

**STARTING
LEFT
SIDE OF
FILE**

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

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

<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>
51-96	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)

<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>
51-96	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

<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>
51-96	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, 20 07



Administrator, Water Management Division

SUPPORT DATA
IN 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

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, 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, 20 07


Administrator, Water Management Division

(Internet)

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70694

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

OCT 16 2002

PART 1

WATER RESOURCES
WESTERN REGIONName of applicant Bert & Paula Brackett Phone 208-857-2217
Post Office address Flat Creek Ranch Rogerson Idaho 83302

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes to match acres with pivots

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
51-07085 3-8-74 1.6 Irrigation 4-01 to 10-15
51-00096 4-15-06 1.6 Irrigation 4-01 to 10-31
51-07267 8-14-83 1.6 Irrigation 4-01 to 11-1
51-00096 4-15-06 20 Stockwater 1-1 to 12-31
2. Total amount of water being transferred 4.80 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Flat Cr. tributary to Clover Cr.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	17	15S	10E	Owyhee	Pump Station
		NW	NW	24	15S	10E	Owyhee	Ditch Diversion

5. Lands irrigated or place of use:

Removed per Amendment 4-24-07 (Bert Protest)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
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
		14				17.0									10.0			2.9	29.9
		24		4.9			6.0												10.9

SCANNED

JUL 28 2003

Total acres

301.7
301.4

PART 1**6. General Information:**

- a. Description of diversion system Dam in creek to divert water
into ditches on each side of creek and a dam
to divert water to the pump station
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
a more efficient irrigation system has
been installed so water will be used more
efficiently
- d. Remarks:
this transfer is to match irrigated
acres with decreed acres

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PART 1**6. General Information:**

- a. Description of diversion system Dam in creek to divert water
into ditches on each side of creek and a dam
to divert water to the pump station
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
a more efficient irrigation system has
been installed so water will be used more
efficiently
- d. Remarks: this transfer is to match irrigated
acres with decreed acres

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

SCANNED
JUL 28 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 51-7085

Priority Date: 03/08/1974
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: BIG FLAT CREEK

Tributary to: CLOVER CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/15	1.60 CFS	240.0 AFA	
Total Diversion		1.60 CFS	240.0 AFA	

Source and Point(s) of Diversion:

BIG FLAT CREEK	NWNW	15S 10E	24	OWYHEE
BIG FLAT CREEK	SENE	15S 10E	14	OWYHEE

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			40.0				13.0	34.0	36.0	6.2	9.2	35.0			40.0	40.0	253.4
15S 10E 14				17.0									10.0			2.9	29.9
15S 10E 24		9.5			8.9												18.4

Total Acres: 301.7

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 301.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00096 & 51-07267.
2. USE OF THIS RIGHT WITH RIGHT NO. 51-00096 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS.
 USE OF THIS RIGHT WITH RIGHT NO. 51-07267 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.44 CFS.
 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS. COMBINED RIGHT NOS.: 51-07267 & 51-00096.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-00096 & 51-07267.

SCANNED
 JUL 28 2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 51-7085

4. THE USE OF WATER WITHIN T15S, R10E, S24, NWNE AND NENW IS LIMITED TO THE N1/2N1/2 OF THOSE PLACES OF USE.
5. 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.

Documentation of Ownership of the Current Place of Use

YES

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

A MORE EFFICIENT IRRIGATION SYSTEM HAS BEEN INSTALLED, SO WATER WILL BE USED MORE EFFICIENTLY.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

SCANNED
JUL 28 2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 51-96

Priority Date: 04/15/1906

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG FLAT CREEK

Tributary to: CLOVER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.60 CFS		
STOCKWATER	1/01	12/31	0.20 CFS		
Total Diversion			1.60 CFS		

Source and Point(s) of Diversion:

BIG FLAT CREEK NWNW 15S 10E 24 OWYHEE

BIG FLAT CREEK SENE 15S 10E 14 OWYHEE

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			40.0				13.0	34.0	36.0	6.2	9.2	35.0			40.0	40.0	253.4
15S 10E 14				17.0									10.0			2.9	29.9
15S 10E 24		9.5			8.9												18.4

Total Acres: 301.7

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHT NO. 51-07085 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 51-07267 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.44 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS. COMBINED RIGHT NOS.: 51-07267 & 51-07085.
- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-07085 & 51-07267.
STOCKWATER, 950 RANGE CATTLE.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 301.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-07085 & 51-07267.

SCANNED

JUL 28 2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 51-96

4. THE USE OF WATER FOR IRRIGATION AND STOCKWATER PURPOSES WITHIN T15S, R10E, S24, NWNE AND NENW IS LIMITED TO THE N1/2N1/2 OF THOSE PLACES OF USE.
5. 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.

Documentation of Ownership of the Current Place of Use

YES

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

A MORE EFFICIENT IRRIGATION SYSTEM HAS BEEN INSTALLED, SO WATER WILL BE USED MORE EFFICIENTLY.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

SCANNED
JUL 28 2000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 51-7267

Priority Date: 08/14/1983

Origin: Water Right

Basis: License

Status: Active

Source: BIG FLAT CREEK

Tributary to: CLOVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.60 CFS	322.0 AFA	
Total Diversion		1.60 CFS	322.0 AFA	

Source and Point(s) of Diversion:

BIG FLAT CREEK SENE 15S 10E 14 OWYHEE

BIG FLAT CREEK NWNW 15S 10E 24 OWYHEE

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			40.0				13.0	34.0	36.0	6.2	9.2	35.0			40.0	40.0	253.4
15S 10E 14				17.0									10.0			2.9	29.9
15S 10E 24		9.5			8.9												18.4

Total Acres: 301.7

Conditions/Remarks:

1. 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. 51-A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. 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.
5. This right is limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.

SCANNED

JUL 28 2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 51-7267

6. Rights 51-00096, 51-07085, 51-10184 and 51-7267 when combined shall not exceed a total annual maximum diversion volume of 1060.0 af at the field headgate, and the irrigation of 301.7 acres.
7. Rights 51-00096 and 51-07085 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.

Documentation of Ownership of the Current Place of Use

YES

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

A MORE EFFICIENT IRRIGATION SYSTEM HAS BEEN INSTALLED, SO WATER WILL BE USED MORE EFFICIENTLY.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

SCANNED
JUL 28 2003

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

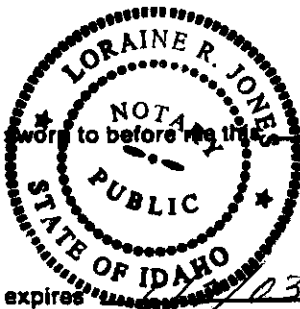
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16th day of October, 192002.

Noye (Bert) Bullett Paul M. Brackett
(Signature of Applicant)

Lorraine R. Jones
(Notary Public)

My commission expires 10/23

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by KG Date 10/16/02 Protest filed by _____

Prelim. check by _____ Fee \$410.00

Received by KG Date 10/16/02 W029807

Published in OWYHEE AVALANCHE Copies of protest forwarded by _____

Pub. dates 9-17 + 24-03 Hearing held by _____ Date _____

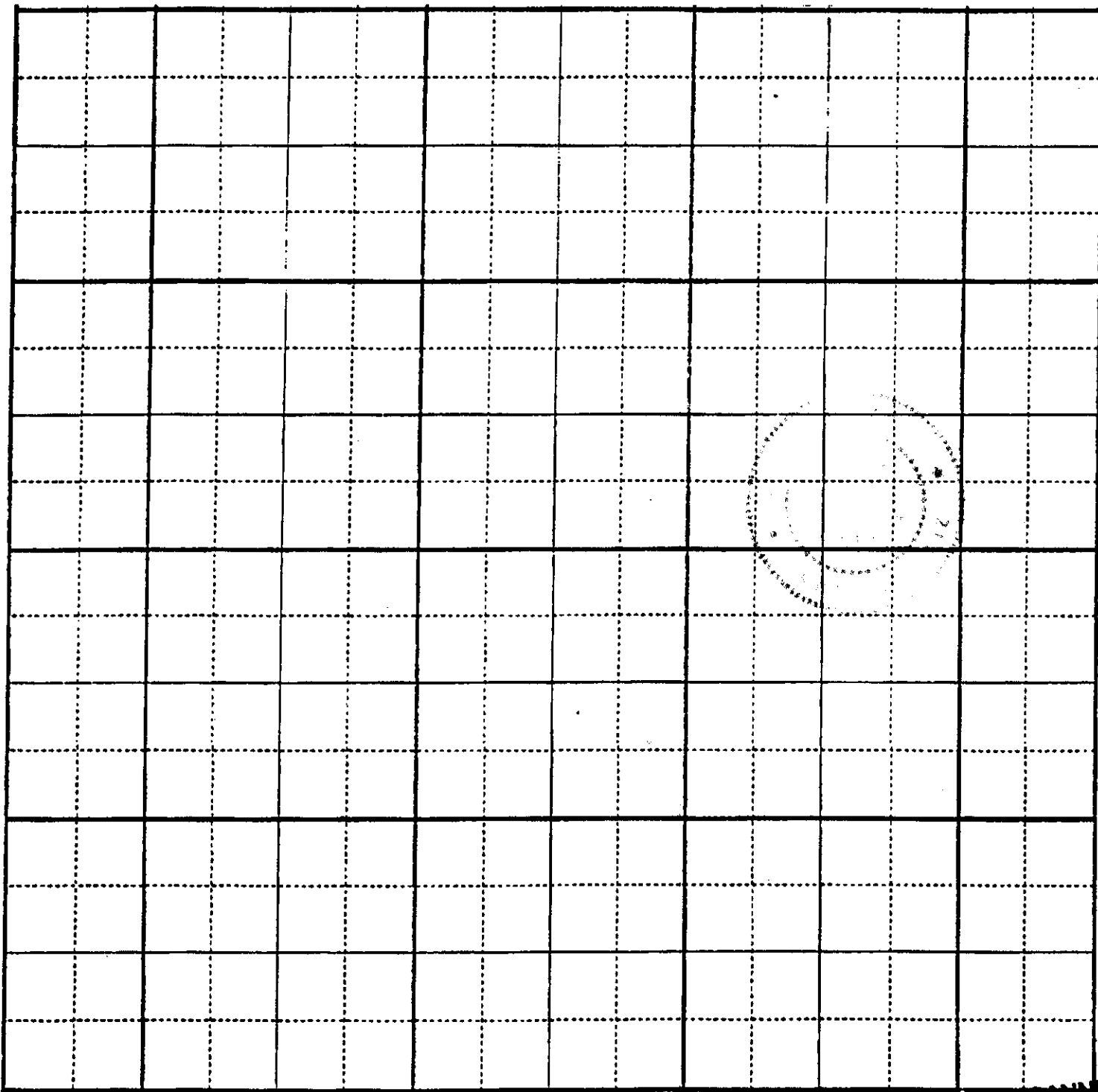
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCANNED
JUL 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

SCANNED

JUL 28 2003

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

No change

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

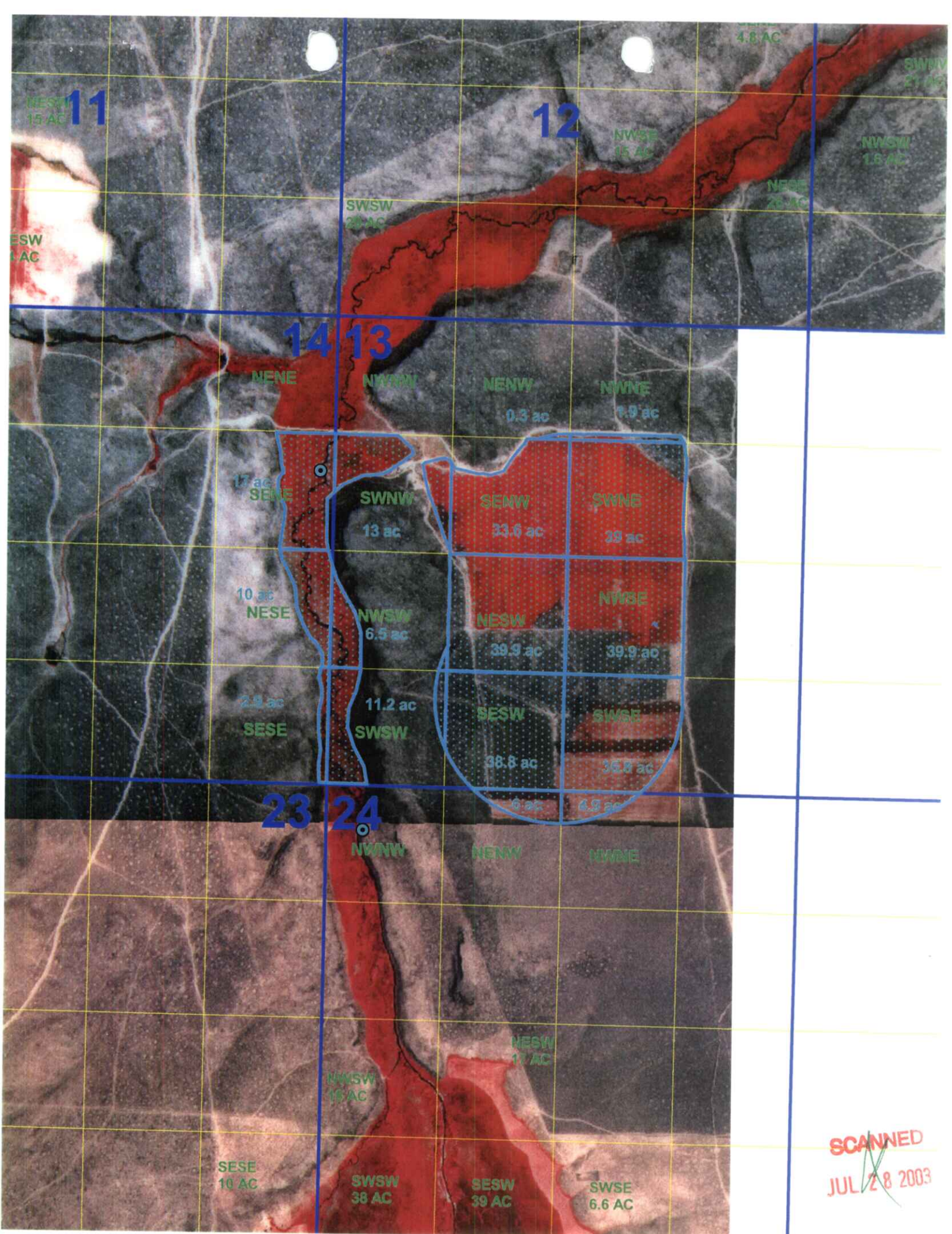
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



SCANNED
JUL 28 2003

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

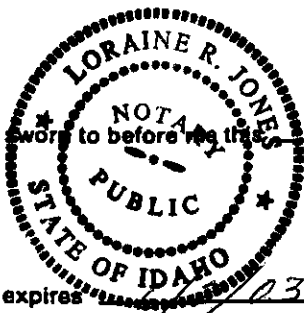
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this _____



Noye (Beit) Sakitt Paula Brackett
(Signature of Applicant)

16th day of October, 192002

Loraine R. Jones
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by KG Date 10/16/02

Protest filed by _____

Prelim. check by _____ Fee \$410.00Receipted by KG Date 10/16/02W029807Published in OWYHEE AVALANCHE

Copies of protest forwarded by _____

Pub. dates 9-17+24-03

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

SCANNED
JUL 28 2003

PAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
WYTHE COUNTY COURTHOUSE
MURPHY, ID 83650
208-495-1158 OR 337-5522

2001 TAX BILL/RECEIPT

PARCEL NUMBER
R915S10E131200A
43,978
1,999

BILL# 7512 CODE AREA 37-00

L
I

1ST HALF DUE
TAX 200.75
LATE
INT
COST
TOT

2ND HALF DUE
TAX 200.75
LATE
INT
COST
TOT

FULL DUE
TAX 401.50
LATE
INT
COST
TOT

TOT MV 45,977

TOT ACS 280.000

BRACKETT WOY E III & PAULA A
FLAT CREEK RANCH
ROGERSON ID 33302

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004397162	202.16
SCHOOL 416	.002468192	113.48
THREE CR ROAD	.001867416	85.83
AMOUNT DUE	.008732770	401.50

SENN, SWNE, NESW, NWSE, SWNW, W2SW
13 15S 10E

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ENCLOSE RIGHT STUB FOR 1ST HALF OR FULL PAYMENT
LEFT STUB IS FOR SECOND HALF PAYMENT DUE JUNE 20

SCANNED
JUL 28 2003

MAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
JIMMEE COUNTY COURTHOUSE
MURPHY, ID 83650
208-495-1153 OR 337-5522

2001 TAX BILL/RECEIPT

PARCEL NUMBER
RP15S10E136600A
9,957

BILL# 7513 CODE AREA 37-00 L

TAX 43.47

LATE
INT
COST
TOT

2ND HALF DUE
TAX 43.47
LATE
INT
COST
TOT

FULL DUE 86.94
TAX
LATE
INT
COST
TOT

TOT MV 9,957

TOT ACS 80.000

BRACKETT MOY E III & PAULA A
FLAT CREEK RANCH
ROGERSON ID 83302

TAXING DISTRICT	RATE	AMOUNT
STATE	.0000000000	
COUNTY	.004397162	43.78
SCHOOL 416	.002468192	24.53
THREE CR ROAD	.001867416	18.53
AMOUNT DUE	.008732770	86.94

SESX,SWSE 13 155 10E

*** IMPORTANT ***
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LEFT STUB IS FOR SECOND HALF PAYMENT DUE JUNE 20

JUL 28 2001
SCANNED

JUL 28 2001
SCANNED

MAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
WYHEE COUNTY COURTHOUSE
MURPHY, ID 83650
08-495-1158 OR 337-5522

1ST HALF DUE
28.13

TAX
LATE
INT
COST
TOT

TAX
LATE
INT
COST
TOT

2ND HALF DUE
28.13

BRACKETT NOY E III & PAULA A
FLAT CREEK RANCH
ROGERSON ID 83302

2001 TAX BILL/RECEIPT

BILL# 7516 CODE AREA 37-00

FULL DUE 56.26
TAX
LATE
INT
COST
TOT

TAXING DISTRICT
STATE
COUNTY
SCHOOL 416
THREE CR ROAD
AMOUNT DUE

PARCEL NUMBER
RP15S10E141800A
6,444

TOT MV 6,444

TOT ACS 120.000

RATE	AMOUNT
.000000000	28.34
.004397162	15.90
.002468192	12.02
.001867416	56.26
.008732770	

SENE, F2SE 14 15S 10E

*** IMPORTANT ***
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ENCLOSE RIGHT STUB FOR 1ST HALF OR FULL PAYMENT
LEFT STUB IS FOR SECOND HALF PAYMENT DUE JUNE 20

SCANNED
JUL 28 2003

MAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
WYHEE COUNTY COURTHOUSE
MURPHY, ID 83650
08-495-1158 JR 337-5522
1ST HALF DUE
9.27

TAX
LATE
INT
COST
TOT

2ND HALF DUE
9.27

TAX
LATE
INT
COST
TOT

BRACKETT NOY E III & PAULA A
FLAT CREEK RANCH
ROGERSON ID 83302

2001 TAX BILL/RECEIPT

BILL# 7518 CODE AREA 37-00 L

PARCEL NUMBER
RP15510E240600A
2,124

FULL DUE
18.54

TOT MV 2,124

TAX
LATE
INT
COST
TOT

TOT ACS 20.000

TAXING DISTRICT
STATE
COUNTY
SCHOOL 415
THREE CR ROAD
AMOUNT DUE

RATE	AMOUNT
.000000000	
.004397152	9.34
.002463192	5.24
.001867416	3.96
.008732770	18.54

N2N2NWNE, N2N2NENW 24 155 10E

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED ***

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TO AVOID LATE CHARGES, PAYMENTS MUST BE
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SUBJECT TO BANK CLEARANCE.

ENCLOSE RIGHT STUB FOR 1ST HALF OR FULL PAYMENT
LEFT STUB IS FOR SECOND HALF PAYMENT DUE JUNE 20

SCANNED
JUL 28 2003

200 NOV 17 AM 10:27
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

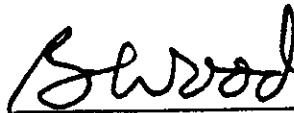
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 51-00096
_____	)	

On July 10, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 51-00096 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 17 2000.



BARRY WOOD
Administrative District Judge and
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 51-00096

200 NOV 17 AM 10:28
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BERT BRACKETT
PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON, ID 83302

SOURCE: BIG FLAT CREEK TRIBUTARY: CLOVER CREEK

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-07085 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 51-07267 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.44 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.04 CFS. COMBINED RIGHT NOS.:
51-07267 & 51-07085.

PRIORITY DATE: 04/15/1906

POINT OF DIVERSION: T15S R10E S14 SENE Within Owyhee County
S24 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS
	Stockwater	01-01 TO 12-31	0.20 CFS

PLACE OF USE:	Irrigation	Stockwater	Within Owyhee County
	T15S R10E S13	SWNE 40.0	SWNW 13.0
		SENE 34.0	NESW 36.0
		NWSW 6.2	SWSW 9.2
		SESW 35.0	NWSE 40.0
		SWSE 40.0	
	S14	SENE 17.0	NESE 10.0
		SESE 2.9	
	S24	NWNE 9.5	NENW 8.9
	301.7 Acres Total		

Stockwater Within Owyhee County
Same as Irrigation

THE USE OF WATER FOR IRRIGATION AND STOCKWATER PURPOSES
WITHIN T15S R10E S24 NWNE AND NENW IS LIMITED TO THE N1/2 N1/2 OF
THOSE PLACES OF USE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 301.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-07085 & 51-07267.

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. 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

2000 NOV 17 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 51-00096

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 51-00096 was mailed
on November 17, 2000, with sufficient first-class postage prepaid
to the following:

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

BERT BRACKETT
PAULA BRACKETT
Represented by:
RICHARD L. HARRIS
PO BOX 1438
1023 ARTHUR STREET
CALDWELL, ID 83606
Phone: 208-459-1588

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

DIANA DELANEY
Clerk
SCANNED

SCANNED
11/17/00

SEP 30 2003

Dear Sirs;

Dan Nelson visited our farm on Sept 24, 2002 to review our upgraded irrigation system and witness the irrigation this year.

His visit was prompted by Mr. Wells complaint but we welcomed his help to insure that our irrigated acres match our decreed acres

Sincerely
Bob Seabald

RECEIVED

OCT 16 2002

WATER RESOURCES
WESTERN REGION

**NOW
STARTING
RIGHT
SIDE OF
FILE**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Jarbridge Field Office
2536 Kimberly Road
Twin Falls, Idaho 83301
<http://www.id.blm.gov/offices/jarbridge>

RECEIVED

JUL 02 2007
DEPARTMENT OF
WATER RESOURCES



In Reply Refer To: 7250

June 29, 2007

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Id 83720-0098

Dear Shelley Keen;

Please be advised as to the address change for the Bureau of Land Management, Jarbridge Field Office in Twin Falls, Idaho. Recently, we have found that we have been receiving mail from your Department with our old address of 2620 Kimberly Road, Twin Falls, ID. The current and correct address for this office is printed above, as is our internet site. Please ensure that all correspondence concerning water rights matters affecting this office be properly addressed to this location.

