

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

)

SUBCASE NO.: 51-12923

)

Case No. 39576

)

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 10/31/02

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

IDWR CONCURRENCE:

Roxanne Brown 10/27/02

Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

Bert and Paula Brackett

Bert Brackett Oct 31, 2002
date

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

10/22/2002

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

RIGHT NUMBER: 51-12923

NAME AND ADDRESS: PAULA BRACKETT
BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

SOURCE: UNNAMED STREAM

TRIBUTARY: EAST FORK JARBIDGE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: ~~01/01/1871~~ 05/05/1899

POINT OF DIVERSION:

T16S R09E S24 NESESW End of Stream Flow Within OWYHEE County

T16S R09E S35 NENENE 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 R09E S24 SESW

T16S R09E S25 NENW

T16S R09E S25 NWNW

T16S R09E S25 SWNW

T16S R09E S26 SENE

T16S R09E S26 NESE

T16S R09E S26 SESE

T16S R09E S35 Lot 1 NENE

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: BASIS OF CLAIM - Beneficial Use

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

Bert and Paula Brackett
Flat Creek Ranch
Rogerson, ID 83302

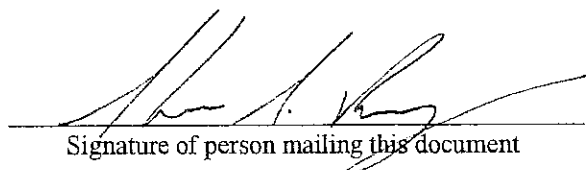
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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