

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.: 51-12918

Case No. 39576)

STANDARD FORM 5

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.

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.

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

IDWR CONCURRENCE:

Roxanne Brown 10/23/02
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

C. E. Brackett Cattle Co.

C. E. Brackett 10/31/02
date

R. D. Ling 11/1/02
Roger D. Ling date

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

RIGHT NUMBER: 51-12918

NAME AND ADDRESS:

C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON ID 83302

SOURCE: ROCKY DRAW

Tributary: BRUNEAU RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1871

POINT OF DIVERSION:

~~T13S R08E S5 SWSE End of Stream Flow Within OWYHEE County~~
~~T13S R08E S16 NWNE End of Stream Flow Within OWYHEE County~~
~~T13S R08E S16 SESW Begin of Stream Flow Within OWYHEE County~~
~~T13S R08E S36 NENE Begin of Stream Flow Within OWYHEE County~~
~~T13S R08E S36 NWNW End of Stream Flow Within OWYHEE County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.02 CFS

PLACE OF USE:

STOCKWATER

within OWYHEE County

~~T13S R08E S04 SWSW~~
~~T13S R08E S05 SWSE~~
~~T13S R08E S05 SESE~~
~~T13S R08E S09 SWNE~~
~~T13S R08E S09 NWNW~~
~~T13S R08E S09 SWNW~~
~~T13S R08E S09 SENW~~
~~T13S R08E S09 NWSE~~
~~T13S R08E S09 SWSE~~

T13S R08E S16 NWNE
T13S R08E S16 SWNE
T13S R08E S16 SESW
T13S R08E S16 NWSE
T13S R08E S16 SWSE

~~T13S R08E S21 NWNE~~
~~T13S R08E S21 SESE~~
~~T13S R08E S21 NENW~~
~~T13S R08E S22 NENE~~
~~T13S R08E S22 NWNE~~
~~T13S R08E S22 SESE~~
~~T13S R08E S22 NENW~~
~~T13S R08E S22 SWNW~~
~~T13S R08E S22 SENW~~
~~T13S R08E S23 SWNW~~
~~T13S R08E S23 NWSE~~
~~T13S R08E S23 SWSW~~
~~T13S R08E S23 SESE~~
~~T13S R08E S25 NWSE~~
~~T13S R08E S25 SWSW~~
~~T13S R08E S26 NWNE~~
~~T13S R08E S26 SWNE~~
~~T13S R08E S26 SESE~~

T13S R08E S36 NENE
T13S R08E S36 NWNE
T13S R08E S36 NENW
T13S R08E S36 NWNW

RR *MB*

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

My

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.

LB
DDW

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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
☒ regular mail
☐ hand-delivered
☐ 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

C. E. Brackett Cattle Co.
P.O. Box 111
Rogerson, ID 83302

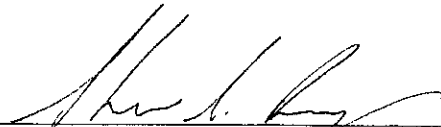
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Ling, Nielsen & Robinson
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Signature of person mailing this document