If you should have any questions, please contact us at the above address or by calling (208) 736-2350. Thank you for your attention to this important matter.

Sincerely,

Richard Vander Voet
Field Office Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 13, 2007

BERT BRACKETT And
PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

RE: Transfer No.: 70694
Water Right No(s). 51-7085 51-96 51-7267
Transfer Approval Notice

Dear Water Right Holder(s) and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

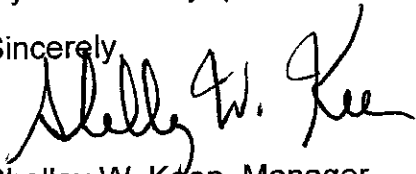
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: BARKER ROSHOLT & SIMPSON LLP
ECHO WATER USERS ASSN INC
BRUNEAU BUCKAROO CO-OP DITCH CO
FRANK BACHMAN
WALTER E WELLS
US BLM

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70694
WATER RIGHTS NOS. 51-7085 51-96 51-7267

**BERT BRACKETT And
PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302**

**BARKER ROSHOLT & SIMPSON LLP
ATTN TRAVIS L THOMPSON
113 MAIN AVE W STE 303
PO BOX 485
TWIN FALLS ID 83303-0485**

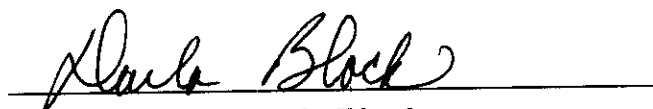
**BRUNEAU BUCKAROO CO-OP DITCH CO
C/O CHARLES HONSINGER
PO BOX 2773
BOISE ID 83701-2773**

**ECHO WATER USERS ASSN INC
C/O CHARLES HONSINGER
PO BOX 2773
BOISE ID 83701-2773**

**US BLM
C/O ED GUERRERO
2620 KIMBERLY RD
TWIN FALLS ID 83301**

**FRANK BACHMAN
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702**

**WALTER E WELLS
782 E 3800 N
BUHL ID 83316**

A handwritten signature in cursive script, reading "Darla Block", is written over a horizontal line.

**Darla Block
Technical Records Specialist**

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 08, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

WALTER E WELLS
782 E 3800 N
BUHL, ID 83316

US BLM
C/O ED GUERRERO
2620 KIMBERLY RD
TWIN FALLS, ID 83301

Application for Transfer No. 70694
Withdrawal of Protest

Dear Protestants:

The Department of Water Resources acknowledges receipt of your withdrawal of protests against the above referenced application.

There are no remaining protests against this application, so final processing will continue in the State office.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

CC: Travis L. Thompson, BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

u A
RECEIVED
APR 26 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Applicants Bert and Paula Brackett

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 70694 IN THE NAME OF	)	NOTICE OF STIPULATIONS
BERT AND PAULA BRACKETT	)	REGARDING PROTESTS OF
	)	WALTER WELLS AND BLM
	)	
	)	
	)	

COMES NOW, the Applicants, Bert & Paula Brackett, by and through their counsel of record, Barker Rosholt & Simpson LLP, and hereby give notice that the remaining protests the above-referenced application have been resolved.

Please find attached at Exhibit A the *Stipulation to Resolve Protests* signed by Walter Wells on April 24, 2007 (previously signed by Bruneau Buckaroo Cooperative Ditch Company, Echo Water Users Association, Frank and Cindy Bachman); and the resolution of the place of use issue signed by Bert Brackett and Fred Price (on behalf of the BLM) on April 24, 2007.

The Applicants submit that all outstanding protests have now been resolved and the Department may continue with the processing of the transfer application as provided by the stipulations.

DATED this 25th day of April 2007.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Bert & Paula Brackett

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th of April, 2007, I served a true and correct copy of the foregoing *Notice of Service of Discovery Requests and Disclosure of Experts* upon the following by U.S. Mail, postage prepaid, and email where indicated:

IDWR
Attn: Gary Spackman, Hearing Officer
P.O. Box 83720
Boise, Idaho 83720-0098

Charles L. Honsinger
RINGERT CLARK CHARTERED
455 S. 3rd St.
P.O. Box 2773
Boise, ID 83701-2773
clh@ringertclark.com

Jo Beeman
BEEMAN & ASSOCIATES
409 W. Jefferson St.
Boise, Idaho 83702
jo.beeman@beenmanlaw.com

Fred Price
BLM
1387 S. Vinnell Way
Boise, Idaho 83709

Walter Wells
782 East 3800 North
Buhl, Idaho 83316

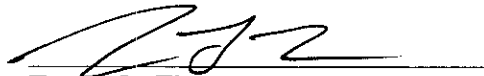

Travis L. Thompson

EXHIBIT “A”

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
APR 26 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Bruneau Buckaroo
Cooperative Ditch Company and Echo Water
Users Association

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF APPLICATION FOR	)	STIPULATION TO RESOLVE PROTESTS
TRANSFER NO. 70694 IN THE NAME OF	)	
BERT AND PAULA BRACKETT	)	
	)	
	)	
_____	)	

COMES NOW, Protestants Bruneau Buckaroo Cooperative Ditch Company and Echo Water Users Association, by and through their attorneys of record, RINGERT CLARK, CHARTERED, Protestants Frank and Cindy Bachman, by and through their attorneys of record, BEEMAN & ASSOCIATES (collectively "Protestants"), and Applicants Bert and Paula Brackett, by and through their attorneys of record, BARKER ROSHOLT & SIMPSON, and stipulate to the withdrawal of protests filed by the Protestants in the above-captioned matter under the following conditions:

A) Applicants agree to continue the historical practice of informal administration whereby, when requested by Bruneau Buckaroo Cooperative Ditch Company, Echo Water Users Association, or Frank and Cindy Bachman, or any of their successors and assigns, Applicants voluntarily curtail their junior priority water rights in order to provide water to the afore-

mentioned entities' senior water right(s).

B) That the following language is inserted into any Order approving the transfer application:

- 1) Upon creation of a water district (I.C. § 42-604) or a water measurement district (I.C. § 42-706) and after specific notification by the Department, Applicants shall install a suitable measuring device and shall annually report the information to the Department.
- 2) Each year prior to the irrigation season Applicants 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 acres (within the 301.7 acre permissible place of use) authorized to be irrigated in a single irrigation season pursuant to water right no. 51-96.

Dated this 28th day of March, 2007.

RINGERT CLARK, CHARTERED

By Charles L. Honsinger
Charles L. Honsinger
Attorneys for Bruneau Buckaroo Cooperative
Ditch Company, and Echo Water Users
Association

Dated this 28th day of March, 2007.

BEEMAN & ASSOCIATES

By Josephine P. Beeman
Josephine P. Beeman
Attorneys for Frank and Cindy Bachman

Dated this 28th day of March, 2007.

BARKER ROSHOLT & SIMPSON

By Travis Thompson
Travis Thompson
Attorneys for Bert and Paula Brackett

4/24/07

DATED this _____ day of April, 2007

Walter E Wells

Walter Wells, Protestant

In the matter of Transfer #70694

I Bert Brackett as transfer applicant do hereby amend my transfer application to remove 0.3 acres within place of use described as NENW, S13, T15S, R10E.

Bert Brackett 4-24-07
Bert Brackett

I Fred Price, water rights specialist for the Bureau of Land Management, having authority to act on behalf of the United States, do hereby withdraw the protest of the United States based upon the representation of the transfer applicant stated above.

Fred Price 4-24-07
Fred Price

RECEIVED

APR 25 2007

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 29th, 2007, he caused a true and correct copy of the within and foregoing document to be transmitted by the method indicated below to the following:

Josephine Beeman
409 W. Jefferson
Boise, ID 83702
Fax: (208) 331-0954

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Walter Wells
782 E 3800 N
Buhl, ID 83316

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Lou Guerrero
Bureau of Land Management
2620 Kimberley Road
Twin Falls, ID 83301

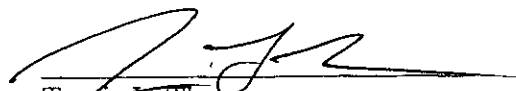
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Facsimile
Overnight mail
Hand Delivery

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2348

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
Fax: (208) 342-4657

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery


Travis L. Thompson

HEARING ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 70694, IN THE NAME OF)
BERT AND PAULA BRACKETT)
_____)

April 24, 2007
Hearing Officer: Gary

*Hold for receipt
of stipulated
resolution
of BLM & Wells
protests.*

NAME	ADDRESS	REPRESENTING
FRED RICE	1387 S. Vinnell Way, Boise, ID 83709	BLM
Walter E. Wells	782 E 3800 N Buhl 83316	
Kathy Wells	782 E 3800 N Buhl 83316	
Larry Thompson	P.O. Box 485 Twin Falls, ID 83303	Bert & Paula Brackett
Bert Brackett	Rogerson, Idaho	Self



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 05, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

ECHO WATER USERS ASSN INC
BRUNEAU BUCKAROO CO-OP DITCH CO
C/O CHARLES HONSINGER
PO BOX 2773
BOISE, ID 83701-2773

Application for Transfer No. 70694
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application. The Department recognizes that your withdrawal is conditional, and you will be provided a copy of any approval documents based on your Stipulation to Resolve Protests.

There are remaining protests against this application, which need to be resolved before the application can be considered for approval.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Deborah Gibson, Admin. Assistant
Water Allocation Bureau

CC: BARKER ROSHOLT & SIMPSON LLP
JOSEPHINE BEEMAN
WALTER E WELLS
US BLM, C/O ED GUERRERO



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 05, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

FRANK BACHMAN
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE, ID 83702

Application for Transfer No. 70694
Withdrawal of Protest

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There are remaining protests against this application, which need to be resolved before the application can be considered for approval.

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Sincerely,

Deborah Gibson, Admin. Assistant
Water Allocation Bureau

CC: BARKER ROSHOLT & SIMPSON LLP
CHARLES HONSINGER
WALTER E WELLS
US BLM, C/O ED GUERRERO

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Bruneau Buckaroo
Cooperative Ditch Company and Echo Water
Users Association

RECEIVED

APR 02 2007

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF APPLICATION FOR	)	STIPULATION TO RESOLVE PROTESTS
TRANSFER NO. 70694 IN THE NAME OF	)	
BERT AND PAULA BRACKETT	)	
	)	
	)	
_____	)	

COMES NOW, Protestants Bruneau Buckaroo Cooperative Ditch Company and Echo Water Users Association, by and through their attorneys of record, RINGERT CLARK, CHARTERED, Protestants Frank and Cindy Bachman, by and through their attorneys of record, BEEMAN & ASSOCIATES (collectively "Protestants"), and Applicants Bert and Paula Brackett, by and through their attorneys of record, BARKER ROSHOLT & SIMPSON, and stipulate to the withdrawal of protests filed by the Protestants in the above-captioned matter under the following conditions:

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mentioned entities' senior water right(s).

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- 2) Each year prior to the irrigation season Applicants 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 acres (within the 301.7 acre permissible place of use) authorized to be irrigated in a single irrigation season pursuant to water right no. 51-96.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 29th, 2007, he caused a true and correct copy of the within and foregoing document to be transmitted by the method indicated below to the following:

Josephine Beeman
409 W. Jefferson
Boise, ID 83702
Fax: (208) 331-0954

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Walter Wells
782 E 3800 N
Buhl, ID 83316

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Lou Guerrero
Bureau of Land Management
2620 Kimberley Road
Twin Falls, ID 83301

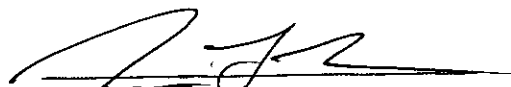
✓ U.S. mail
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IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2348

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery

Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
Fax: (208) 342-4657

✓ U.S. mail
Facsimile
Overnight mail
Hand Delivery


Travis L. Thompson

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M

DEPARTMENT OF
WATER RESOURCES

**RINGERT CLARK CHARTERED
FAX COVER LETTER**

RECEIVED

MAR 19 2007

DEPARTMENT OF
WATER RESOURCES

From: Daniel V. Steenson
Charles L. Honsinger
S. Brycc Farris
455 South Third Street
Boise, Idaho 83702
ph: (208) 342-4591
fax: (208) 342-4657

Time:

Date: March 15, 2007

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME:

WITH: Idaho Department of Water Resources

CITY & STATE: Boise, Idaho

TELEPHONE NO.: (208)

FAX. NO.: (208) 334-2348

SENDER: Charles L. Honsinger

WE ARE TRANSMITTING 3 PAGES (INCLUDING THIS COVER LETTER)

ADDITIONAL INFORMATION:

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 15, 2007, he caused a true and correct copy of the within and foregoing document to be transmitted by the method indicated below to the following:

Travis Thompson
Barker Rosholt and Simpson
P.O. Box 485
Twin Falls, ID 83303-0485
Fax: (208) 735-2444

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery

Josephine Beeman
409 W. Jefferson
Boise, ID 83702
Fax: (208) 331-0954

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
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2620 Kimberley Road
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2735 Airport Way
Boise, ID 83705-5082
(208) 334-2348

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery


Person Mailing Documents

Debbie Filer
Please file.

Gary

MAR 13 2007

DEPARTMENT OF
WATER RESOURCES

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**NOTICE OF SERVICE OF
DISCOVERY REQUESTS TO
PROTESTANTS AND
DISCLOSURE OF EXPERT
WITNESS**

Charles Honsinger
Ringert Clark Chtd.
P.O. Box 2773
Boise, Idaho 83701-2773
clh@ringertclark.com

Josephine Beeman
Beeman & Assoc. P.C.
409 West Jefferson St.
Boise, Idaho 83702
jo.beeman@beemanlaw.com

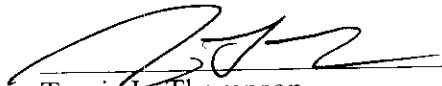
Brackett further hereby notifies the parties that they intend to call the following individual as an expert witness at the hearing on this matter:

Charles E. Brockway, Ph.D., Brockway Engineering, PLLC, 2016 Washington St., Ste 4, Twin Falls, Idaho 83301, (208) 736-8543.

Brackett reserves the right to call witnesses at hearing to rebut opinion testimony offered by the other parties' experts.

DATED this 15th day of March 2007.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for Bert & Paula Brackett

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th of March, 2007, I served a true and correct copy of the foregoing *Notice of Service of Discovery Requests and Disclosure of Experts* upon the following by U.S. Mail, postage prepaid, and email where indicated:

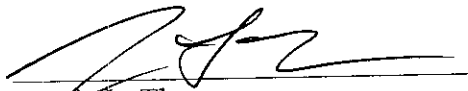
IDWR
Attn: Gary Spackman, Hearing Officer
P.O. Box 83720
Boise, Idaho 83720-0098

Charles L. Honsinger
RINGERT CLARK CHARTERED
455 S. 3rd St.
P.O. Box 2773
Boise, ID 83701-2773
clh@ringertclark.com

Jo Beeman
BEEMAN & ASSOCIATES
409 W. Jefferson St.
Boise, Idaho 83702
jo.beeman@beemanlaw.com

Bureau of Land Management
Lou Guerrero
2620 Kimberly Road
Twin Falls, Idaho 83301

Walter Wells
782 East 3800 North
Buhl, Idaho 83316


Travis L. Thompson

Gar 4

RECEIVED

MAR 13 2007

DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman #1806
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
office@beemanlaw.com

Attorneys for Frank & Cindy Bachman

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 70694, IN THE NAME OF)
BERT AND PAULA BRACKETT,)
_____)

**FRANK & CINDY
BACHMAN'S DISCLOSURE
OF EXPERT WITNESS**

Frank & Cindy Bachman (Bachmans), by and through their undersigned attorney, hereby submit their list of expert witness that they expect to call to testify. This disclosure is made pursuant to the Department's February 17, 2007 Order Authorizing Discovery.

The Bachmans expect to call the following individual as an expert witness:

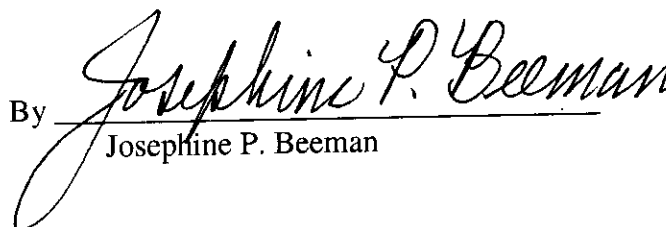
1. Norm Young, Water Resource Engineer, ERO Resources, 3314 Grace Street, Boise, ID 83703-5836; (208) 373-7983

This expert will be hired at his normal hourly rate and compensated at that rate regardless of the outcome of the case.

The Bachmans reserve the right to identify and call additional rebuttal witnesses as necessary to provide rebuttal testimony to opinions offered by other parties' experts at the hearing.

Respectfully submitted this 13th day of March 2007.

BEEMAN & ASSOCIATES, P.C.

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I hereby certify that on this 13th March 2007 I caused to be served a true and correct copy of the foregoing document by regular U.S. Mail, postage prepaid, to:

Original to:

Idaho Department of Water Resources
Attn: Gary Spackman, Hearing Officer
P. O. Box 83720
Boise, ID 83720-0098

Copies to:

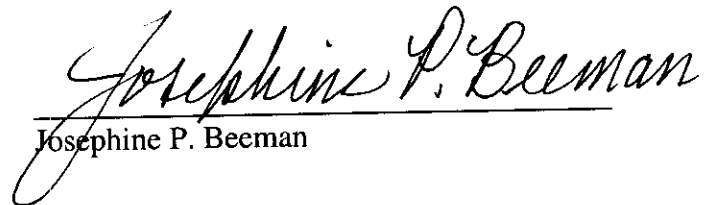
Travis L. Thompson
Barker Rosholt & Simpson
233 2nd Street North, Suite D
Twin Falls, Idaho 83301

Charles L. Honsinger
Ringert Clark Chartered
P. O. Box 2773
Boise, ID 83701-2773

Lou Guerrero
Bureau of Land Management
2620 Kimberly Road
Twin Falls, ID 83301

Walter Wells
782 East 3800 North
Buhl, ID 83316

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082



Josephine P. Beeman

ZA3033\7702

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
MAR 15 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Bruneau Buckaroo
Cooperative Ditch Company and Echo Water
Users Association

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF APPLICATION FOR	)	DISCLOSURE OF EXPERT WITNESS
TRANSFER NO. 70694 IN THE NAME OF	)	
BERT AND PAULA BRACKETT	)	
_____	)	

COMES NOW, Protestants Bruneau Buckaroo Cooperative Ditch Company and Echo Water Users Association (collectively "Protestants"), by and through their attorneys of record, RINGERT CLARK, CHARTERED, and pursuant to the Hearing Officer's February 17, 2007 Order Authorizing Discovery, hereby notify the parties that they may call Norm Young, ERO Resources to testify as an expert witness in the above captioned matter. Mr. Young's address and phone number are as follows: 3314 Grace Street, Boise, ID 83703-5836, (208)373-7983. Protestants hereby reserve the right to call witnesses at the hearing to rebut opinion testimony offered by other parties' experts.

Dated this 15th day of March, 2007.

RINGERT CLARK, CHARTERED

By Charles L. Honsinger
Charles L. Honsinger

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 15, 2007, he caused a true and correct copy of the within and foregoing document to be transmitted by the method indicated below to the following:

Travis Thompson
Barker Rosholt and Simpson
P.O. Box 485
Twin Falls, ID 83303-0485
Fax: (208) 735-2444

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery

Josephine Beeman
409 W. Jefferson
Boise, ID 83702
Fax: (208) 331-0954

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery

Walter Wells
782 E 3800 N
Buhl, ID 83316

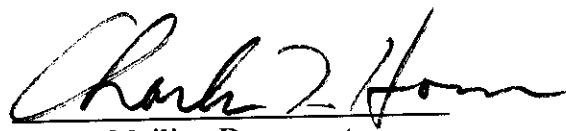
- ☒ U.S. mail
- ☐ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery

Lou Guerrero
Bureau of Land Management
2620 Kimberley Road
Twin Falls, ID 83301

- ☒ U.S. mail
- ☐ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2348

- ☐ U.S. mail
- ☒ Facsimile
- ☐ Overnight mail
- ☐ Hand Delivery


Person Mailing Documents

ECEIVED

M. 12 2007

**DEPARTMENT OF
WATER RESOURCES**

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Bruneau Buckaroo
Cooperative Ditch Company and Echo Water
Users Association

**BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 70694 IN THE NAME OF)
BERT AND PAULA BRACKETT)
_____))

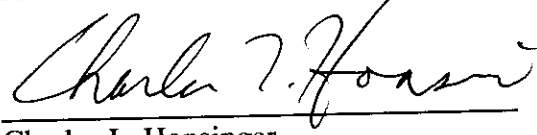
NOTICE OF SERVICE OF BRUNEAU
BUCKAROO COOPERATIVE DITCH
COMPANY'S AND ECHO WATER
USERS ASSOCIATION'S FIRST SET
OF DISCOVERY TO APPLICANTS

COMES NOW Protestants Bruneau Buckaroo Cooperative Ditch Company and Echo Water Users Association, by and through their counsel of record, Charles L. Honsinger, and pursuant to Idaho Rule of Civil Procedure 33(a)(5) hereby give notice that on the 12th day of March, 2007, Bruneau Buckaroo Cooperative Ditch Company's and Echo Water Users Association's First Set of Discovery to Applicants, was served by mailing a copy of the foregoing document via U.S. Mail, postage prepaid, to the following:

Travis Thompson
Barker Rosholt & Simpson
P.O. Box 485
Twin Falls, Idaho 83303-0485

DATED this 12th day of March, 2007.

RINGERT CLARK CHARTERED



Charles L. Honsinger
Attorneys for Applicants

CERTIFICATE OF SERVICE

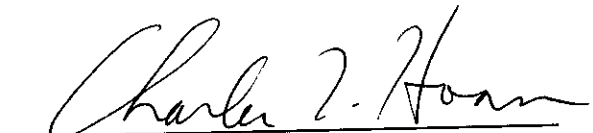
I certify that on the 12th day of March, 2007, I served a true and correct copy of the foregoing "Notice of Service of Bruneau Buckaroo Cooperative Ditch Company's and Echo Water Users Association's First Set of Discovery to Applicants", by depositing a copy thereof in the United States mail, postage prepaid upon:

Travis Thompson
Barker Rosholt & Simpson
P.O. Box 485
Twin Falls, Idaho 83303-0485

Josephine Beeman
409 W. Jefferson
Boise, Idaho 83702

Walter Wells
782 E. 3800 N.
Buhl, Idaho 83316

Lou Guerrero
Bureau of Land Management
2620 Kimberley Road
Twin Falls, Idaho 83301


Charles L. Honsinger

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Bruneau Buckaroo
Cooperative Ditch Company and Echo Water
Users Association

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 70694 IN THE NAME OF
BERT AND PAULA BRACKETT

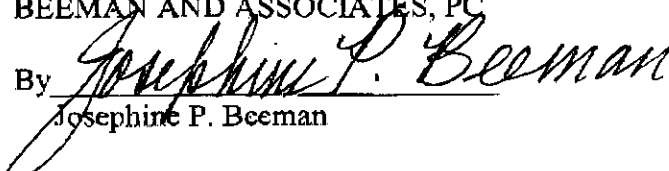
)
)
) NOTICE OF SUBSTITUTION OF
) COUNSEL
)
)

COMES NOW, Josephine P. Beeman of the firm BEEMAN AND ASSOCIATES, PC,
counsel of record for the Echo Water Users Association in the above-captioned matter, and
Charles L. Honsinger of the firm RINGERT CLARK, CHARTERED and pursuant to I.R.C.P.
11(b)(1) and IDAPA 37.01.01.205, hereby notify the agency, hearing officer and parties that
Ringert Clark, Chartered shall appear as attorney for the Echo Water Users Association in this
matter from the date of filing of this Notice henceforth.

