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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.: 51-12901

STANDARD FORM 5

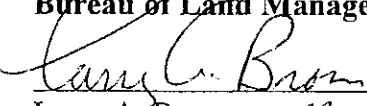
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 described per the attached. 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 MB date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:



Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

C. E. Brackett Cattle Co.

C. E. Brackett 10/31/02
date

R. D. Ling 11/1/02
Roger D. Ling date

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

RIGHT NUMBER: 51-12901

NAME AND ADDRESS:

C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON ID 83302

SOURCE: POISON CREEK

Tributary: JARBIDGE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/05/1899

~~12/31/1871~~

POINT OF DIVERSION:

~~T14S R08E S3 NWNW End of Stream Flow Within OWYHEE County~~

~~T16S R10E S6 Lot 12 End of Stream Flow Within OWYHEE County~~

~~T16S R10E S6 Lot 12 Begin of Stream Flow Within OWYHEE County~~

~~T16S R10E S7 NWNE End of Stream Flow Within OWYHEE County~~

~~T16S R10E S8 SWSNW Begin of Stream Flow Within OWYHEE County~~

~~T16S R10E S17 NWSESE End of Stream Flow Within OWYHEE County~~

~~T16S R10E S33 Lot 4 NWNW~~ Begin of Stream Flow Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.02 CFS

PLACE OF USE:

STOCKWATER

within OWYHEE County

~~T14S R08E S03 NENW Lot 3~~
~~T14S R08E S03 NWNW Lot 4~~
~~T14S R08E S03 SENW~~
~~T14S R08E S03 NWSE~~
~~T14S R08E S03 SWSE~~
~~T14S R08E S03 SESE~~
~~T14S R08E S10 NENE~~
~~T14S R08E S10 NWNE~~
~~T14S R08E S10 SWNE~~
~~T14S R08E S10 SENE~~
~~T14S R08E S10 NESE~~
~~T14S R08E S10 SESE~~
~~T14S R08E S14 NWNW~~
~~T14S R08E S14 SWNW~~
~~T14S R08E S15 NESE~~
~~T14S R08E S15 SESE~~
~~T14S R08E S22 NENE~~
~~T14S R08E S23 NENE~~
~~T14S R08E S23 NWNE~~
~~T14S R08E S23 SWNE~~
~~T14S R08E S23 NENW~~
~~T14S R08E S23 NWNW~~
~~T14S R08E S23 SENW~~
~~T14S R08E S24 NWNW~~
~~T14S R08E S24 SWNW~~
~~T14S R08E S24 NESW~~
~~T14S R08E S24 SESW~~
~~T14S R08E S24 NWSE~~
~~T14S R08E S24 SWSE~~
~~T14S R08E S25 NENE~~

T146 R09E S25 NWNE
T146 R09E S25 SENE
T146 R09E S29 NWSW
T146 R09E S29 SWSW
T146 R09E S30 SWNE
T146 R09E S30 SENE
T146 R09E S30 NENW Lot 1
T146 R09E S30 SENW Lot 2
T146 R09E S30 NESE
T146 R09E S32 NWNE
T146 R09E S32 SWNE
T146 R09E S32 SENE
T146 R09E S32 NENW
T146 R09E S32 NWNW
T146 R09E S33 SWNW
T146 R09E S33 SENW
T146 R09E S33 NESW
T146 R09E S33 NWSW
T146 R09E S33 NESE
T146 R09E S33 NWSE
T146 R09E S34 NESW
T146 R09E S34 NWSW
T146 R09E S34 SWSW
T146 R09E S34 SESE
T146 R09E S34 NESE
T146 R09E S34 NWSE
T146 R09E S34 SWSE
T146 R09E S35 NESW
T146 R09E S35 NWSW
T146 R09E S35 SWSW
T146 R09E S35 SESE
T146 R09E S35 NESE
T146 R09E S35 NWSE
T146 R09E S36 NESW
T146 R09E S36 NWSW
T146 R09E S36 SWSW
T146 R09E S36 SESE
T146 R09E S36 SWSE
T156 R09E S01 NWNE Lot 2
T156 R09E S01 SWNE
T156 R09E S01 NESW
T156 R09E S01 SESE
T156 R09E S12 SWNE
T156 R09E S12 NENW
T156 R09E S12 SENW
T156 R09E S12 NESE
T156 R09E S12 NWSE
T156 R09E S13 NESE
T156 R09E S13 SWSE
T156 R09E S13 SESE
T156 R09E S24 NWNE
T156 R09E S24 SWNE
T156 R09E S24 NESW
T156 R09E S24 SESE
T156 R09E S24 NWSE
T156 R09E S25 NENW
T156 R09E S25 NWNW
T156 R09E S25 SWNW
T156 R09E S26 SENE
T156 R09E S26 NESE
T156 R09E S26 SESE
T156 R09E S35 NENE
T156 R09E S36 NWNW
T156 R09E S36 SWNW
T156 R09E S36 SENW
T156 R09E S36 NESW
T156 R09E S36 SESE
T156 R10E S07 NWSW Lot 3
T156 R10E S07 SWSW Lot 4
T156 R10E S18 NENW
T156 R10E S18 NWNW Lot 1
T156 R10E S18 SWNW Lot 2
T156 R10E S18 NWSW Lot 3

RPB
MB
K
LB
fow

T16S R10E S06 Lot 12

T16S R10E S07 NENE
T16S R10E S07 NWNW
T16S R10E S07 SENE
T16S R10E S08 SWNW

T16S R10E S17 SESE
T16S R10E S20 NENE
T16S R10E S20 SENE
T16S R10E S20 NESE
T16S R10E S20 SESE
T16S R10E S28 NWNW
T16S R10E S28 SWNW
T16S R10E S28 NWSW
T16S R10E S28 SWSW
T16S R10E S29 NENE

T16S R10E S33 Lot 4

~~T16S R09E S01 NENE~~
~~T16S R09E S01 NWNW~~
~~T16S R09E S01 NENW~~

~~T16S R10E S06 NENW Lot 2~~
~~T16S R10E S06 NENW Lot 3~~
~~T16S R10E S06 SWNW Lot 5~~
~~T16S R10E S06 SENW Lot 6~~
~~T16S R10E S06 NESW Lot 7~~
~~T16S R10E S06 SESW Lot 12~~

~~T16S R10E S08 NESW~~
~~T16S R10E S08 NWSW~~
~~T16S R10E S08 SESW~~
~~T16S R10E S17 SWNE~~
~~T16S R10E S17 NENW~~
~~T16S R10E S17 SENW~~
~~T16S R10E S17 NWSE~~
~~T16S R10E S17 SWSE~~

~~T16S R10E S29 SENE~~

~~T16S R10E S33 NWNW Lot 4~~

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.

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 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

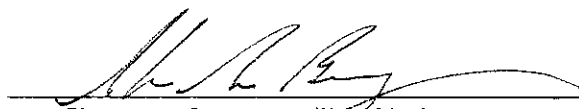
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