

HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION FOR)
 TRANSFER NO. 70887 IN THE NAME OF)
 BRACKETT RANCHES LTD. AND)
 APPLICATION FOR TRANSFER NO.)
 70890 IN THE NAME OF BERT)
 BRACKETT AND PAULA BRACKETT)
 _____)

Beginning at 9:30 a.m.
May 12, 2009
 Hearing Officer: Shelley W. Keen

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
200	Draft Transfer Approval No. 70887	Y	N
201	Draft Transfer Approval No. 70890	Y	N
202	Transfer Approval No. 70694	Y	Y
203	Partial Decree Water Right No. 51-00002	Y	Y
204	Partial Decree Water Right No. 51-00003	Y	Y
205	Partial Decree Water Right No. 51-00005	Y	Y
206	Partial Decree Water Right No. 51-10271	Y	Y
207	Partial Decree Water Right No. 51-10350	Y	Y
208	Partial Decree Water Right No. 51-10351	Y	Y
1	Letter to Mr. Westra and Mr. Horsinger	Y	N
2	Memorandum from Shane Bendixsen (IDWR)	Y	Y
3	Partial Decree Water Right No. 51-12457	Y	N
4	Pump Curve	Y	Y

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70694

Prior Transfer

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

has 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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
51-96	WR/Decreed	04/15/1906	1.60 cfs	N/A	130.0	301.7	BIG FLAT CREEK
51-7085	WR/Decreed	03/08/1974	1.60 cfs	240 af	80.0	301.7	BIG FLAT CREEK
51-7267	WR/License	08/14/1983	1.60 cfs	322 af	92.0	301.7	BIG FLAT CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
51-96	NO	NO	YES	NO	NO	NO
51-7085	NO	NO	YES	NO	NO	NO
51-7267	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
51-96	51-96	1.60 cfs	467.8 af	130.0	301.4		N/A	N/A	N/A	N/A
51-7085	51-7085	1.60 cfs	240.0 af	80.0	301.4		N/A	N/A	N/A	N/A
51-7267	51-7267	1.60 cfs	322.0 af	92.0	301.4		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.80 cfs	1029.8 af	301.4	301.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of June, 2007

Betsy Spackman
 Administrator, Water Management Division

SUPPORT DATA

EXHIBIT

FILE # 51-00096

WATER RIGHT NO. 51-7085
As Modified by Transfer No. 70694

In accordance with the approval of Transfer No. 70694, Water Right No. 51-7085 is now described as follows.

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

Priority Date: March 08, 1974

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.60 CFS	240.0 AF
			1.60 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG FLAT CREEK SENE Sec. 14 Twp 15S Rge 10E Owyhee County

BIG FLAT CREEK NWNW Sec. 24 Twp 15S Rge 10E 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	13	1.9		39.0				13.0	33.6	39.9	6.5	11.2	38.8	39.9		36.8		260.6
15S	10E	14				17.0									10.0			2.9	29.9
15S	10E	24		4.9			6.0												10.9

Total Acres: 301.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
2. Rights 51-96, 51-7085 and 51-7267 when combined shall not exceed a total diversion rate of 4.80 cfs, a total annual maximum diversion volume of 1029.8 af at the field headgate, and the irrigation of 301.4 acres.
3. Rights 51-96, 51-7085, 51-7267 and 51-10184 when combined shall not exceed a total annual maximum diversion volume of 1060.0 af at the field headgate and the irrigation of 301.4 acres.
4. At the time of this approval, this water right is within State Water District No. 51A. In the future use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within the water district or any subsequent water district that may supercede 51A.

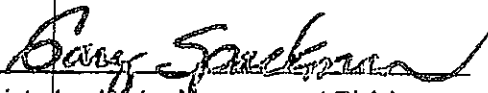
WATER RIGHT NO. 51-7085
As Modified by Transfer No. 70694

CONDITIONS OF APPROVAL

- X 5. Upon reactivation or creation of a new water district (I.C. 42-604) or a water management district (I.C. 42-706), and after specific notification by the Department, right holders shall install a suitable measuring device and shall annually report the information to the Department.
- X 6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
- X 7. When actively regulated by a Water District, a lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 8. The diversion and use of water described in Transfer 70694 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
- 9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
- 10. 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 lands above.
- 11. Rights 51-96, 51-7085, and 51-7267 are also diverted through the points of diversion described above. Right 51-10184 is also diverted through the point of diversion located in the NWNW, S24, T15S, R10E.
- 12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 14. 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.

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 11th day of June, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 51-96
As Modified by Transfer No. 70694

In accordance with the approval of Transfer No. 70694, Water Right No. 51-96 is now described as follows.

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

Priority Date: April 15, 1906

Source: BIG FLAT CREEK

Tributary: CLOVER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.60 CFS	455.0 AF
STOCKWATER	01/01 to	12/31	0.20 CFS	12.8 AF
			1.60 CFS	467.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG FLAT CREEK	SENE	Sec. 14 Twp 15S	Rge 10E OWYHEE County
BIG FLAT CREEK	NWNW	Sec. 24 Twp 15S	Rge 10E 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 13		1.9	39.0				13.0	33.6	39.9	6.5	11.2	38.8			39.9	36.8	260.6
15S 10E 14				17.0									10.0			2.9	29.9
15S 10E 24		4.9			6.0												10.9

Total Acres: 301.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 130.0 acres within the place of use described above in a single irrigation season.
2. Each year prior to the irrigation season the right holder or their successors or assigns shall advise the Department of Water Resources and the Bruneau Buckaroo Cooperative Ditch Company as to the location of the 130.0 acres (within the 301.4 acre permissible place of use) authorized to be irrigated in a single irrigation season pursuant to water right no. 51-96.
3. Rights 51-96, 51-7085 and 51-7267 when combined shall not exceed a total diversion rate of 4.80 cfs, a total annual maximum diversion volume of 1029.8 af at the field headgate, and the irrigation of 301.4 acres.
4. Rights 51-96, 51-7085, 51-7267 and 51-10184 when combined shall not exceed a total annual maximum diversion volume of 1060.0 af at the field headgate, and the irrigation of 301.4 acres.