Dated this 9th day of March, 2007.

BEEMAN AND ASSOCIATES, PC

By


Josephine P. Beeman

Dated this 12th day of March, 2007.

RINGERT CLARK, CHARTERED

By Charles L. Honsinger
Charles L. Honsinger

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 12, 2007, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following

Travis Thompson
Barker Rosholt and Simpson
P.O. Box 485
Twin Falls, ID 83303-0485

Josephine Beeman
409 W. Jefferson
Boise, ID 83702

Walter Wells
782 E 3800 N
Buhl, ID 83316

Lou Guerrero
Bureau of Land Management
2620 Kimberley Road
Twin Falls, ID 83301

Charles L. Honsinger
Person Mailing Documents

BEE MAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com

Gary
RECEIVED

MAR 06 2007

DEPARTMENT OF
WATER RESOURCES
Phone (208) 331-0954
Fax (208) 331-0954
office@beemanlaw.com

March 5, 2007

Gary Spackman
Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Re: *Brackett Transfer 70694*

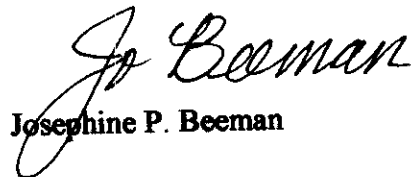
Dear Mr. Spackman:

This is to confirm that you granted Frank & Cindy Bachman an extension of time until March 12, 2007, in which to file their expert witness list in the Brackett Transfer matter.

We appreciate your consideration in this matter.

Sincerely,

BEE MAN & ASSOCIATES, P.C.


Josephine P. Beeman

:ja
Z:\3033\7682
cc: Travis Thompson
Charlie Honsinger
Lou Gerrero
Walter Wells
IDWR Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



**INSUFFICIENT
ADDRESS**

BRUNEAU BUCKAROO CO-OP
C/O CHARLES HONSINGER
PO BOX 2773
BOISE ID 83704 - 2773

AAAGSM5 83701

PRESORTED
FIRST CLASS



02 1M
0004227270 FEB 21 2007
MAILED FROM ZIP CODE 83702

\$ 00.29³

G. A. J.
RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES

Database error for
Bruneau Buckaroo's info
Database Corrected
3/7/07 dg
Copy faxed to Charles on 2/28/07 dg

IDAHO DEPARTMENT OF WATER RESOURCES

FAX

To:	Kimi White	From:	Deborah J. Gibson (208) 287-4942
Fax:	342-4657	Date:	February 28, 2007
Phone:		Pages:	3
Re:	Protested Transfer No. 70694, in the name of Brackett	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Attached is a copy of the Order Authorizing Discovery in the above-referenced matter, per your request.

Please contact me at the above number if you have any problems with the transmission of this fax.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 70694, IN THE NAME OF
BERT AND PAULA BRACKETT**

**ORDER AUTHORIZING
DISCOVERY**

On February 7, 2007, the Department of Water Resources ("IDWR") received from the Applicants Bert and Paula Brackett, by and through their counsel of record, Barker Rosholt & Simpson, LLP, a Motion for Order Authorizing Discovery. The following is in response to that Motion:

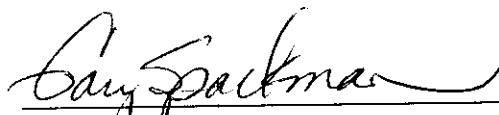
ORDER

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery can begin immediately.
2. On or before March 2, 2007, each party must disclose to all other parties, in writing, the identity of all expert witnesses that will or may testify at the hearing.
3. All written discovery requests shall be served on or before March 16, 2007. Answers to written discovery must be served on the requesting party on or before March 30, 2007.
4. Written requests for discovery must be either interrogatories or requests for documents. (Requests for admission are not allowed). No more than 10 interrogatories, may be served by any party (or the attorney for several parties) on another party, and no more than 10 unanswered interrogatories served by any party (or the attorney for several parties) may be pending. Each question posed will be considered as one interrogatory.
5. All depositions shall be complete on or before April 6, 2007.

IT IS FURTHER ORDERED that, on or before April 17, 2007, each party must serve on all other parties copies of exhibits that may be offered at the hearing.

Dated this 17th day of February, 2007.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2007, a true and correct copy of the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following

Document(s) Served: Order Authorizing Discovery and Prehearing Order

TRAVIS THOMPSON
BARKER RSHOLT & SIMPSON
233 2ND ST N STE D
TWIN FALLS ID 83301

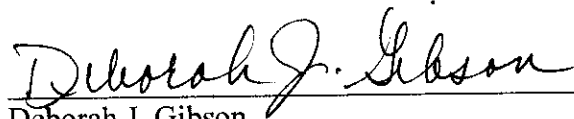
CHARLES L HONSINGER
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

JO BEEMAN
BEEMAN & ASSOCIATES
409 W JEFFERSON ST
BOISE ID 83702

LOU GUERRERO
BUREAU OF LAND MANAGEMENT
2620 KIMBERLY RD
TWIN FALLS ID 83301

WALTER WELLS
782 EAST 3800 NORTH
BUHL ID 83316

IDWR – WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant

W 1

John A. Rosholt, ISB #1037
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

RECEIVED

WATER RESOURCES
WESTERN REGION

RECEIVED

FEB 07 2007

WATER RESOURCES
WESTERN REGION

Attorneys for Applicants Bert and Paula Brackett

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 70694 IN THE NAME OF
BERT AND PAULA BRACKETT

**MOTION FOR ORDER
AUTHORIZING DISCOVERY**

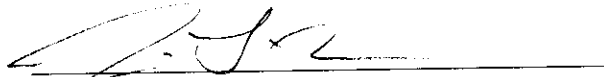
COMES NOW, the Applicants, Bert & Paula Brackett, by and through their counsel of record, Barker Rosholt & Simpson LLP, and hereby moves the Department for an order authorizing the parties to conduct discovery in the above entitled matter in accordance with Rule 520 of the Department's Rules of Procedure (IDAPA 37.01.01.520). This motion is brought pursuant to Rule 521 (IDAPA 37.01.01.521) and the Department's November 1, 2006 *Notice of Hearing*.

Since the outstanding protests have not been resolved and the hearing in this matter is scheduled for April 24 and 25, the Applicants respectfully request that the Department issue an order authorizing discovery as soon as possible. Discovery of the basis of the outstanding protests is necessary in order for the Applicants to adequately prepare for the hearing in this matter. Counsel for the Applicants has contacted counsel for the protestants Bruneau Buckaroo

Ditch Company (Charles Honsinger), Frank Bauchman and Echo Water Users Association (Josephine Beeman) and they have indicated they do not oppose this motion (provided they reserve the right to object to certain discovery).

DATED this 6th day of February 2007.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for Bert & Paula Brackett

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th of February, 2007, I served a true and correct copy of the foregoing *Motion for Order Authorizing Discovery* upon the following by U.S. Mail, postage prepaid:

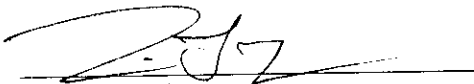
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Charles L. Honsinger
RINGERT CLARK CHARTERED
455 S. 3rd St.
P.O. Box 2773
Boise, ID 83701-2773

Jo Beeman
BEEMAN & ASSOCIATES
409 W. Jefferson St.
Boise, Idaho 83702

Bureau of Land Management
Lou Guerrero
2620 Kimberly Road
Twin Falls, Idaho 83301

Walter Wells
782 East 3800 North
Buhl, Idaho 83316


Travis L. Thompson

BEE MAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

RECEIVED

MAR 06 2007

March 5, 2007

WATER RESOURCES
WESTERN REGION

Gary Spackman
Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Re: *Brackett Transfer 70694*

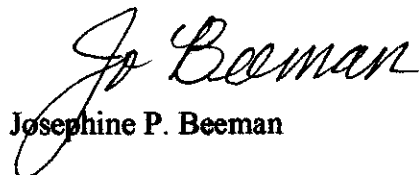
Dear Mr. Spackman:

This is to confirm that you granted Frank & Cindy Bachman an extension of time until March 12, 2007, in which to file their expert witness list in the Brackett Transfer matter.

We appreciate your consideration in this matter.

Sincerely,

BEEMAN & ASSOCIATES, P.C.



Josephine P. Beeman

:ja
Z:\3033\7682
cc: Travis Thompson
Charlie Honsinger
Lou Gerrero
Walter Wells
IDWR Western

RECEIVED BEFORE THE DEPARTMENT OF WATER RESOURCES

FEB 21 2007

OF THE STATE OF IDAHO

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 70694, IN THE NAME OF
BERT AND PAULA BRACKETT

ORDER AUTHORIZING
DISCOVERY

On February 7, 2007, the Department of Water Resources ("IDWR") received from the Applicants Bert and Paula Brackett, by and through their counsel of record, Barker Rosholt & Simpson, LLP, a Motion for Order Authorizing Discovery. The following is in response to that Motion:

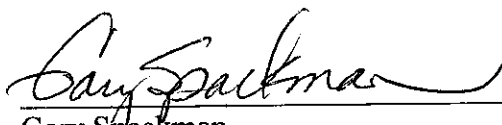
ORDER

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery can begin immediately.
2. On or before March 2, 2007, each party must disclose to all other parties, in writing, the identity of all expert witnesses that will or may testify at the hearing.
3. All written discovery requests shall be served on or before March 16, 2007. Answers to written discovery must be served on the requesting party on or before March 30, 2007.
4. Written requests for discovery must be either interrogatories or requests for documents. (Requests for admission are not allowed). No more than 10 interrogatories, may be served by any party (or the attorney for several parties) on another party, and no more than 10 unanswered interrogatories served by any party (or the attorney for several parties) may be pending. Each question posed will be considered as one interrogatory.
5. All depositions shall be complete on or before April 6, 2007.

IT IS FURTHER ORDERED that, on or before April 17, 2007, each party must serve on all other parties copies of exhibits that may be offered at the hearing.

Dated this 17th day of February, 2007.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2007, a true and correct copy of the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following

Document(s) Served: Order Authorizing Discovery and Prehearing Order

TRAVIS THOMPSON
BARKER RSHOLT & SIMPSON
233 2ND ST N STE D
TWIN FALLS ID 83301

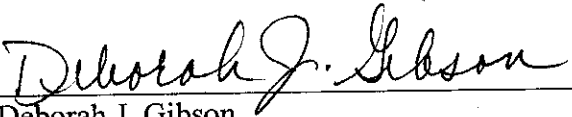
LOU GUERRERO
BUREAU OF LAND MANAGEMENT
2620 KIMBERLY RD
TWIN FALLS ID 83301

CHARLES L HONSINGER
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

WALTER WELLS
782 EAST 3800 NORTH
BUHL ID 83316

JO BEEMAN
BEEMAN & ASSOCIATES
409 W JEFFERSON ST
BOISE ID 83702

IDWR – WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 70694 IN THE) NOTICE OF HEARING
NAME OF BERT & PAULA BRACKETT)
_____)**

On October 16, 2002, Bert & Paula Brackett filed with the Idaho Department of Water Resources (IDWR) an application for transfer of public water of the State of Idaho. The application was protested by US Bureau of Land Management, Bruneau Buckaroo Coop Ditch Company, Frank & Cindy Bachman, Echo Water Users, and Walter Wells. Prehearing protest conferences were held on January 21, 2004 and April 23, 2004. The contest case was not settled.

PLEASE TAKE NOTICE that a formal hearing will be held on **April 24 & 25, 2007, beginning at 9:00 AM at the Obenchain Insurance Offices 264 Main Avenue South, Twin Falls, Idaho. Participants are requested to use the WEST ENTRANCE to the building which faces one-way Second Ave South.**

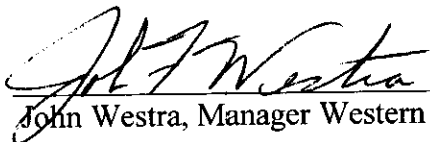
The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure (ROP) requires that a copy be provided to each party and to the presiding officer. For parties to engage in discovery, a request motion is required for consideration pursuant to ROP Rule 521.

The hearing will be held in accordance with the provisions of Idaho Code, Chapters 2 and 17, Title 42, Chapter 52, Title 67 and Department Rules of Procedure IDAPA37.01.01. A copy of the code/rules may be obtained from the Department's website www.idwr.state.id.us. or upon request. Parties appearing in this matter will have opportunity to present information, examine witnesses, and provide argument relating to the contested application.

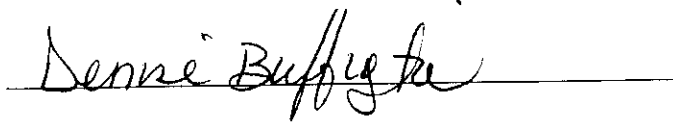
The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend or participate in the hearing, please advise the Department within 10 days prior of the hearing date.

Dated this 1st day of November 2006


John Westra, Manager Western Reg.

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 2006, I mailed a true and correct copy, postage prepaid, of these documents to those on the attached list.



Denise Buffington
Administrative Assistant

Documents Sent

-Notice of Hearing

Mailings

Travis Thompson Atty
Barker Rosholt & Simpson
PO Box 485
Twin Falls ID 83303

Walter Wells
782 E 3800 N
Buhl ID 83316

Ed Guerrero
US BLM
2620 Kimberly RD
Twin Falls ID 83301

Bruneau Buckaroo Coop Ditch Co
C/O Charles L Honsinger
PO Box 2773
Boise Id 83701

Frank & Cindy Backman
C/O Josephine Beeman
409 W Jefferson
Boise ID 83702

Echo Water Users
C/O Josephine Beeman
409 W Jefferson
Boise Id 83702

G. Spackman, IDWR

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

November 3, 2006

RECEIVED

NOV 06 2006

WATER RESOURCES
WESTERN REGION

John Westra
IDWR Western Region
2735 Airport Way
Boise, ID 83705

Re: *Echo Water Users Association Protest to Application for Transfer No. 70694
(Bert and Paula Brackett, Flat Creek Ranch)*

Dear John:

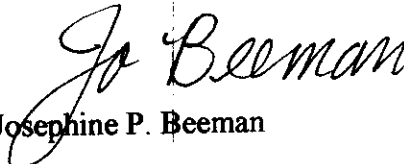
We recently received your Notice of Hearing in the Bert Bracket Transfer matter. This is to let you know that Beeman & Associates no longer represents Echo Water Users Association regarding its protest to the Brackett Application for Transfer 70694. I will forward a copy of the Notice of Hearing to EWUA along with a copy of this letter.

EWUA's address is: Frank Bachman, President
Echo Water Users Association
P. O. Box 186
Bruneau, ID 83604

I continue to represent Frank and Cindy Bachman, individually, in the Brackett Transfer matter.

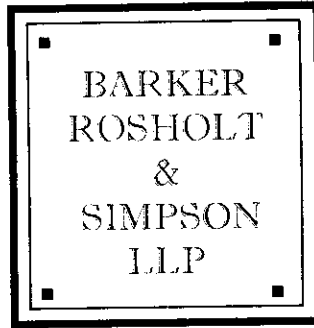
Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

ja
Z:\3034\7413
cc: Frank & Cindy Bachman (w/ enc.)
EWUA (w/ enc.)

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



Travis L. Thompson
tlt@idahowaters.com

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

August 30, 2006

RECEIVED

SEP 01 2006

WATER RESOURCES
WESTERN REGION

Mr. John Westra
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer No. 70694 (Brackett)

Dear John:

I am writing with regards to your previous inquiry (December 14, 2005 letter) about whether the parties have been able to resolve the outstanding protests to Mr. Brackett's transfer application. The parties met earlier this year and have exchanged correspondence but have been unable to reach a settlement. Accordingly, Mr. Brackett requests the matter be set for hearing. Please forward this request to the hearing officer. Thank you.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

cc: Bert Brackett
Charlie Honsinger
Jo Beeman

CONVERSATION MEMORANDUM

DATE 9/7/05

FILE 70694

70887

NAME OF PARTY Travis Thompson, Atty.
733-10700

Brackett. Ranch.

EMPLOYEE J. Westra

RE: Status of Transfers.

Discussed with Mr. Thompson the status of the transfers.
The applications have been around for a couple of years.
He had phone conversations with Joe Beaman and C. Honsinger
in June 05. Did not want a hearing scheduled at this point.
Will converse with the Bracketts and attorneys will
let me know of progress.

2/8/06

Mr. Thompson called to say they had met with the
protestants 2 weeks ago. They are waiting for some flow
data from Charley Honsinger and will draft an agreement.
Should need about 30-60 days for settlement process.
Will check back at that time, 4-1.

10/19/06 left message Leslie Hain date 2/20/07

CONVERSATION MEMORANDUM

DATE 3/15/06

FILE _____

NAME OF PARTY Charlie Hunsinger

EMPLOYEE JL

RE: RESEARCH REQUEST

TRIAL website - can't get product -

→ PRIORITY List of Rights:

Source - Brecken River ✓

Location - w/ pld at or below Hot Springs gauge:

Lat. 42° 46' 18"

Long. 115° 43' 13"

} see map, attached

→ Provide

1) hand copy

2) electronic version

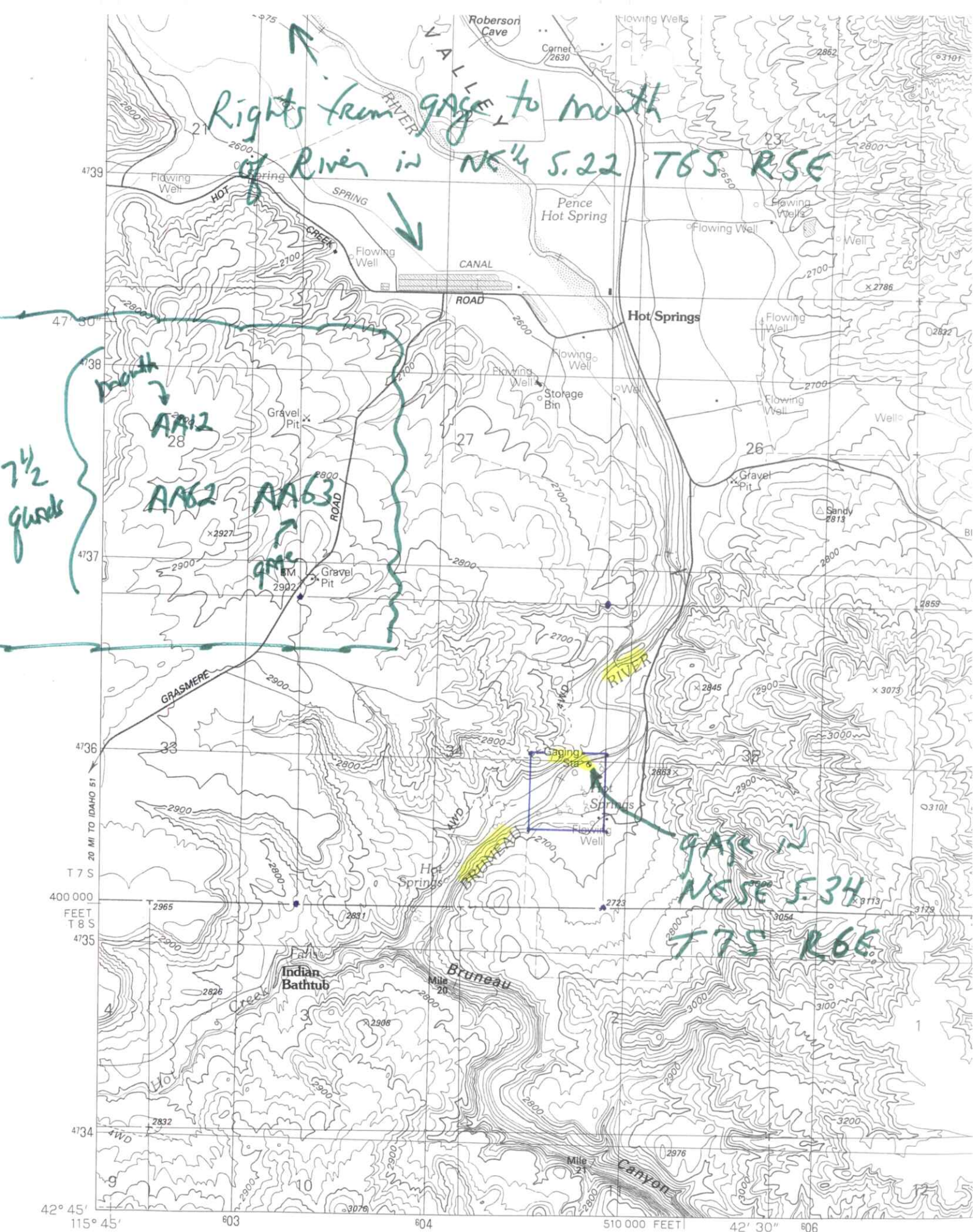
} to JL

When

"soonest" if can

Reason

for pending Brackst settlement T. 70694, 70885,
70887, 70890



Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Compiled from aerial photos, 1946, 1954, 1964, 1974, 1984, 1994, 2004, 2014, 2024

Water Resources

Data Category:

Site Information

Geographic Area:

Idaho

go

OUTAGE: Thursday March 16, 2006 from 7PM - 7:30PM EST for maintenance.

The nwis.waterdata.usgs.gov server will be undergoing routine maintenance Thursday, March 16, 2006 at 7PM EST for approximately 30 minutes. During this outage, NWISWeb Water Quality, Ground Water Levels and Historical Daily Value data will NOT be available.

Real-time data will continue to be available at <http://waterdata.usgs.gov/nwis>

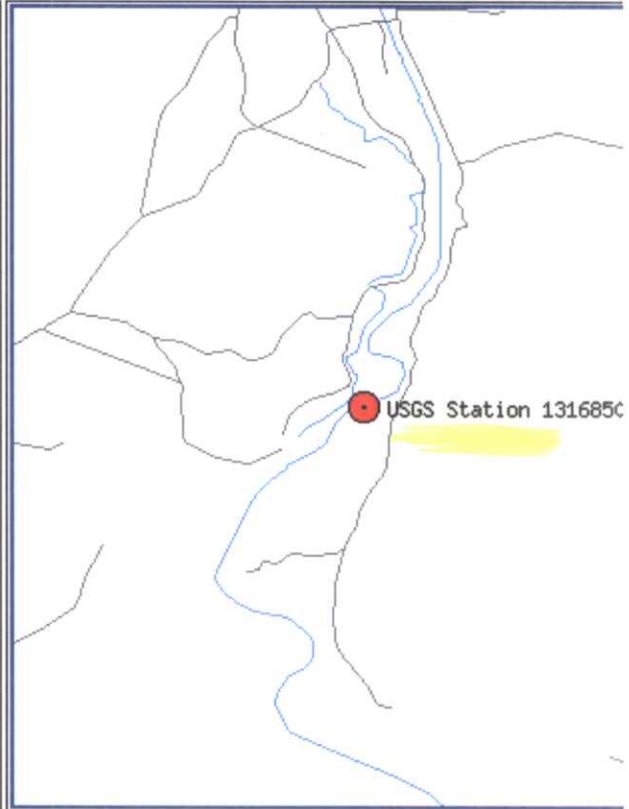
Site Map for Idaho

USGS 13168500 BRUNEAU RIVER NR HOT SPRING ID

Available data for this site Surface-water: Annual streamflow statistics

GO

Owyhee County, Idaho
Hydrologic Unit Code 17050102
Latitude 42°46'16", Longitude 115°43'13" NAD83
Drainage area 2,630.00 square miles
Contributing drainage area 2,630 square miles
Gage datum 2,598.50 feet above sea level NGVD29

Location of the site in Idaho.**Site map.**

Lester, Steve

From: Lester, Steve
Sent: Monday, March 20, 2006 9:19 AM
To: Charles Honsinger (E-mail)
Subject: Bruneau River Priority List

Charlie:

Attached is the priority list you requested for Bruneau River in the defined reach. A hard copy is also being sent to you today.

