

RECEIVED

FEB 3 - 2003

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

Department of Water Resources

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. _____

Date Received _____

Receipt Number _____

AMENDED

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) C.E. Brackett Cattle Co. Phone (208) 857-2262Mailing Address P.O. Box 111, Rogerson, Idaho Zip 833022. Date of Priority (Only one per claim) 1871 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Jim Bob Creek (Nevada)
Name or kind of source
which is tributary to (b) Robinson Creek4. Location of point of diversion is: Township 46 North Range 59 EastSection 11 NE 1/4 of SE 1/4, Govt Lot M.D.B.&M. BM.County of ElkoAdditional points of diversion if any: From which the NE corner of Section 11, T46N R59E, M.D.B.&M. bears
23° 00' and 00" W, a distance of 3,100 feet.5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any
changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth
of each well. Jim Bob Creek has a partial dam across the creek with a headgate diverting water into a pipeline.
The pipeline runs north into Idaho with multiple reservoirs and stockwater troughs specifically identified in
Exhibit A attached hereto.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For stockwater purposes from 1/1 ^{Month/Day} to 12/31 ^{Month/Day} amount .69 ^(cfs)
(Both dates are inclusive)For storage purposes from 1/1 to 12/31 amount 5 acre feet7. Total quantity claimed .69 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type
and Number of livestock) 3,000 head of stock cows, storage, reservoirs

10. Place of use is: Township: See Exhibit A Range _____
Section _____ 1/4 of _____ 1/4, Govt Lot _____ B.M.,
County of _____ for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Owyhee County, Idaho

12. Do you own the property listed above as place of use? Yes _____ No XX

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
N/A

14. Remarks: The places of use in the State of Idaho are within the BLM Allotment #1050 -
Poison Butte allotment.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 51-12891

16. Signature (s)

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

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Chad Brachett Date Jan 30/03

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____ that I have signed the foregoing
document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me this 30th day of January 19 2003

SEAL

Notary Public Ruth Beebe

Residing at Gooding, Id

My Commission Expires 10/17/03

Last Name _____ Ident No. _____

EXHIBIT A

- (1) **Priority Date:** 1871
- (2) **Point of Diversion:** A point located within the NE 1/4 SE 1/4 of Section 11, T46N R59E M.D.B.&M from which the NE corner of Section 11, T46N R59E M.D.B.&M. bears S 23° 02' 00" W a distance of 3,100 feet.
- (3) **Remarks:** 3,000 range cattle
- (3) **Places of Use:**

North of Pence Line:

T12S R08E, Section 15, NESW
T12S R08E, Section 27, NWNW
T12S R08E, Section 35, NWNW
T12S R08E, Section 21, SWNE
T12S R08E, Section 27, NWSE

T13S R08E, Section 09, SENE
T13S R08E, Section 10, SWSW
T13S R08E, Section 15, SESW
T13S R08E, Section 27, NWNE
T13S R08E, Section 34, SESE
T13S R08E, Section 04, NESE
T13S R08E, Section 26, SWSW
T13S R08E, Section 29, NENE

T14S R08E, Section 03, SESE
T14S R08E, Section 12, SWSE
T14S R08E, Section 02, Lot 2, NWNE
T14S R08E, Section 11, SESW

T14S R09E, Section 20, NWNW
T14S R09E, Section 32, SWSE
T14S R09E, Section 18, Lot 2
T14S R09E, Section 29, NESE

T15S R09E, Section 08, SWSW
T15S R09E, Section 14, SWSW
T15S R09E, Section 17, SWNW

T15S R09E, Section 20, SWSE
T15S R09E, Section 26, SENW
T15S R09E, Section 28, NENE
T15S R09E, Section 08, SWNW
T15S R09E, Section 09, SWNE
T15S R09E, Section 15, SESW
T15S R09E, Section 17, SENW
T15S R09E, Section 26, SENE
T15S R09E, Section 26, SESW
T15S R09E, Section 28, SENW

