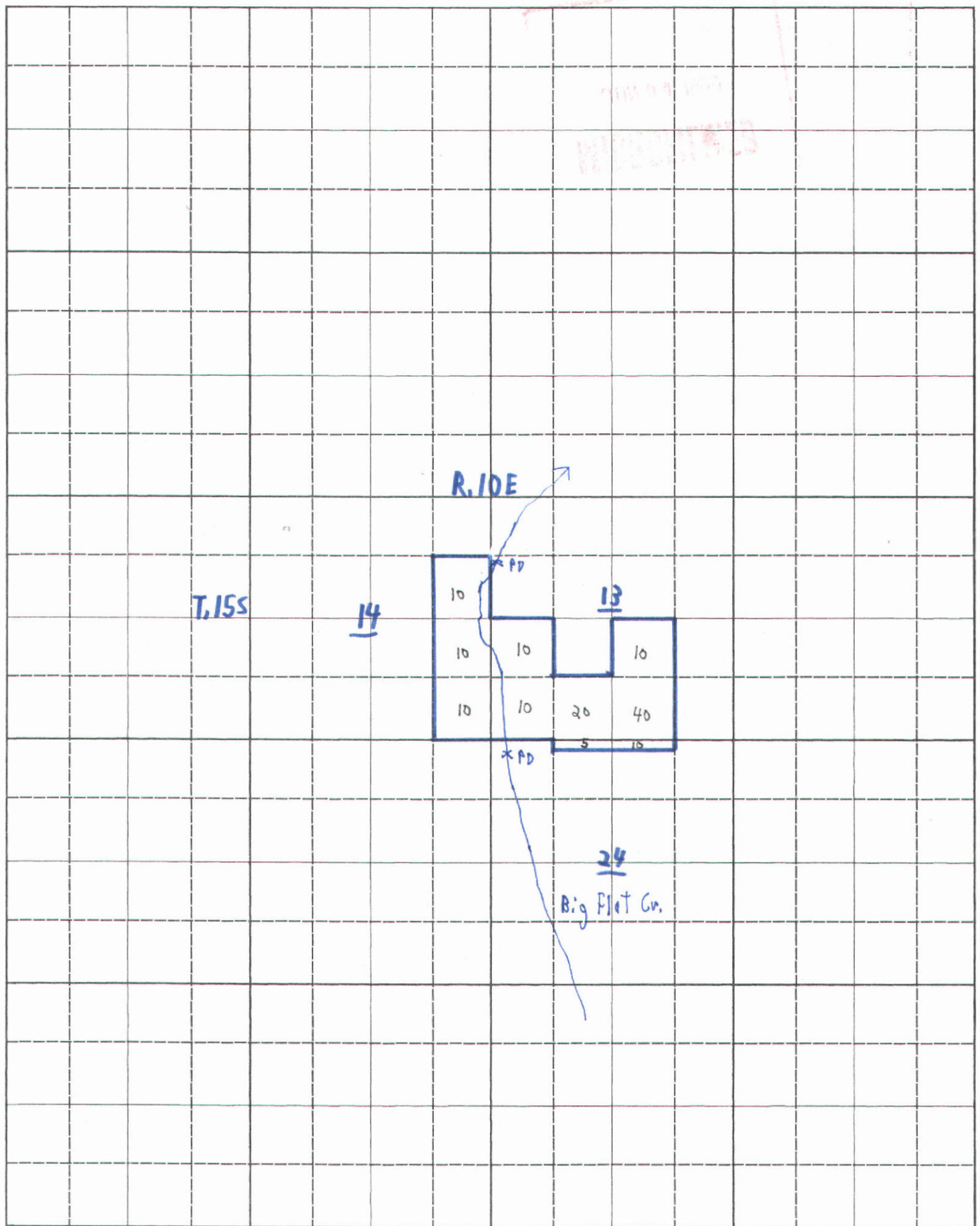


51-7267

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

JUN 04 1990

Wesley Lovestock, Jr.
Walter E. Davis, Jr.
(Applicant)

Idah. Dept. of Water
State Office

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 2 (two)

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

march 21 and 28, 1990

MICROFILMED

JUN 04 1990

Signed

Joe E. Aman

Subscribed and sworn to before me this 28 day of March A.D., 1990

Alisa Aman Petrick

Notary Public in and for the State of Idaho
Residing at Nampa, Idaho
Commission expires October 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 51-07267

BRACKETT, BERT
WELLS LOVESTOCK INC.

FLAT CREEK RANCH
ROGERSON, ID 83302
Source: BIG FLAT CREEK
Tributary: BRUNEAU RIVER,
EAST FORK
Diversion Pt: SWNW Sec 13 T
15S R 10 E
Use: IRRIGATION (1.600
CFS)
Total Diversion: (1.600 CFS)
Date Filed 6/20/1983
In: T15S R10E S13 NWSW
SWSW SESW NWSE
SWSE
S14 SENE NESE SESE
S24 NWNE NENW
135.0 ACRES TOTAL

Permits will be subject to
all prior water rights.
Protests may be submitted
based on the criteria of Sec.
42-203A, Idaho Code and/or
the public interest criteria of
Sec. 42-203C, Idaho Code.
Protests must be filed with
the Director, Dept. of Water
Resources, Statehouse Mail,
Boise, Idaho 83720 on or
before APRIL 9, 1990.