Please let me know if you have any problems or questions with this.

Steve L.



bruneau river
wm report1.xls

BRACKETT T. 70894 etc.

Basin	Seq	Suffix	Source Table	Basin	Priority	Twn	Roe	Sec	QQQ	PD Type	Rate(cfs)	Acres	Acre Lmt	Water Use(s)	Owner(s)
51	10278		Water Right	Decreed	12/31/1860	06S	05E	25	SWNE	Begin/End Stream Flow	0.02			STOCKWATER	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	10278		Water Right	Decreed	12/31/1860	06S	05E	26	NENE	Begin/End Stream Flow	0.02			STOCKWATER	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	10279		Water Right	Decreed	12/31/1860	06S	05E	23	NESW	Begin/End Stream Flow	0.02			STOCKWATER	STATE OF IDAHO
51	10279		Water Right	Decreed	12/31/1860	06S	05E	23	NESW	Begin/End Stream Flow	0.02			STOCKWATER	STATE OF IDAHO
51	10671		AdjRecomm	Beneficial Use	01/01/1874	07S	06E	34	SENE	Begin/End Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
51	10671		AdjRecomm	Beneficial Use	01/01/1874	07S	06E	34	SESENE	Begin/End Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
51	10672		AdjRecomm	Beneficial Use	01/01/1874	07S	06E	34	SENWSE	Begin/End Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
51	10672		AdjRecomm	Beneficial Use	01/01/1874	07S	06E	34	SESESW	Begin/End Stream Flow	0.02			STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
51	27	A	Water Right	Decreed	04/01/1875	07S	06E	5	NWSWSE		1.5	138		IRRIGATION, STOCKWATER	STATE OF IDAHO
51	27	B	Water Right	Decreed	04/01/1875	07S	06E	5	NWSWSE		1.8	263.7	175	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	42	A	Water Right	Decreed	04/01/1875	07S	06E	5	NWSWSE		0.21	50.1		IRRIGATION, STOCKWATER	STATE OF IDAHO
51	42	B	Water Right	Decreed	04/01/1875	07S	06E	5	NWSWSE		0.31	81		IRRIGATION, STOCKWATER	PROW, RONALD E
51	42	B	Water Right	Decreed	04/01/1875	07S	06E	5	SWNESW	Rediversion	0.31	81		IRRIGATION, STOCKWATER	PROW, RONALD E
51	42	B	Water Right	Decreed	04/01/1875	07S	06E	5	SWSSENW	Rediversion	0.31	81		IRRIGATION, STOCKWATER	PROW, RONALD E
51	42	C	Water Right	Decreed	04/01/1875	07S	06E	5	SWNESW	Rediversion	0.48	128.3		IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE
51	42	C	Water Right	Decreed	04/01/1875	07S	06E	5	NWSWSE		0.48	128.3		IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE
51	42	C	Water Right	Decreed	04/01/1875	07S	06E	5	SWSSENW	Rediversion	0.48	128.3		IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	46		Water Right	Decreed	04/01/1875	07S	06E	5 NWSWSE		1.4	96.1	IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE
51	46		Water Right	Decreed	04/01/1875	07S	06E	5 SWSSENW	Rediversion	1.4	96.1	IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE
51	46		Water Right	Decreed	04/01/1875	07S	06E	5 SWNESW	Rediversion	1.4	96.1	IRRIGATION, STOCKWATER	TURNER, BETTY L ; TURNER, GEORGE
51	50	A	Water Right	Decreed	04/01/1875	07S	06E	9 SENE		0.11	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	50	A	Water Right	Decreed	04/01/1875	07S	06E	9 SWNE		0.11	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	50	A	Water Right	Decreed	04/01/1875	07S	06E	9 NENE		0.11	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	50	A	Water Right	Decreed	04/01/1875	07S	06E	9 NWNE		0.11	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	50	B	Water Right	Decreed	04/01/1875	07S	06E	5 NESW		0.19	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	10218		Water Right	Decreed	04/01/1875	07S	06E	5 NWSWSE		0.17	101	IRRIGATION, STOCKWATER	STATE OF IDAHO
51	10235		Water Right	Decreed	04/01/1875	07S	06E	5 SWSSENW	Rediversion	0.13	79	IRRIGATION	PROW, RONALD E
51	10235		Water Right	Decreed	04/01/1875	07S	06E	5 SWNESW	Rediversion	0.13	79	IRRIGATION	PROW, RONALD E
51	10235		Water Right	Decreed	04/01/1875	07S	06E	5 NWSWSE		0.13	79	IRRIGATION	PROW, RONALD E
51	43	A	Water Right	Decreed	04/01/1876	07S	06E	5 NWSWSE		0.42	50.1	IRRIGATION	STATE OF IDAHO
51	43	B	Water Right	Decreed	04/01/1876	07S	06E	5 NWSWSE		0.69	81	IRRIGATION	PROW, RONALD E
51	43	B	Water Right	Decreed	04/01/1876	07S	06E	5 SWNESW	Rediversion	0.69	81	IRRIGATION	PROW, RONALD E
51	43	B	Water Right	Decreed	04/01/1876	07S	06E	5 SWSSENW	Rediversion	0.69	81	IRRIGATION	PROW, RONALD E
51	43	C	Water Right	Decreed	04/01/1876	07S	06E	5 NWSWSE		1.04	128.3	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	43	C	Water Right	Decreed	04/01/1876	07S	06E	5 SWNESW	Rediversion	1.04	128.3	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	43	C	Water Right	Decreed	04/01/1876	07S	06E	5 SWSSENW	Rediversion	1.04	128.3	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	47		Water Right	Decreed	04/01/1876	07S	06E	5 NWSWSE		0.3	96.1	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	47		Water Right	Decreed	04/01/1876	07S	06E	5 SWNESW	Rediversion	0.3	96.1	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	47		Water Right	Decreed	04/01/1876	07S	06E	5 SWSSENW	Rediversion	0.3	96.1	IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	51	A	Water Right	Decreed	04/01/1876	07S	06E	5	NESW		1.12	320	DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	51	B	Water Right	Decreed	04/01/1876	07S	06E	9	SENE		0.68	320	IRRIGATION	HAWES, FLETCHER A
51	51	B	Water Right	Decreed	04/01/1876	07S	06E	9	SWNE		0.68	320	IRRIGATION	HAWES, FLETCHER A
51	51	B	Water Right	Decreed	04/01/1876	07S	06E	9	NENE		0.68	320	IRRIGATION	HAWES, FLETCHER A
51	51	B	Water Right	Decreed	04/01/1876	07S	06E	9	NWNE		0.68	320	IRRIGATION	HAWES, FLETCHER A
51	60		Water Right	Decreed	04/01/1876	07S	06E	8	SESENE		0.9	91.1	IRRIGATION, STOCKWATER	YOUREN, JAMES E ; YOUREN, JANET M
51	10219		Water Right	Decreed	04/01/1876	07S	06E	5	NWSWSE		1	101	IRRIGATION	STATE OF IDAHO
51	10236		Water Right	Decreed	04/01/1876	07S	06E	5	SWNESW	Rediversion	0.8	79	IRRIGATION	PROW, RONALD E
51	10236		Water Right	Decreed	04/01/1876	07S	06E	5	SWSENW	Rediversion	0.8	79	IRRIGATION	PROW, RONALD E
51	10236		Water Right	Decreed	04/01/1876	07S	06E	5	NWSWSE		0.8	79	IRRIGATION	PROW, RONALD E
51	21		Water Right	Decreed	02/21/1879	07S	06E	9	SESW		0.14	94.5	IRRIGATION, STOCKWATER	HALL SR, THOMAS C
51	10251		Water Right	Decreed	03/01/1879	07S	06E	22	NWSE	Begin/End Stream Flow	0.02		STOCKWATER	URQUIDI, JOHN B
51	10251		Water Right	Decreed	03/01/1879	07S	06E	22	NWNW	Begin/End Stream Flow	0.02		STOCKWATER	URQUIDI, JOHN B
51	24	A	Water Right	Decreed	04/01/1881	06S	06E	31	SWNESE		0.25	25	IRRIGATION, STOCKWATER	GENNETTE, LESLIE D
51	24	B	Water Right	Decreed	04/01/1881	07S	06E	5	NWSWSE		0.24	24.4	IRRIGATION, STOCKWATER	STATE OF IDAHO
51	15		Water Right	Decreed	04/01/1882	07S	06E	16	NWNE		0.7	71.8	IRRIGATION, STOCKWATER	CANTEY, CAROLYN J ; CANTEY, DUANE R
51	15		Water Right	Decreed	04/01/1882	07S	06E	16	NENW		0.7	71.8	IRRIGATION, STOCKWATER	CANTEY, CAROLYN J ; CANTEY, DUANE R
51	18		Water Right	Decreed	04/01/1882	07S	06E	9	SESW		0.5	67.7	IRRIGATION, STOCKWATER	HALL SR, THOMAS C
51	22		Water Right	Decreed	11/01/1882	07S	06E	9	SESW		1.1	94.5	IRRIGATION	HALL SR, THOMAS C
51	2		Water Right	Decreed	01/02/1883	07S	06E	26	SWSW		10.96		IRRIGATION, STOCKWATER	BRUNEAU BUCKAROC CO-OP DITCH CO
51	12		Water Right	Decreed	04/01/1883	07S	06E	16	NESESE		1.2	95	IRRIGATION, STOCKWATER	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	9		Water Right	Decreed	08/25/1883	07S	06E	35	SWNWNW		7		IRRIGATION, STOCKWATER	HOT SPRINGS DITCH CO
51	3		Water Right	Decreed	02/20/1888	07S	06E	26	SWSW		20		IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	31		Water Right	Decreed	04/23/1891	06S	05E	25	SWSESE		1.3	397.8		IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	39		Water Right	Decreed	10/27/1893	07S	06E	26	SWSW		0.3	40		DOMESTIC, IRRIGATION, STOCKWATER	BLACK, ANNA G ; BLACK, ERROL F
51	63		Water Right	Decreed	10/27/1893	07S	06E	26	SWSW		1.3	240		DOMESTIC, IRRIGATION, STOCKWATER	STOCKMANS LOAN CO
51	10351		Water Right	Decreed	10/27/1893	07S	06E	26	SWSW		1.6			IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO
51	6		Water Right	Decreed	03/23/1896	07S	06E	5	NWSWSE		12.24			FISH PROPAGATION STORAGE, IRRIGATION,	SOUTH SIDE BRUNEA' CANAL CO LTD
51	4	A	Water Right	Decreed	04/01/1897	07S	06E	26	SWSW		12.38			DOMESTIC, IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO
51	4	B	Water Right	Decreed	04/01/1897	07S	06E	26	SWSW		0.26	13		IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO
51	7		Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		1.92			IRRIGATION	SOUTH SIDE BRUNEAU CANAL CO LTD
51	10		Water Right	Decreed	04/01/1897	07S	06E	35	SWNWNW		3			IRRIGATION, STOCKWATER	HOT SPRINGS DITCH CO
51	13		Water Right	Decreed	04/01/1897	07S	06E	16	NESESE		0.1	95		IRRIGATION, STOCKWATER	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	16		Water Right	Decreed	04/01/1897	07S	06E	16	NENW		0.2	71.8		IRRIGATION, STOCKWATER	BUCKINGHAM, CARMEN ; BUCKINGHAM, TOM
51	16		Water Right	Decreed	04/01/1897	07S	06E	16	NWNE		0.2	71.8		IRRIGATION, STOCKWATER	BUCKINGHAM, CARMEN ; BUCKINGHAM, TOM
51	19		Water Right	Decreed	04/01/1897	07S	06E	9	SESW		0.1	67.7		IRRIGATION	HALL SR, THOMAS C
51	25	A	Water Right	Decreed	04/01/1897	06S	06E	31	SWNESE		0.05	25		IRRIGATION, STOCKWATER	GENNETTE, LESLIE D
51	25	B	Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.05	24.4		IRRIGATION	STATE OF IDAHO
51	28	A	Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.21	138		IRRIGATION	STATE OF IDAHO
51	28	B	Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.66	263.7	175	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	32		Water Right	Decreed	04/01/1897	06S	05E	25	SWSESE		0.7	397.8		IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	37		Water Right	Decreed	04/01/1897	06S	05E	15	SWSW		0.28	7		IRRIGATION, STOCKWATER	URQUIDI, JOHN B

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	40		Water Right	Decreed	04/01/1897	07S	06E	26	SWSW		0.2	40		DOMESTIC, IRRIGATION, STOCKWATER	BLACK, ANNA G ; BLACK, ERROL F
51	44	B	Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.4	81		IRRIGATION	PROW, RONALD E
51	44	B	Water Right	Decreed	04/01/1897	07S	06E	5	SWNESW	Rediversion	0.4	81		IRRIGATION	PROW, RONALD E
51	44	B	Water Right	Decreed	04/01/1897	07S	06E	5	SWSENW	Rediversion	0.4	81		IRRIGATION	PROW, RONALD E
51	44	C	Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.62	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	44	C	Water Right	Decreed	04/01/1897	07S	06E	5	SWSENW	Rediversion	0.62	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	44	C	Water Right	Decreed	04/01/1897	07S	06E	5	SWNESW	Rediversion	0.62	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	48		Water Right	Decreed	04/01/1897	07S	06E	5	SWNESW	Rediversion	0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	48		Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	48		Water Right	Decreed	04/01/1897	07S	06E	5	SWSENW	Rediversion	0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	52	A	Water Right	Decreed	04/01/1897	07S	06E	9	NENE		0.19	320		DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	52	A	Water Right	Decreed	04/01/1897	07S	06E	9	NWNE		0.19	320		DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	52	A	Water Right	Decreed	04/01/1897	07S	06E	9	SWNE		0.19	320		DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	52	A	Water Right	Decreed	04/01/1897	07S	06E	9	SENE		0.19	320		DOMESTIC, IRRIGATION, STOCKWATER	HAWES, FLETCHER A
51	52	B	Water Right	Decreed	04/01/1897	07S	06E	5	NESW		0.31	320		IRRIGATION	HAWES, FLETCHER A
51	61		Water Right	Decreed	04/01/1897	07S	06E	8	SESENE		0.4	91.1		IRRIGATION	YOUREN, JAMES E ; YOUREN, JANET M
51	64		Water Right	Decreed	04/01/1897	07S	06E	26	SWSW		0.7	240		DOMESTIC, IRRIGATION, STOCKWATER	STOCKMANS LOAN CO
51	10225		Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.09	101		IRRIGATION	STATE OF IDAHO
51	10237		Water Right	Decreed	04/01/1897	07S	06E	5	SWNESW	Rediversion	0.22	79		IRRIGATION	PROW, RONALD E
51	10237		Water Right	Decreed	04/01/1897	07S	06E	5	NWSWSE		0.22	79		IRRIGATION	PROW, RONALD E
51	10237		Water Right	Decreed	04/01/1897	07S	06E	5	SWSENW	Rediversion	0.22	79		IRRIGATION	PROW, RONALD E
51	10253		Water Right	Decreed	04/01/1897	06S	05E	15	SWSW		0.14			STOCKWATER	URQUIDI, JOHN B

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	10253		Water Right	Decreed	04/01/1897	06S	05E	16	NESE		0.14			STOCKWATER	URQUIDI, JOHN B
51	10253		Water Right	Decreed	04/01/1897	07S	06E	5	SWSE		0.14			STOCKWATER	URQUIDI, JOHN B
51	10350		Water Right	Decreed	04/01/1897	07S	06E	26	SWSW		13.54			IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO
51	5		Water Right	Decreed	4/1/1905	07S	06E	26	SWSW		16.4			IRRIGATION, STOCKWATER	BRUNEAU BUCKAROOO CO-OP DITCH CO
51	8		Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		9.84			IRRIGATION	SOUTH SIDE BRUNEAU CANAL CO LTD
51	11		Water Right	Decreed	4/1/1905	07S	06E	35	SWNWNW		4			IRRIGATION, STOCKWATER	HOT SPRINGS DITCH CO
51	14		Water Right	Decreed	4/1/1905	07S	06E	16	NESESE		0.2	95		IRRIGATION, STOCKWATER	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	17		Water Right	Decreed	4/1/1905	07S	06E	16	NWNE		0.3	71.8		IRRIGATION, STOCKWATER	BUCKINGHAM, CARMEL ; BUCKINGHAM, TOM
51	17		Water Right	Decreed	4/1/1905	07S	06E	16	NENW		0.3	71.8		IRRIGATION, STOCKWATER	BUCKINGHAM, CARMEN ; BUCKINGHAM, TOM
51	20		Water Right	Decreed	4/1/1905	07S	06E	9	SESW		0.4	67.7		IRRIGATION	HALL SR, THOMAS C
51	23		Water Right	Decreed	4/1/1905	07S	06E	9	SESW		0.46	94.5		IRRIGATION	HALL SR, THOMAS C
51	26	A	Water Right	Decreed	4/1/1905	06S	06E	31	SWNESE		0.1	25		IRRIGATION, STOCKWATER	GENNETTE, LESLIE D
51	26	B	Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.01	24.4		IRRIGATION	STATE OF IDAHO
51	29	B	Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.18	263.7	175	STOCKWATER	BLACK, ALBERT
51	30		Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.76	263.7	51.9	STOCKWATER	BLACK, ALBERT
51	33		Water Right	Decreed	4/1/1905	06S	05E	25	SWSESE		0.8	397.8		IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
51	41		Water Right	Decreed	4/1/1905	07S	06E	26	SWSW		0.2	40		DOMESTIC, IRRIGATION, STOCKWATER	BLACK, ANNA G ; BLA ERROL F
51	45	B	Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.31	81		IRRIGATION	PROW, RONALD E
51	45	B	Water Right	Decreed	4/1/1905	07S	06E	5	SWNESW	Rediversion	0.31	81		IRRIGATION	PROW, RONALD E
51	45	B	Water Right	Decreed	4/1/1905	07S	06E	5	SWSENW	Rediversion	0.31	81		IRRIGATION	PROW, RONALD E
51	45	C	Water Right	Decreed	4/1/1905	07S	06E	5	SWNESW	Rediversion	0.48	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	45	C	Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.48	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	45	C	Water Right	Decreed	4/1/1905	07S	06E	5	SWSENW	Rediversion	0.48	128.3		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	49		Water Right	Decreed	4/1/1905	07S	06E	5	SWNESW	Rediversion	0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	49		Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	49		Water Right	Decreed	4/1/1905	07S	06E	5	SWSENW	Rediversion	0.2	96.1		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	53	B	Water Right	Decreed	4/1/1905	07S	06E	5	NWSWSE		0.27	79		IRRIGATION	PROW, RONALD E
51	53	B	Water Right	Decreed	4/1/1905	07S	06E	5	SWNESW	Rediversion	0.27	79		IRRIGATION	PROW, RONALD E
51	53	B	Water Right	Decreed	4/1/1905	07S	06E	5	SWSENW	Rediversion	0.27	79		IRRIGATION	PROW, RONALD E
51	62		Water Right	Decreed	4/1/1905	07S	06E	8	SESENE		0.3	91.1		IRRIGATION	YOUREN, JAMES E ; YOUREN, JANET M
51	65		Water Right	Decreed	4/1/1905	07S	06E	26	SWSW		4.2	240		DOMESTIC, IRRIGATION, STOCKWATER	STOCKMANS LOAN CO SOUTH SIDE BRUNEAU CANAL CO LTD
51	4096		Water Right	Decreed	2/15/1925	07S	06E	5	NWSWSE		41.84			IRRIGATION	
51	10166		AdjRecomm	Beneficial Use	2/15/1925	07S	06E	5	NWSWSE		13.66	398.9	327.8	IRRIGATION, STOCKWATER	STATE OF IDAHO
51	10169		Water Right	Decreed	2/15/1925	07S	06E	5	NWSWSE		0.24	14.3		IRRIGATION, STOCKWATER	STATE OF IDAHO
51	10252		Water Right	Decreed	2/15/1925	06S	05E	25	SWSE	Rediversion	11.46	263.7	155	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	10252		Water Right	Decreed	2/15/1925	06S	05E	25	SESE	Rediversion	11.46	263.7	155	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	10252		Water Right	Decreed	2/15/1925	06S	05E	36	NESE	Rediversion	11.46	263.7	155	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	10252		Water Right	Decreed	2/15/1925	07S	06E	5	NWSWSE		11.46	263.7	155	IRRIGATION, STOCKWATER	BLACK, ALBERT
51	10254		Water Right	Decreed	2/15/1925	07S	06E	35	SWNWNW		0.57			STOCKWATER	HOT SPRINGS DITCH CO
51	10255		Water Right	Decreed	2/15/1925	07S	06E	35	SWNWNW		5.92			IRRIGATION	HOT SPRINGS DITCH CO
51	10256		Water Right	Decreed	2/15/1925	07S	06E	35	SWNWNW		4.41			IRRIGATION	HOT SPRINGS DITCH
51	10257		Water Right	Decreed	2/15/1925	07S	06E	35	SWNWNW		4.88			IRRIGATION	HOT SPRINGS DITCH CO
51	10262		Water Right	Decreed	2/15/1925	07S	06E	35	SWNWNW		18.79			IRRIGATION	HOT SPRINGS DITCH CO
51	10266		Water Right	Decreed	2/15/1925	07S	06E	5	SWSENW	Rediversion	9.25	224.4		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	10266		Water Right	Decreed	2/15/1925	07S	06E	5	SWNESW	Rediversion	9.25	224.4		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	10266		Water Right	Decreed	2/15/1925	07S	06E	5	NWSWSE		9.25	224.4		IRRIGATION	TURNER, BETTY L ; TURNER, GEORGE
51	10270		Water Right	Decreed	2/15/1925	07S	06E	5	SWSENW	Rediversion	6.08	160		IRRIGATION	PROW, RONALD E
51	10270		Water Right	Decreed	2/15/1925	07S	06E	5	NWSWSE		6.08	160		IRRIGATION	PROW, RONALD E