T16S R09E, Section 01, NESW
T16S R09E, Section 02, NENW

T16S R09E, Section 01, NWSE

T15S R09E, Section 04, Lot 3, NENW
T13S R08E, Section 25, NESE

Stockwater- Tanks, Reservoirs and Engineering Devices:

T12S R08E, Section 02, SWSW
T12S R08E, Section 03, SESE
T12S R08E, Section 27, SWSE
T13S R08E, Section 27, SESE
T14S R09E, Section 19, NENE
T15S R09E, Section 08, NWNW
T15S R08E, Section 28, SENW
T15S R10E, Section 28, SENE

Jim Bob - On the Murphy Hot Spring Quad (troughs):

T16S R10E, Section 07, Lot 10
T16S R10E, Section 18, Lot 6, SENW
T16S R10E, Section 18, NWSE
T16S R10E, Section 18, SESE
T16S R10E, Section 19, NENE
T16S R10E, Section 19, SENE
T16S R10E, Section 26, NWNE
T16S R10E, Section 29, NENW - 2 troughs

Jim Bob - On the Three Creek Quad:

T16S R10E, Section 12, SESW

T16S R10E, Section 12, SWSE

T16S R10E, Section 13, SESW

T16S R10E, Section 26, SENE

~~ORIGINAL~~

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FEB 3 - 2003

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

) A. Subcase 51-12891
) (Insert water right number)
)
) STANDARD FORM 4
)
) MOTION TO FILE:
) ☐ LATE NOTICE OF CLAIM
) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

- I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is _____ Work _____ Home _____

I am an attorney representing C.E. Brackett Cattle Co.

My name is Craig A. Pridgen

My address is 221 Main Street, 16th Floor, San Francisco, CA 94105

My phone number is (415) 905-0200

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

- ☐ I did not file a Notice of Claim to the use of water in the SRBA because:

- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

- ☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).

- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be hearing on _____
 (Insert Date and Time)
 at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- I must amend my Notice of Claim to the use of water in the SRBA because:

The above-referenced claim has been the subject matter of extensive negotiations with respect to the settlement with the United States - BLM involving the above-referenced subcase as well as competing BLM subcases. During the course of these negotiations, and as a result of field investigations, it was determined that some of the legal descriptions of the places of use contained in the original subcase claim above referenced were in error. The corrected and amended claim is being filed pursuant to a written stipulation by and between the applicant and the United States - BLM. Once the amended claim is filed, the proceedings before the SRBA will be stayed pending the outcome of pending adjudication of the water rights at the source or point of diversion which is located in the State of Nevada and subject to the jurisdiction of the Nevada State Engineer. The requested stay is subject to court approval and is one of the terms and conditions of the settlement agreement.

- I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1) Attached hereto and identified as Exhibit A are the changes and amendments to Water Right Claim No. 51-12891 consisting of a claimed priority date of 1871, the point of diversion in T46N R59E, Section 11 - Nevada and the legal description of the places of use in Idaho; 2) attached hereto as Exhibit B is a copy of the stipulation entered into by and between C.E. Brackett Cattle Co. and the United States - BLM.

I have attached:

- An amended Notice of Claim (available from IDWR).
- Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

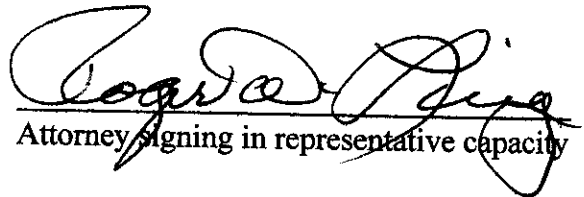
State of Idaho

County of Minidoka

Roger D. Ling, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

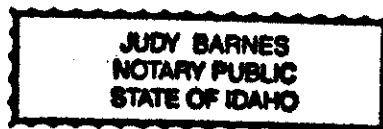
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

