

NOV - 6 2002

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

SUBCASE NO.: 51-12917

STANDARD FORM 5

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.

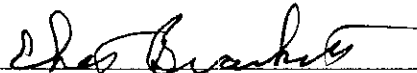
IDWR CONCURRENCE:

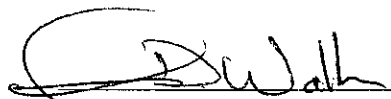
Roxanne Brown 10/24/02
Roxanne Brown date
Sr. Water Resource Agent, IDWR

Larry A. Brown *MB* date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

CLAIMANT:

C. E. Brackett Cattle Co.


date

 11/1/2
Roger D. Ling date

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

RIGHT NUMBER: 51-12917

NAME AND ADDRESS:

C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON ID 83302

SOURCE: UNNAMED STREAM Tributary: POISON CREEK

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:

T16S R10E S29 NENE End of Stream Flow Within OWYHEE County

T16S R10E S32 NENE Lot 1 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

T16S R10E S29 NENE

T16S R10E S29 SENE

T16S R10E S29 NESE

T16S R10E S29 SESE

T16S R10E S32 NENE Lot 1

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.

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

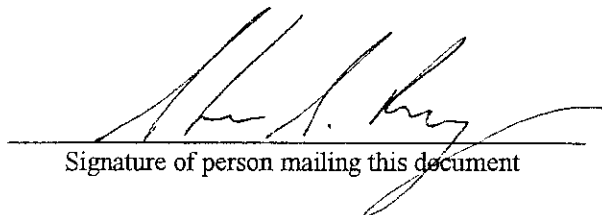
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Signature of person mailing this document