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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

) Subcase No. 51-12933

Case No. 39576

)
)
) **STANDARD FORM 5**

) **AMENDED CLAIM**

) **FOR DOMESTIC & STOCKWATER RIGHTS**

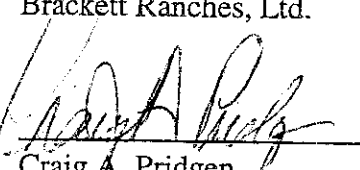
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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 in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/RESPONDENT:

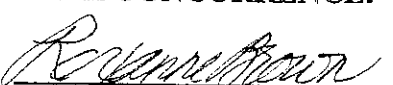
Brackett Ranches, Ltd.


Craig A. Pridgen

10/21/02
Date

Of Attorneys for Claimant

IDWR CONCURRENCE:

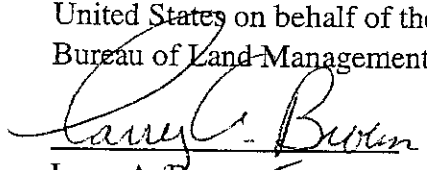

Roxanne Brown

10/31/02
Date

Senior Water Resource Agent

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown FWP

10/31/02
Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Date

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

RIGHT NUMBER: 51-12933

NAME AND ADDRESS: BRACKETT RANCHES LTD
FLAT CR RANCH
ROGERSON, ID 83302

SOURCE: CLOVER CREEK TRIBUTARY: BRUNEAU 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

POINT OF DIVERSION:

Within Owyhee County

~~T14S~~	~~R10E~~	~~S1~~	~~NWNE~~	~~End of Stream Flow~~
T14S	R10E	S13	NESE	End of Stream Flow
<u>T14S</u>	<u>R10E</u>	<u>S13</u>	<u>SWNE</u>	<u>Beginning of Stream Flow</u>
~~T14S~~	~~R10E~~	~~S24~~	~~SENE~~	~~Beginning of Stream Flow~~
<u>T14S</u>	<u>R11E</u>	<u>S07</u>	<u>LOT 2 (NWSWNW)</u>	<u>End of Stream Flow</u>
~~T14S~~	~~R11E~~	~~S7~~	~~SESWSW~~	~~Beginning of Stream Flow~~
<u>T14S</u>	<u>R11E</u>	<u>S18</u>	<u>LOT 1 (SWNNW)</u>	<u>Beginning of Stream Flow</u>

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~~	~~R10E~~	~~S1~~	~~LOT 1 NENE~~
~~T14S~~	~~R10E~~	~~S1~~	~~LOT 2 NWNE~~
~~T14S~~	~~R10E~~	~~S1~~	~~SWNE~~
~~T14S~~	~~R10E~~	~~S1~~	~~SENE~~
~~T14S~~	~~R10E~~	~~S1~~	~~NESE~~
~~T14S~~	~~R10E~~	~~S1~~	~~SESE~~
~~T14S~~	~~R10E~~	~~S12~~	~~NENE~~
~~T14S~~	~~R10E~~	~~S13~~	~~SENE~~
~~T14S~~	~~R10E~~	~~S13~~	~~NESE~~
~~T14S~~	~~R10E~~	~~S13~~	~~SWSE~~
~~T14S~~	~~R10E~~	~~S13~~	~~SESE~~
~~T14S~~	~~R10E~~	~~S24~~	~~NENE~~
~~T14S~~	~~R11E~~	~~S7~~	~~LOT 1 NWNW~~
T14S	R11E	S07	LOT 2 (SWNNW)

T14S R11E S07 LOT 3 (NWSW)

T14S R11E S07 LOT 4 (SWSW)

T14S R11E S18 LOT 1 (NWNW)

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

Fwp
JB
BB
RB
fpa

CERTIFICATE OF MAILING

I certify that on Nov 1, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

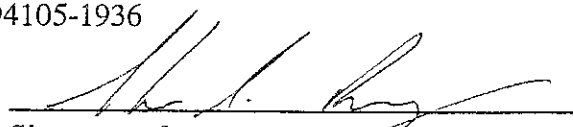
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Craig A. Pridgen
McQuaid, Metzler, Bedford & Van Zandt, LLP
221 Main Street, 16th Floor
San Francisco, CA. 94105-1936


Signature of person or attorney mailing the form