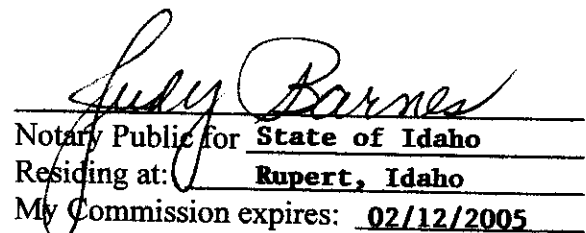
Signature of person filing motion


Attorney signing in representative capacity

Subscribe and sworn to before me on January 16, 2003

(Insert Date)




Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

VERIFICATION (Must be completed)

State of CALIFORNIA
County of SAN FRANCISCO

Craig A. Pridgen, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Craig A. Pridgen
Signature of person filing motion

Attorney signing in representative capacity

Subscribe and sworn to before me on January 14, 2002
(Insert Date)



Samantha Hubley
Notary Public for State of California
Residing at: 2N Main St. 16th Floor
My Commission expires: 10/22/03

INSTRUCTIONS FOR MAILING

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CERTIFICATE OF MAILING

I certify that on 1-31, 2003, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage paid and addressed as follows:

1. Original to:

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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

State of Idaho
c/o David J. Barber
P.O. Box 83720
Boise, ID 83720-0010

Larry Brown
United States Dept. of Justice
Environment and Natural Resource Div.
P.O. Box 663
Washington, DC 20044-0663

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

Richard L. Harris, Esq.
Law Offices of Richard L. Harris
Secretary: Rachel
1023 Arthur Street
Caldwell, ID 83605

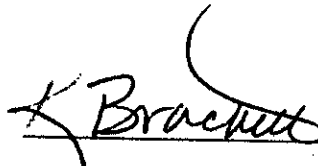


EXHIBIT A

- (1) **Priority Date:** 1871
- (2) **Point of Diversion:** A point located within the NE 1/4 SE 1/4 of Section 11, T46N R59E M.D.B.&M from which the NE corner of Section 11, T46N R59E M.D.B.&M. bears S 23° 02' 00" W a distance of 3,100 feet.
- (3) **Remarks:** 3,000 range cattle
- (3) **Places of Use:**

North of Pence Line:

T12S R08E, Section 15, NESW
T12S R08E, Section 27, NWNW
T12S R08E, Section 35, NWNW
T12S R08E, Section 21, SWNE
T12S R08E, Section 27, NWSE

T13S R08E, Section 09, SENE
T13S R08E, Section 10, SWSW
T13S R08E, Section 15, SESW
T13S R08E, Section 27, NWNE
T13S R08E, Section 34, SESE
T13S R08E, Section 04, NESE
T13S R08E, Section 26, SWSW
T13S R08E, Section 29, NENE

T14S R08E, Section 03, SESE
T14S R08E, Section 12, SWSE
T14S R08E, Section 02, Lot 2, NWNE
T14S R08E, Section 11, SESW

T14S R09E, Section 20, NWNW
T14S R09E, Section 32, SWSE
T14S R09E, Section 18, Lot 2
T14S R09E, Section 29, NESE

T15S R09E, Section 08, SWSW
T15S R09E, Section 14, SWSW
T15S R09E, Section 17, SWNW

T15S R09E, Section 20, SWSE
T15S R09E, Section 26, SENW
T15S R09E, Section 28, NENE
T15S R09E, Section 08, SWNW
T15S R09E, Section 09, SWNE
T15S R09E, Section 15, SESW
T15S R09E, Section 17, SENW
T15S R09E, Section 26, SENE
T15S R09E, Section 26, SESW
T15S R09E, Section 28, SENW

T16S R09E, Section 01, NESW
T16S R09E, Section 02, NENW

T16S R09E, Section 01, NWSE

T15S R09E, Section 04, Lot 3, NENW
T13S R08E, Section 25, NESE

Stockwater- Tanks, Reservoirs and Engineering Devices:

T12S R08E, Section 02, SWSW
T12S R08E, Section 03, SESE
T12S R08E, Section 27, SWSE
T13S R08E, Section 27, SESE
T14S R09E, Section 19, NENE
T15S R09E, Section 08, NWNW
T15S R08E, Section 28, SENW
T15S R10E, Section 28, SENE