WATER RIGHT NO. 51-96
As Modified by Transfer No. 70694

CONDITIONS OF APPROVAL

5. At the time of this approval, this water right is within State Water District No. 51A. In the future use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within the water district or any subsequent water district that may supercede 51A.
6. Upon reactivation or creation of a new water district (I.C. 42-604) or a water management district (I.C. 42-706), and after specific notification by the Department, right holders shall install a suitable measuring device and shall annually report the information to the Department.
7. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
8. When actively regulated by a Water District, a lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. The diversion and use of water described in Transfer 70694 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
11. 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 lands above.
12. Rights 51-96, 51-7085, and 51-7267 are also diverted through the points of diversion described above. Right 51-10184 is also diverted through the point of diversion located in the NWNW S24, T15S, R10E.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.

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 11th day of June, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 51-7267
As Modified by Transfer No. 70694

In accordance with the approval of Transfer No. 70694, Water Right No. 51-7267 is now described as follows.

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

Priority Date: August 14, 1983

Source: BIG FLAT CREEK

Tributary: CLOVER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.60 CFS	322.0 AF
			1.60 CFS	322.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG FLAT CREEK SENE Sec. 14 Twp 15S Rge 10E Owyhee County

BIG FLAT CREEK NWNW Sec. 24 Twp 15S Rge 10E 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 13		1.9	39.0				13.0	33.6	39.9	6.5	11.2	38.8		39.9	36.8		260.6
15S 10E 14				17.0									10.0			2.9	29.9
15S 10E 24		4.9			6.0												10.9

Total Acres: 301.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 92.0 acres within the place of use described above in a single irrigation season.
2. Rights 51-96, 51-7085 and 51-7267 when combined shall not exceed a total diversion rate of 4.80 cfs, a total annual maximum diversion volume of 1029.8 af at the field headgate, and the irrigation of 301.4 acres.
3. Rights 51-96, 51-7085, 51-7267 and 51-10184 when combined shall not exceed a total annual maximum diversion volume of 1060.0 af at the field headgate, and the irrigation of 301.4 acres.
4. At the time of this approval, this water right is within State Water District No. 51A. In the future use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within the water district or any subsequent water district that may supercede 51A.

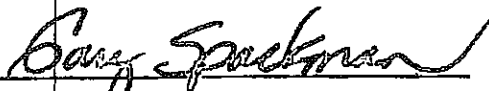
WATER RIGHT NO. 51-7267
As Modified by Transfer No. 70694

CONDITIONS OF APPROVAL

5. Upon reactivation or creation of a new water district (I.C. 42-604) or a water management district (I.C. 42-706), and after specific notification by the Department, right holders shall install a suitable measuring device and shall annually report the information to the Department.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. When actively regulated by a Water District, a lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. The diversion and use of water described in Transfer 70694 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. 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 lands above.
11. Rights 51-96, 51-7085, and 51-7267 are also diverted through the points of diversion described above. Right 51-10184 is also diverted through the point of diversion located in the NWNW, S24, T15S, R10E.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

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 11th day of June, 2007


Administrator, Water Management Division

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-00002

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 10.96 CFS
PRIORITY DATE: 01/02/1883
POINT OF DIVERSION: T07S R06E S26 SWSW Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 10.96 CFS
Stockwater 01-01 TO 12-31 4.40 CFS

PLACE OF USE:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO
DITCH CO. COMBINED RIGHT NOS.: 51-00003, 51-00005, 51-10350,
51-10351 & 51-10271.

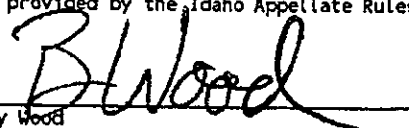
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE 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.


Barry Wood
Administrative District Judge
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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 51-00003

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 20.00 CFS
PRIORITY DATE: 02/20/1888
POINT OF DIVERSION: T07S R06E S26 SWSW Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 Irrigation 03-01 TO 11-15 20.00 CFS
 Stockwater 01-01 TO 12-31 4.40 CFS

PLACE OF USE:
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO
DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00005, 51-10350,
51-10351 & 51-10271.

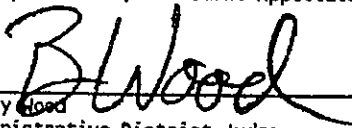
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE 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.


Barry Wood
Administrative District Judge
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-00005

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 16.40 CFS

A 4.4 CFS PORTION OF THIS RIGHT UTILIZED BY OWEN RANCHES OR
ITS SUCCESSORS OR ASSIGNS IS LIMITED TO 250 ACRES WITHIN THE 1311
ACRES LOCATED ABOVE THE BRUNEAU BUCKAROO DITCH AND SUBJECT TO THE
CONDITIONS DESCRIBED IN TRANSFER #4265 APPROVED 3/9/1994.

PRIORITY DATE: 04/01/1905

POINT OF DIVERSION: T07S R06E S26 SWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	16.40 CFS
	Stockwater	01-01 TO 12-31	4.40 CFS

PLACE OF USE:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO
DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00003, 51-10350,
51-10351 & 51-10271.

THE PORTION OF THIS RIGHT UTILIZED BY OWEN RANCHES OR ITS
SUCCESSORS OR ASSIGNS LOCATED ABOVE THE BRUNEAU BUCKAROO DITCH IS
LIMITED TO 250 ACRES WITHIN THE 1311 ACRES AS DESCRIBED BY THE
TRANSFER #4265 APPROVED 3/9/1994. EACH YEAR PRIOR TO THE
IRRIGATION SEASON OWEN RANCHES OR ITS SUCCESSORS OR ASSIGNS SHALL
ADVISE THE DEPARTMENT OF WATER RESOURCES AND THE BRUNEAU BUCKAROO
COOPERATIVE DITCH CO AS TO THE SPECIFIC 250 ACRES TO BE RECEIVING
WATER UNDER THIS RIGHT DURING THE IRRIGATION SEASON THAT YEAR.

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

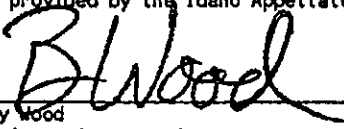
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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).

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

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.


Barry Wood
Administrative District Judge
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-10271

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 42.60 CFS

PRIORITY DATE: 02/15/1925

POINT OF DIVERSION: T07S R06E S26 SWS Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	42.60 CFS
	Stockwater	01-01 TO 12-31	4.40 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	Same as Stockwater	
	Stockwater	Within Owyhee County
	Same as Irrigation	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00003, 51-00005, 51-10350 & 51-10351.

