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OCT 13 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 12 2011	
By _____	Clerk
_____	Reputy 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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 47-17205

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On September 19, 2007, the United States of America, Department of Interior, Bureau of Land Management filed an objection to the Director's Report. On August 3, 2011, the parties filed a *Standard Form 5 (Amended Claim) – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 47-17205 be **decree**d with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

Oct. 12, 2011



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-17205

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

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

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 TO 12-31 0.02 CFS

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

PLACE OF USE: Stockwater Within Twin Falls County
T12S R12E S25 SENW
S35 NESW
R13E S29 SWSW
S31 SENW
T13S R12E S01 SWNE NWNW
R13E S05 SWSW

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.
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:

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

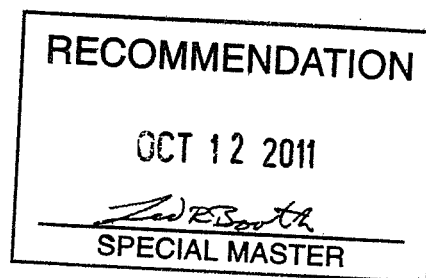
OTHER PROVISIONS (continued)

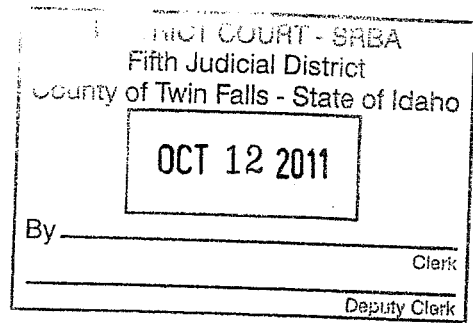
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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

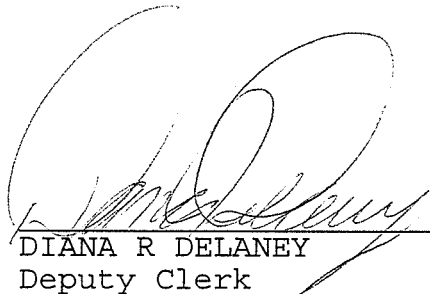
Water Right(s): 47-17205

On October 12, 2011, Special Master THEODORE R. BOOTH 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 October 12, 2011.



DIANA R DELANEY
Deputy Clerk

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

Water Right(s) : 47-17205

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BRACKETT RANCHES LTD

Represented by:

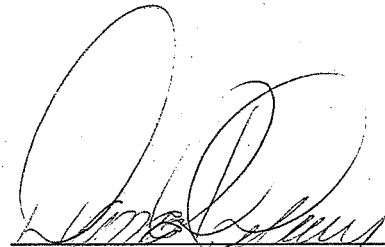
W ALAN SCHROEDER

SCHROEDER & LEZAMIZ LAW OFFICE

PO BOX 267

BOISE, ID 83701

Phone: 208-384-1627



DIANA R DELANEY
Deputy Clerk