R. KEITH HIGGINSON,
Director

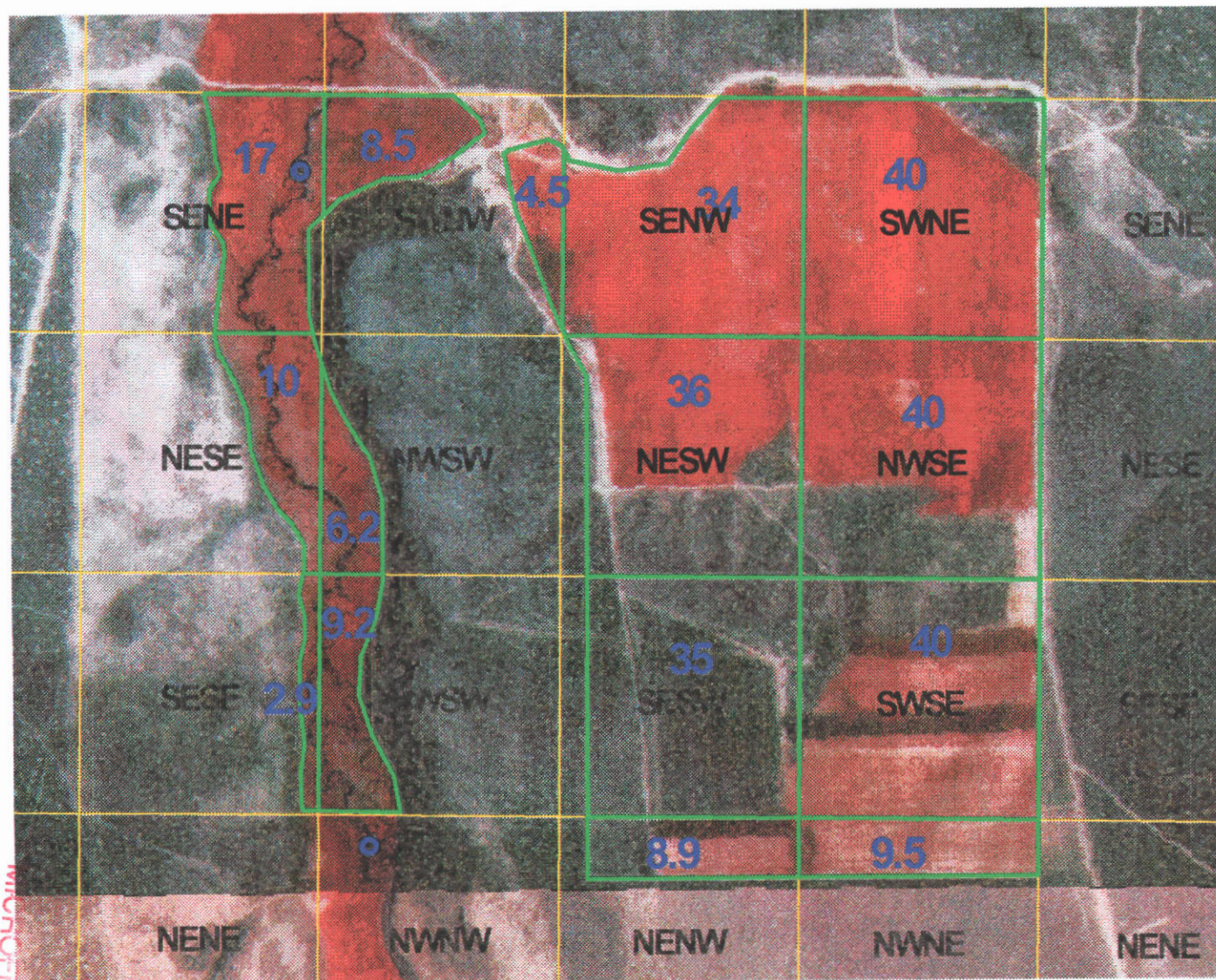
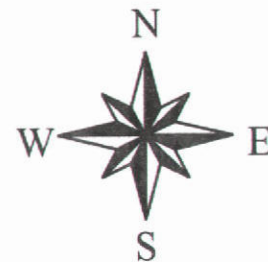
Published March 21 & 28, 1990