**Between mouth of river
and Hot Spring Gage Station**

**Bruneau River Diversions
by Priority**

51	10270		Water Right	Decreed	2/15/1925	07S	06E	5	SWNESW	Rediversion	6.08	160		IRRIGATION	PROW, RONALD E
51	10271		Water Right	Decreed	2/15/1925	07S	06E	26	SWSW		42.6			IRRIGATION, STOCKWATER	BRUNEAU BUCKAROO CO-OP DITCH CO
51	10261		Water Right	Decreed	3/15/1930	07S	06E	35	SWNWNW		1.18			IRRIGATION	HOT SPRINGS DITCH CO
51	10259		Water Right	Decreed	3/15/1945	07S	06E	35	SWNWNW		0.9			IRRIGATION	HOT SPRINGS DITCH CO
51	2133		Water Right	Decreed	8/21/1955	06S	05E	25	SWSESE		5.16	397.8	257.8	IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
2	10125		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	6	SWNESW	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10125		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	7	NENWNE	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	5	SWSWSE	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	6	SWSESE	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	9	SWNWNW	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	9	SWNWNW	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	10	SWSWNW	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
2	10126		AdjRecomm	Beneficial Use	2/15/1967	06S	05E	10	SWSWNW	Begin/End Stream Flow	0.02			STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA ACTING THROUGH
51	10260		Water Right	Decreed	3/15/1968	07S	06E	35	SWNWNW		4.94			IRRIGATION	HOT SPRINGS DITCH CO
51	10341		AdjClaim	Beneficial Use	7/1/1968	06S	05E	8	SWSWSE					FISH PROPAGATION	STATE OF IDAHO
51	10341		AdjClaim	Beneficial Use	7/1/1968	06S	05E	8	SESESW					FISH PROPAGATION	STATE OF IDAHO
51	10258		Water Right	Decreed	3/15/1971	07S	06E	35	SWNWNW		0.92			IRRIGATION	HOT SPRINGS DITCH CO
51	7346		wrWaterPermit		9/14/1993	07S	06E	22	NWNW		21.22	1061		IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

***Between mouth of river
and Hot Spring Gage Station***

**Bruneau River Diversions
by Priority**

Page 9

51	7346	wrWaterPermit	9/14/1993	07S	06E	26	SWSW	21.22	1061	IRRIGATION	J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
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USGS GAUGE SITE: Real Time

http://waterdata.usgs.gov/id/nwis/current?type=flow&group_key=NONE&search_site_no_station_nm=



Water Resources

Data Category:

Real-time

Geographic Area:

Idaho

go

Real-Time Data for Idaho: Streamflow -- 141 site(s) found

PROVISIONAL DATA SUBJECT TO REVISION

Updated 2006-04-06 14:13:30 US/Eastern

Temperature Converter:

°F <=> °C

Calculate

--- Predefined displays ---	Group table by	Select sites by number or name
Idaho Streamflow Table	-- no grouping --	go

Customize table to d
real-time par

Station Number	Station name	Date/Time	Gage height, feet	Stream flow, cfs
10039500	BEAR RIVER AT BORDER, WY	04/06 11:30	3.20	
10068500	BEAR RIVER AT PESCADERO, ID	04/06 08:30	3.71	
10092700	BEAR RIVER AT IDAHO-UTAH STATE LINE	04/06 11:45	15.04	2,
10093000	CUB RIVER NEAR PRESTON, ID	04/06 11:00	0.83	
10396000	DONNER UND BLITZEN RIVER NR FRENCHGLEN OR	04/06 08:15	3.77	
12306500	MOYIE RIVER AT EASTPORT ID	04/06 07:45	4.97	
12310100	KOOTENAI RIVER @ TRIBAL HATCHERY NR BONNERS FERRY	04/06 08:00	49.29	
12322000	KOOTENAI RIVER AT PORTHILL ID	04/06 10:45	41.18	13,
12395000	PRIEST RIVER NR PRIEST RIVER ID	04/06 10:00	3.12	2,
12411000	NF COEUR D ALENE R AB SHOSHONE CK NR PRICHARD ID	04/06 08:00	4.01	2,
12413000	NF COEUR D ALENE RIVER AT ENAVILLE ID	04/06 07:15	63.76	6,
12413125	CANYON CREEK AB MOUTH AT WALLACE, ID	04/06 10:45	19.57	
12413360	EF PINE CREEK ABV GILBERT CR NEAR PINEHURST ID	04/06 08:45	5.30	
12413370	EF PINE CREEK ABV NABOB CR NEAR PINEHURST ID	04/06 08:45	3.79	
12413445	PINE CREEK BLW AMY GULCH NR PINEHURST ID	04/06 10:15	7.05	
12413470	SF COEUR D ALENE RIVER NR PINEHURST ID	04/06 10:30	9.86	1,
12413500	COEUR D ALENE RIVER NR CATALDO ID	04/06 05:45	38.87	8,
12413860	COEUR D ALENE RIVER NR HARRISON ID	04/06 10:30	23.42	
12414500	ST JOE RIVER AT CALDER ID	04/06 10:00	8.73	5,
12414900	ST MARIES RIVER NR SANTA ID	04/06 08:45	6.64	1,
12415140	ST JOE RIVER NEAR CHATCOLET ID	04/06 10:30	23.50	
		04/06 09:45	--	
13010065	SNAKE RIVER AB JACKSON LAKE AT FLAGG RANCH WY	04/06 11:30	2.79	

<u>13011000</u>	SNAKE RIVER NR MORAN WY	04/06 09:59	2.48	
<u>13011500</u>	PACIFIC CREEK AT MORAN WY	04/06 10:30	4.04	
<u>13011900</u>	BUFFALO FORK AB LAVA CREEK NR MORAN WY	04/06 10:29	0.60	
<u>13013650</u>	SNAKE RIVER AT MOOSE, WY	04/06 11:30	8.26	
<u>13015000</u>	GROS VENTRE RIVER AT ZENITH WY	04/06 11:30	18.00	
<u>13018750</u>	SNAKE RIVER BL FLAT CREEK NR JACKSON WY	04/06 11:15	2.12	1,
<u>13022500</u>	SNAKE RIVER AB RESERVOIR NR ALPINE WY	04/06 11:30	3.41	2,
<u>13023000</u>	GREYS RIVER AB RESERVOIR NR ALPINE WY	04/06 06:30	2.01	
<u>13027500</u>	SALT RIVER AB RESERVOIR NR ETNA WY	04/06 11:14	2.23	
<u>13032500</u>	SNAKE RIVER NR IRWIN ID	04/06 12:00	5.46	2,
<u>13037500</u>	SNAKE RIVER NR HEISE ID	04/06 11:30	1.76	3,
<u>13038000</u>	DRY BED NR RIRIE ID	04/06 11:15	5.37	
<u>13038500</u>	SNAKE RIVER AT LORENZO ID	04/06 11:15	5.24	2,
<u>13039000</u>	HENRYS LAKE NR LAKE ID	04/06 10:45	15.99	
<u>13039500</u>	HENRYS FORK NR LAKE ID	04/06 10:45	4.77	
<u>13042500</u>	HENRYS FORK NR ISLAND PARK ID	04/06 11:30	3.04	
<u>13046000</u>	HENRYS FORK NR ASHTON ID	04/06 11:29	3.65	1,
<u>13046995</u>	FALLS RIVER AB YELLOWSTONE CANAL NR SQUIRREL ID	04/06 11:15	5.95	
<u>13047500</u>	FALLS RIVER NR SQUIRREL ID	04/06 10:45	0.74	
<u>13047600</u>	FALLS RIVER NR ASHTON ID	04/06 10:45	4.57	
<u>13049500</u>	FALLS RIVER NR CHESTER ID	04/06 10:15	2.85	
<u>13050500</u>	HENRYS FORK AT ST ANTHONY ID	04/06 11:45	4.22	2,
<u>13052200</u>	TETON RIVER AB SOUTH LEIGH CREEK NR DRIGGS ID	04/06 09:30	2.58	
<u>13055000</u>	TETON RIVER NR ST ANTHONY ID	04/06 11:45	3.37	1,
<u>13055250</u>	NF TETON RIVER NR SUGAR CITY ID	04/06 12:00	4.18	
<u>13055340</u>	SOUTH FORK TETON RIVER NR REXBURG ID	04/06 09:45	6.50	
<u>13056500</u>	HENRYS FORK NR REXBURG ID	04/06 11:15	5.49	2,
<u>13057000</u>	SNAKE RIVER NR MENAN ID	04/06 10:45	3.15	5,
<u>13057132</u>	GREAT WESTERN SPILLBACK NR IDAHO FALLS ID	04/06 09:45	1.53	(
<u>13057155</u>	SNAKE RIVER AB EAGLE ROCK NR IDAHO FALLS ID	04/06 09:30	7.11	4,
<u>13057940</u>	WILLOW CREEK BL TEX CREEK NR RIRIE ID	04/06 10:00	3.51	
<u>13058510</u>	SAND CREEK AB WILLOW CREEK DIV NR UCON ID	04/06 11:00	0.30	(
<u>13058520</u>	WILLOW CREEK FLOODWAY CHANNEL NR UCON ID	04/06 10:00	0.69	(
<u>13058529</u>	WILLOW CR FLOODWAY CHANNEL AT MOUTH NR ID FALLS ID	04/06 09:45	8.02	(
<u>13058530</u>	WILLOW CREEK BLW FLOODWAY CHANNEL NR UCON ID	04/06 10:00	2.51	(
<u>13060000</u>	SNAKE RIVER NR SHELLEY ID	04/06 11:15	6.47	4,
<u>13062500</u>	SNAKE RIVER AT BLACKFOOT ID	04/06 11:00	5.77	3,
<u>13063000</u>	BLACKFOOT RIVER AB RESERVOIR NR HENRY ID	04/06 08:30	3.74	
<u>13066000</u>	BLACKFOOT RIVER NR SHELLEY ID	04/06 09:30	5.93	
<u>13068495</u>	BLACKFOOT RIVER BYPASS NR BLACKFOOT ID	04/06 08:30	5.60	
<u>13068500</u>	BLACKFOOT RIVER NR BLACKFOOT ID	04/03 06:30	2.51	
<u>13069500</u>	SNAKE RIVER NR BLACKFOOT ID	04/06 11:15	3.54	3,
<u>13073000</u>	PORTNEUF RIVER AT TOPAZ ID	04/06 09:15	4.11	

<u>13075500</u>	PORTNEUF RIVER AT POCA TELLO ID	04/06 11:00	8.54	1,
<u>13075910</u>	PORTNEUF RIVER NR TYHEE ID	04/06 09:30	5.21	1,
<u>13075983</u>	SPRING CREEK AT SHEEPSKIN RD NR FORT HALL ID	04/06 09:45	4.35	
<u>13077000</u>	SNAKE RIVER AT NEELEY ID	04/06 10:00	4.13	3,
<u>13081500</u>	SNAKE R NR MINIDOKA ID (AT HOWELLS FERRY)	04/06 11:30	5.06	3,
<u>13082500</u>	GOOSE CREEK AB TRAPPER CREEK NR OAKLEY ID	04/06 10:45	4.24	
<u>13083000</u>	TRAPPER CREEK NR OAKLEY ID	04/06 10:45	5.29	
<u>13087995</u>	SNAKE RIVER GAGING STATION AT MILNER ID	04/06 10:45	3.50	
<u>13105000</u>	SALMON FALLS CREEK NR SAN JACINTO NV	04/06 10:45	9.07	1,
<u>13120500</u>	BIG LOST RIVER AT HOWELL RANCH NR CHILLY ID	04/06 08:30	1.40	
<u>13127000</u>	BIG LOST RIVER BL MACKAY RES NR MACKAY ID	04/06 11:15	2.23	
<u>13132500</u>	BIG LOST RIVER NR ARCO ID	04/06 11:15	2.96	
<u>13132513</u>	INL DIVERSION AT HEAD NEAR ARCO ID	04/06 09:30	48.04	(
<u>13132515</u>	INL DIV AT OUTLET OF SPREADING AREA A NEAR ARCO ID	04/06 09:30	36.10	(
<u>13132520</u>	BIG LOST RIVER BL INL DIV NEAR ARCO ID	04/06 05:30	41.39	(
<u>13132535</u>	BIG LOST R AT LINCOLN BLVD BRIDGE NR ATOMIC CITY	04/06 09:30	12.90	(
<u>13139500</u>	BIG WOOD RIVER AT HAILEY ID	04/06 11:00	2.37	
<u>13141500</u>	CAMAS CREEK NR BLAINE ID	04/06 08:30	9.22	2,
<u>13147900</u>	LITTLE WOOD RIVER AB HIGH FIVE CREEK NR CAREY ID	04/06 11:45	4.38	
<u>13148500</u>	LITTLE WOOD RIVER NR CAREY ID	04/06 11:15	4.78	
<u>13154500</u>	SNAKE RIVER AT KING HILL ID	04/06 11:15	8.02	12,
<u>13168500</u>	BRUNEAU RIVER NR HOT SPRING ID	04/06 12:00	8.69	2,
<u>13171500</u>	CJ STRIKE RES NR GRAND VIEW ID	04/06 09:44	54.95	
<u>13181000</u>	OWYHEE RIVER NR ROME OR	04/06 11:00	15.40	24,
<u>13183000</u>	OWYHEE RIVER BELOW OWYHEE DAM OR	04/06 11:30	10.63	9,
<u>13185000</u>	BOISE RIVER NR TWIN SPRINGS ID	04/06 11:30	7.41	3,
<u>13186000</u>	SF BOISE RIVER NR FEATHERVILLE ID	04/06 11:30	4.07	1,
<u>13190500</u>	SF BOISE RIVER AT ANDERSON RANCH DAM ID	04/06 11:00	3.87	
<u>13200000</u>	MORES CREEK AB ROBIE CREEK NR ARROWROCK DAM ID	04/06 11:30	8.40	3,
<u>13204640</u>	COTTONWOOD CREEK BEL FIVEMILE CR NR BOISE ID	04/06 11:30	9.32	
		03/30 01:00	--	
<u>13206000</u>	BOISE RIVER AT GLENWOOD BRIDGE NR BOISE ID	04/06 11:45	8.42	3,
<u>13206305</u>	BOISE RIVER SOUTH CHANNEL AT EAGLE ID	04/06 11:29	4.62	1,
<u>13213000</u>	BOISE RIVER NR PARMA ID	04/06 11:30	11.99	4,
<u>13213100</u>	SNAKE RIVER AT NYSSA OR	04/06 11:30	9.32	30,
<u>13215000</u>	MALHEUR R BE WARMSPRINGS RES NR RIVERSIDE OR	04/06 11:15	7.07	1,
<u>13217500</u>	NORTH FORK MALHEUR RIVER AT BEULAH OR	04/06 10:45	4.36	
<u>13233300</u>	MALHEUR RIVER BELOW NEVADA DAM NEAR VALE OR	04/06 11:30	10.54	6,
<u>13235000</u>	SF PAYETTE RIVER AT LOWMAN ID	04/06 11:30	4.15	1,
<u>13236500</u>	DEADWOOD RIVER BL DEADWOOD RES NR LOWMAN ID	04/06 10:30	2.03	
<u>13237920</u>	MIDDLE FORK PAYETTE RIVER NR CROUCH ID	04/06 11:15	5.21	2,
<u>13238500</u>	PAYETTE LAKE AT MCCALL ID	04/06 11:15	1.79	
<u>13239000</u>	NF PAYETTE RIVER AT MCCALL ID	04/06 11:30	2.86	

13247500	PAYETTE RIVER NR HORSESHOE BEND ID	04/06 11:30	9.77	8,
13249500	PAYETTE RIVER NR EMMETT ID	04/06 11:30	9.23	12,
13250000	PAYETTE RIVER NR LETHA ID	04/06 11:45	14.55	13,
13251000	PAYETTE RIVER NR PAYETTE ID	04/06 11:30	11.30	16,
13258500	WEISER RIVER NR CAMBRIDGE ID	04/06 12:00	10.84	6,
13265500	CRANE CREEK AT MOUTH NR WEISER ID	04/06 12:00	5.39	1,
13266000	WEISER RIVER NR WEISER ID	04/06 12:00	10.79	13,
13269000	SNAKE RIVER AT WEISER ID	04/06 09:45	10.86	59,
13290450	SNAKE RIVER AT HELLS CANYON DAM ID-OR STATE LINE	04/06 11:30	80.64	69,
13292280	SALMON RIVER @ POLE CR ROAD ABV DIV NR OBSIDIAN ID	---	---	--
13296500	SALMON RIVER BL YANKEE FORK NR CLAYTON ID	04/06 08:45	2.57	
13297330	THOMPSON CREEK NR CLAYTON ID	04/06 11:30	2.37	
13302500	SALMON RIVER AT SALMON ID	04/06 11:00	2.52	1,
13305000	LEMHI RIVER NR LEMHI ID	04/06 11:00	4.25	
13305310	LEMHI RIVER BELOW L5 DIVERSION NEAR SALMON, ID	04/06 09:15	3.33	
13307000	SALMON RIVER NR SHOUP ID	04/06 10:45	3.15	2,
13309220	MF SALMON RIVER AT MF LODGE NR YELLOW PINE ID	04/06 09:30	2.49	1,
13310199	MIDDLE FORK SALMON RIVER AT MOUTH NR SHOUP ID	04/06 09:15	33.59	2,
13310700	SF SALMON RIVER NR KRASSEL RANGER STATION ID	04/06 10:45	3.60	
13313000	JOHNSON CREEK AT YELLOW PINE ID	04/06 09:45	2.32	
13316500	LITTLE SALMON RIVER AT RIGGINS ID	04/06 12:00	6.93	3,
13317000	SALMON RIVER AT WHITE BIRD ID	04/06 10:00	16.48	12,
13317660	SNAKE RIVER BL MCDUFF RAPIDS AT CHINA GARDENS, ID	04/06 10:45	17.51	76,
13334300	SNAKE RIVER NEAR ANATONE, WA	04/06 08:00	13.97	90,
13336500	SELWAY RIVER NR LOWELL ID	04/06 08:00	6.54	7,
13337000	LOCHSA RIVER NR LOWELL ID	04/06 08:00	5.44	5,
13337500	SF CLEARWATER RIVER NR ELK CITY ID	04/06 10:00	7.78	1,
13338500	SF CLEARWATER RIVER AT STITES ID	04/06 11:00	5.62	3,
13340000	CLEARWATER RIVER AT OROFINO ID	04/06 08:15	8.29	17,
13340600	NF CLEARWATER RIVER NR CANYON RANGER STATION ID	04/06 08:15	10.08	7,
13341050	CLEARWATER RIVER NR PECK ID	04/06 08:15	10.82	27,
13341570	POTLATCH RIVER BEL LITTLE POTLATCH CR NR SPALDING	04/06 08:15	9.23	1,
13342500	CLEARWATER RIVER AT SPALDING ID	04/06 08:15	9.17	30,
13345000	PALOUSE RIVER NR POTLATCH ID	04/06 10:45	10.27	1,

Data status codes:

--	Parameter not determined
Eqp	Equipment malfunction
Ice	Ice affected
Rat	Rating being developed or revised
Ssn	Parameter monitored seasonally

Questions about data [Idaho NWISWeb Data Inquiries](#)
 Feedback on this website [Idaho NWISWeb Maintainer](#)

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USGS Real-Time Water Data for Idaho

<http://waterdata.usgs.gov/id/nwis/current?>

PARAMeter_cd=STATION_NM,DATETIME,00065,00060,MEDIAN

Retrieved on 2006-04-06 14:13:50 EDT

Department of the Interior, U.S. Geological Survey

USGS Water Resources of Idaho

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*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



Travis L. Thompson
tltp@idahowaters.com

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(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

December 23, 2005

Charles L. Honsinger
Ringert Clark Chtd.
455 S. Third St.
Boise, Idaho 83701-2773

Josephine Beeman
Beeman & Assoc.
409 W. Jefferson St.
Boise, Idaho 83702

Walter Wells
782 East 3200 North
Buhl, Idaho 83316

RECEIVED
DEC 27 2005
WATER RESOURCES
WESTERN REGION

Re: Application for Transfer No. 70694 (Brackett) / Letter of January 18, 2005

Dear Charlie, Jo, and Mr. Wells:

As you are no doubt aware, IDWR recently sent the parties to the above-referenced transfer proceeding a letter requesting notification of settlement or indicating that it may set a hearing date in April 2006. *See attached* Westra 12/14/05 Letter. In response, Bert Brackett (the applicant) proposes the following:

- 1) A meeting with the protestants and counsel in Boise sometime during the week of January 23rd – 27th to try and reach a settlement.
- 2) A written counter proposal from each protestant (to be received preferably prior to or on January 19th) responding to Mr. Brackett's January 18, 2005 offer to resolve the outstanding water right issues (see attached).

Since Mr. Brackett has offered a written proposal on how to resolve the outstanding issues on Big Flat Creek, it would help, and definitely make for a more productive meeting, if we could receive written responses from your clients as well. I received Charlie's letter of February 17, 2005 indicating Mr. Brackett's proposal was not acceptable. If that is still the case, please identify why, and propose an alternative solution that might satisfy Buckaroo Ditch Co.'s concerns. We would appreciate the same from all protestants.

Charlie Honsinger / Jo Beeman / Walter Wells
December 23, 2005
Page - 2

If your clients agree with the proposed process outlined above, please call or email me available dates and times to set up a meeting. If you have other suggestions, please provide those as well. Finally, if you do not believe such a meeting would be productive, please advise as well so that we may inform IDWR and move the transfer proceeding forward.

Again, Mr. Brackett is hopeful this meeting would encompass more than just the transfer application, and could address your clients' other water right concerns with Big Flat Creek. I look forward to hearing from you. Merry Christmas and Happy New Year!

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. L. Thompson', with a stylized, flowing script.

Travis L. Thompson

Enc.

cc: Bert Brackett
John Westra (IDWR)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Travis L. Thompson, Atty.
Barker Rosholt & Simpson LLP
113 Main Ave.W Suit 303
Twin Falls, ID 83301

RE: Contested Application for Transfer #70694 Brackett

Dear Mr. Thompson:

As you are aware the Brackett Ranches transfer #706794 (filed in late 2002) continues to be in a contested state. You have faithfully continued to provided our office with the status of protest negotiations over the past several years, but negotiations have not led to protest settlements.

The transfer application was the result of a complaint filed against the Brackett Ranch in 2002; the complaint needs closure. Also, it does not appear that further negotiations would be productive for reaching settlements. The contested application needs to move forward to the hearing stage. If the parties can not reach a settlement of the protests by **February 1, 2006**, the Department will set a hearing date for early April 2006. You may request a hearing date earlier if desired.

Please provide in writing the current status of the transfer and your client's intentions. A withdraw form is enclosed if your client wishes to withdraw the transfer application.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

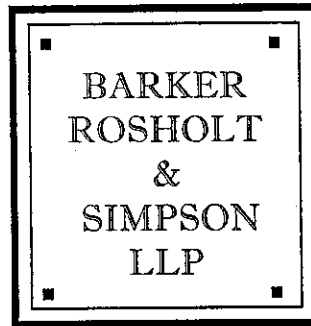
A handwritten signature in cursive script that reads "John Westra".