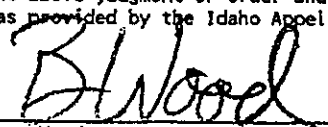
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE 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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-10271

EXHIBIT

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PAGE 1
Nov-30-2000

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-10350

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 13.54 CFS

PRIORITY DATE: 04/01/1897

POINT OF DIVERSION: T07S R06E S26 SWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	13.54 CFS
	Stockwater	01-01 TO 12-31	4.40 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	Same as Stockwater	
	Stockwater	Within Owyhee County
	Same as Irrigation	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO
DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00005, 51-00003,
51-10351 & 51-10271.

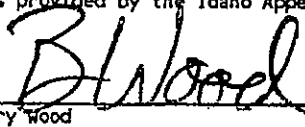
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE 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.


Barry Wood
Administrative District Judge
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-10351

NAME AND ADDRESS: BRUNEAU BUCKAROO DITCH CO
C/O FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 1.60 CFS
PRIORITY DATE: 10/27/1893
POINT OF DIVERSION: T07S R06E S26 SWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	1.60 CFS
Stockwater	01-01 TO 12-31	1.60 CFS

PLACE OF USE: Irrigation Within Owyhee County
Same as Stockwater
Stockwater Within Owyhee County
Same as Irrigation

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00005, 51-00003, 51-10350 & 51-10271.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

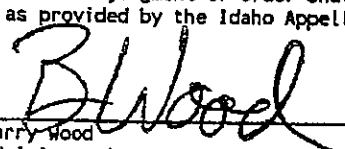
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE 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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-10351

EXHIBIT

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Nov-30-2000

MEMORANDUM

July 15, 2003

To: Glen Saxton & Hal Anderson
From: Shane Bendixsen
Reviewed by: Garth Newton
Subject: **Update on Ground Water Levels in the Bruneau Grandview GWMA**

Attachment #1 presents a location map. As seen the divide between basin 51 and 57 runs through the area. The Bruneau Snail problem area is near Indian Bathtub in Basin 51. The three areas considered connected or related to the Bruneau Snail are Little, Sugar, and Bruneau Valleys. The area in Basin 57 is not considered a factor to the Bruneau Snail.

Berenbrock (1993), described the aquifer in which the snail resides as a deep geothermal system. Shallow cold water systems can be found along streams, but the geothermal system is the major aquifer. It is considered confined and regionally extensive. Flow direction is north towards the Snake River.

Berenbrock (1993) used two methods to calculate aquifer underflow into the area within Basin 51. The basin yield method (i.e. a water budget) produced **50,000** acre-feet per year for the Bruneau River near Hot Springs and **7,000** acre-feet per year at Big Jacks Creek near Bruneau for a total of **57,000** acre-feet per year. This was considered minimal because underflow from 10 percent of the tributary area drained by Little Jacks and Logan Creek was not estimated.

The second method, which used Darcy's equation, produced an annual recharge of **150,000** acre-feet per year with a range of **37,000** to **230,000** acre-feet per year depending on the transmissivity used. The basin yield method was considered more accurate.

Attachment #2 presents ground water pumpage for the area in Basin 51. The upper graph presents pumpage for the all of Basin 51, while the lower graph presents only data for the Bruneau Valley. While the amount has fluctuated, it does not appear to be following any climatic pattern. Pumpage would be expected to increase during the last drought from 1987 to 1993, but instead remained almost constant. From 1993 to 1997 (wet years) pumpage would be expected to decrease, but instead increased. The last four years have been relatively dry, but pumpage has decreased.

Government set-aside (price support) programs beginning in 1981 probably best explain the changes in pumpage. A decrease in the early 1980's and then an increase in 1998 correlates with the increase and then decrease in programs.

Attachments #3 and #4 present ground water hydrographs. Only one is located in Basin 57.

Attachment #3 presents the area near Indian Bathtub. With the exception of hydrographs #6 and #11, all these wells were drilled as monitoring wells for the Bruneau Snail. While not much change is apparent, a slight decrease is seen until 1993, increase until 1998, and a decrease until present. This follows climatic wet and dry periods. Hydrograph #11 suggests an approximate 13-foot decrease since 1979. Data are not available to suggest whether equilibrium has been reached or water levels are still declining due to pumpage. Hydrograph #1 appears to be plugged.

Attachment #4 presents long-term hydrographs for the areas west and north of Indian Bathtub. While large declines have occurred since the 1950's, the last ten years suggest stable levels with changes following the climate. The one exception is #17 six miles north of Indian Bathtub. This hydrograph suggest stable water levels since 1955. This raises the question about when did the springs flow decrease. I have personally talked with people from the area that remember the springs near Indian Bathtub flowing in the early 1970's and declining to near a trickle or dry by the late 1970's. Five to six miles north, there was apparently none. This suggests the aquifer is compartmentalized and not entirely hydraulically connected.

Attachment #5 presents spring discharges near Indian Bathtub since 1989. The measurements are somewhat sporadic. In 1993 and 1997 measurements were temporarily discontinued. In 1999 measurements were discontinued until the summer of 2002 and have again been discontinued as of August 2003.

At Indian Bathtub the discharge decreased with last drought from 1989 to 1993, but did not recover afterward. It is assumed that measurements were not made in 2002 because the springs were not flowing.

The overall trend since 1999 is down. This correlates with the current drought and decreases in ground water levels.

