

RECEIVED

NOV 14 2002

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 701

2002 NOV 12 PM 3 26

**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 51-12957
) (C.E. Brackett Cattle Co.)
)
) SPECIAL MASTER REPORT

Findings of Fact

Presiding Judge Roger S. Burdick entered an *Order Granting Motion to File Late Notice of Claim* on January 2, 2002. The *Order* allowed C.E. Brackett Cattle Company, P.O. Box 111, Rogerson, Idaho 83302, to file a *Notice of Claim to a Water Right* under 51-12957 on January 10, 2002, claiming .23 cfs from Pence Spring for year-round stockwater use in Owyhee County with a priority date of April 1, 1885, based on beneficial use.

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims & Misc. Claims* on March 4, 2002, recommending the claim for .02 cfs. The claimant filed an *Objection* on March 28, 2002, objecting to place of use. The United States of America, Department of Interior, Bureau of Land Management filed a *Response* on May 23, 2002. On November 1, 2002, the claimant, the BLM and IDWR filed a *Standard Form 5* agreeing to .02 cfs.¹

Conclusions of Law

C.E. Brackett Cattle Company is entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 51-12957*.

¹ The parties and IDWR also filed a *Stipulation and Joint Motion for Order Approving Stipulation* on November 1, 2002, listing multiple claims, including 51-12957 in Exhibit D. Because the *Stipulation and Joint Motion* include claims not before this Special Master, no action will be taken and no recommendation will be made on the *Joint Motion*.

DATED November 12, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 700

2002 NOV 12 PM 3 26

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-12957

NAME AND ADDRESS: C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON, ID 83302

SOURCE: PENCE SPRING TRIBUTARY: LITTLE SPRING CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T15S R10E S26 SWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Owyhee County
T15S R10E S26 NENE

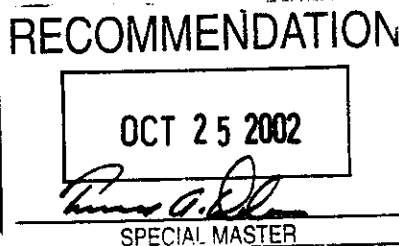
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

NOV 14 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 708

2002 NOV 12 PM 3 26

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

CERTIFICATE OF MAILING

Water Right(s): 51-12957

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 12, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

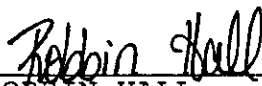
C E BRACKETT CATTLE CO
Represented by:
CRAIG A. PRIDGEN
MCQUAID, METZLER, ET AL
221 MAIN ST, 16TH FLOOR
SAN FRANCISCO, CA 94105
Phone: 415-905-0200

C E BRACKETT CATTLE CO
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

CERTIFICATE OF MAILING

PAGE 1
11/12/02

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835



ROBBIN HALL
Deputy Clerk

RECEIVED

NOV 14 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 300

2002 NOV 12 PM 3 26

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)
)
)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 51-12957

On November 12, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 12, 2002.



ROBBIN HALL
Deputy Clerk