Jim Bob - On the Murphy Hot Spring Quad (troughs):

T16S R10E, Section 07, Lot 10
T16S R10E, Section 18, Lot 6, SENW
T16S R10E, Section 18, NWSE
T16S R10E, Section 18, SESE
T16S R10E, Section 19, NENE
T16S R10E, Section 19, SENE
T16S R10E, Section 26, NWNE
T16S R10E, Section 29, NENW - 2 troughs

Jim Bob - On the Three Creek Quad:

T16S R10E, Section 12, SESW

T16S R10E, Section 12, SWSE

T16S R10E, Section 13, SESW

T16S R10E, Section 26, SENE

Names of Parties Serving Document:

UNITED STATES OF AMERICA

C.E. BRACKETT CATTLE CO.
BERT & PAULA BRACKETT
BRACKETT LIVESTOCK, INC.
BRACKETT RANCHES, LTD

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
United States Department of Justice
Assistant Attorney General
Environment and Natural Resources Division

CRAIG A. PRIDGEN
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San Francisco, California 94105-1936
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FAX: (415) 905-0202

LARRY A. BROWN
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph: (202) 305-0435
FAX: (202) 305-0274

ROGER D. LING
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, Idaho 83350
Ph: (208) 436-4717
FAX: (208) 436-6804

**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 Numbers: See Attached Exhibits
) A, B, C, and D
)
) STIPULATION AND JOINT MOTION
) FOR ORDER APPROVING
) STIPULATION

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STIPULATION

The United States of America, by and through the United States Department of the Interior, Bureau of Land Management (hereinafter "BLM) and, C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd., by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. C.E. Brackett Cattle Co., Bert and Paula Brackett, **Brackett Livestock, Inc., and Brackett Ranches, Ltd.**, stipulate and agree to dismiss objections, motions to file late objections, and/or motions to set-aside partial decree in all subcases listed on attached Exhibit A.

2. The BLM stipulates and agrees that Bert and Paula Brackett shall have Water Right Number 51-12895A with a priority date not earlier than September 14, 1966; that C.E. Brackett Cattle Co. shall have Water Right Number 51-12896A with a priority date not earlier than September 14 1966; that Brackett Livestock, Inc. shall have Water Right Number 51-12897A with a priority date not earlier than September 14, 1966; and that Brackett Ranches, Ltd. shall have Water Right Number 51-12898A with a priority date not earlier than September 14, 1966. The parties to this stipulation agree that, subject to approval by the parties of the legal descriptions of the places of use, and subject to concurrence by the Idaho Department of Water Resources, the parties shall sign and file with the Snake River Basin Adjudication (hereinafter "SRBA") District Court Standard Forms 5 that will describe stipulated elements of Water Right Numbers 51-12895A, 51-12896A, 51-12897A, and 51-12898A.

3. The BLM agrees that all pipelines, pipeline connections, engineering devices, troughs, reservoirs, and tanks located on the federal public land encompassed by the legal descriptions contained in the Standard Forms 5 for Water Right Numbers 51-12895A, 51-12896A,

51-12897A, and 51-12898A are authorized under existing Cooperative Range Improvement Agreements and the Three Creek Allotment Management Plan (amended May 1973). The BLM further agrees that the pipelines and troughs located on the federal public land within the following legal descriptions are authorized under existing Cooperative Range Improvement Agreements:

T.13S., R.09E., Section 25, NWSW

The BLM further agrees that pipelines and troughs are proposed to be installed and are currently authorized to be located upon the public land within the following legal descriptions under existing Cooperative Range Improvement Agreements:

T.11S., R.08E., Section 10, SENE

T.11S., R.08E., Section 12, SWSW

T.11S., R.08E., Section 15, NWNE

T.11S., R.09E., Section 18, NESW

T.12S., R.09E., Section 25, NWSW

T.12S., R.10E., Section 32, SENW

T.13S., R.10E., Section 31, NENE

T.13S., R.10E., Section 33, SESE

T.13S., R.10E., Section 35, SWSE

T.14S., R.10E., Section 13, NWNW

T.14S., R.10E., Section 24, NENW

//

//

4. In accordance with I. C. § 42-222, Bracketts shall apply to the Idaho Department of Water Resources for a transfer for water rights to use water from the source known as Pence Spring, located at T15S, R10E, Section 26, SENENE at the following places of use:

T.11S., R.08E., Section 10, SENE

T.11S., R.08E., Section 12, SWSW

T.11S., R.08E., Section 15, NWNE

T.11S., R.09E., Section 18, NESW

T.12S., R.10E., Section 32, SENW

T.13S., R.09E., Section 25, NWSW

T.13S., R.10E., Section 31, NENE

T.13S., R.10E., Section 33, SESE

T.13S., R.10E., Section 34, SESE

T.13S., R.10E., Section 35, SWSE

T.14S., R.10E., Section 02, NWNW

T.14S., R.10E., Section 11, NENW

T.14S., R.10E., Section 13, NWSW

T.14S., R.10E., Section 13, NWNW

T.14S., R.10E., Section 14, NESE

T.14S., R.10E., Section 23, NENW

T.14S., R.10E., Section 24, NENW

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The BLM stipulates and agrees not to protest such transfer; *provided* the transfer is in accordance with State law, and conforms to this stipulation.

5. The parties agree that the definition of "range improvement" shall be the definition given in 43 C.F.R. § 4100.0-5 (1995).

6. C.E. Brackett Cattle Co. stipulates and agrees to dismiss, with prejudice, all federal public land places of use claimed by C.E. Brackett Cattle Co. in Water Right Number 51-12957, and that no partial decree or final decree for Water Right Number 51-12957 shall contain any place of use that describes federal public land.

7. C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd. stipulate and agree to dismiss, with prejudice, all public land places of use described in the water right claims listed on Exhibit B. Private land places of use described in water right claim 51-12918 shall be retained by C.E. Brackett Cattle Co.; private land places of use described in water right claim 51-12933 shall be retained by Brackett Ranches, Ltd.; and, private land places of use described in water right claim 51-12942, 51-12943 and 51-12944 shall be retained by Brackett Livestock, Inc.

8. The BLM and C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd. agree and stipulate that, subject to approval by the parties of the legal descriptions of the points of diversion and places of use, and approval of the priority date, and subject to concurrence by the Idaho Department of Water Resources, the parties shall sign and file with the SRBA District Court Standard Forms 5 that will describe stipulated elements of Water Right Numbers listed on Exhibit C, provided:

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a. The public land places of use described in the water rights listed on Exhibit C, and public land places of use described in water rights resulting from a split of water rights listed on Exhibit C, would be for the purpose of providing water to livestock duly permitted by the BLM to use United States' property for the purpose of livestock grazing pursuant to a valid grazing permit;

b. The use of water for the public land places of use described in the water rights listed on Exhibit C, and public land places of use described in water rights resulting from a split of water rights listed on Exhibit C, shall remain *in situ*; and

c. Partial decrees or final decrees for the public land places of use described in the water rights listed on Exhibit C, and public land places of use described in water rights resulting from a split of water rights listed on Exhibit C, shall not alter in any way the rights of C.E.

Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd., or their successors in interest, heirs, or assigns under a valid BLM issued grazing permit nor impede the authority of the United States to manage federal public lands.

9. The parties agree that the points of diversion for Water Right Numbers 51-12711, 51-12891, 51-12925 and 51-12954 are located in the State of Nevada. The parties agree that the State of Nevada has commenced the Jarbidge General Stream Adjudication (hereinafter "Jarbidge Adjudication"), and that the points of diversion for Water Right Numbers 51-12711, 51-12891, 51-12925 and 51-12954 are encompassed by the boundary of the Jarbidge Adjudication. The parties stipulate and agree that court proceedings for Water Right Numbers 51-12711, 51-12891, 51-12925 and 51-12954 should be stayed pending adjudication of issues within the jurisdiction of the Nevada State Engineer in the Jarbidge Adjudication. The parties stipulate and agree to join in

a motion to stay SRBA proceedings in Subcase Numbers 51-12711, 51-12891, 51-12925 and 51-12954.