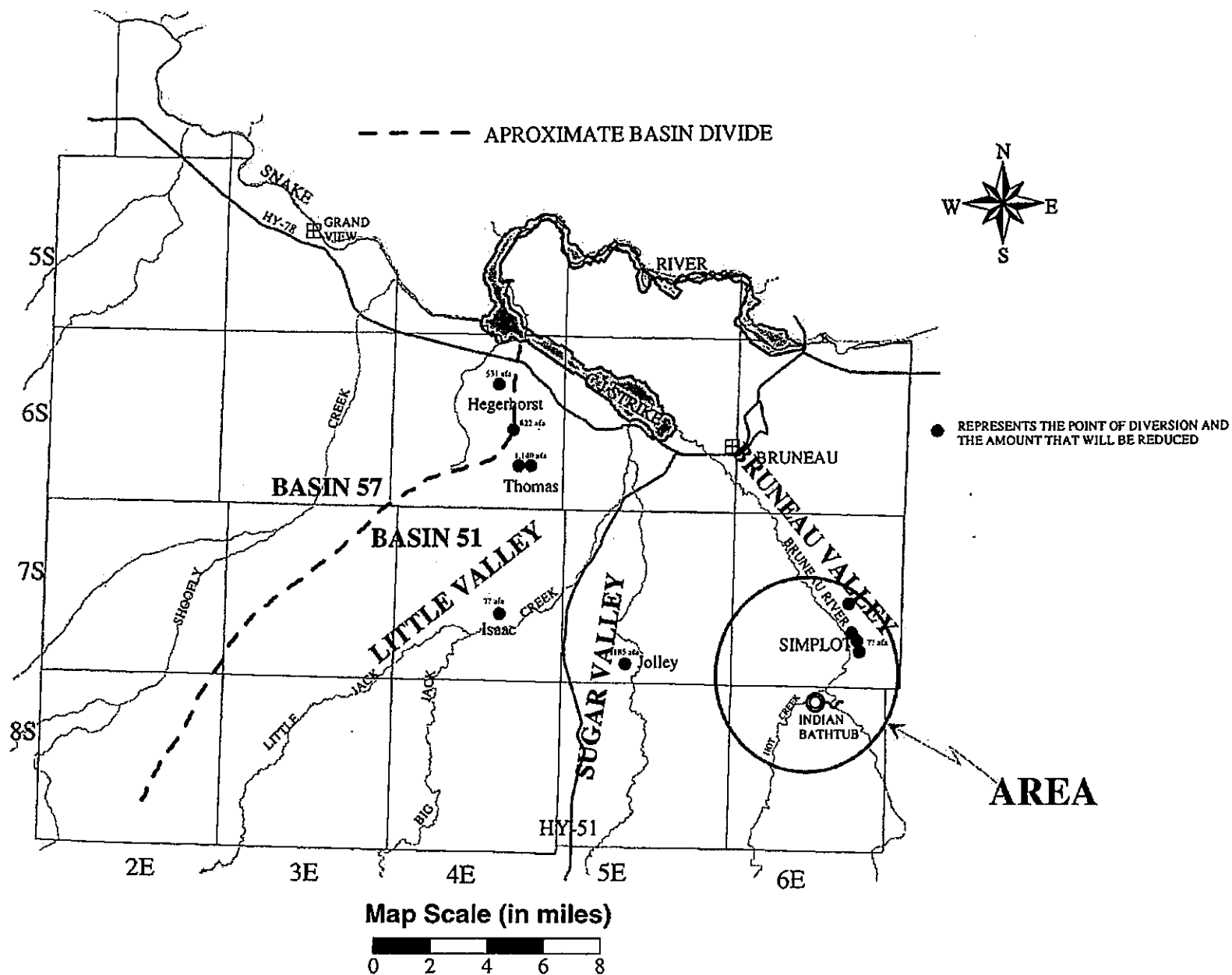
In closing, ground water levels near Indian Bathtub appear to be increasing and decreasing with changes in the climate. Data are not available near Indian Bathtub to determine if equilibrium has been reached. The pumpage data compiled by the USGS does not appear follow climatic changes, but more reflective of government set aside programs. With an approximate five-foot decline in ground water levels since 1999, spring discharge has dropped significantly.

REFERENCES

Berenbrock, C., Effects of Well Discharges on Hydraulic Heads in and Spring Discharges from the Geothermal Aquifer System in the Bruneau Area, Owyhee County, Southwestern Idaho: U.S. Geological Survey Water Resources Investigations Report 93-4001, Boise, Idaho 1993.

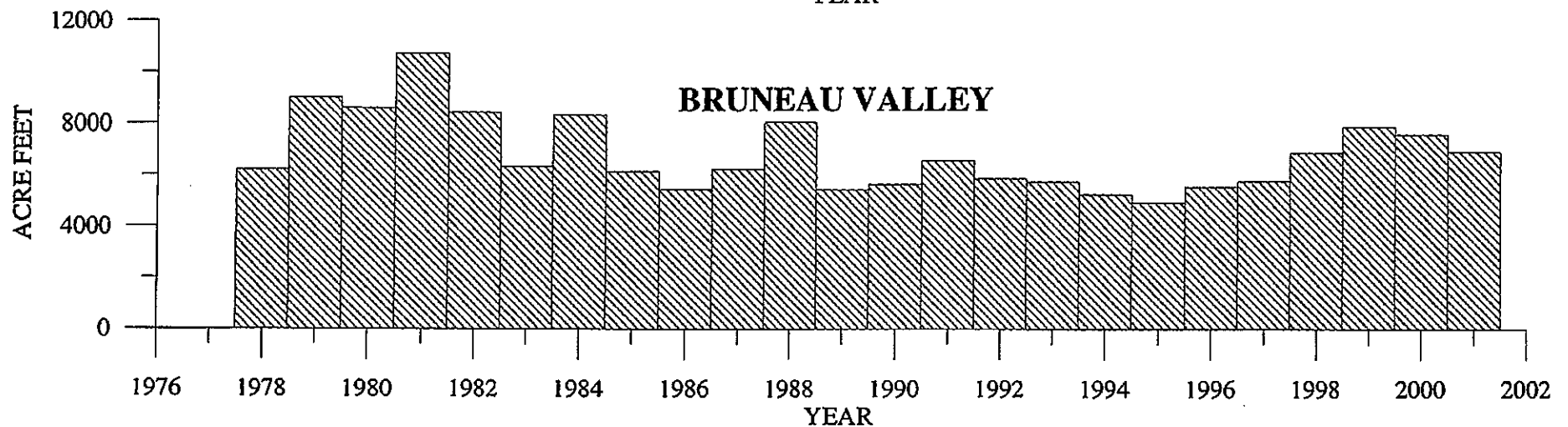
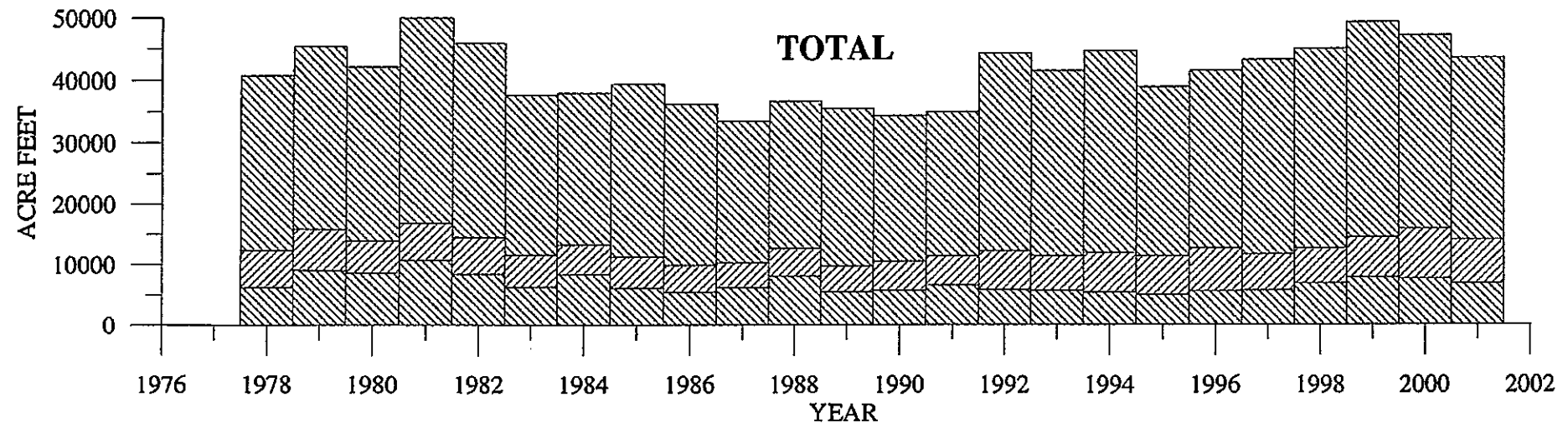
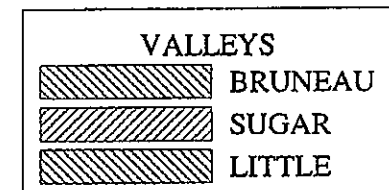
GRANDVIEW-BRUNEAU GROUND WATER MANAGEMENT AREA