RECEIVED
APR 3 1990

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

T15S, R10E, S13, S14 & S24



1987 NAPP PHOTO

 SECTION LINES

 POD

 POU

 1/4 1/4 LINES

6 ACRES

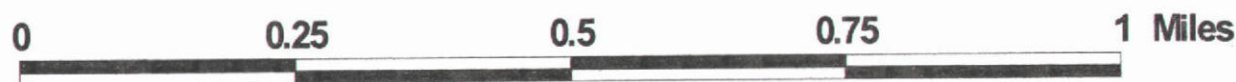
6 SECTION NUMBER

CLAIM(S) : 51-00096, 51-07085 A
PERMIT 51-07267

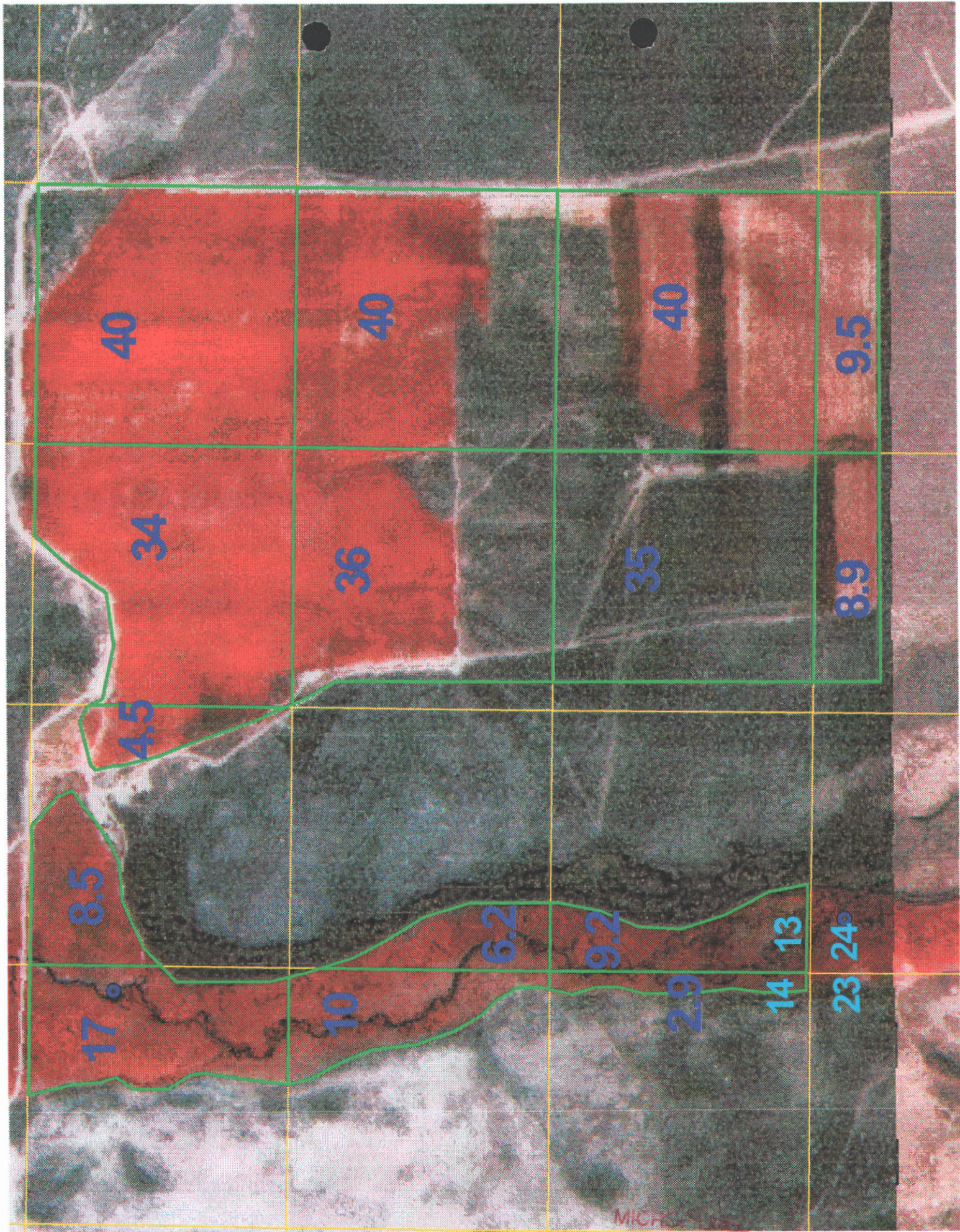
OWNER(S): BRACKET LIVESTOCK

Prepared by: Mel Schulte

Date: 6/16/1998



MICROFILMED
MAR 16 2004



MICHAEL L. LEE

MAR 16 2006

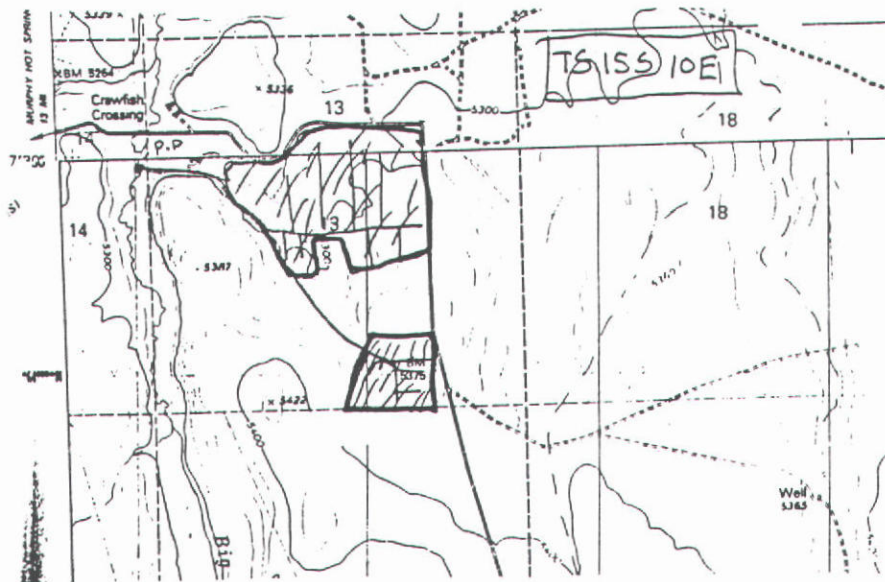
FEB 28 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources **BENEFICIAL USE FIELD REPORT****A. GENERAL INFORMATION**Permit No. SI-70851. Owner: Bert BrackettPhone No. 857-2217