John Westra
Manager, Western Region

Enclosure
cc: Protestants/Attorneys

DEC 16 2005

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



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(208) 344-6034 facsimile
brs@idahowaters.com

Travis L. Thompson
tlr@idahowaters.com

January 18, 2005

Charles L. Honsinger
Ringert Clark Chtd.
455 S. Third St.
Boise, Idaho 83701-2773

Josephine Beeman
Beeman & Assoc.
409 W. Jefferson St.
Boise, Idaho 83702

Walter Wells
782 East 3200 North
Buhl, Idaho 83316

RE: Application for Transfer No. 70694 (Brackett)

Dear Charlie, Jo, and Mr. Wells:

As you may be aware, our firm entered a notice of appearance for Mr. Brackett in the above-referenced proceeding currently pending before IDWR. This letter concerns that transfer and proposes a settlement to resolve your clients' outstanding protests and other water issues associated with Big Flat Creek and the upper Bruneau River watershed.

Mr. Brackett filed the transfer to ensure that the acres irrigated under water right nos. 51-07085, 51-00096, and 51-07267 would match the place of use and number of acres that are irrigated by his pivots in Section 13. The transfer also matches the place of use and number of acres for those water rights as decreed by the SRBA Court on November 17, 2000.

Although the parties can proceed to determine the issues involved with this transfer on its own, Mr. Brackett would prefer to settle all outstanding issues with your clients involving water diversions out of Big Flat Creek. Apparently, one primary concern with the transfer involves Mr. Brackett's diversion of water right no. 51-00096 (April 15, 1906 priority date). Your clients contend this water right should be curtailed when their prior rights are not being satisfied. Setting aside the water right administration issues, i.e. defenses to such a call, conjunctive management of all rights tributary to the Bruneau River, etc.; Mr. Brackett is willing to amend his transfer to alleviate your clients' concerns and work toward accomplishing a long-term water right solution for the benefit of all parties.

First, because of concerns raised at the settlement conferences, Mr. Brackett purposes to return water right no. 51-00096 to its original place of use adjacent to Big Flat Creek (place of use prior to transfer by previous owner) and transfer a portion of water right no. 51-10346 (April 1, 1885 priority date) to the pivots located in Section 13. When the water supply in Big Flat Creek is limited later in the irrigation season, this will allow Mr. Brackett to voluntarily curtail water right no. 51-00096 for the benefit of your clients.

Second, in addition to transferring water right no. 51-00096 back to its original place of use, Mr. Brackett will agree to consider curtailing irrigation as has been done at times in the past (see attached letter from Russ Kvanvig dated 9/11/1992) to help alleviate stock water shortages in the Echo Water System when the water supply in the East Fork of the Bruneau River is limited. When requested, Mr. Brackett will consider voluntarily curtailing irrigation at his discretion similar to historic practice. It is understood that this neighborly act is strictly permissive and is in no way a basis for a prescriptive right.

Finally, Mr. Brackett will agree to withdraw application for transfer no. 70885. Finally, Mr. Brackett will agree not to protest the proposed transfer by Mr. Bachman of some of his 1885 priority date water to the Echo Water Users, provided the water right remains in private ownership.

Mr. Brackett is hopeful this proposal will continue the dialogue between the parties to reach a long-term solution to the water right issues associated with Big Flat Creek. Mr. Brackett would like to work together with your clients to avoid similar disputes in the future. Maintaining a working relationship between the water users would certainly be the most productive way to administer water use on the Bruneau River. Although this transfer may stand on its own and this contested case may continue, Mr. Brackett would prefer to resolve all of the overarching issues related to water use on Big Flat Creek to avoid future conflict.

Please call me at (208) 733-0700 if you have any questions. If the terms of this proposal are acceptable to your clients perhaps we can set up a meeting sometime in the near future.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

cc: Bert Brackett
John Westra (IDWR)

STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR
ATTORNEYS AT LAW

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987

ROBERT W. STEPHAN
RUSSELL G. KVANVIG
RICHARD D. GREENWOOD
LAIRD B. STONE
KEVIN F. TRAINOR

FIRST SECURITY BANK BUILDING
102 MAIN AVENUE SOUTH
POST OFFICE BOX 83
TWIN FALLS, IDAHO 83303-0083

OFFICE ADMINISTRATOR
ESTHER BOPP

TELEPHONE 208/733-2722
FAX 208/733-3619

September 11, 1992

Owen Ranches
c/o Richard Owen
P. O. Box 590
Bruneau, ID 83604

COPY

Re: Water Rights on Big Flat Creek

Dear Mr. Owen:

The water in Big Flat Creek is much lower than normal due to the drought. Brackett Livestock is not getting its early priority date water rights of 19.2 c.f.s. from the creek. You have asked Brackett Livestock to shut down their irrigation system early so that you might have a little more water for your cattle. In the spirit of being a good neighbor Brackett Livestock is willing to do this on a temporary basis. We understand your dilemma but Brackett Livestock should not do anything to jeopardize their longstanding decree for water rights up stream from you. If it ever appeared necessary to help you on a regular basis in the future we would ask that you enter into an agreement with Brackett Livestock making it clear that you would not claim any priority over Brackett Livestock's existing water right.

We thank you for your courteous attention to our concerns.

Sincerely,

STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR

Russell G. Kvanvig

RGK:dmg

(RGK\1388LRO.003)

US BLM
ED GUERRERO
2620 KIMBERLY RD
TWIN FALLS ID 83301

BRUNEAU BUCKAROO COOP
C.O CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773

FRANK &/OR CINDY BACHMAN
C.O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

ECHO WATER USERS
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

WALTER WELLS
782 E 3800 N
BUHL ID 83316

BERT &/OR PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

BERT BRACKETT
C/O TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON
113 MAIN AVE W STE 303
TWIN FALLS ID 83301-6167



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Travis L. Thompson, Atty.
Barker Rosholt & Simpson LLP
113 Main Ave.W Suit 303
Twin Falls, ID 83301

RE: Contested Application for Transfer #70694 Brackett

Dear Mr. Thompson:

As you are aware the Brackett Ranches transfer #706794 (filed in late 2002) continues to be in a contested state. You have faithfully continued to provided our office with the status of protest negotiations over the past several years, but negotiations have not led to protest settlements.

The transfer application was the result of a complaint filed against the Brackett Ranch in 2002; the complaint needs closure. Also, it does not appear that further negotiations would be productive for reaching settlements. The contested application needs to move forward to the hearing stage. If the parties can not reach a settlement of the protests by **February 1, 2006**, the Department will set a hearing date for early April 2006. You may request a hearing date earlier if desired.

Please provide in writing the current status of the transfer and your client's intentions. A withdraw form is enclosed if your client wishes to withdraw the transfer application.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "John Westra".

John Westra
Manager, Western Region

Enclosure
cc: Protestants/Attorneys

WITHDRAWAL OF APPLICATION FOR TRANSFER

TO WHOM IT MAY CONCERN:

**I hereby withdraw Application for Transfer of Water
Right No(s). _____,
Transfer No. _____.**

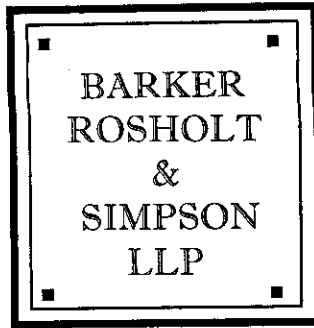
**I understand that the withdrawal does not adversely
affect the above-referenced water right(s).**

Signed this _____ day of _____, 20____.

Signature of Applicant

Printed Name of Applicant

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



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brs@idahowaters.com

Travis L. Thompson
tltp@idahowaters.com

January 18, 2005

Charles L. Honsinger
Ringert Clark Chtd.
455 S. Third St.
Boise, Idaho 83701-2773

Josephine Beeman
Beeman & Assoc.
409 W. Jefferson St.
Boise, Idaho 83702

Walter Wells
782 East 3200 North
Buhl, Idaho 83316

RECEIVED

JAN 20 2005

WATER RESOURCES
WESTERN REGION

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Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

cc: Bert Brackett
John Westra (IDWR)

STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR
ATTORNEYS AT LAW

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DANIEL A. SLAVIN 1938-1987

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OFFICE ADMINISTRATOR
ESTHER BOPP

TELEPHONE 208/733-2722
FAX 208/733-3619

September 11, 1992

Owen Ranches
c/o Richard Owen
P. O. Box 590
Bruneau, ID 83604

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STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR

Russell G. Kvanvig

RGK:dmg

(RGK\1388LRO.003)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 6, 2005

Travis L. Thompson, Atty.
Barker Rosholt & Simpson LLP
113 Main Ave.W Suit 303
Twin Falls, ID 83301

RE: Application for Transfer #70694 Brackett

Dear Mr. Thompson:

On October 16, 2002, Bert Brackett filed the above described transfer with the Department of Water Resources. The transfer was protested by several parties. Two prehearing conferences were held January 21, 2004 and April 23, 2004 without resolution of the protests.

Please provide the Department the current transfer status and negotiation progress with the protestants. Also, advise the Department if a hearing needs to be scheduled.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Manager, Western Region

John A. Rosholt, ISB #1037
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. W., Suite 303
Twin Falls, Idaho 83301-6167
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

RECEIVED

MAY 27 2004

WATER RESOURCES
WESTERN REGION

Attorneys for Applicants Bert and Paula Brackett

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

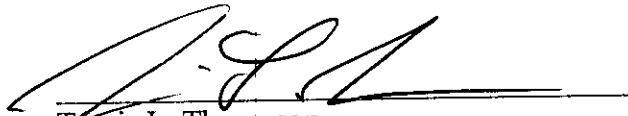
IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 70694 IN THE NAME OF
BERT AND PAULA BRACKETT

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that John A. Rosholt and Travis L. Thompson, of the firm Barker Rosholt & Simpson LLP, hereby enter an appearance as attorneys of record for the applicants in the above-captioned matter. All future documents in this matter should be served on Travis L. Thompson at the address listed above.

DATED this 25th day of May, 2004.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th of May, 2004, I served a true and correct copy of the foregoing *NOTICE OF APPEARANCE* upon the following by U.S. Mail, postage prepaid:

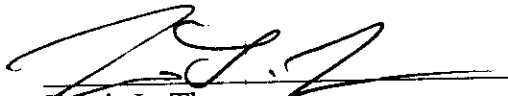
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Charles L. Honsinger
RINGERT CLARK CHARTERED
455 S. 3rd St.
P.O. Box 2773
Boise, ID 83701-2773

Jo Beeman
BEEMAN & ASSOCIATES
409 W. Jefferson St.
Boise, Idaho 83702

Bureau of Land Management
Lou Guerrero
2620 Kimberly Road
Twin Falls, Idaho 83301

Walter Wells
782 East 3800 North
Buhl, Idaho 83316


Travis L. Thompson

2nd Prehearing Conference Notes

Transfer #70694 Brackett

From: J. Westra

Date 4/23/04

Attendance: see attached roster

-The conference began with addressing Mr. Buchman's questions that addressed the development of #51-00096. It was originally decreed in 1906 for 240 acres, and a P/D added in the 70's when the acres were identified to 130 acres. Then decreed in the SRBA. Although there was still some discussion about expansion of the right, there seemed to be a general acceptance.

-The group then discussed the acreage adjustments/corrections that had been made by Mr. Brackett. The application will be amended to reflect the changes that have been proposed. BLM and protest representatives were in agreement on acceptance of the changes. BLM will withdraw their protest if the amendment is made.

-The jest of the protests is focused on injury of senior rights downstream on the East Fork and Bruneau River. Representatives from the Buckaroo Ditch and Echo waterusers feel they are being injured by junior users upstream. The Buckaroo Ditch stated they can not fill the 1905 right and is short on the 1897 right in late season. Mr. Bachman stated the rights on the Salls place and Crawfish Springs are already turned off voluntarily by Mr. Brackett. The group discussed the futile issues, and the concerns about singling out Mr. Brackett. The Buckaroo group could make a formal call, and a water district would then be facilitated by the Department. Mr. Brackett stated, he would be willing to cooperate at some level voluntarily in an informal setting. A futile call test would be to turn off the junior Brackett rights and see if the water would pass the Winter camp area in Clover Creek. Mr. Brackett stated he would be willing to turn off the 2 junior rights listed on the transfer, but would not be willing to curtail the 1906 – #51-00096 right. The protestants were not willing to compromise as not curtailing all the applicable Brackett rights would not present a true test. Mr. Wells felt it could take 4-28 days for the water to reach the Winter camp (30 mi) depending on the weather and creek conditions. This basically where the discussion stopped at a stalemate point. Several participants suggested looking at mitigation, but no progress was made. It was agreed Mr. Honsinger, Mr. Bachman, and Mr. Brackett will work on some type of an agreement. Mr. Honsinger volunteered to develop the first draft to begin discussion.

-Mr. Bachman stated, he was planning to place some of his early priority water rights in the water bank, and then the Echo waterusers would lease them back to avoid being cut back with junior stockwater rights. Mr. Brackett and several participants had issues with this type of set up.

-Jo Beaman Atty, arrived at 11:45. She discussed several minor clerical errors in the Brackett SRBA water right decrees. The process is very involved and must be done through the court to make changes.

The conference ended at 12:05 PM

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Transfer No. 70694 in the Name of Bert &/or Paula Brackett

Place: IDWR Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: April 23, 2004

Conducted by: John Westra

NAME	ADDRESS
Ann T Wilson	P.O. Box 33 Hammett ID 83627
Terry Black	28892 Hot Springs Road Bruneau ID 83604
Nick Beazer	1387 S. Vinnell Way Boise 83709
Walter & Betty Wells	2822 3800m Blvd 83316
Norm Young	ERC Boise
Bert Brackett	Rogerson, Idaho 83302
FRANK BACHMAN	P.O. Box 186 BRUNEAU, ID 83604
Charlie Horsinger	P.O. Box 2773 Boise, ID 83701
John Ash - BLM	2620 Kimberly Rd Twin Falls



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2004

To: Protestants, Interested Parties:

From: J. Westra, Western Regional Office

RE: Application for Transfer #70694- Bert & Paula Bracket

Attached is a revised parcel acreage sheet that was distributed by Mr. Bracket during the previous prehearing conference. He has asked the Department to distribute the revision to the protestants and interested parties.

Water Right No's 51-0096
51-07085 and 51-07267

Water Right No 51-10189
stayed the same before
and after transfer

	Before	After	
Section 13 NE NW (BLM)	0.0	0.3	+0.3
NW NE	0.0	1.9	+1.9
SW NW	4.5	4.5	—
SE NW	34.0	33.6	-0.4
SW NE	40.0	39.0	-1.0
NW SW	0.0	.3	+0.3
NE SW	36.0	39.9	+3.9
NW SE	40.0	39.9	-0.1
SW SW	0.0	2.0	+2.0
SE SW	35.0	38.8	+3.8
SW SE	40.0	36.8	-3.2
Section 24 NE NW	8.9	6.0	-2.9
NW NE	9.5	4.9	-4.6
	247.9	247.9	+12.2

Section 14 SE SE	2.9
NE SE	10.0
SE NE	17.0
	<u>53.8 acres</u>

247.9
53.8
301.7 total acres

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 70694 IN THE)
IN THE NAME OF BERT &/OR)
PAULA BRACKETT)
_____)

NOTICE OF SECOND
PREHEARING CONFERENCE

On October 16, 2002, Bert &/or Paula Brackett filed with the Department of Water Resources (IDWR) an application for transfer of water rights. The application was protested by the US Bureau of Land Management, Bruneau Buckaroo Coop Ditch Co., Frank &/or Cindy Bachman, Echo Water Users, and Walter Wells. The prehearing conference held on January 21, 2004 did not resolve the matter of protest.

The Department has set the contested case for a second prehearing conference to be held on **Friday, April 23, 2004 at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

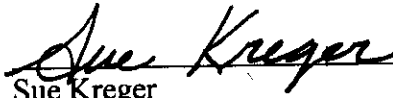
Dated this 13th day of February 2004.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of April 2004 I mailed a true and correct copy, postage prepaid, of this Notice of Second Prehearing Conference to those listed:



Sue Kreger
Administrative Assistant

US BLM
LOU GUERRERO
2620 KIMBERLY RD
TWIN FALLS ID 83301

BRUNEAU BUCKAROO COOP DITCH CO
C.O CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773

FRANK &/OR CINDY BACHMAN
C.O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

ECHO WATER USERS
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

WALTER WELLS
782 E 3800 N
BUHL ID 83316

BERT &/OR PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

RECEIVED

FEB 06 2004

**WATER RESOURCES
WESTERN REGION**

February 5, 2004

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

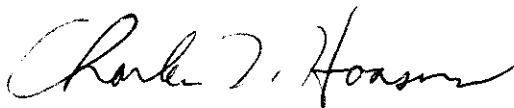
John Westra
Western Regional Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer NO. 70694 in the Name of Bert &/or Paula Brackett

Dear Mr. Westra:

Per your correspondence of January 29, 2004, please find enclosed calendars marking dates that I am unavailable during March and April. It is my understanding that you will set a prehearing conference upon obtaining both my calendar and that of Ms. Beeman.

Sincerely,



Charles L. Honsinger

enclosure

cc: Client

Horsinger Beeman

April

Sun Mon Tue Wed Thu Fri Sat

1 X 2 X 3

4 5 X 6 X 7 X 8 X 9 X 10

11 12 X 13 X 14 X 15 X 16 X 17

18 19 X 20 X 21 X 22 X 23 24

25 26 27 28 29 X 30 X

2004

Horsinger Beeman

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

2004

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

February 11, 2004

RECEIVED

FEB 12 2004

WATER RESOURCES
WESTERN REGION

John Westra
IDWR Western
2735 Airport Way
Boise, ID 83705

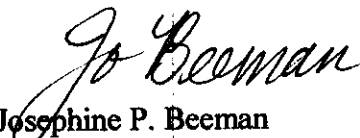
Re: Application for Transfer 70694 (Brackett)
Our Clients: Frank & Cindy Bachman; Echo Water Users Association

Dear John:

Enclosed are calendars for the months of March and April showing my unavailable dates for the continued prehearing conference in the matter of the Application for Transfer 70694. Please call me if you have any questions.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

:ja
Enclosure
cc: Charles L. Honsinger
Frank & Cindy Bachman
Z:\3034\6098

March

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

2004

April

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 3, 2004

WALTER WELLS
782 E 3800 N
BUHL ID 83316

Re: Application for Transfer No. 70694 in the Name of Bert &/or Paula Brackett

Dear Mr. Wells:

The Idaho Department of Water Resources (IDWR) received your protest against the above-referenced application for transfer. IDWR held a prehearing conference on January 21, 2004 in which you did not appear. IDWR sent you a letter saying that if you did not submit to the department, in writing, just cause for why you did not appear, IDWR would consider dismissing your protest.

On February 2, 2004 we received your letter explaining why you did not appear at the prehearing conference. Please know that IDWR considers your reason for not appearing to be just cause and considers you to be a protestant in the matter.

Please feel free to contact this office if you have questions.

Sincerely,

John Westra
Western Regional Manager

JW:sk

CC: Bert Brackett

with wells ltr.

1-29-04

Mr. John Westra
Western Reg. Mgr.

RECEIVED

FEB 02 2004

WATER RESOURCES
WESTERN REGION

Dear Sir:

In answer to my failure to
appear at the pre hearing conference
on 1-21-04.

I had a run in with a bull,
resulting in a fractured pelvis
bone. Took quite some time to
heal. Now I'm getting out of the
hospital and back on my feet.
I would still like to protest
transfer No. 70694

Walter E. Weiss



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2004

JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773

Re: Application for Transfer No. 70694 in the Name of Bert &/or Paula Brackett

Dear Parties:

On January 21, 2004 the Idaho Department of Water Resources (IDWR) conducted a prehearing conference for protests filed against application for transfer no. 70694. The prehearing conference did not resolve the matter of protest.

Enclosed are calendars for the months of March and April 2004. Please mark dates you are unavailable and return to IDWR by February 13, 2004. I will schedule another prehearing conference shortly thereafter.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 22, 2004

Walter Wells
782 E 3800 N
Buhl ID 83316

RE: Application for Transfer #70694
Prehearing Conference Failure to Appear

Dear Mr. Wells:

Attached is a Failure to Appear Notice regarding the prehearing protest conference for the above referenced contested application. Please submit to the Department in writing just cause why you failed to appear. If no response is received by February 10, 2004, the Department will consider dismissing your protest.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra
Western Regional Manager

cc: Bert Brackett

MEMORANDUM

Prehearing Conference Notes

Bert Brackett Transfer #70694--#51-00096, #51-7085, #51-7267

From: J. Westra, Western Reg.

Date: 1/21/04

Attendance—See conference sign in sheet

✓ The above transfer was filed as a result of a complaint filed against Mr. Brackett in 2002, see memorandum and letter-Dan Nelson.

The conference began with Mr. Brackett presenting the project. The transfer is the result of pivots being placed on the P/U and the acreage being adjusted to conform to the circles. The total acres will not change in the permissible place of use, or will the P/d be changed.

Frank Bachman, protestant discussed his concerns with the transfer. #51-0096 started with 80 ac. then was decreed in the SRBA with 130 ac. how did that happen? The pivots take water away from the creek area so return flows are diminished. Water is shuttled from parcel to parcel, not creating any return flows. Has WRs—1885-1886

✓ Joe Beeman and Norm Young—representing Mr. Bachman discussed the Brackett WR's. They indicated there were several clerical errors regarding flow rate additions. Discussed specific errors on the above described WRs—51-0096 and 51-10184. Combined flow rates should be 5.88 cfs instead of 6.12 cfs.

Mr. Black representing the Buckaroo Ditch echoed the same concerns. The ditch companies along the Bruneau River have a self control system regarding prioritizing deliveries.

✓ John Ash of the BLM discussed the Transfer needs to be amended to removed P/U on BLM lands. .3 ac on NENW of sec 13. also they would like condition #4 included on the transfer from 51-0096.

It appeared the protestants Bachman and Black were mainly concerned about regulation and calls for water. The futile call concept was discussed. I stated that if water does not appear within a reasonable amount of time on a call it is considered a futile call. What is a reasonable time is gray. Mr. Bachman stated that there is about day 4-6 lag for water from Bracketts to travel to the lower Bruneau diversions. The creek is dry in July-Aug. There are upstream users above the Bracketts on the creek and tributaries. Several dates of 1905-06 were discussed as being cutoffs. Mr. Brackett and Mr. Bachman do communicate regarding shutoff of creek water.

Agreed Actions:

- Meet again in 30 days
- IDWR research #51-0096 regarding acreage increase
- Clerical errors on Brackett WRs.
- Historic flow at Hot Springs
- IDWR summaries of WR's for creek and tribs.

— check if Big Flat Crk. is included in 51A water district - inactive

Section 13

Before transfer after transfer change

NW SW	6.2 ac	6.5	+ 0.3
SW SW	9.2	11.2	+ 2.0
SE NW	34.0	33.6	- 0.4
SW NE	40.0	39.0	- 1.0
NE SW	36.0	39.9	+ 3.9
NW SE	40.0	39.9	- 0.1
SE SW	35.0	38.8	+ 3.8
SW SE	40.0	36.8	- 3.2
NE NW	89.0	6.0	- 2.9
NW NE	9.5	4.9	- 4.6
	258.8	256.6	- 2.2

13

Station ~~24~~

Drop.