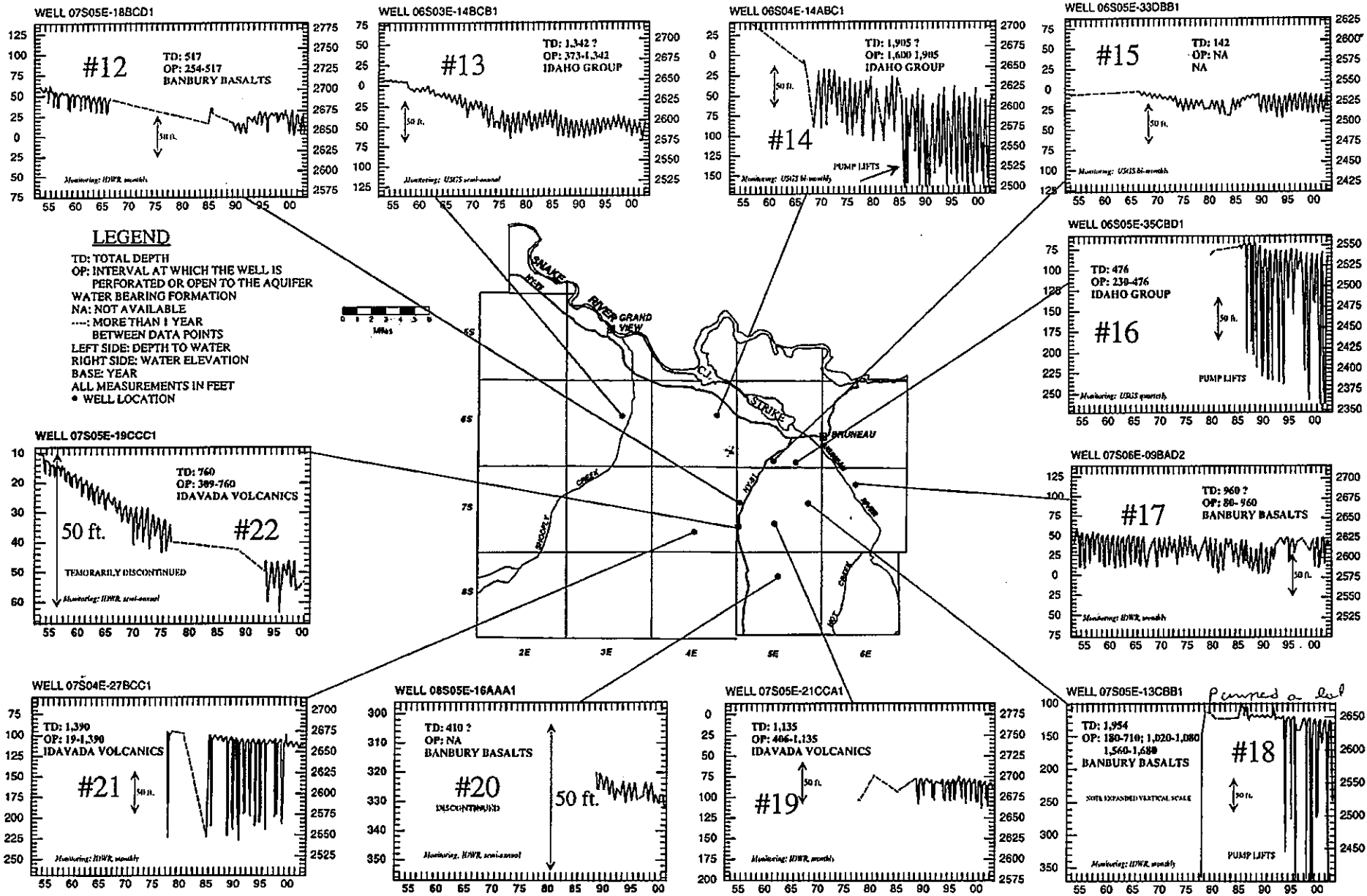
LOCATION OF WATER CONSERVATION PROJECTS



BRUNEAU GRANDVIEW GWMA

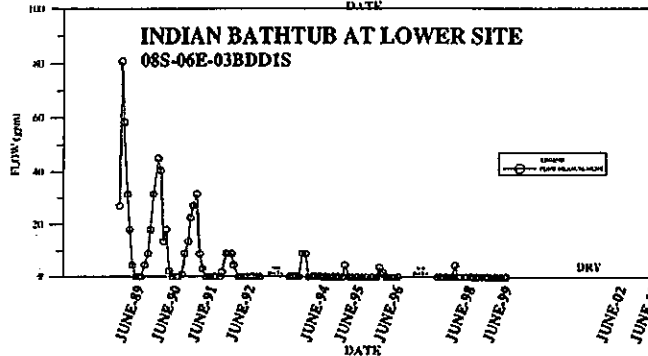
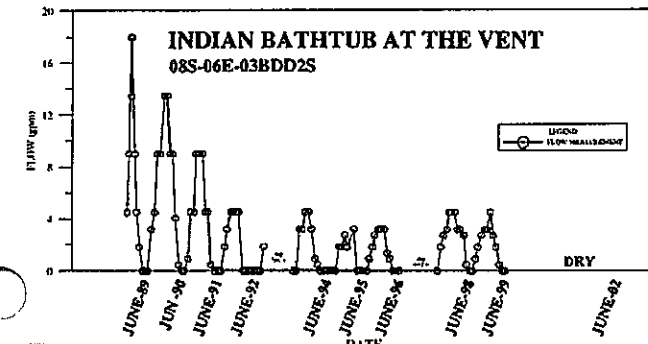
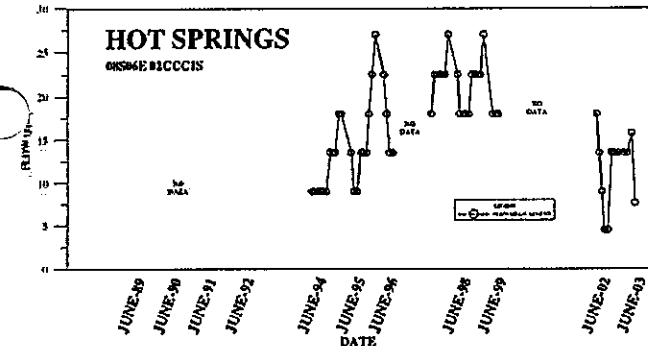
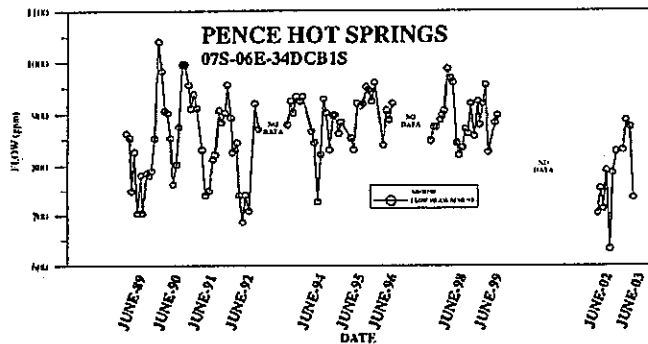
GROUND WATER PUMPAGE: 1978-2001



