

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 77717

This is to certify that: BERT BRACKETT And  
PAULA BRACKETT  
FLAT CREEK RANCH  
ROGERSON ID 83302  
(208)857-2217

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>                          |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|----------------------------------------|
| 51-107       | WR/Decreed          | 04/01/1918      | 1.4 cfs     | N/A           | 80.2              | 207.9              | BIG FLAT CREEK,<br>LITTLE SPRING CREEK |
| 51-108       | WR/Decreed          | 04/01/1885      | 2.6 cfs     | N/A           | 127.7             | 207.9              | BIG FLAT CREEK,<br>LITTLE SPRING CREEK |
| 51-10180     | WR/Decreed          | 04/01/1934      | 4.16 cfs    | N/A           | N/A               | 207.9              | BIG FLAT CREEK,<br>LITTLE SPRING CREEK |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 51-107                | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 51-108                | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 51-10180              | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 51-107                | <b>51-107</b>                    | 1.4 cfs              | N/A                    | 80.2              | 207.9              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 51-108                | <b>51-108</b>                    | 2.6 cfs              | N/A                    | 127.7             | 207.9              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 51-10180              | <b>51-10180</b>                  | 4.16 cfs             | N/A                    | N/A               | 207.9              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>8.16 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>207.9</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of June, 2012

  
Western Regional Manager

SUPPORT DATA

IN FILE # 51-107

**WATER RIGHT NO. 51-107**  
**As Modified by Transfer No. 77717**

In accordance with the approval of Transfer No. 77717, Water Right No. 51-107 is now described as follows.

**Right Holder:** BERT BRACKETT And  
PAULA BRACKETT  
FLAT CREEK RANCH  
ROGERSON ID 83302

**Priority Date:** April 01, 1918

**Source:** BIG FLAT CREEK                      **Tributary:** CLOVER CREEK  
LITTLE SPRING CREEK                      BIG FLAT CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.40 CFS              |
|                       |             |           | 1.40 CFS              |

**LOCATION OF POINTS OF DIVERSION:**

|                     |        |                                          |
|---------------------|--------|------------------------------------------|
| BIG FLAT CREEK      | SWSWSE | Sec. 25, Twp 15S, Rge 10E, OWYHEE County |
| LITTLE SPRING CREEK | NENW   | Sec. 36, Twp 15S, Rge 10E, OWYHEE County |
| BIG FLAT CREEK      | NWSW   | Sec. 31, Twp 15S, Rge 11E, OWYHEE County |

**PLACE OF USE: IRRIGATION**

| Twp | Rge | Sec | NE  |      |      |      | NW   |    |    |     | SW   |      |    |    | SE  |    |      |    | Totals |
|-----|-----|-----|-----|------|------|------|------|----|----|-----|------|------|----|----|-----|----|------|----|--------|
|     |     |     | NE  | NW   | SW   | SE   | NE   | NW | SW | SE  | NE   | NW   | SW | SE | NE  | NW | SW   | SE |        |
| 15S | 10E | 25  |     |      |      |      |      |    |    |     | 18.0 | 38.0 |    |    |     |    | 24.0 |    | 80.0   |
| 15S | 10E | 26  |     |      |      |      |      |    |    |     |      |      |    |    |     |    |      | .2 | .2     |
| 15S | 10E | 36  | 6.0 | 39.0 | 33.0 | 20.0 | 24.0 |    |    | 3.0 |      |      |    |    | 2.7 |    |      |    | 127.7  |

Total Acres: 207.9

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

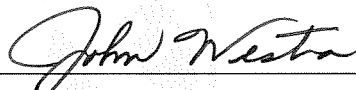
**WATER RIGHT NO. 51-107**  
**As Modified by Transfer No. 77717**

**CONDITIONS OF APPROVAL**

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 51A.
6. This right is limited to the irrigation of 80.2 acres within the authorized place of use in a single irrigation season.
7. Rights 51-107, 51-108 and 51-10180 when combined shall not exceed a total diversion rate of 8.16 cfs and the irrigation of 207.9 acres.
8. Rights 51-107 and 51-108 when combined shall not exceed a total diversion rate of 4.0 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through points of diversion described above: 51-107, 51-108 and 51-10180.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of June, 20 12

  
Western Regional Manager

**WATER RIGHT NO. 51-108**  
**As Modified by Transfer No. 77717**

In accordance with the approval of Transfer No. 77717, Water Right No. 51-108 is now described as follows.

