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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.: 51-12898A

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:

Brackett Ranches LTD.

Beit Brackett Oct 31, 2002
date

R. D. Ling 11/1/2
Roger D. Ling date

10/29/2002

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

RIGHT NUMBER: 51-12898A

NAME AND ADDRESS: BRACKETT RANCHES LTD BRACKETT LIVESTOCK INC.
C/O BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

BB RB

SOURCE: PENCE SPRING

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

QUANTITY: 0.23 CFS

~~9.00 AFY~~

FWP

for

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

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

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 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

~~T11S R08E S25~~ ~~NESW~~	~~T11S R08E S28~~ ~~NESW~~
~~T11S R08E S35~~ ~~NWNW~~	~~T11S R09E S31~~ ~~SWNE~~
~~T12S R08E S01~~ ~~NWNE~~	~~T12S R08E S03~~ ~~NESW~~
~~T12S R08E S11~~ ~~NESW~~	~~T12S R08E S12~~ ~~NWSE~~
~~T12S R08E S13~~ ~~SESW~~	~~T12S R08E S26~~ ~~SENE~~
~~T12S R08E S35~~ ~~SESE~~	~~T12S R09E S05~~ ~~SENW~~
~~T12S R09E S30~~ ~~NWSE~~	~~T12S R09E S32~~ ~~NENE~~
~~T13S R09E S03~~ ~~NENE~~	~~T13S R09E S08~~ ~~SWSW~~
~~T13S R09E S09~~ ~~SWNE~~	~~T13S R09E S10~~ ~~NESW~~
~~T13S R09E S17~~ ~~NENW~~	~~T13S R09E S20~~ ~~SWNE~~
~~T13S R09E S23~~ ~~SENW~~	~~T13S R09E S28~~ ~~SESW~~
~~T13S R09E S32~~ ~~NWNE~~	~~T13S R09E S34~~ ~~NWSE~~
~~T13S R09E S35~~ ~~SESE~~	~~T14S R09E S01 Lot 1~~ ~~NENE~~
~~T14S R09E S09~~ ~~NENW~~	~~T14S R09E S11~~ ~~SENE~~
~~T14S R09E S11~~ ~~NESW~~	~~T14S R09E S13~~ ~~SENW~~
~~T14S R09E S17~~ ~~NENE~~	~~T14S R09E S20~~ ~~SWNE~~
~~T14S R09E S22~~ ~~SWNE~~	~~T14S R09E S24~~ ~~NWSE~~
~~T14S R09E S25~~ ~~SWNW~~	~~T14S R10E S06~~ ~~SESW~~
~~T14S R10E S08~~ ~~NENW~~	~~T14S R10E S18~~ ~~SENW~~
~~T14S R10E S31~~ ~~NESW~~	~~T15S R09E S25~~ ~~NWNE~~
~~T15S R10E S27~~ ~~NENW~~	~~T15S R10E S29~~ ~~NENE~~
~~T15S R10E S30~~ ~~NWNE~~	~~T15S R10E S34~~ ~~SWNE~~

~~T16S R10E S09~~ ~~SWNW~~

~~T16S R10E S09~~ ~~SWSE~~

~~T16S R10E S10~~ ~~SENE~~

~~T16S R10E S15~~ ~~NESE~~

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.

FWP

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 1000 RANGE CATTLE.

CONVEYANCE FACILITIES NECESSARY FOR THE DELIVERY OF THIS RIGHT
ARE LOCATED AS FOLLOWS:

T13S R09E S35 SESW (tank)

T14S R09E S25 SWNW (reservoir)

S26 SESE (reservoir)

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 Ranches LTD.
C/o Bert Brackett
Flat Creek Ranch
Twin Falls, ID 83301

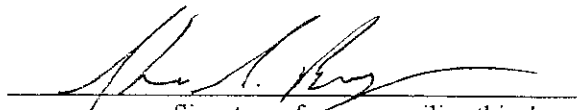
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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