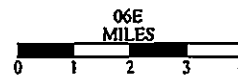
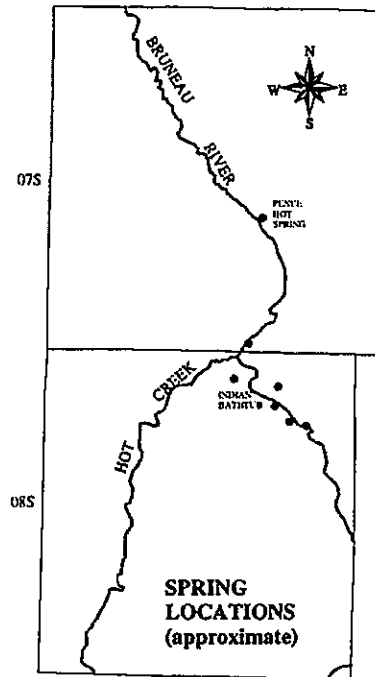


GRANDVIEW-BRUNEAU GROUND WATER MANAGEMENT AREA Ground Water Hydrographs - West Area

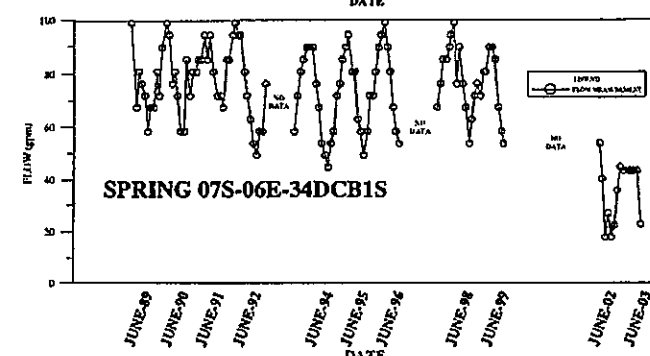
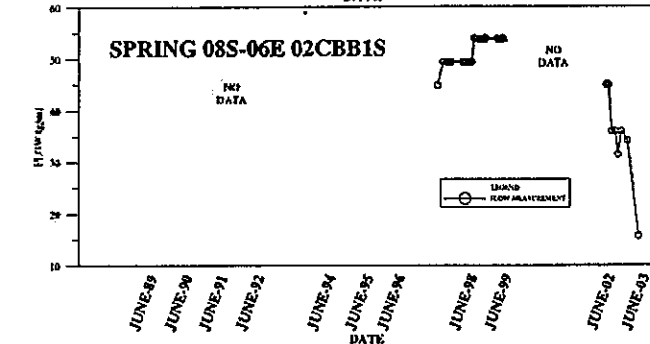
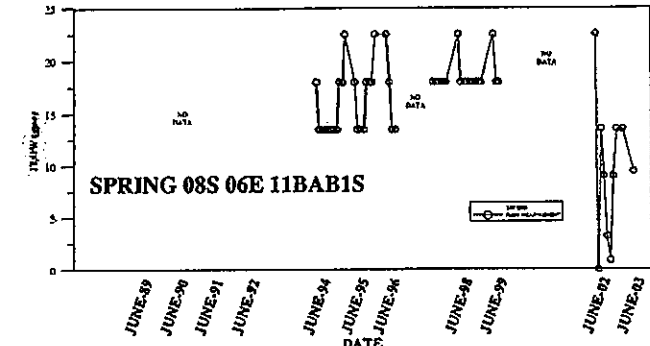
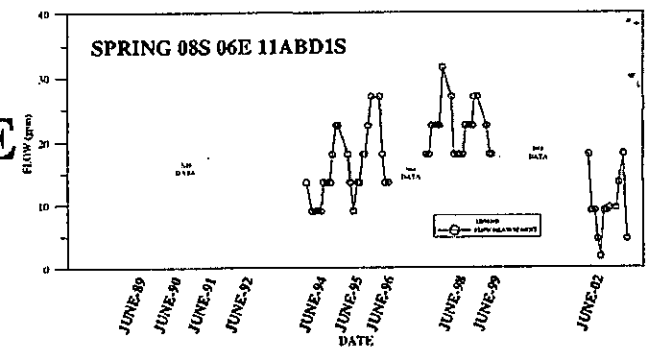
ATTACHMENT #4