Current Address: _____

2. Accompanied by: Dale NeaderhiserEXAM. DATE: 6/8/88Address: _____Phone No. No phoneRelationship to Permit Holder: Employee3. Source: Big Flat Creek tributary to Three Creek**B. OVERLAP REVIEW**1. Other water rights with same place of use: SI-0096A, SI-0096BWestern will need to get copies.☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ Copies Attached☐ Copies of Field Exam's Attached**C. SYSTEM DESCRIPTION**1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☒ Aerial Photo Attached

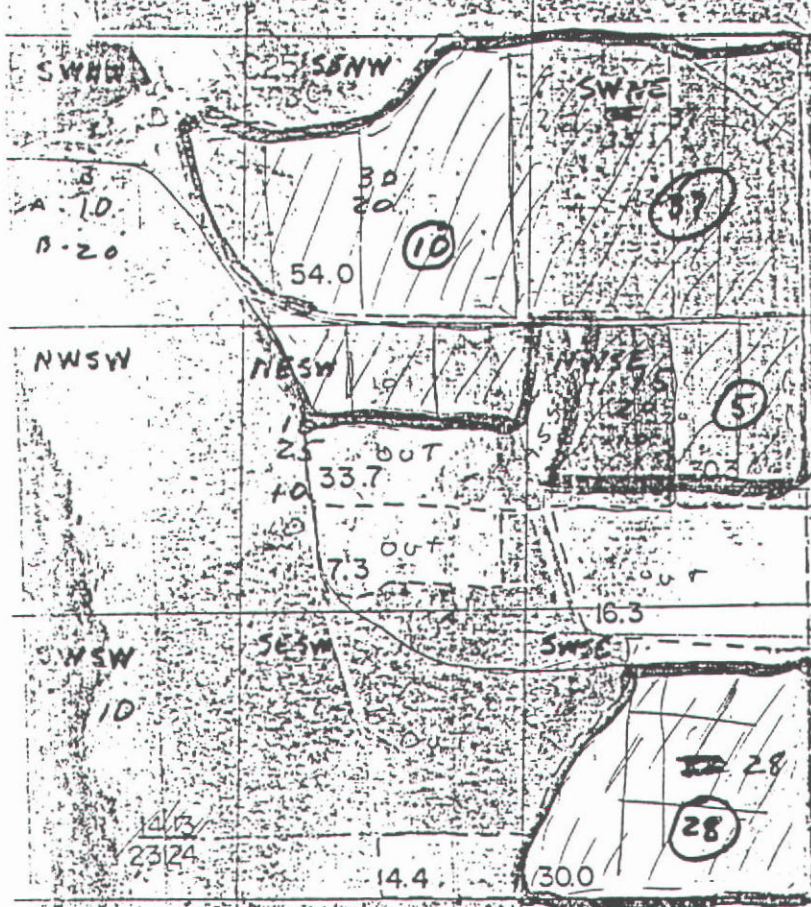
(required for irrigation of 10 acres or more).

