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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.: 51-12953

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 MB date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 10/17/02
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

Brackett Livestock Inc.

Best Brackett Oct 31, 2002

date

R. D. Ling

11/1/2

Roger D. Ling

date

Jan

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

RIGHT NUMBER: 51-12953

NAME AND ADDRESS: BRACKETT LIVESTOCK INC
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS ID 83301

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

01/01/1871

POINT OF DIVERSION:

~~T14S R09E S33 NWSE End of Stream Flow Within OWYHEE County~~
~~T14S R09E S35 NESE Begin of Stream Flow Within OWYHEE County~~
~~T15S R09E S1 NWNE Lot 2 End of Stream Flow Within OWYHEE County~~
~~T15S R09E S2S SWNW Begin of Stream Flow Within OWYHEE County~~

T16S R09E S1 NENW End of Stream Flow Within OWYHEE County

T16S R10E S6 SENESW Lot 7 Begin of Stream Flow Within OWYHEE County

~~T16S R10E S6 NWSW Lot 3 End of Stream Flow Within OWYHEE County~~

T16S R10E S8 SWSNW End of Stream Flow Within OWYHEE County

T16S R10E S17 NWNWSE Begin of Stream Flow Within OWYHEE County

~~T16S R10E S17 NWNWSE 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 R09E S33 NESE~~
~~T14S R09E S33 NWSE~~
~~T14S R09E S34 NESE~~
~~T14S R09E S34 NWSW~~
~~T14S R09E S34 SWSE~~
~~T14S R09E S34 SESE~~
~~T14S R09E S34 NESE~~
~~T14S R09E S34 NWSE~~
~~T14S R09E S34 SWSE~~
~~T14S R09E S35 NESE~~
~~T14S R09E S35 NWSW~~
~~T14S R09E S35 SWSE~~
~~T14S R09E S35 SESE~~
~~T14S R09E S35 NESE~~
~~T14S R09E S35 NWSE~~
~~T15S R09E S01 NWNE Lot 2~~
~~T15S R09E S01 SWNE~~
~~T15S R09E S01 SENW~~
~~T15S R09E S01 NESE~~
~~T15S R09E S01 SESE~~
~~T15S R09E S12 SWNE~~
~~T15S R09E S12 NENW~~
~~T15S R09E S12 SENW~~
~~T15S R09E S12 NESE~~
~~T15S R09E S12 NWSE~~

~~T15S R09E S13 NESE~~
~~T15S R09E S13 SWSE~~
~~T15S R09E S13 SESE~~
~~T15S R09E S24 NWNE~~
~~T15S R09E S24 SWNE~~
~~T15S R09E S24 NESW~~
~~T15S R09E S24 SESW~~
~~T15S R09E S25 NENW~~
~~T15S R09E S25 NWNW~~
~~T15S R09E S25 SWNW~~
~~T15S R10E S07 NWSW Lot 3~~
~~T15S R10E S07 SWSW Lot 4~~
~~T15S R10E S18 NENW~~
~~T15S R10E S18 NWNW Lot 1~~
~~T15S R10E S18 SWNW Lot 2~~
~~T15S R10E S18 SENW~~
T16S R09E S01 NENE
T16S R09E S01 NWNE
T16S R09E S01 NENW
T16S R10E S06 Lot 3
T16S R10E S06 Lot 5
~~T16S R10E S06 NENW Lot 1~~
T16S R10E S06 NWNW Lot 2
T16S R10E S06 SENW Lot 6
~~T16S R10E S06 NESW~~
T16S R10E S06 NESW Lot 7
~~T16S R10E S06 SWSW Lot 12~~
~~T16S R10E S06 SWSE~~
~~T16S R10E S07 NENE~~
~~T16S R10E S07 NWNE~~
~~T16S R10E S07 SESE~~
T16S R10E S08 SWNW
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

pp
NB BB
[Signature]

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 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 Livestock Inc.
Flat Creek Ranch
Rogerson, ID 83302

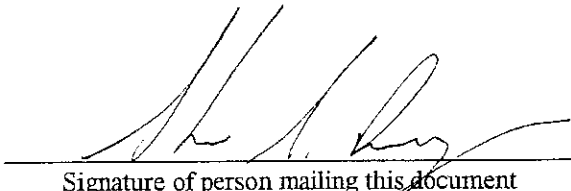
☐ overnight mail
☒ regular mail
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☐ facsimile

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

☐ overnight mail
☒ regular mail
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☐ facsimile

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☐ facsimile


Signature of person mailing this document