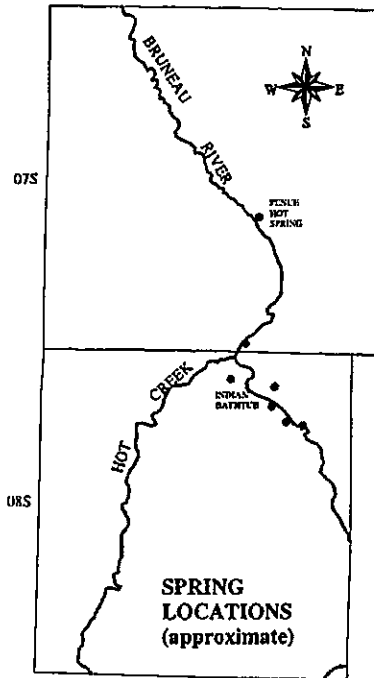
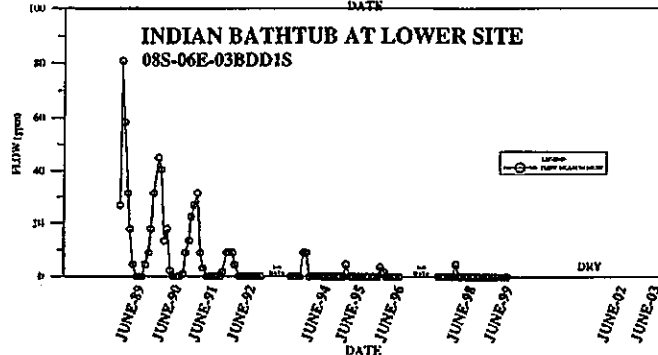
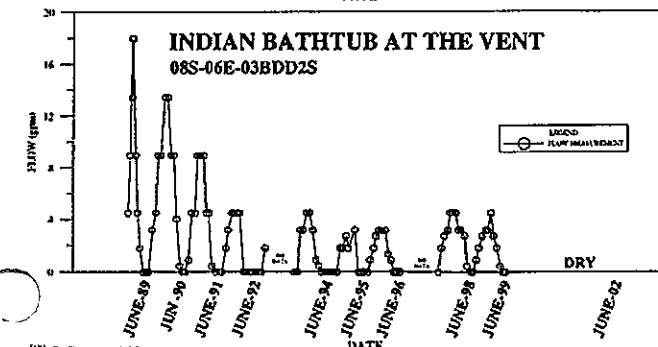
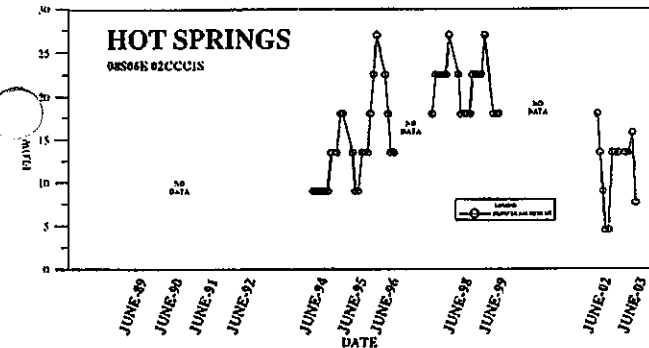
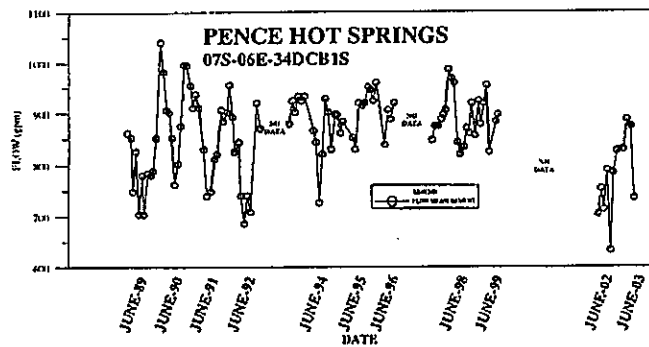