MICROFILMED

MAR 16 2004

W. Wells-Lewis-Jones

center NEX



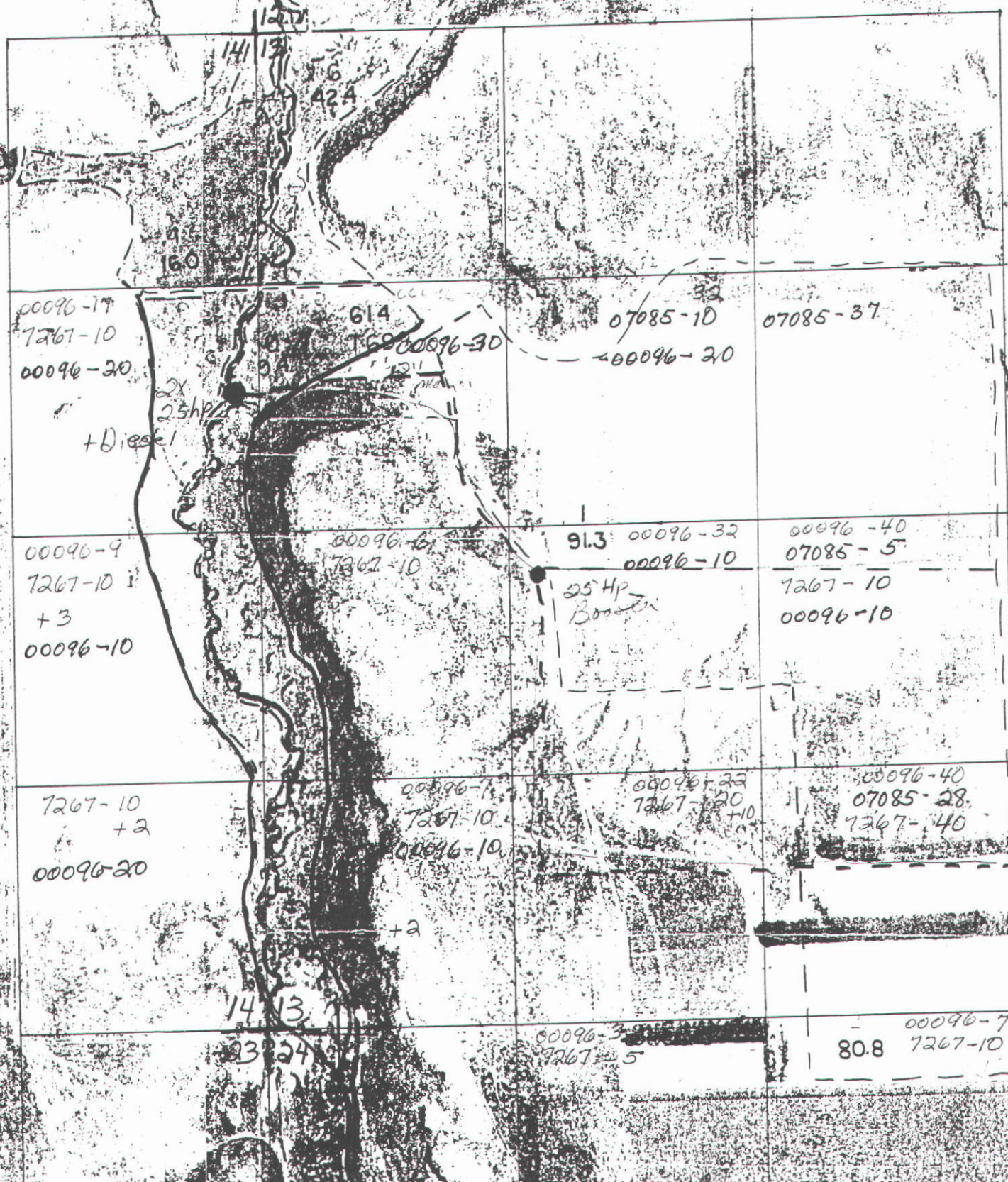
5 1/4 Co. Sec 13

α = Anteil an der Gesamt-
in der Formel bezieht
auf die Anzahl der

(12) - Recommended License
Ages

MICROFILMED
MAR 16 2004

00096 = class
 07085 = license
 07267 = permit



BLM

160

614

169

POD

Pipeline

94.3

25 hp Booster Pump

Ditch

Ditch

Pipeline

1403

0251

POA

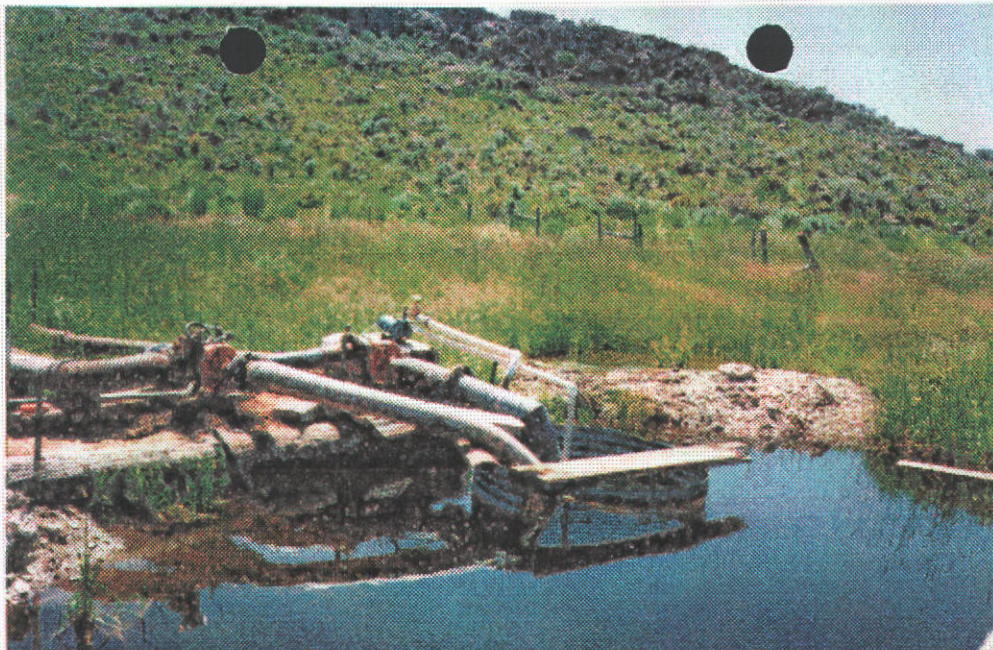
~~NOT RECORDED~~

15/05/2004

~~80.8~~

51-07267

6/23/1993



POD

T15S, R10E, S14,
SENE.
SENE.



BOOSTER PUMP



POD

T15S, R10E, S24,
NWNW.

MICROFILMED
MAR 16 2004

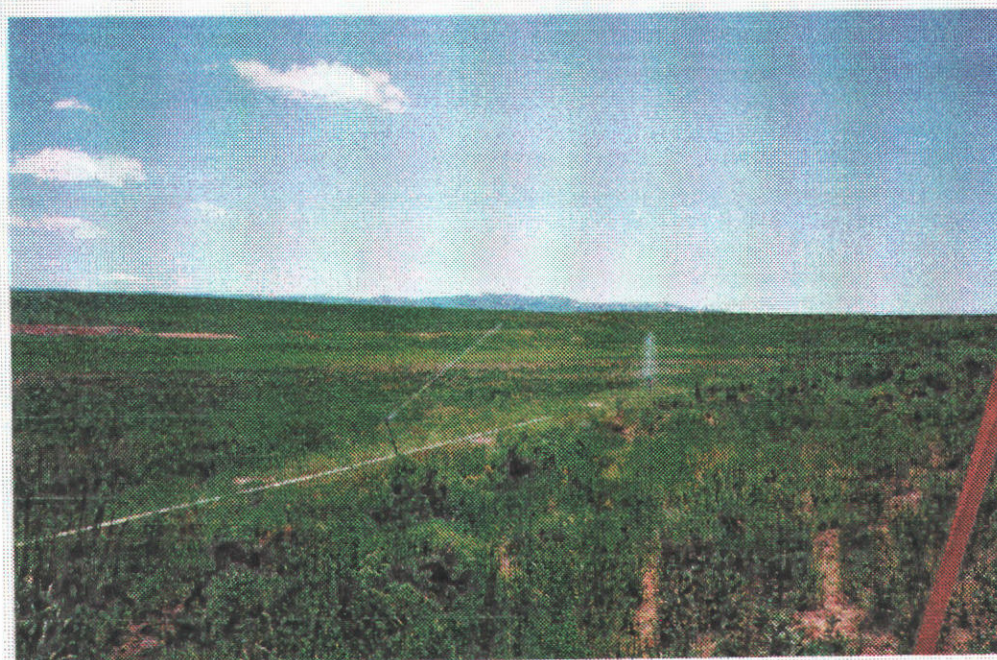
51-07267

6/23/1993

POU



POU



POU



MAR 16 2004

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 51-07267

Priority: August 14, 1983

Maximum Diversion Rate: 1.60 CFS
Maximum Diversion Volume: 322.0 AF

It is hereby certified that BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 20, 1983; and has
submitted Proof of Beneficial Use on June 25, 1993. An examination indicates that the works have a
diversion capacity of 8.97 cfs of water from:

SOURCE

BIG FLAT CREEK

Tributary: CLOVER CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	1.60 CFS	322.0 AF

LOCATION OF POINTS OF DIVERSION:

BIG FLAT CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Twp 15S, Rge 10E, B M., OWYHEE County

BIG FLAT CREEK NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp 15S, Rge 10E, B M., 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			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 OF APPROVAL

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 limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.
4. 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.

MICROFILMED

MAY 15 2004

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 51-07267

- 5 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.
- 6 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
7. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 22nd day of May, 2003.


