

RECEIVED

JAN - 6 2003

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 3 PM 1 09

**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 51-12896A**
) **(C.E. Brackett Cattle Co.)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

On November 24, 1998, the Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basin 51)*. The Director recommended claim 51-12896A to Bert and Paula Brackett for .23 cfs from Pence Spring for year-'round stockwater, stockwater storage and stockwater from storage in Owyhee County with a priority date of August 1, 1965, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management, filed an *Objection* on March 31, 1999, objecting to priority date and place of use. However, on November 1, 2002, the C.E. Brackett Cattle Company, the United States and IDWR filed an *Amended Claim Standard Form 5* agreeing to the water right being decreed to C.E. Brackett Cattle Company, P.O. Box 111, Rogerson, Idaho 83302 for year-'round stockwater use only with an amended point of diversion and place of use and a priority date of September 14, 1966.

Conclusions of Law

The C.E. Brackett Cattle Company is entitled to a partial decree adjudicating a water right under claim 51-12896A as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 51-12896A*.

DATED January 3, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 3 PM 1 09

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-12896A

NAME AND ADDRESS: C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON, ID 83302

SOURCE: PENCE SPRING TRIBUTARY: LITTLE SPRING CREEK

QUANTITY: 0.23 CFS

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

PRIORITY DATE: 09/14/1966

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 TO 12-31 0.23 CFS

PLACE OF USE: Stockwater Within Owyhee County

T12S R08E S15	NESW	
S21	SWNE	
S27	NWNW	NWSE
S35	NWNW	
T13S R08E S04	NESE	
S09	SENE	
S10	SWSW	
S15	SESW	
S25	NESE	
S26	SWSW	
S27	NWNE	
S29	NENE	
S34	SESE	
T14S R08E S02 LOT 2	(NWNE)	
S03	SESE	
S11	SESW	
S12	SWSE	
R09E S18 LOT 2	()	
S20	NWNW	
S29	NESE	
S32	SWSE	
T15S R09E S04 LOT 3	(NENW)	
S08	SWNW	SWSW
S09	SWNE	
S14	SWSW	
S15	SESW	
S17	SWNW	SENW
S20	SWSE	
S26	SENE	SENW
	SESW	
S28	NENE	SENW
T16S R09E S01	NESW	NWSE
S02	NENW	

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

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

JAN - 3 2003

Thomas A. Olsen

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 3 PM 1 09

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-12896A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 03, 2003, with sufficient first-class postage prepaid to the following:

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

BERT & PAULA BRACKETT
C E BRACKETT CATTLE CO

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

Robbin Hall

ROBBIN HALL
Deputy Clerk

PAGE 1
01/03/03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 3 PM 1 09

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)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

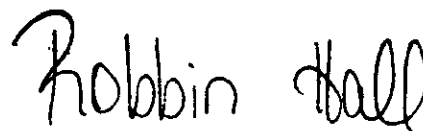
Water Right(s): 51-12896A

On January 03, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 03, 2003.



ROBBIN HALL
Deputy Clerk