NE NW	.3	+ .3
NE NE	1.9	+ 1.9
		+ 2.2

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

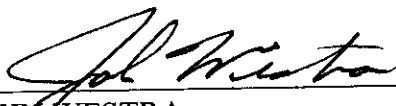
IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 70694 IN THE)
NAME OF BERT & PAULA)
BRACKETT)
_____)

NOTICE OF FAILURE TO APPEAR
AT THE PREHEARING PROTEST
CONFERENCE

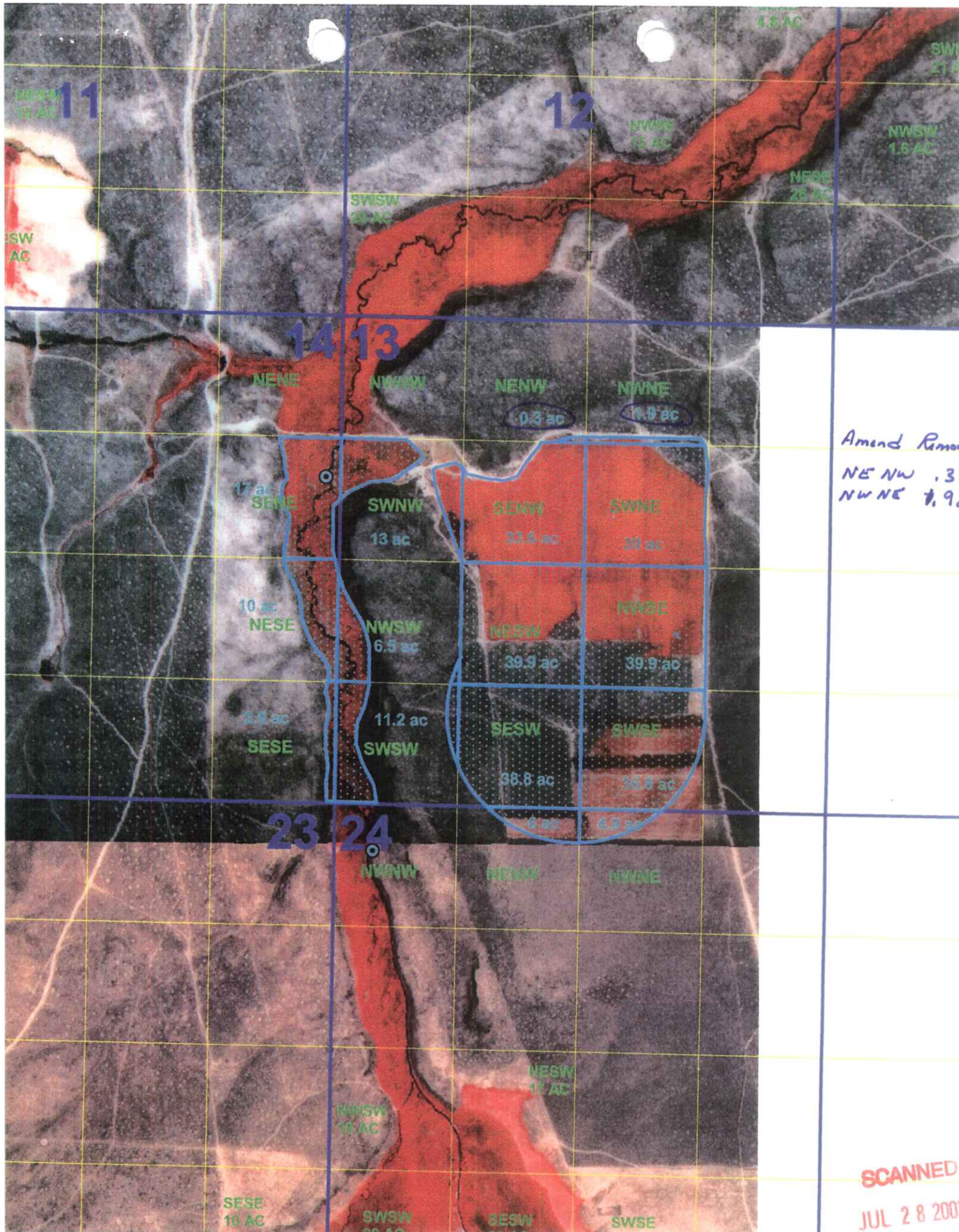
On October 16, 2002 Bert and Paula Brackett filed with the Idaho Department of Water Resource (IDWR) an Application for Transfer regarding water rights #51-07085, #51-00096, #51-07267. The application was protested by US Bureau of Land Management, Bruneau Buckaroo Coop Ditch Company, Frank & Cindy Bachman, Echo Water Users, Walter Wells.

A Prehearing Conference was scheduled Wednesday, January 21, 2004, 10:00 AM at the IDWR Western Regional Office, Boise ID. Conference notices were sent by the Department to the applicant and protestants on October 30, 2003. Protestants and applicant appeared on the scheduled conference date and place. Protestant Walter Wells failed to appear at the conference.

Dated this 22nd day of January, 2004.



JOHN WESTRA



Amend Remove
NE NW .3 ac
NW NE 1.9 ac

SCANNED

JUL 28 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

✓
FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 1/21/04

TO: DANA & BOEMAN + Associates

FROM: Steve Latta

Box 331-0954

DOCUMENT DESCRIPTION: BRACKETT Transfer Appl. # 70694 :

Protests by BOEMAN, Echo water was Assue, between

Buckner Corp Dike Co.

Other protests are Wells & BLM.

Presumably Conference (not hearing) set for 10:00 today

at Western Region

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

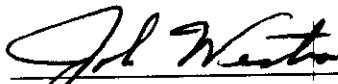
IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 70694 IN THE) NOTICE OF PREHEARING
IN THE NAME OF BERT &/OR) CONFERENCE
PAULA BRACKETT)
_____)

On October 16, 2003, Bert &/or Paula Brackett filed with the Department of Water Resources (IDWR) an application for transfer of water rights. The application was protested by the US Bureau of Land Management, Bruneau Buckaroo Coop Ditch Co., Frank &/or Cindy Bachman, Echo Water Users, and Walter Wells.

The Department has set the contested case for a prehearing conference to be held on **Wednesday, January 21, 2004 at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 28th day of October 28, 2003.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of October 2003 I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to those listed:



Sue Kreger
Administrative Assistant

US BLM
LOU GUERRERO
2620 KIMBERLY RD
TWIN FALLS ID 83301

BRUNEAU BUCKAROO COOP DITCH CO
C/O CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773

FRANK &/OR CINDY BACHMAN
C.O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

ECHO WATER USERS
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

WALTER WELLS
782 E 3800 N
BUHL ID 83316

BERT &/OR PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

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- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2003

To: Protestants on the Attached List

Re: Application for Transfer No. 70694 in the Name of Bert &/or Paula Brackett

Dear Protestants:

This office acknowledges receipt of your protests opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, January 21, 2004 at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Sincerely,

JOHN WESTRA

Western Regional Manager

JW:st

Encl. Notice of Prehearing Conference
Copy of Application

US BLM
LOU GUERRERO
2620 KIMBERLY RD
TWIN FALLS ID 83301

BRUNEAU BUCKAROO COOP DITCH CO
C.O CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773

FRANK &/OR CINDY BACHMAN
C.O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

ECHO WATER USERS
C/O JOSEPHINE BEEMAN
409 W JEFFERSON
BOISE ID 83702

WALTER WELLS
782 E 3800 N
BUHL ID 83316



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BERT &/OR PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

Re: Application for Transfer No. 70694

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, January 21, 2004, at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be assistance, please contact us.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Enc. Copy of Protest(s)
Notice of Prehearing Conference

Idaho Department of Water Resources Receipt

Receipt ID W030994

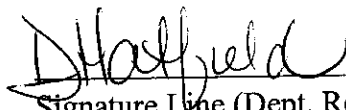
Payment Amount	\$50.00	Date Received	10/6/2003 3:35:53 PM	Region	Western	Status	
Payment Type	Check	Check Number	6114				

Payer BEEMAN & ASSOCIATES PC

Comment	PROTEST FEES: TRANSFER NO. 70694 (\$25 EACH) PROTESTANTS: ECHO WATER USERS FRANK & CINDY BACHMAN
---------	--

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PROTESTS	0229	21	62103	1155



Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

Receipt ID W030980

Payment Amount	\$25.00	Date Received	10/3/2003 11:24:55 AM	Region	Western	Status	
Payment Type	Check	Check Number	01				

Payer WELLS, WALTER

Comment PROTEST OF X-FER NO. 70694 (BERT BRACKETT)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155

Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

Receipt ID W030950

Payment Amount	\$25.00	Date Received	9/23/2003 2:43:16 PM	Region	Western	Status	
Payment Type	Check	Check Number	197				

Payer	PETERSON, KIM (BLM)
Comment	PROTEST OF TRANSFER NO. 70694 (BRACKETT)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155

Signature Line (Dept. Representative)

RECEIVED

OCT 03 2003

WATER RESOURCES
WESTERN REGION

W030980
st

10.2.03

Water Resources - Letter of Protest
Attn: Daniel H. Nelson

Wells Lemistock would like to protest Best Bracket's application to transfer his water rights to new land for private.

This summer (2003), he has dried up the river 2 times, due to the use of pivot irrigation.

Which lets no run off back to the creek. East of Bureau.

The Lemistock has no reliable source of water over the summer.

We feel there should be a steady flow of water for Lemistock all summer.

Walter E Wells

Address:

Walter Wells

782 E 3800 N

Buhl ID

83316

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

OCT 06 2003

WATER RESOURCES
WESTERN REGION

W 030992

Attorneys for Protestant Bruneau
Buckaroo Cooperative Ditch Company

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 70694 IN THE NAME OF) PROTEST
BERT AND PAULA BRACKETT)
_____))
_____)

COMES NOW, the Protestant, Bruneau Buckaroo Cooperative Ditch Company
(hereinafter BBCDC) by and through its counsel Ringert Clark, Chartered and, in conformance
with and pursuant to I.C. §42-222 and IDAPA 37.01.01.250, hereby protests the Application for
Transfer No. 70694 filed by Bert and Paula Brackett.

The basis for this protest is that BBCDC owns water right numbers 51-00002, 51-00003,
51-00005, 51-10271, 51-10350, and 51-10351 that are diverted from the Bruneau River at T07S
R06E Section 26 SWSW. The point of diversion for BBCDC's water rights is downstream from
the point(s) of diversion for the water rights subject to Application for Transfer No. 70694.

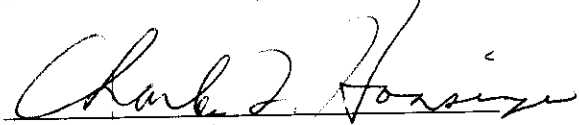
BBCDC is concerned that the transfer as proposed will negatively impact its water rights, and
needs clarification regarding the proposed transfer. As such, BBCDC requests that the Idaho
Department of Water Resources schedule this matter for a Prehearing Conference at which

PROTEST TO APPLICATION FOR TRANSFER NO. 70694 IN THE NAME OF BERT AND
PAULA BRACKETT - Page 1

BBCDC's concerns can be addressed, and potential conditions on the transfer to protect BBCDC's water rights can be discussed.

Dated this 6th day of October, 2003.

RINGERT CLARK, CHARTERED



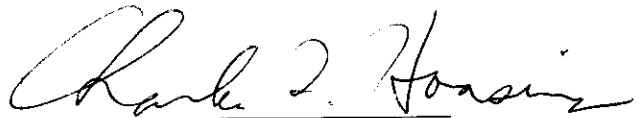
Charles L. Honsinger
Attorney for Bruneau Buckaroo Cooperative
Ditch Company

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on October 6, 2003, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Bert and Paula Brackett
Flat Creek Ranch
Rogerson, ID 83302



Charles L. Honsinger

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

OCT 06 2003

WATER RESOURCES
WESTERN REGION

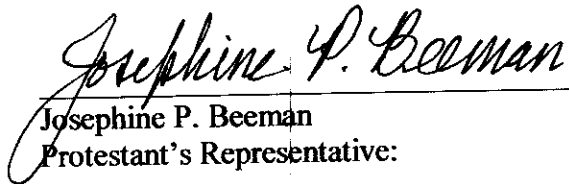
NOTICE OF PROTEST

1. Matter being protested: Application for transfer no. 70694 in the name of Paula and Bert Brackett, Flat Creek Ranch
2. Name of protestant: Echo Water Users Association (Frank Bachman, President)
3. Protestants' Representative for service: Josephine P. Beeman
4. Service mailing address: 409 W. Jefferson, Boise, Idaho 83702
5. Service telephone no.: 208-331-0950
6. Basis of protest: Echo Water Users Association, as a downstream water appropriator, is concerned that its rights and interests may be impacted by this transfer. Pursuant to Idaho Code § 42-222, Echo Water Users Association is concerned that
 - (1) the change will injure its water rights;
 - (2) the change constitutes an enlargement in use of the original right;
 - (3) the change is not consistent with the conservation of water resources within the state of Idaho;
 - (4) the change is not in the local public interest as defined in § 42-202B;
 - (5) the change will adversely affect the local economy of the watershed within which the source of water for the proposed use originates; and
 - (6) the change will adversely affect the local area within which the source of water for the proposed use originates.
7. What would resolve your protest? Appropriate conditions on the transfer and all four involved water rights (51-00096, 51-07085, 51-7267, and 51-10184) to address the following:
 - Identify the former acres that were irrigated that will now be dry and prohibit their irrigation;
 - Identify the number and location of the acres within each 40 acre tract that will be irrigated to total 301.7 acres; limit all 4 water rights to this specific place of use, with the further limitation that 51-10184 (which is not transferred) is used only on the 53.8 acres identified in its decree; Confirm that those 53.8 acres are part of the identified 301.7 acres.
 - Identify the number and location of the acres which are irrigated by the following:
 - the north pivot
 - the south pivot
 - hand lines and wheel lines
 - The combined diversion rate of the 4 water rights is 5.88 cfs (4.8 cfs for 51-00096, 51-07085, and 51-7267 in the transfer; 1.08 cfs for 51-10184 as decreed.)
 - Deliveries are limited to .02 cfs to the acre.

- At the start of each irrigation season, identify the location of the 130 acres which will receive the 1906 priority water (1.6 cfs) for that season. This is necessary for administration as water deliveries are cut by priority date. The 53.8 acres which receive the 1934 priority water (1.08 cfs) will be in the same location each year.
- The conditions on the partial decrees and license should be specifically included in the transfer conditions of approval to limit the combined acreage allowed to be watered as each priority cut is made. The annual operating plan could then be required to include the specific acres that would be irrigated under each priority call.
- The inch/acre limitation of the individual water rights applies when deliveries are limited by priority date.
 - The 1906 right 51-00096 is 6/10 of an inch ($1.6 \text{ cfs}/130 \text{ acres} = .012$);
 - The 1974 right 51-07085 is one inch ($1.6 \text{ cfs}/80 \text{ acres} = .02$);
 - The 1983 right 51-7267 is 8.5/10 of one inch ($1.6 \text{ cfs}/92 \text{ acres} = .017$);
 - The 1934 right 51-10184 is one inch ($1.08 \text{ cfs}/53.8 \text{ acres} = .02$).

I hereby acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

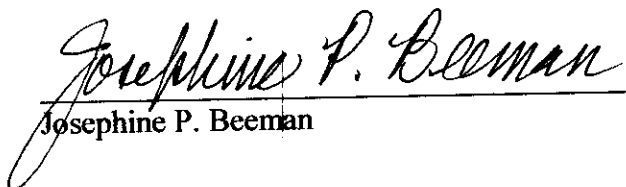
DATED this 6th day of October 2003.


 Josephine P. Beeman
 Protestant's Representative:

CERTIFICATE OF MAILING

I certify that on this 6th day of October 2003, I caused to be served a copy of the above *NOTICE OF PROTEST*, postage prepaid and addressed as follows:

Paula and Bert Brackett
 Flat Creek Ranch
 Rogerson, ID 83302


 Josephine P. Beeman

\$50- total received 10-6-03 DH
 W030994

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

NOTICE OF PROTEST

RECEIVED

OCT 06 2003

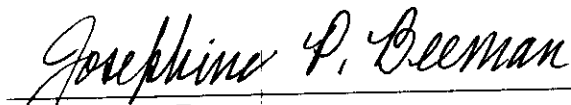
WATER RESOURCES
WESTERN REGION

1. Matter being protested: Application for transfer no. 70694 in the name of Paula and Bert Brackett, Flat Creek Ranch
2. Name of protestant: Frank and Cindy Bachman
3. Protestants' Representative for service: Josephine P. Beeman
4. Service mailing address: 409 W. Jefferson, Boise, Idaho 83702
5. Service telephone no.: 208-331-0950
6. Basis of protest: Frank and Cindy Bachman, as downstream water appropriators, are concerned that their rights and interests may be impacted by this transfer. Pursuant to Idaho Code § 42-222, Mr. and Mrs. Bachman are concerned that
 - (1) the change will injure their water rights;
 - (2) the change constitutes an enlargement in use of the original right;
 - (3) the change is not consistent with the conservation of water resources within the state of Idaho;
 - (4) the change is not in the local public interest as defined in § 42-202B;
 - (5) the change will adversely affect the local economy of the watershed within which the source of water for the proposed use originates; and
 - (6) the change will adversely affect the local area within which the source of water for the proposed use originates.
7. What would resolve your protest? Appropriate conditions on the transfer and all four involved water rights (51-00096, 51-07085, 51-7267, and 51-10184) to address the following:
 - Identify the former acres that were irrigated that will now be dry and prohibit their irrigation;
 - Identify the number and location of the acres within each 40 acre tract that will be irrigated to total 301.7 acres; limit all 4 water rights to this specific place of use, with the further limitation that 51-10184 (which is not transferred) is used only on the 53.8 acres identified in its decree; Confirm that those 53.8 acres are part of the identified 301.7 acres.
 - Identify the number and location of the acres which are irrigated by the following:
 - the north pivot
 - the south pivot
 - hand lines and wheel lines
 - The combined diversion rate of the 4 water rights is 5.88 cfs (4.8 cfs for 51-00096, 51-07085, and 51-7267 in the transfer; 1.08 cfs for 51-10184 as decreed.)
 - Deliveries are limited to .02 cfs to the acre.

- At the start of each irrigation season, identify the location of the 130 acres which will receive the 1906 priority water (1.6 cfs) for that season. This is necessary for administration as water deliveries are cut by priority date. The 53.8 acres which receive the 1934 priority water (1.08 cfs) will be in the same location each year.
- The conditions on the partial decrees and license should be specifically included in the transfer conditions of approval to limit the combined acreage allowed to be watered as each priority cut is made. The annual operating plan could then be required to include the specific acres that would be irrigated under each priority call.
- The inch/acre limitation of the individual water rights applies when deliveries are limited by priority date.
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 - The 1983 right 51-7267 is 8.5/10 of one inch ($1.6 \text{ cfs}/92 \text{ acres} = .017$);
 - The 1934 right 51-10184 is one inch ($1.08 \text{ cfs}/53.8 \text{ acres} = .02$).

I hereby acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

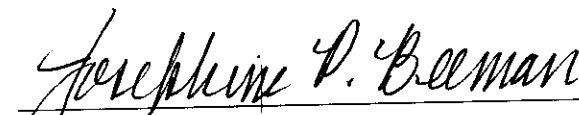
DATED this 6th day of October 2003.


 Josephine P. Beeman
 Protestant's Representative:

CERTIFICATE OF MAILING

I certify that on this 6th day of October 2003, I caused to be served a copy of the above *NOTICE OF PROTEST*, postage prepaid and addressed as follows:

Paula and Bert Brackett
 Flat Creek Ranch
 Rogerson, ID 83302


 Josephine P. Beeman

\$50 - total received 10-6-03 DH
 W030994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

W038950
dt
RECEIVED
SEP 23 2003
WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested:

Application for Transfer #70694 filed by Bert & Paula Brackett. The transfer makes changes to water right numbers: 51-00096, 51-07085, and 51-07267.

2. Name of protestant:

**United States of America, acting through
Department of the Interior,
Bureau Of Land Management,
Lower Snake River District,
Jarbidge Field Office**

3. Protestant's Representative for service (If different than protestant):

Ed Guerrero, Jarbidge Field Office Manager

4. Service mailing address:

**2620 Kimberly Road
Twin Falls, Idaho 83301**

5. Service telephone no.:

(208) 736-2350

6. Basis of protest (including statement of facts and law upon which the protest is based):

The application for transfer is speculative, as the transfer seeks to add a place of use (see below) describing federal public land, for which no authorization issued by the United States exists to conduct said use of federal public land for irrigation purposes.

NENW, Section 13, T.15S., R.10E., BM entirely describes federal public land.

It is my understanding that one cannot acquire a right by aid of trespass. Bassett v. Swenson, 51 Idaho 256, 5 P.2d 722 (1931). The U.S. reserves the right to assert additional defenses and argument against the transfer at hearing.

7. What would resolve your protest?:

Amend the application for transfer to remove the place of use describing federal public land within the NENW, Section 13, T.15S., R.10E., BM, and discontinue the unauthorized use of federal public land.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Protestant:

United States of America, acting through
Department of the Interior,
Bureau of Land Management,
Lower Snake River District,
Jarbidge Field Office

Protestant's Representative

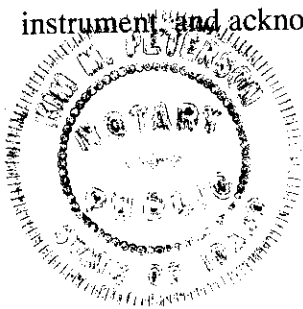
Ed Guerrero, Jarbidge Field Office Manager

Dated this 22 day of Sept., 2003

E. Guerrero

Ed Guerrero

On this 22nd day of Sept. 2003, before me Kim M. Peterson, a notary public, personally appeared Ed Guerrero, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed the same.



Kim M. Peterson
Notary Public for the State of Idaho

Residing at: Twin Falls

My Commission Expires: 1/15/04

NOTE: A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

CERTIFICATE OF SERVICE

I certify that on Sept. 22, 2003, I served a true and correct copy of the foregoing **Protest of Transfer #70694** upon the following individuals by placing the documents in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

Original to:

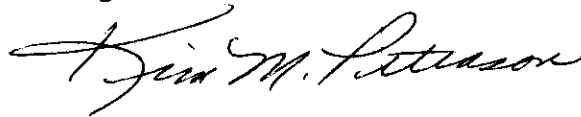
Gary Spackman, Office Manager
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Copies to:

Bert & Paula Brackett
Flat Creek Ranch
Rogerson, ID 83302

Fred Price, Water Rights Specialist
US, Department of Interior,
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1567

Signature of Person Serving Documents

A handwritten signature in cursive script, appearing to read "Kim M. Peterson".