KARL J. DREHER
Director
for

MICROFILMED
MAR 16 2004

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 51-07267

RECEIVED

MAY 19 2003

Department of Water Resources

Date of Priority: August 14, 1983

Maximum Diversion Rate:

1.60 CFS

Maximum Diversion Volume:

322.0 AF

Comes now **BERT BRACKETT**
FLAT CREEK RANCH
ROGERSON ID 83302

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 51-07267, and requests that the permit be changed as follows:

Source: BIG FLAT CREEK

Tributary: CLOVER CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.60 CFS	322.0 AF

LOCATION OF POINTS OF DIVERSION:

BIG FLAT CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Twp 15S, Rge 10E, B.M., OWYHEE County

BIG FLAT CREEK NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp 15S, Rge 10E, B.M., 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			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

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 12 day of May, 2003.


(Signature)

Microfilm

MAR 16 2004

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-07267

FOR DEPARTMENT USE ONLY
Preliminary check by KW Fee = \$50.00 Received by JW # 069141 Date 5/19/03

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 51-07267 with the following:

CONDITIONS OF APPROVAL

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 limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.
4. 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
5. 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.
6. 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.
7. 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.

Witness my hand this 22nd day of May, 2003.


for **KARL J. DREHER**
Director

MICHELLE
MAR 16 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 51-07267)
IN THE NAME OF BERT BRACKETT) ORDER OF
REINSTATEMENT)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1993; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

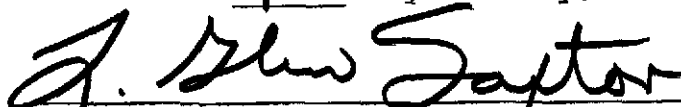
WHEREAS, the Department notified the permit holder that the permit had lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 25, 1993;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 51-07267 be REINSTATED with an advance in priority to August 14, 1983.

Dated this 1st day of July, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

JUL 08 1993

RECEIVED
JUN 29 1993
Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$125.00

Date 6-25-93

Receipt No. WDR 6438

Receipt by Aug

RECEIVED

JUN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Western Regional Office

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 51-07267 Telephone No. 857-2217
2. Name(s) of Permit Holder(s): Bert Brackett
3. Mailing Address: Flat Cr. Ranch, Royerson Id. 83302
4. Source of Water: Big Flat Cr.

If GROUNDWATER, Well Driller's Name: NA Date Drilled: _____

OPTIONAL: 2-25HP Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 135 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.60 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Accurate
Measuring device: Required? Yes No Installed? _____ Yes _____ No

OR
Flow Measurement Port. Required? _____ Yes No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Bert Brackett 857-2217
Name Telephone No.

Flat Cr. Ranch Royerson, Idaho 83302
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6-23-1993
Date

Bert Brackett
Signature (and title, if on behalf of a company or organization)

JUL 08 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 51-07267

Proposed Priority: June 20, 1983 Maximum Diversion Rate: 1.60 CFS

This is to certify, that **BERT BRACKETT**
FLAT CREEK RANCH
ROGERSON, ID 83302

has applied for a permit to appropriate water from:

BIG FLAT CREEK tributary of **BRUNEAU RIVER, EAST FORK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	1.60 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SWNW Sec. 13, Township 15S, Range 10E OWYHEE County
---	---

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	10E	13	NWSW 10	SWSW 10	SESW 20	90
		14	NWSE 10	SWSE 40		30
		24	SENE 10	NESE 10	SESE 10	15
			NWNE 10	NENW 5		

Total number of acres irrigated: 135

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1993**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this permit is subject to annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

MICROFILMED

JUN 04 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 51-07267

CONDITIONS/REMARKS:

8. Use of water under this permit is subject to control by the watermaster of State Water District No. 51A.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23 day of April, 1990

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JUN 04 1990

State of Idaho

Department of Water Resources

RECEIVED
JAN 31 1990

ASSIGNMENT OF PERMIT

Department of Water Resources

WSSR LTPK

I, Maureen E. Meas, hereby assign to Bert Brackett
of Flat Cr. Ranch, Royerson, Idaho 83302
Address

All my right, title, and interest in and to Permit No. 51-7267
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 12 day of Dec, 19 89.

Maureen E. Meas
Permit Holder

Ruth J. Della
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss

On this 12 day of December, 1989, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

John C. Wenz Twin Falls, Idaho

Notary Public residing at Twin Falls, Idaho July 18, 1995

seal

Twin Falls, Idaho
My commission expires:

July 18, 1995

JUN 04 1990

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

ASSIGNED TO:
Bert Brackett
Flat Creek Ranch
Rogerson, ID 83302

To appropriate the public waters of the State of Idaho

1. Name of applicant Wells Livestock Inc. Phone 543-4618
Post office address 512 No. Broadway, Buhl, ID 83316
2. Source of water supply Big Flat Creek which is a tributary of East Fork Bruneau River
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13 Township 15S
Range 10E B.M. Owyhee County, additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.6 cfs for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.60 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Two pumps, pipelines, sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

JUN 04 1990

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	10E	13										10	10	20		10	40		90
		14				10									10			10	30
		24		10			5												15

Total number of acres to be irrigated 135

c. Describe any other water rights used for the same purposes as described above.

