, 2014



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

929

LODGED

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 13 2014
By _____
Clerk Deputy Clerk

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

In Re SRBA)
Case No. 39576)
_____)

A. Subcase 74-15911
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

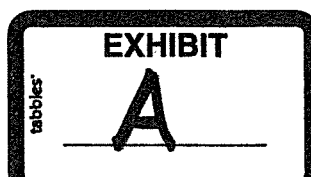
B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Malinda Tracy
Address: 3 Prairie Rd
Salmon, Idaho 83467
Daytime Phone: (208) 756-8653

Name & Address of Attorney, if any:

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

Name: Vincent and Malinda Tracy
Address: 3 Prairie Rd
Salmon Idaho 83467



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

1. ☐ **Name and Address**
Should be: Vincent and Malinda Tracy
2. ☐ **Source**
Should be: Waste Water
3. ☐ **Quantity**
Should be: 0.15 CFS
4. ☐ **Priority Date**
Should be: May 19 1971
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: IRRIGATION
8. ☐ **Period of Year**
Should be: MARCH - NOV.
9. ☐ **Place of Use**
Should be: _____
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.

E. REASONS SUPPORTING OBJECTIONS(S): This water has watered this land for over 50 yrs. and we need it for the pastures to grow grass for horses and garden.

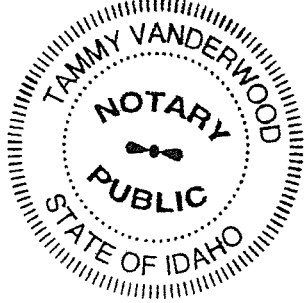
F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of LEMING)

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

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



Malinda Tracy
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

JUNE 10, 2014
Tammy Vanderwood
Notary Public for _____
Residing at: SALMON IDAHO
My Commission Expires: 4/25/19

INSTRUCTIONS FOR MAILING

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

G.

CERTIFICATE OF MAILING

I certify that on JUNE 10, 2004, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

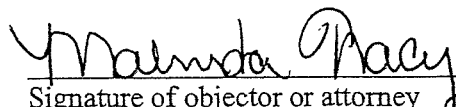
Name: _____
Address: _____

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

To The District Court of the Fifth Judicial
District of the State of Idaho. In and
For the County of Twin Falls.

Please allow us to file a late
objection. not sure why we didn't
get the mailing telling us about
the objection back in Dec. But
we want to file.

Thank you

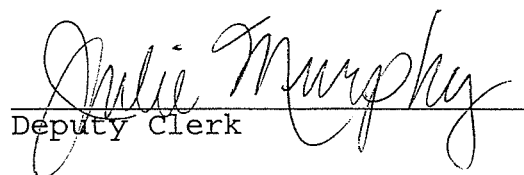
Malinda Tracy

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF EXPEDITED HEARING ON MOTION TO FILE LATE OBJECTION was mailed on June 19, 2014, with sufficient first-class postage to the following:

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

MALINDA TRACY
VINCENT TRACY
3 PRAIRIE RD
SALMON, ID 83467
Phone: 208-756-8653

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF EXPEDITED HEARING ON MOTION TO FILE LATE OBJECTION (74-15911) was mailed on June 19, 2014, with sufficient first-class postage to the following:

C THOMAS ARKOOSH
ARKOOSH LAW OFFICES
802 W BANNOCK ST SUITE 900
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BOISE, ID 83701

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BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
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TRAVIS L THOMPSON
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TWIN FALLS, ID 83301-3029

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2105 CORONADO ST
IDAHO FALLS, ID 83404-7495

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BOISE, ID 83702-3304

BERT L OSBORN
BERT L OSBORN CHARTERED
26 S 9TH ST
PO BOX 158
PAYETTE, ID 83661-0158

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DAVID G SCOTT
BROWNSTEIN HYATT & FARBER PC
410 17TH ST 22ND FL
DENVER, CO 80202-4437

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COOPER & LARSEN CHARTERED
151 N 3RD AVE STE 210
PO BOX 4229
POCATELLO, ID 83205-4229
NOTICE

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CRAIG A PRIDGEN ATTYS AT LAW
305 W LAKE BLVD
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2600 CAPITOL AVE STE 400
SACRAMENTO, CA 95816-5931

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0101

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1023 ARTHUR ST
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CALDWELL, ID 83606-1438

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HECLA MINING COMPANY
6500 N MINERAL DR STE 200
COEUR D ALENE, ID 83815-9408

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125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176

(Certificate of mailing continued)

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HAILEY, ID 83333-0460

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ROBERT L HARRIS
HOLDEN KIDWELL HAHN &
CRAPO PLLC
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JOHN D HANSEN
HOPKINS RODEN CROCKETT HANSEN
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1221 W IDAHO ST
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BOISE, ID 83707-0070

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IDAHO WATER USERS ASSOCIATION
1010 W JEFFERSON ST STE 101
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J R SIMPLOT COMPANY
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575 W BANNOCK ST STE B
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NOTICE

LARY C WALKER
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232 E MAIN ST
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KETCHUM, ID 83340-3310

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LING LAW OFFICE
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MCHUGH BROMLEY PLLC
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& FIELDS CHARTERED
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NEZ PERCE TRIBAL EXEC COMM
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BOISE, ID 83701-1545

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RAY W RIGBY
RIGBY ANDRUS & RIGBY CHARTERED
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NOTICE

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