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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.: 51-12944
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STANDARD FORM 5
AMENDED CLAIM

For Domestic and Stockwater Rights

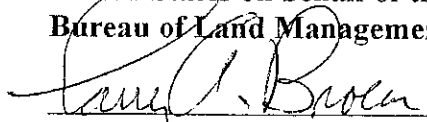
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge 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:

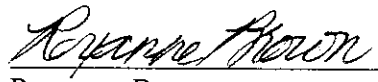
United States on behalf of the
Bureau of Land Management



Larry A. Brown *LAB* date

Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

 10/31/02

Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

Brackett Livestock Inc.

Set Brackett Oct 31, 2002
date

 11/1/2
Roger D. Ling date

10/31/2002

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

RIGHT NUMBER: 51-12944
NAME AND ADDRESS: BRACKETT LIVESTOCK INC
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS ID 83301
SOURCE: CHERRY CREEK TRIBUTARY: THREE CREEK
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1871

POINT OF DIVERSION: T15S R11E S17 NENESW End of Stream Flow Within OWYHEE County
T15S R11E S20 SWSWNW Begin of Stream Flow Within OWYHEE County
T15S R11E S20 SENESW Begin of Stream Flow Within OWYHEE County
T15S R11E S20 SENESW End of Stream Flow Within OWYHEE County
~~T15S R11E S20 NWSW Within OWYHEE County~~
T15S R11E S29 NWNENW End of Stream Flow Within OWYHEE County
T15S R11E S29 SESESW Begin of Stream Flow Within OWYHEE County
T16S R11E S16 SESESW Begin of Stream Flow Within OWYHEE County
T16S R11E S16 SESESW End of Stream Flow Within OWYHEE County
T16S R11E S16 NESE Begin of Stream Flow Within OWYHEE County
T16S R11E S16 NESE End of Stream Flow Within OWYHEE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.02 CFS

PLACE OF USE: STOCKWATER Within OWYHEE County

<u>T15S R11E S17</u>	<u>NESW</u>	<u>T15S R11E S17</u>	<u>SWSW</u>
<u>T15S R11E S17</u>	<u>SESW</u>	<u>T15S R11E S20</u>	<u>NWNW</u>
<u>T15S R11E S20</u>	<u>SWNW</u>	<u>T15S R11E S20</u>	<u>NESW</u>
<u>T15S R11E S29</u>	<u>NENW</u>	<u>T15S R11E S29</u>	<u>SENW</u>
<u>T16S R11E S16</u>	<u>SESW</u>	<u>T16S R11E S16</u>	<u>NESE</u>
<u>~~T15S R11E S20~~</u>	<u>~~NWSW~~</u>		

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

CERTIFICATE OF MAILING

I certify that on Nov 1, 2002, I delivered the original and copies of this form to the 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

Brackett Livestock Inc.
Flat Creek Ranch
Rogerson, ID 83302

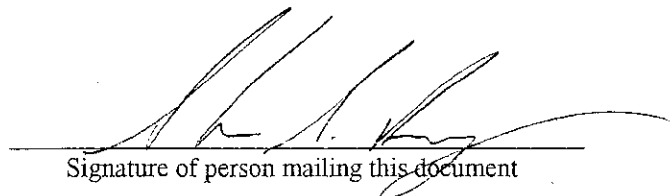
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☒ regular mail
☐ hand-delivered
☐ facsimile

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

☐ overnight mail
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☐ hand-delivered
☐ facsimile

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☐ hand-delivered
☐ facsimile


Signature of person mailing this document