10. The parties stipulate and agree to support the Joint Motion for Order Approving Stipulation set forth below. If for any reason the Court does not approve the Stipulation and issue partial and final decrees for any of the water rights as described above, and as described in the Standard Forms 5 to be filed at a later date, this Stipulation is null and void and shall have no effect, and the parties shall proceed with a determination of their water rights and/or objections under applicable law.

11. The parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as admissions against interest or tendered or used as evidence to show the validity or invalidity of any water right claims made by the parties, or as an admission or concession of wrongdoing or liability, or shall be used in any manner by any party in the SRBA in any future proceedings in the SRBA, in any appellate proceedings concerning the SRBA, or in any other proceeding, other than those seeking approval of this Stipulation by the SRBA Court, for interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408. Nothing in this Stipulation shall be construed to commit any federal official to expend funds not appropriated by Congress.

12. This Stipulation was entered into and executed voluntarily by the parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence. This Stipulation comprises the entire agreement and no promise, inducement, or

representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this Stipulation are contractual and not merely a recital.

13. This Stipulation shall be binding upon any and all successors, assigns, heirs, executors, and administrators of each of the parties.

14. Each party shall bear their own costs and attorney fees.

15. This Stipulation shall become effective upon execution by all of the Parties.

JOINT MOTION FOR ORDER APPROVING STIPULATION

The United States and C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd. request the Court to approve the foregoing Stipulation, and to Order that subcases, places of use, objections, motions to file late objections, and motions to set-aside partial decrees be dismissed with prejudice in accordance with this Stipulation and its exhibits.

The Order sought by this motion is fully in accordance with Idaho law. Such an Order would serve to facilitate the settlement between the BLM and C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd., thus streamlining the SRBA process. The provisions of Idaho Rule of Evidence 408, as well as the policy underlying that rule and the policy of the SRBA Court, are directed at furthering the strong public policy favoring out-of-court settlement of disputes over litigation.

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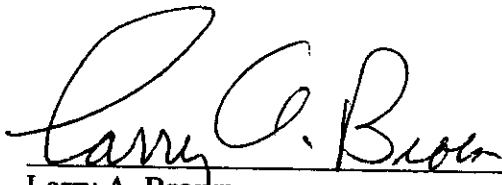
Wherefore, the United States and C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd. respectfully request that this Court grant this motion in all respects. The United States and C.E. Brackett Cattle Co., Bert and Paula Brackett, Brackett Livestock, Inc., and Brackett Ranches, Ltd. further request oral argument of this matter.

DATED this 31st day of October 2002.

Respectfully submitted:

UNITED STATES OF AMERICA

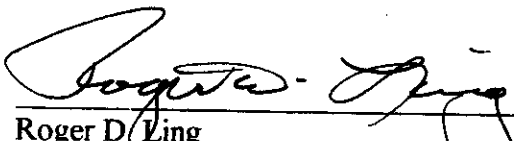
C.E. BRACKETT CATTLE CO.
BERT & PAULA BRACKETT
BRACKETT LIVESTOCK, INC.
BRACKETT RANCHES, LTD



Larry A. Brown
Of Attorneys for the United States



Craig A. Pridgen
Of Attorneys for Bracketts



Roger D. Ling
Of Attorneys for Bracketts

State of Idaho)
County of Ada) ss.

LARRY A. BROWN, duly sworn, upon oath, deposes and says:

That I am the party filing this Stipulation, and/or that I am the attorney for the party, and that I have read this Stipulation, know its contents and believe that the statements are true to the best of my knowledge.