The Owyhee Avalanche
P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in ONE (1)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

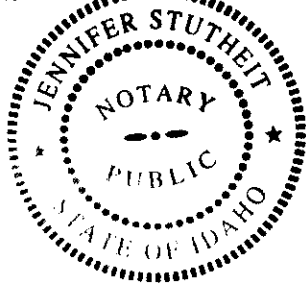
SEPTEMBER 17, 24, 2003

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30th day of September in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Jennifer Stutheit
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: January 3, 2009

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70694**

PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302
BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302, has filed
Application No. 70694 for changes
to the following water rights within
OWYHEE County:
Right No. 51-7085
Priority 3/8/1974
Source BIG FLAT CREEK
Use IRRIGATION (301.7 acres)
1.60 CFS 240.0 AFA

Total Amount 1.60 CFS 240.0 AFA
Point(s) of Diversion S14 T15S
R10E

S24 T15S R10E
Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Right No. 51-96
Priority 4/15/1906
Source BIG FLAT CREEK
Use IRRIGATION (301.7 acres)
1.60 CFS

STOCKWATER
Total Amount 1.60 CFS
Point(s) of Diversion S14 T15S
R10E

S24 T15S R10E
Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Right No. 51-7267
Priority 8/14/1983
Source BIG FLAT CREEK
Use IRRIGATION (301.7 acres)
1.60 CFS 322.0 AFA

Total Amount 1.60 CFS 322.0 AFA
Point(s) of Diversion S14 T15S
R10E

S24 T15S R10E
Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Remark: The transfer proposes to adjust the acres within a permissible place of use for these three rights to accommodate two new pivots. The place of use will remain in Sections 13, 14, and 24, T15S, R10E, but the water right will now include acres in the land description in the NWNE, NENW and SESE. The description of the lands from the remainder of the original water right will be removed or re-distributed to accommodate the pivots, for a total of 301.7 acres. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before October 06, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

9/17,24/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 22, 2003

WALTER WELLS
782 E 3800 N
BUHL ID 83316

Re: Water Right Application(s)

Dear Interested Party:

Enclosed is a copy of application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by October 6, 2003.

If you have any questions regarding the application(s), please contact this office.

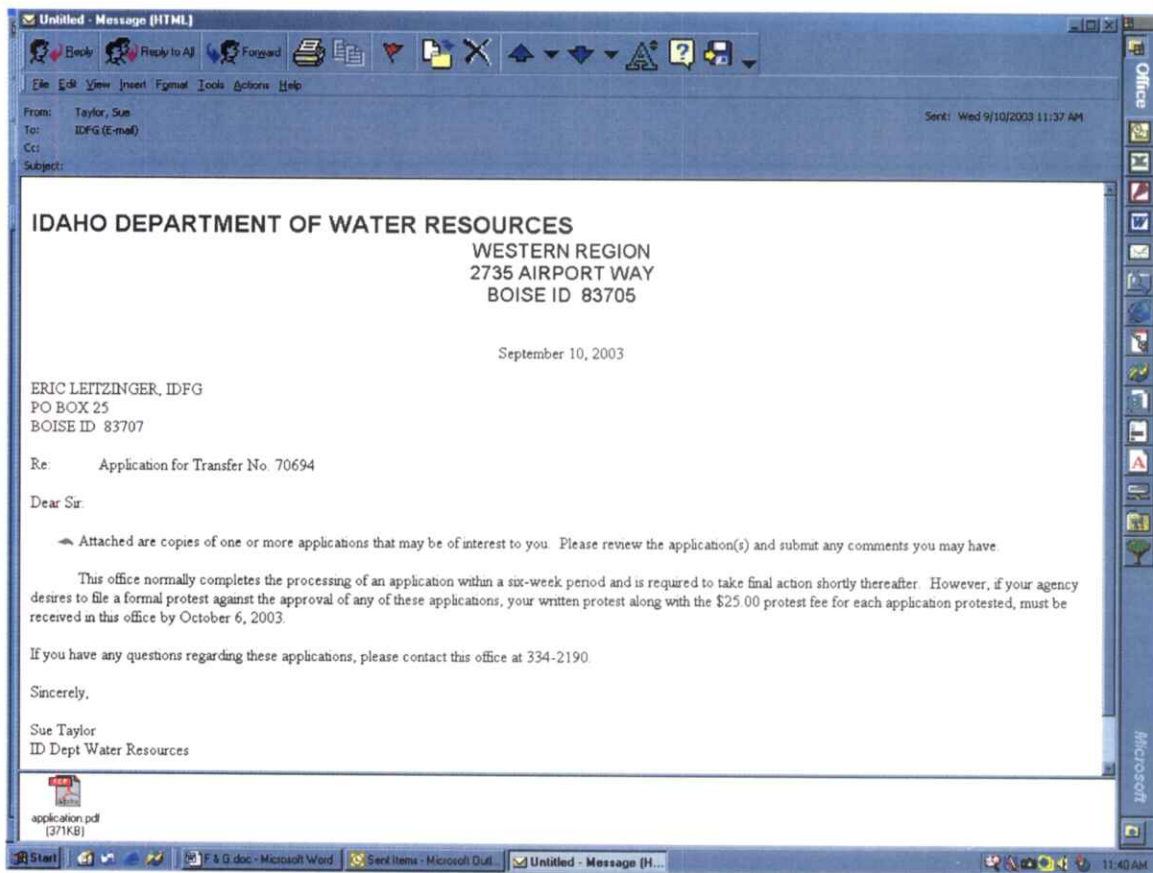
Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson'.

Dan Nelson

Senior Water Right Agent

Encl. Copy of Application(s)





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 2, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRACKETT LIVESTOCK INC.
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS, ID 83301

COPY

**RE: COMPLAINT CONCERNING OVER IRRIGATION OF LANDS FROM
WATER RIGHTS 51-96, 51-7085, AND 51-7267**

Dear Mr. Brackett:

We received a complaint from a neighbor that claimed you had installed two pivots and were irrigating lands that were not described in your water rights. Telephone calls and a field visit confirmed that you have irrigated lands not described by the above water rights. However, I discovered that you only irrigated 288.1 acres, which is 13.6 acres less than the 301.7 acres allowed under the these water rights.

My investigation revealed that you have installed a more efficient form of irrigation, and you have irrigated less land than you are entitled to under your water rights. You also consulted with our Southern Office about filing a transfer prior to the complaint, and have asked for my help to file the transfer to adjust the acres on your water rights to match the lands covered by the pivots. Therefore, we will not seek civil penalties at this time.

However, we do ask that you do not irrigate the land not listed under the above water rights until the transfer is approved, and that you file the transfer to correct this situation by 11/2/2002. If the transfer is not received, we will review this complaint and assess the necessary penalties.

Under Idaho Code, § 42-1701B, the director of IDWR may commence an administrative enforcement action to obtain a civil penalty for irrigation uses equal to 300 dollars (\$300.00) per acre of ground irrigated or part thereof, up to a maximum penalty of fifty thousand dollars (\$50,000.00) per year for water illegally used or diverted.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

Cc Walter Wells

MEMORANDUM

TO: WELLS/BRACKETT COMPLAINT FILE

FROM: DANIEL A. NELSON

DATE: 10/2/02

SUBJECT: FIELD VISIT FINDING AND RECOMMENDATIONS

On 8/30/2002, our office received a complaint from Walter E. Wells stating that Bert Brackett had installed two center pivots and was irrigating land not described in his water rights. I contacted Mr. Brackett and he confirmed that he had installed 2 pivots, but was not irrigating more than was allowed by his water right. He told me that he had spoken to Jim Stanton at the Southern Region Office about filing a transfer, but had not filed the transfer until he could determine how much he could irrigate with the pivots. I set an appointment to visit the site and go over what if anything would be required.

On 9/24/2002, I visited the site and discovered that the 2 pivots were irrigating ground that was not described in the water right. However, the total amount of land being irrigated was 288.1 acres and Mr. Brackett does have a water right for 301.7 acres. Mr. Brackett did not irrigate his corners to ensure he did not irrigate more land than he had a water right. Mr. Brackett did not irrigate approximately 13.6 acres of ground that he normally would have irrigated.

The pivots were installed late in the year. The information received from Farm Irrigation Systems, the pivot installer, suggests that the North pivot was installed in April and the South pivot was installed in September. There is no verification of the exact dates the pivots were completed.

RECOMMENDATIONS:

Mr. Brackett has made an attempt to determine what would need to be done to file a transfer to ensure the new land being used is listed on his water rights. Mr. Brackett is also willing to file a transfer to ensure he is not irrigating land for which he does not have a right to irrigate. The pivots were installed late, which limited the amount of time that Mr. Brackett could have irrigated the land.

Therefore, I recommend that Mr. Brackett receive a warning that he may not continue irrigating those lands not described in his water right until a valid transfer has been filed and approved. I also recommend that Mr. Brackett be given 30-days to file the transfer with our office. If the transfer isn't received by that time then we may want to consider seeking civil penalties for the land that is not listed on the water right.

Aug 28 2002

DEPT WATER RESOURCES
STEVE LESTER

RECEIVED

AUG 30 2002

WATER RESOURCES
WESTERN REGION

DEAR SIR!

WE'VE LIVESTOCK OF BULL, HAY
OWN THE JUNIPER RANCH ON THE
EAST FORK OF THE BRONCO RIVER.
OUR ALLOTMENTS ON BLM ARE ON
BOTH SIDES OF THE RIVER. WE WATER
CATTLE FROM THE RIVER.

WE ^{HAVE} NEIGHBORS IN THE THREE CREEK
AREA THAT TAKE ALL THE WATER OUT
OF THE CREEK WHEN THE WATER GETS
LOWER. FOR FARMING.

THE NEIGHBORS, BERT SPACKET,
HAVE DEVELOPED SOME NEW GROUND
AND PUT TWO PLOTS ON THE GROUND.

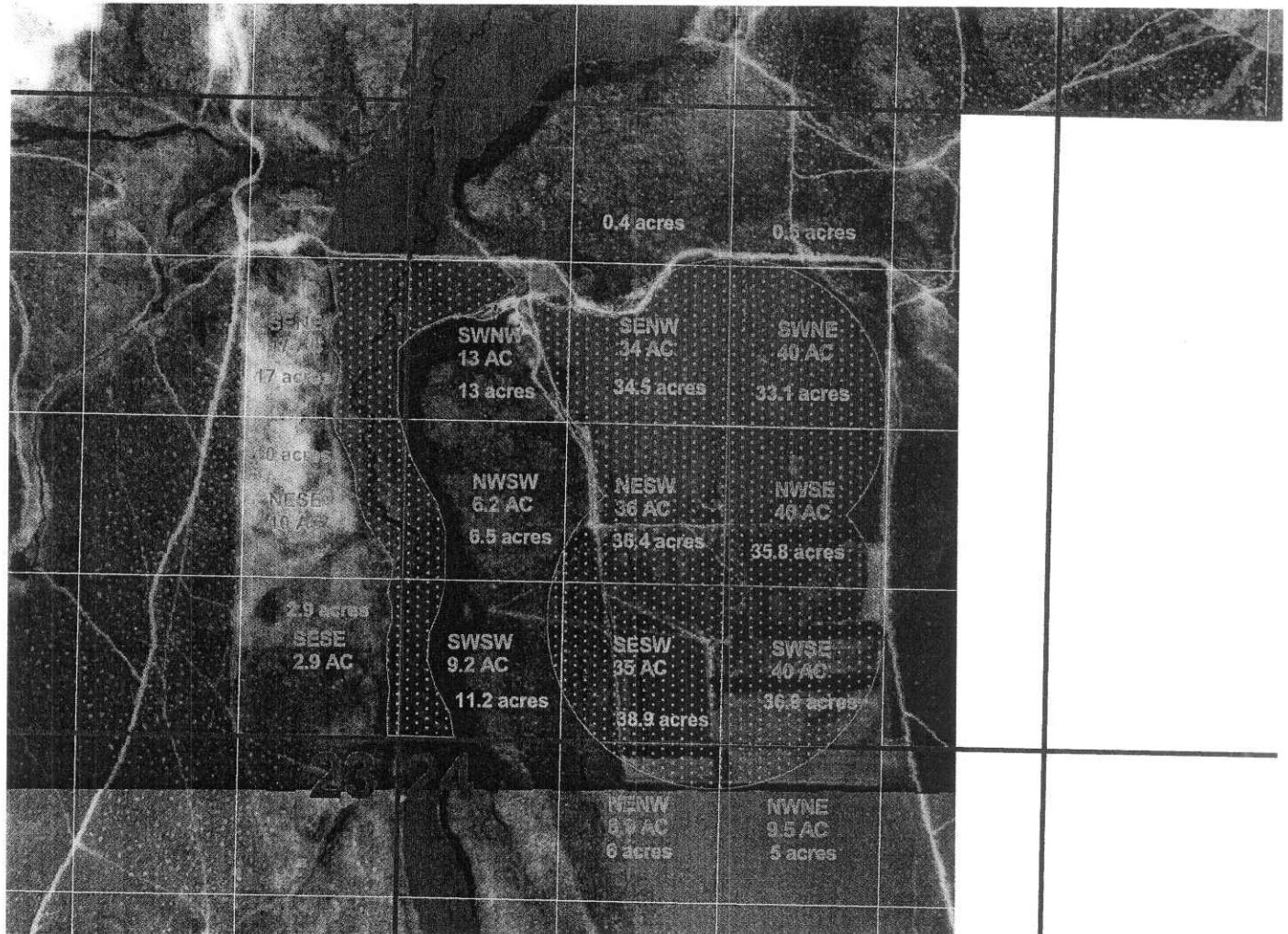
WE FEEL THE LIVESTOCK SHOULD
HAVE SOME RIGHT TO THE WATER IN PREFERENCE
TO NEW GROUND BEING FARMED.

THERE ARE OTHER LIVESTOCK
OPERATORS WHO USE THIS SAME STREAM.

VERY TRULY YOURS
Walter E Wells
782 E 3800 N
Bull, Ida Mo
83316

phone 537 6409

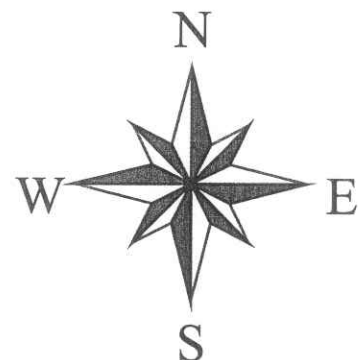
Bracket Complaint



0.5 0 0.5 1 Miles

- acres LANDS IRRIGATED DURING FIELD VISIT
- AC ACRES DESCRIBED IN WATER RIGHT
-  LANDS CURRENTLY BEING IRRIGATED
-  SECTION LINES
- 1/4 1/4 LINES

PLEASE NOTE: 288.1 acres are currently being irrigated under the 301.7 acres described in water rights 51-96, 51-7085, and permit 51-7267. However, some of the lands currently being irrigated are not described by these water rights. A transfer will be needed to correct the acres being irrigated.



ZAP2000
Center Pivot Design--Customize
 Lindsay Mfg. Co.
Input Data Report

Customer: Bert Brackett (South Pivot)
 Dealership: FARM IRRIGATION SYSTEMS
 Prepared by: Caldwell
 Date: 9/27/02

Comments

Worksheet

Worksheet

Span	Pipe Size o.d.	Length ft	Wire Size ga	Center Drive rpm	Tire Size
1	6.625	135	12	43	14.9X24
2	6.625	179	12	43	14.9X24
3	6.625	179	12	43	14.9X24
4	6.625	179	12	43	14.9X24
5	6.625	179	12	43	14.9X24
6	6.625	201	12	43	14.9X24
7	6.625	179	12	43	14.9X24
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
Overhang		55	System Length (ft):		1286
			End Gun Throw (ft):		100
			Total Coverage (ft):		1386

Supply Well Data

Flow Rate: 800 gpm Mainline Diameter: 10 in
 Pump Efficiency: 69% Mainline Length: 1286 ft
 Lift: 0 ft Mainline Type: Plastic
 Mainline Elevation: 70 ft

Pivot Data

Req End Press: 15 psi Pivot Point Voltage: 480 volt
 Field Elevation: 15 ft Type of Pipe: Galvanized
 Annual Use: 2500 hr/yr
 Application Efficiency: 88% Overhang: 55 ft
 % Circle Irrigated: 70% Booster Pump: 3 hp
 % EndGun Operation: 100% Endgun: Komet

Fuel Data

Fuel Selection: Diesel
 Fuel Price (\$/gal): \$ 0.87
 (\$/mcf):
 Electricity Price
 (\$/kW-hr): \$0.04

Financial Data

Tax Life: 10 yrs
 Finance Rate: 9%

ZAP2000
Center Pivot Design--Customize
 Lindsay Mfg. Co.
Results Report

Customer: Bert Brackett (South Pivot)
 Dealership: FARM IRRIGATION SYSTEMS
 Prepared by: Caldwell
 Date: 9/27/02

Comments

Tower Speed

Rotation (hrs)	
Tower	@100%
1	1.4
2	3.2
3	5.1
4	6.9
5	8.7
6	10.8
7	12.6
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

Electrical

System Length: 1286 ft
 Number of Towers: 7
 Tower Motor: 1.5 amps
 Booster Pump: 4 amps
 Total: 11.3 amps
 kW (PF=1): 9.4
 Available End Voltage: 471.5 volts

Boost Transformer
 Location--Tower #: 7

Pressure Loss

Mainline
 Mainline C-Factor: 150
 Friction Loss: 2 psi
 Pressure Req @ Pump: 64 psi
 Pivot
 Pivot C-Factor: 140
 Pressure @ Pivot Base: 32 psi
 Friction Loss: 11 psi
 End Gun Flow: 111 gpm

Application Rates and Irrigated Area

Application Rates: 2.289 days/in
 0.44 in/day
 0.02 in/hr
 45.51 in/season

8.2 gpm/ac
 Max Irrigated Area: 96.981 acres
 Irri. Area w/ End Gun: 96.981 acres
 Irri. Area w/o End Gun: 83.4914 acres

Net Application Rate: 2.56 days/in
 0.39 in/day
 0.02 in/hr
 40.10 in/season

Spray Nozzle 15 ft: 4.71 in/hr
 Low Press Impact 25 ft: 2.83 in/hr
 High Press Impact 50 ft: 1.41 in/hr

Horsepower

Pump Water: 0 hp
 Generator: 12 hp
 Continuous @ 100%: 12 hp

Economics

Estimated Cost of Pivot: \$44,260
 Estimated Annual Cost
 Electric: \$1,017
 Fossil Fuel: \$1,535
 Estimated Annual Cost/Ac
 Electric: \$10.49
 Fossil Fuel: \$15.83

Specifications

Length at Last Tower: 1231 ft Irrigated Radius: 1386 ft
 Length of System: 1286 ft Minimum Rev Time: 12.6 hrs

ZAP2000
Center Pivot Design--Customize
 Lindsay Mfg. Co.
Input Data Report

Customer: Bert Brackett
 Dealership: Farm Irrigation
 Prepared by: Caldwell
 Date: 4/10/01

Comments

North Pivot

Worksheet

Span	Pipe Size o.d.	Length ft	Wire Size ga	Center Drive rpm	Tire Size
1	6.625	179	12	43	14.9x24
2	6.625	179	12	43	14.9x24
3	6.625	179	12	43	14.9x24
4	6.625	179	12	43	14.9x24
5	6.625	179	12	43	14.9x24
6	6.625	179	12	43	14.9x24
7	6.625	157	12	43	14.9x24
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
Overhang		33	System Length (ft):		1264

Supply Well Data

Flow Rate: 875 gpm Mainline Diameter: 12 in
 Pump Efficiency: 76% Mainline Length: 3000 ft
 Lift: 0 ft Mainline Type: Plastic
 Mainline Elevation: 5 ft

Pivot Data

Req End Press: 15 psi Pivot Point Voltage: 480 volt
 Field Elevation: 15 ft Type of Pipe: Galvanized
 Annual Use: 1200 hr/yr
 Application Efficiency: 88% Overhang: 33 ft
 % Circle Irrigated: 100% Booster Pump: 3 hp
 % EndGun Operation: 46% Endgun: Komet

Fuel Data

Fuel Selection: Diesel
 Fuel Price (\$/gal): \$ 0.87
 (\$/mcf):
 Electricity Price
 (\$/kW-hr): \$0.04

Financial Data

Tax Life: 10 yrs
 Finance Rate: 9%

ZAP2000
Center Pivot Design--Customize
 Lindsay Mfg. Co.
Results Report

Customer: Bert Brackett
 Dealership: Best Irrigation
 Prepared by: David Caldwell
 Date: 4/19/01

Comments

Tower Speed

Tower	Rotation (hrs) @100%
1	1.8
2	3.7
3	5.5
4	7.3
5	9.0
6	10.6
7	12.2
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

Electrical

System Length: 1209 ft
 Number of Towers: 7
 Tower Motor: 1.5 amps
 Booster Pump: 4 amps
 Total: 11.3 amps
 kW (PF=1): 9.4
 Available End Voltage: 471.8 volts

Boost Transformer
 Location--Tower #: 7

Pressure Loss

Supply Pipe

Mainline C-Factor: 150
 Pressure Loss: 5 psi
 Total Pressure: 50 psi

Pivot

Pivot C-Factor: 140
 Min Pivot Pressure: 31 psi
 Pressure Loss: 10 psi
 End Gun Flow: 118 gpm

Application Rates and Irrigated Area

Application Rates: 2.91 days/in
 0.34 in/day
 0.01 in/hr
 17.18 in/season

6.5 gpm/ac
 Max Irrigated Area: 123.578 acres
 Irri. Area w/ End Gun: 114.498 acres
 Irri. Area w/o End Gun: 105.418 acres

Net Application Rate: 3.33 days/in
 0.3 in/day
 0.01 in/hr
 15.11 in/season

Spray Nozzle 15 ft: 4.99 in/hr
 Low Press Impact 25 ft: 2.99 in/hr
 High Press Impact 50 ft: 1.50 in/hr

Horsepower

Pump Water: 31 hp
 Generator: 12 hp
 Continuous @ 100%: 43 hp

Economics

Estimated Cost of Pivot: \$42,830
 Estimated Annual Cost
 Electric: \$1,749
 Fossil Fuel: \$2,641
 Estimated Annual Cost/Ac
 Electric: \$15.28
 Fossil Fuel: \$23.06

Specifications

Length at Last Tower: 1187 ft Irrigated Radius: 1309 ft
 Length of System: 1209 ft Minimum Rev Time: 12.2 hrs

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

September 09, 2003

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Transfer No. 70694
Water Right No(s). 51-7085 51-96 51-7267

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/06/2003. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Asst

SCANNED
SEP 10 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 70694

PAULA BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302
BERT BRACKETT
FLAT CREEK RANCH

ROGERSON ID 83302, has filed Application No. 70694 for changes to the following water rights within Owyhee County:

Right No. 51-7085

Priority 3/8/1974

Source BIG FLAT CREEK

Use IRRIGATION (301.7 acres) 1.60 CFS 240.0 AFA

Total Amount 1.60 CFS 240.0 AFA

Point(s) of Diversion S14 T15S R10E
S24 T15S R10E

Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Right No. 51-96

Priority 4/15/1906

Source BIG FLAT CREEK

Use IRRIGATION (301.7 acres) 1.60 CFS
STOCKWATER

Total Amount 1.60 CFS

Point(s) of Diversion S14 T15S R10E
S24 T15S R10E

Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Right No. 51-7267

Priority 8/14/1983

Source BIG FLAT CREEK

Use IRRIGATION (301.7 acres) 1.60 CFS 322.0 AFA

Total Amount 1.60 CFS 322.0 AFA

Point(s) of Diversion S14 T15S R10E
S24 T15S R10E

Place of Use S13 T15S R10E
S14 T15S R10E
S24 T15S R10E

Remark: The transfer proposes to adjust the acres within a permissible place of use for these three rights to accommodate two new pivots. The place of use will remain in Sections 13, 14, and 24, T15S, R10E, but the water right will now include acres in the land description in the NWNE, NENW and SESE. The description of the lands from the remainder of the original water right will be removed or re-distributed to accommodate the pivots, for a total of 301.7 acres.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before October 06, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on September 17 and 25, 2003.

SCANNED
SEP 10 2003