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Department of Water Resources

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

In Re SRBA

Case No. 39576

SUBCASE NO.: 51-12897A

STANDARD FORM 5
AMENDED CLAIM

For Domestic and Stockwater Rights

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

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

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

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 10/31/02
Larry A. Brown *LB* date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 10/31/02
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

Brackett Livestock Inc.

Best Brackett Oct 31, 2002
date

R. D. Ling 11/1/2
Roger D. Ling date

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

RIGHT NUMBER: 51-12897A

NAME AND ADDRESS:

BRACKETT LIVESTOCK INC
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS ID 83301

SOURCE: PENCE SPRING

Tributary: LITTLE SPRING CREEK ~~BIG FLAT CREEK~~

QUANTITY: 0.23 CFS

~~9.000 AFY~~

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

PRIORITY DATE: 09/14/1966 ~~08/14/1953~~

POINT OF DIVERSION:

T15S R10E S26 SWNE Within Owyhee County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER	01/01 12/31	0.23 CFS
~~STOCKWATER FROM STORAGE~~	~~01/01 12/31~~	~~9.00 AFY~~
~~STOCKWATER STORAGE~~	~~01/01 12/31~~	~~9.00 AFY~~

PLACE OF USE:

STOCKWATER

within Owyhee County

T11S R08E S25 NWNE

~~T11S R08E S25 NESE~~

T11S R08E S26 NWNE

T11S R08E S26 SWSW

T11S R08E S28 NESE

T11S R08E S34 SESW

~~T11S R08E S35 NWNW~~

~~T11S R09E S31 SWNE~~

T11S R09E S31 NENW

~~T12S R08E S01 NWNE~~

T12S R08E S01 NWNE Lot 2

~~T12S R08E S03 NESE~~

T12S R08E S10 NWNE

T12S R08E S11 SENW

~~T12S R08E S11 NESE~~

T12S R08E S12 NENE

~~T12S R08E S12 NWSE~~

T12S R08E S13 SENW

~~T12S R08E S13 SWSE~~

T12S R08E S26 NENE

~~T12S R08E S26 SESE~~

T12S R08E S35 SESE

~~T12S R09E S05 SENW~~

T12S R09E S06 SENE

T12S R09E S30 SENW

~~T12S R09E S30 NWSE~~

~~T13S R09E S32 NENE~~
~~T12S R09E S32 NESE~~
~~T13S R09E S02 NWNW Lot 4~~
~~T13S R09E S03 NENE~~
~~T13S R09E S08 NESW~~
~~T13S R09E S08 SWSW~~
~~T13S R09E S09 SWNE~~
~~T13S R09E S09 SENE~~
~~T13S R09E S09 NWSW~~
~~T13S R09E S09 NESE~~
~~T13S R09E S10 NESW~~
~~T13S R09E S17 NWNE~~
~~T13S R09E S17 NENW~~
~~T13S R09E S20 SWNE~~
~~T13S R09E S20 SENE~~
~~T13S R09E S23 SENW~~
~~T13S R09E S28 NESW~~
~~T13S R09E S28 SESW~~
~~T13S R09E S30 SESE~~
~~T13S R09E S32 NENE~~
~~T13S R09E S32 NWNE~~
~~T13S R09E S33 SWNE~~
~~T13S R09E S34 NWSE~~
~~T13S R09E S35 SWSW~~
~~T14S R09E S09 NENW~~
~~T14S R09E S09 NWNW~~
~~T14S R09E S11 SENW~~
~~T14S R09E S11 NESW~~
~~T14S R09E S17 NENE~~
~~T14S R09E S20 SWNE~~
~~T14S R09E S20 NESE~~
~~T14S R09E S22 SWNE~~
~~T14S R09E S22 SENE~~
~~T14S R09E S24 SESW~~
~~T14S R09E S24 NWSE~~
~~T14S R09E S25 SWNW~~
~~T14S R09E S25 SENW~~
~~T14S R10E S31 NESW~~
~~T14S R10E S31 NWSW Lot 3~~
~~T15S R09E S25 NWNE~~
~~T15S R09E S25 SENE~~
~~T15S R10E S27 NENW~~
~~T15S R10E S28 SENE~~
~~T15S R10E S28 SWNW~~
~~T15S R10E S29 NENE~~
~~T15S R10E S30 NWNE~~
~~T15S R10E S30 SENE~~
~~T15S R10E S31 SWNW Lot 2~~
~~T15S R10E S31 SENW~~
~~T15S R10E S34 SWNE~~
~~T15S R10E S34 SWNW~~
~~T16S R10E S09 SWNW~~
~~T16S R10E S09 SESW~~

RB
 WB
 JG
 BZ
 DW

~~T16S R10E S02 SWSE~~
~~T16S R10E S10 NWNE~~
~~T16S R10E S10 SENE~~
~~T16S R10E S14 NWSW~~
~~T16S R10E S15 NESE~~
~~T16S R10E S21 NWNE~~
~~T16S R10E S23 NWSW~~
~~T16S R10E S27 NWSE~~

TWO PLACES OF USE ARE LOCATED IN T12S, R08E, S11, SENW.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 1000 RANGE CATTLE.

CONVEYANCE FACILITIES NECESSARY FOR THE DELIVERY OF THIS RIGHT ARE LOCATED AS FOLLOWS:

T12S R08E S02 SWSW (reservoir)
S03 SESE (reservoir)
S13 SENW (tank)
T12S R09E S06 Lot 5 SWNW (tank)
S09 SENE (tank)
S33 SENE (tank)
T14S R09E S17 NESE (tank)
S25 SWNW (reservoir)
S26 SENE (reservoir)
T15S R10E S28 SENE (tank)
T16S R10E S03 SWSE (reservoir)
S09 SESW (tank)

STOCKWATER, 1000 RANGE CATTLE.

RB
WB
JS
BZ
BW

CERTIFICATE OF MAILING

I certify that on Nov 1, 2002, I delivered the original and copies of this form following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

2. Copies to:

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

☐ overnight mail
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☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Brackett Livestock Inc.
C/o Bert Brackett
P.O. Box 403
Twin Falls, ID 83301

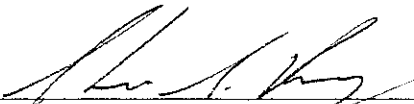
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