Larry A. Brown

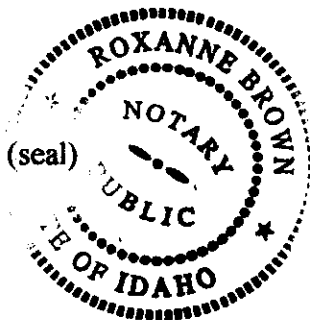
Larry A. Brown
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(202) 305-0435

Counsel for the United States of America

Subscribed and sworn before me on: October 31ST, 2007

Roxanne Brown

Notary Public for: State of Idaho
Residing at: Boise, ID
Commission expires: 5/11/2008

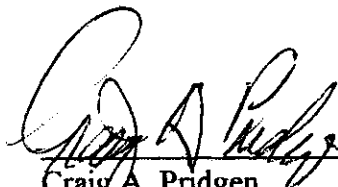


State of Idaho)
) ss.
County of Ada)

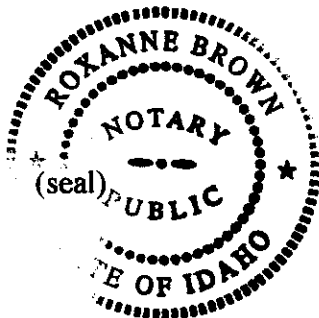
CRAIG A. PRIDGEN, duly sworn, upon oath, deposes and says:

That I am the party filing this Stipulation, and/or that I am the attorney for the party, and that I have read this Stipulation, know its contents and believe that the statements are true to the best of my knowledge.

Dated October 31, 2002


Craig A. Pridgen
McQuaid, Metzler, Bedford, & Van Zandt, LLP
221 Main Street, Seventh Floor
San Francisco, CA 94105-1936
Ph: (415) 905-0200
Counsel for C.E. Brackett Cattle Co., Bert and
Paula Brackett, Brackett Livestock, Inc., and
Brackett Ranches, Ltd.

Subscribed and sworn before me on: October 31, 2002




(name of notary)
Notary Public for: State of Idaho
Residing at: Boise, ID
Commission expires: 5/11/2008

State of Idaho)
) ss.
County of MIDWICK

ROGER D. LING, duly sworn, upon oath, deposes and says:

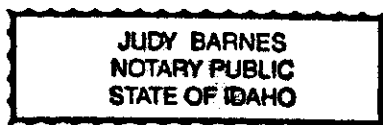
That I am the party filing this Stipulation, and/or that I am the attorney for the party, and that I have read this Stipulation, know its contents and believe that the statements are true to the best of my knowledge.

Dated Jan 16, 2003

Roger D. Ling

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350
Ph: (208) 436-4717
Counsel for C.E. Brackett Cattle Co., Bert and
Paula Brackett, Brackett Livestock, Inc., and
Brackett Ranches, Ltd.

Subscribed and sworn before me on: January 16, 2003



Judy Barnes
(name of notary) Judy Barnes
Notary Public for: State of Idaho
Residing at: Rupert, Idaho
Commission expires: 02/12/2005

(seal)

The Idaho Department of Water Resources **CONCURS** in this Stipulation.

Dated: 10/31/02

Roxanne Brown
Roxanne Brown
Senior Water Rights Agent

Approved as to form:

Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of October 2002, I served a true and correct copy of the foregoing **STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION**, by depositing a copy thereof in the U.S. mail, postage prepaid, or via hand delivery or facsimile where indicated, upon the following:

Original to:

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

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Craig A. Pridgen
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San Francisco, CA 94105-1936

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

David J. Barber, Deputy Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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

Larry A. Brown

EXHIBIT A

51-02281	51-11904	51-12091	51-12485
51-02283	51-11905	51-12904	51-12491
51-02289	51-11907	51-12097	51-12495
51-02299	51-11908	51-12108	51-12499
51-02300	51-11911	51-12109	51-12501
51-02301	51-11912	51-12114	51-12502
51-02302	51-11915	51-12115	51-12503
51-02313	51-11919	51-12117	51-12504
51-02317	51-11920	51-12118	51-12508
51-02318	51-11921	51-12167	51-12511
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51-11903	51-12090	51-12484	

EXHIBIT B

51-04097
51-04099
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EXHIBIT C

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EXHIBIT D

51-12711
51-12891
51-12895A
51-12896A
51-12897A
51-12898A
51-12925
51-12954
51-12957