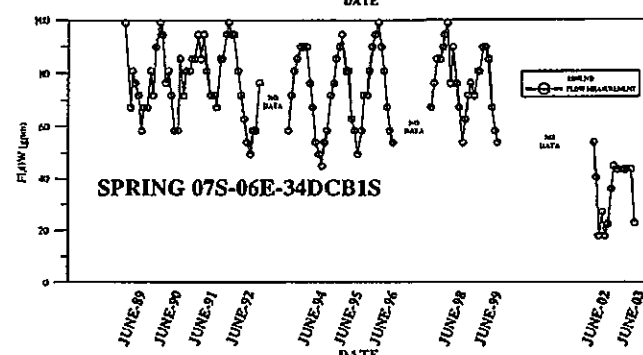
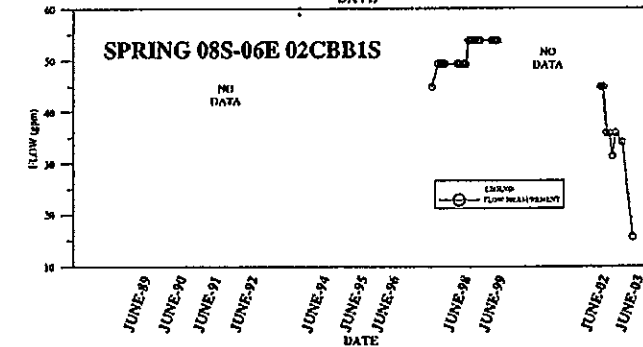
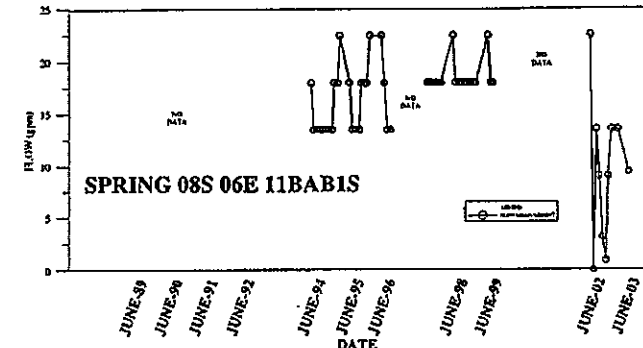
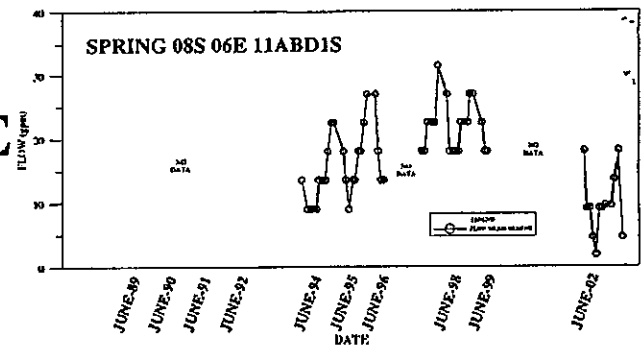
SPRING DISCHARGE MEASUREMENTS

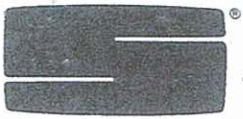


BRUNEAU GRANDVIEW SNAIL AREA





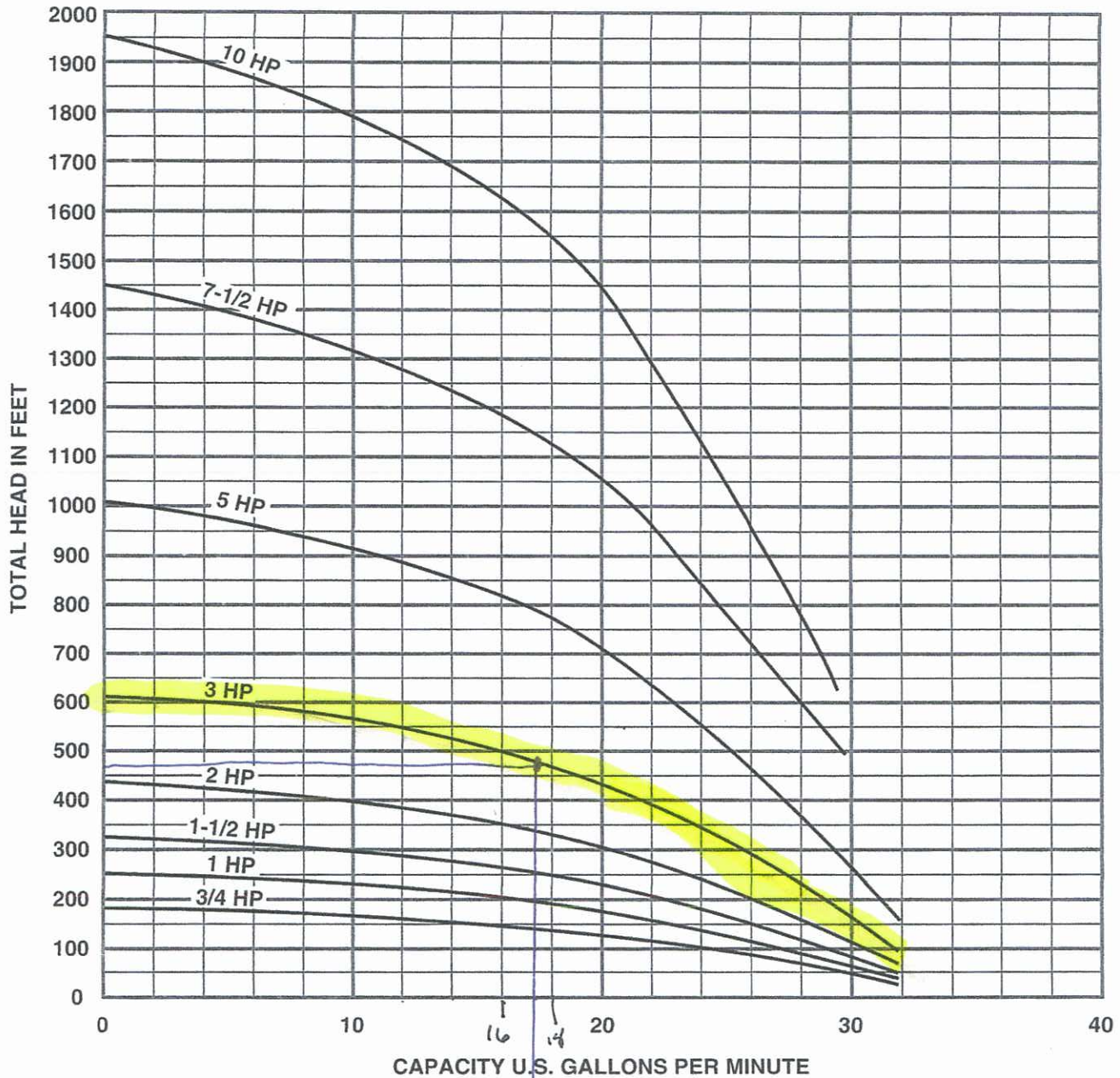




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Commitment.**

10, 15, 20, and 30 GPM 4" Submersible Pumps

PUMP PERFORMANCE – 20 GPM



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17-17.5 GPM
200 PSI = 462 FT

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