**Right Holder:** BERT BRACKETT And  
PAULA BRACKETT  
FLAT CREEK RANCH  
ROGERSON ID 83302

**Priority Date:** April 01, 1885

**Source:** BIG FLAT CREEK                      **Tributary:** CLOVER CREEK  
LITTLE SPRING CREEK                      BIG FLAT CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| STOCKWATER            | 01/01       | to 12/31  | 0.20 CFS              |
| IRRIGATION            | 04/01       | to 10/31  | 2.60 CFS              |
|                       |             |           | 2.60 CFS              |

**LOCATION OF POINTS OF DIVERSION:**

|                     |        |                                          |
|---------------------|--------|------------------------------------------|
| BIG FLAT CREEK      | SWSWSE | Sec. 25, Twp 15S, Rge 10E, OWYHEE County |
| LITTLE SPRING CREEK | NENW   | Sec. 36, Twp 15S, Rge 10E, OWYHEE County |
| BIG FLAT CREEK      | NWSW   | Sec. 31, Twp 15S, Rge 11E, OWYHEE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE  |      |      |      | NW   |    |    |     | SW   |      |    |     | SE |    |      |    | Totals |
|-----|-----|-----|-----|------|------|------|------|----|----|-----|------|------|----|-----|----|----|------|----|--------|
|     |     |     | NE  | NW   | SW   | SE   | NE   | NW | SW | SE  | NE   | NW   | SW | SE  | NE | NW | SW   | SE |        |
| 15S | 10E | 25  |     |      |      |      |      |    |    |     | 18.0 | 38.0 |    |     |    |    | 24.0 |    | 80.0   |
| 15S | 10E | 26  |     |      |      |      |      |    |    |     |      |      |    |     |    |    | .2   |    | .2     |
| 15S | 10E | 36  | 6.0 | 39.0 | 33.0 | 20.0 | 24.0 |    |    | 3.0 |      |      |    | 2.7 |    |    |      |    | 127.7  |

Total Acres: 207.9

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

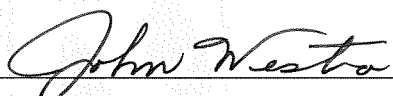
**WATER RIGHT NO. 51-108**  
**As Modified by Transfer No. 77717**

**CONDITIONS OF APPROVAL**

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 51A.
6. This right is limited to the irrigation of 127.7 acres within the authorized place of use in a single irrigation season.
7. Rights 51-107, 51-108 and 51-10180 when combined shall not exceed a total diversion rate of 8.16 cfs and the irrigation of 207.9 acres.
8. Rights 51-107 and 51-108 when combined shall not exceed a total diversion rate of 4.0 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through points of diversion described above: 51-107, 51-108 and 51-10180.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of June, 2012

  
Western Regional Manager

**WATER RIGHT NO. 51-10180**  
**As Modified by Transfer No. 77717**

In accordance with the approval of Transfer No. 77717, Water Right No. 51-10180 is now described as follows.

**Right Holder:** BERT BRACKETT And  
 PAULA BRACKETT  
 FLAT CREEK RANCH  
 ROGERSON ID 83302

**Priority Date:** April 01, 1934

**Source:** BIG FLAT CREEK                      **Tributary:** CLOVER CREEK  
 LITTLE SPRING CREEK                      BIG FLAT CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 4.16 CFS              |
|                       |             |           | 4.16 CFS              |

**LOCATION OF POINTS OF DIVERSION:**

|                     |        |                                          |
|---------------------|--------|------------------------------------------|
| BIG FLAT CREEK      | SWSWSE | Sec. 25, Twp 15S, Rge 10E, OWYHEE County |
| LITTLE SPRING CREEK | NENW   | Sec. 36, Twp 15S, Rge 10E, OWYHEE County |
| BIG FLAT CREEK      | NWSW   | Sec. 31, Twp 15S, Rge 11E, OWYHEE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE  |      |      |      | NW   |    |    |     | SW   |      |    |     | SE |    |      |    | Totals |
|-----|-----|-----|-----|------|------|------|------|----|----|-----|------|------|----|-----|----|----|------|----|--------|
|     |     |     | NE  | NW   | SW   | SE   | NE   | NW | SW | SE  | NE   | NW   | SW | SE  | NE | NW | SW   | SE |        |
| 15S | 10E | 25  |     |      |      |      |      |    |    |     | 18.0 | 38.0 |    |     |    |    | 24.0 |    | 80.0   |
| 15S | 10E | 26  |     |      |      |      |      |    |    |     |      |      |    |     |    |    |      | .2 | .2     |
| 15S | 10E | 36  | 6.0 | 39.0 | 33.0 | 20.0 | 24.0 |    |    | 3.0 |      |      |    | 2.7 |    |    |      |    | 127.7  |

Total Acres: 207.9

**CONDITIONS OF APPROVAL**

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2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

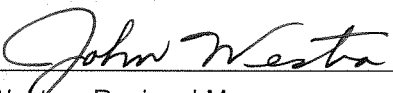
**WATER RIGHT NO. 51-10180**  
**As Modified by Transfer No. 77717**

**CONDITIONS OF APPROVAL**

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 51A.
6. Rights 51-107, 51-108 and 51-10180 when combined shall not exceed a total diversion rate of 8.16 cfs and the irrigation of 207.9 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through points of diversion described above: 51-107, 51-108 and 51-10180.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of June, 20 12

  
Western Regional Manager