

RECEIVED

NOV - 6 2002

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.: 51-12896A

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 FWP 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:

C. E. Brackett Cattle Co.

C. E. Brackett 10/31/02
date

Roger D. Ling 11/1/02
date

10/28/2002

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

RIGHT NUMBER: 51-12896A

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

SOURCE: PENCE SPRING TRIBUTARY: LITTLE SPRING CREEK ~~BIG FLAT CREEK~~

QUANTITY: 0.23 CFS
~~9.00 AFY~~ *Fwp* *AG*
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. *FW*

PRIORITY DATE: ~~08/01/1965~~ 09/14/1966

POINT OF DIVERSION: T15S R10E S26 SWNE 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	0.23 CFS
~~STOCKWATER STORAGE~~	~~01/01 12/31~~	~~9.00 AFY~~
~~STOCKWATER FROM STORAGE~~	~~01/01 12/31~~	~~9.00 AFY~~

PLACE OF USE: STOCKWATER Within OWYHEE County

T12S R08E S15	NESW	T12S R08E S21	SWNE
T12S R08E S27	NWNW	T12S R08E S27	NWSE
T12S R08E S35	NWNW	T13S R08E S04	NESE
T13S R08E S09	SENE	T13S R08E S10	SWSW
T13S R08E S15	SESW	T13S R08E S26	SWSW
T13S R08E S27	NWNE	T13S R08E S29	NENE
T13S R08E S34	SESE	T14S R08E S02 Lot 2	NWNE
T14S R08E S03	SESE	T14S R08E S11	SESW
T14S R08E S12	SWSE	T14S R09E S18 Lot 2	
T14S R09E S20	NWNW	T14S R09E S29	NESE
T14S R09E S32	SWSE	T13S R08E S25	NESE
T15S R09E S04 Lot 3	NENW	T15S R09E S08	SWNW
T15S R09E S08	SWSW	T15S R09E S09	SWNE
T15S R09E S14	SWSW	T15S R09E S15	SESW
T15S R09E S17	SWNW	T15S R09E S17	SENW
T15S R09E S20	SWSE	T15S R09E S26	SENE
T15S R09E S26	SENW	T15S R09E S26	SESW
T15S R09E S28	NENE	T15S R09E S28	SENW
T16S R09E S01	NESW	T16S R09E S02	NENW
~~T13S R09E S02~~	~~SENE~~	~~T13S R09E S24~~	~~SENW~~
~~T13S R10E S06~~	~~NESE~~	~~T13S R10E S19~~	~~NWNW~~
~~T13S R10E S20~~	~~SWNE~~	T16S R09E S01	NWSE

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: 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)
S27 SWSE (tank)
T13S R08E S27 SESE (tank)
T14S R09E S19 NENE (reservoir)
T15S R09E S08 NWNW (reservoir)
S28 SENW (tank)
T15S R10E S28 SENE (tank)

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

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

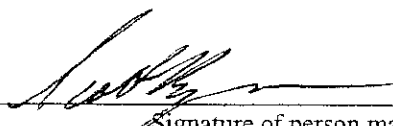
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

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

Craig A. Pridgen
221 Main St.
16th Floor
San Francisco, CA 94105

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



Signature of person mailing this document