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AUG 03 2011

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.: 47-17205

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 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 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:

Brackett Ranches Limited Partnership

Bert Brackett
Bert Brackett

2-28-11
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David L. Negri 8/1/11
David L. Negri ^{for} Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Douglas Jones
Doug Jones
Technical Engineer I

7/28/11
Date

IDWR CONCURRENCE:

Nicholas B. Spencer 8-1-11
Nicholas B. Spencer Date
Deputy Attorney General, Attorney for IDWR

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

RIGHT NUMBER: 47-17205

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

FWP

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 12/31/1983

POINT OF
DIVERSION: T12S R13E S20 NWSWSW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01/01 12/31	0.020 CFS

Period of use is limited to the authorized terms and
conditions of BLM-issued grazing permit.

PLACE OF USE: STOCKWATER in TWIN FALLS County

T12S	R12E	S25	SENW
~~T12S~~	~~R12E~~	~~S26~~	~~SWNE~~
~~T12S~~	~~R12E~~	~~S35~~	~~SWNW~~
~~T12S~~	~~R12E~~	~~S35~~	~~NESW~~

T12S	R13E	S29	SWSW
~~T12S~~	~~R13E~~	~~S31~~	~~NENW~~
~~T12S~~	~~R13E~~	~~S31~~	~~NWSE~~
~~T12S~~	~~R13E~~	~~S31~~	~~SENW~~

T13S	R12E	S01	SWNE
T13S	R12E	S01	NWNW

~~T13S~~	~~R13E~~	~~S05~~	~~NWSW~~
~~T13S~~	~~R13E~~	~~S05~~	~~SWSW~~

Handwritten notes:  
NBS
DN

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.

PURSUANT TO THE DECISION IN JOYCE LIVESTOCK V. UNITED STATES (144 IDAHO 1, 156 P.3D 502 (2007)), THIS WATER RIGHT IS APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE. PROPERTY TO WHICH THIS WATER RIGHT IS APPURTENANT IS DESCRIBED AS FOLLOWS PURSUANT TO I.C. 42-1402:

<u>T12S</u>	<u>R13E</u>	<u>S19</u>	<u>SESE</u>
<u>T12S</u>	<u>R13E</u>	<u>S20</u>	<u>NWSW</u>
<u>T12S</u>	<u>R13E</u>	<u>S20</u>	<u>SWSW</u>
<u>T12S</u>	<u>R13E</u>	<u>S20</u>	<u>SESW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SWNE</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NENW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NWNW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SWNW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SENW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NESW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NWSW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SWSW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SESW</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NESE</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>NWSE</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SWSE</u>
<u>T12S</u>	<u>R13E</u>	<u>S29</u>	<u>SESE</u>
<u>T12S</u>	<u>R13E</u>	<u>S30</u>	<u>NENE</u>
<u>T12S</u>	<u>R13E</u>	<u>S30</u>	<u>SENE</u>

Fwp

DK
BB
NBS
DN

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO STOCKWATER USE FOR 1000 RANGE CATTLE. RIGHT NOS.: 47-17193, 47-17194, 47-17195, 47-17196, 47-17197, 47-17198, 47-17199, 47-17200, 47-17201, 47-17102, 47-17105, 47-17106.

CERTIFICATE OF MAILING

I certify that on Aug 2, 2011 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:

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

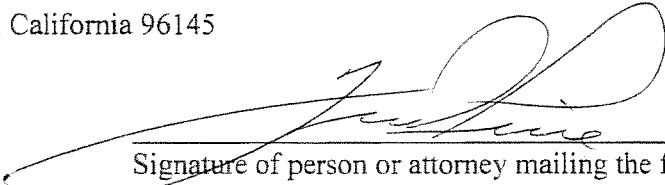
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Brackett Ranches Limited Partnership
261 Devil Creek Road
Castleford, ID 83321

Craig A. Pridgen
Law Offices of Craig A. Pridgen
305 West Lake Blvd., First Floor
P.O. Box 5488
Tahoe City, California 96145



Signature of person or attorney mailing the form