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AUG 21 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 20 2009
Clerk Deputy Clerk

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: 47-17509

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On April 9, 2009, C. E. Brackett Cattle Company filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 18, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated August 20, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 20, 2009, with sufficient first-class postage to the following:

C E BRACKETT CATTLE CO
PO BOX 111
ROGERSON, ID 83302
Phone: 208-731-0135

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

ORDER

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FILE COPY FOR 01156


Deputy Clerk

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 467-17529
Date Received: APR - 9 2009
Receipt No.: 5th Judicial District
Received By: County of Twin Falls - State of Idaho

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW For Domestic and/or Stockwater Purposes Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) C.E. Brackett Cattle Co. Phone (208) 731-0135

Mailing Address P.O. 111 Rogerson ID Zip 83302
Street or Box City State

2. Date of Priority: (Only one per claim) 6/30/1959
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 12S, Range 16E, Section 9,
SE 1/4 of NW 1/4, or Govt. Lot _____ BM., County of Twin Falls;
Parcel (PIN) no. _____

Additional points of diversion if any: none

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well, 3 Horsepower motor, pipeline to troughs (3)
+ house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from 1/1 to 12/31 amount .04
Month/Day Month/Day cfs () or AFY ()

For Domestic purposes from 1/1 to 12/31 amount .04

7. Total Quantity claimed .04 cfs () or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 999 hd. Cattle

9. Location of Place of Use is: Township 12S, Range 16E, Section ~~2~~ 4,
NE 1/4 of NW 1/4, Govt. Lot 3 BM. Parcel (PIN) no. _____
If different than shown in Item 4

for (Check One) Domestic () Stock () Domestic and Stock (☒)

Additional places of use, if any stock only - section 9 (SE, NW) - (NE NW)

10. In which county (ies) are lands listed above as place of use located? Twin Falls

11. Do you own the property listed above as place of use? Yes (☒) No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None () Cows may drink Seasonally: Salmon River Canal Co.

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Coeur d' Alene-Spokane River Basin Adjudication." (b.) I/We do _____ wish to receive do not _____ and pay a small annual fee for monthly copies of the docket sheet

Number of attachments: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Chet Brackett of CE Brackett Cattle Co.
Title Organization

that I have signed the foregoing document in the space below as

President of CE Brackett Cattle Co.
Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Chet Brackett Date 4/08/09

Title and Organization Pres CE Brackett Cattle Co.

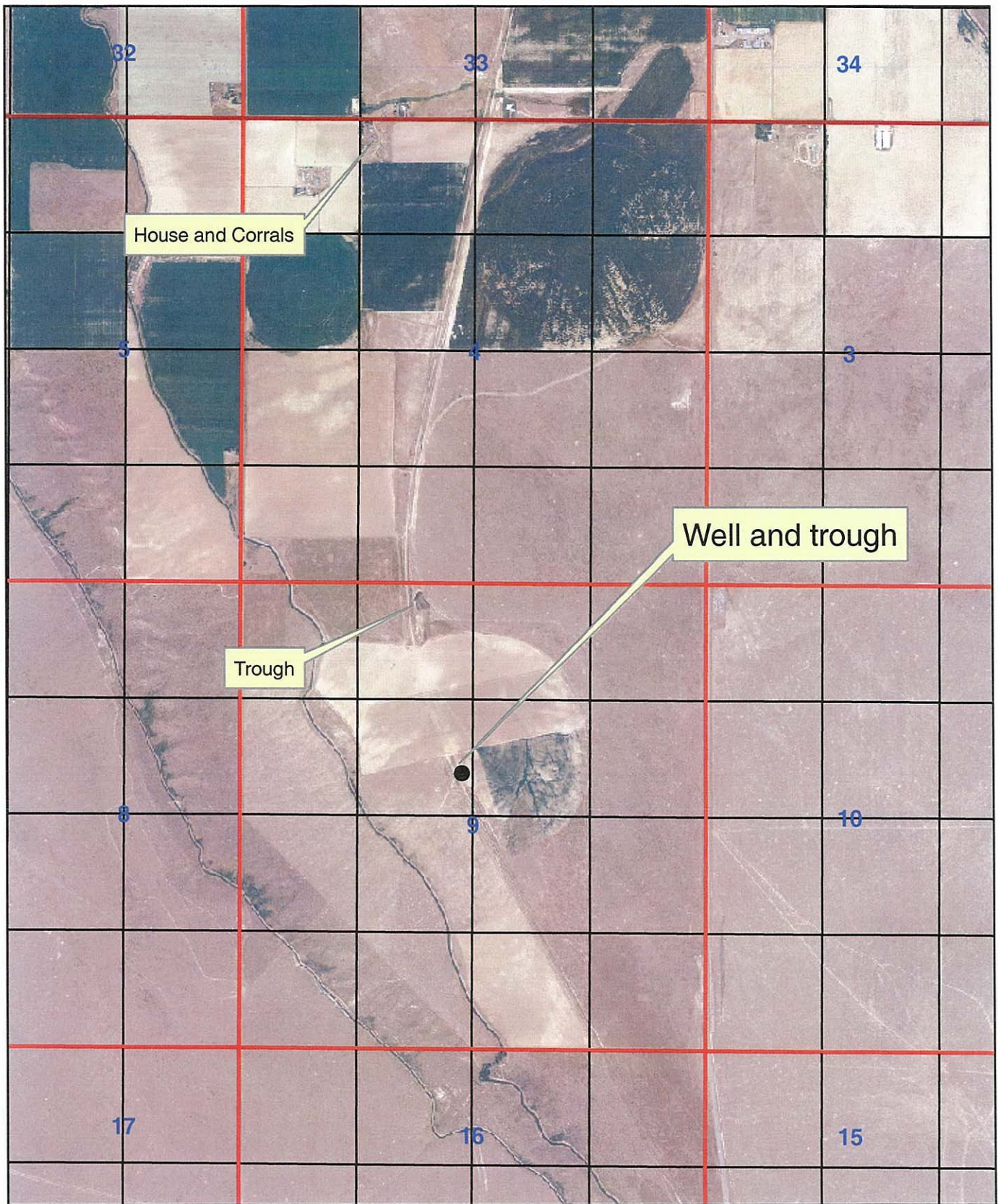
16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. _____



47-17509
2004 Aerial Photo

To: Doug Jones - DWK

Terry Thonton

March 8, 2009

Dear Terry:

C.E. Brackett Cattle Co.
P.O. Box 111
Rogerson, Idaho 83302
208-731-0135

As a part of cleaning up the details of the sale on the property that we purchased from you, we need to file a water claim with water resources on the well located on the south end of the property. It is our understanding that your Grandfather or father drilled the well in 1959. Since that time, up to the present, it was used both for domestic water and stockwater. As you have lived on and farmed this property in recent years, you have the best knowledge of the history of this well. If this is correct, would you sign this letter as a notarized affidavit stating this to be true as to the best of your knowledge.

Terry Thorton
Terry Thornton

address 2300
3160 W 2300 E

Green Lake Idaho

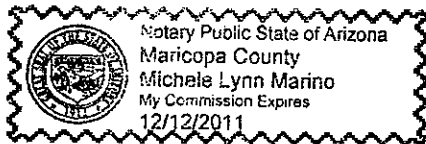
3/8/09
Date

Notarized by

Michele Lynn Marino

Date

3/8/09



Floyd Lilly To test well April 20th