51-0096 & 51-7085 on adjacent lands

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

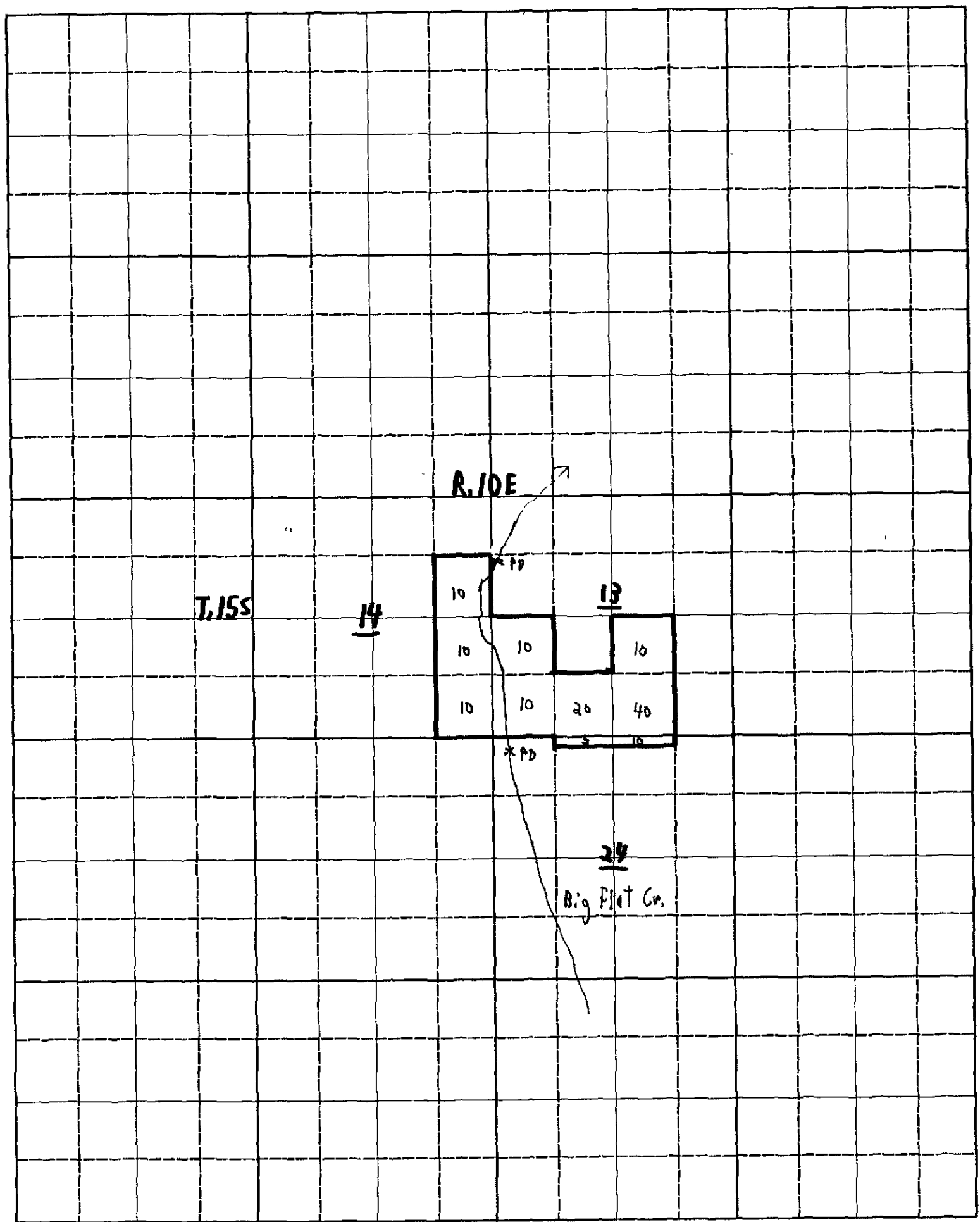
10. Remarks This is the same water being diverted under Permit 51-7085 but for use on lands not covered by other water rights.

Microfilm

JUN 04 1990

51-7267

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JUN 04 1990

Neels Lovestock, Jr.
Walter S. Neels, pres.
(Applicant)

Received by 4. w gw Date 6/20/83 Time 11:10
6-20-83 Time 1:45 pm
Preliminary check by 6w5 Fee \$ 65.00
Receipted by gw Date 6-20-83 # 30337
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

MICROFILMED

JUN 04 1990

Idah. Dept. of Water
State Office

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 2 (two)

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

march 21 and 28, 1990

MICROFILMED

JUN 04 1990

Signed

Joe E. Aman

Subscribed and sworn to before me this 28 day of March A.D., 1990

Alison Aman Felwick

Notary Public in and for the State of Idaho
Residing at Nampa, Idaho
Commission expires October 1991

TRUST WATER RIGHT
5/1/1987
Source: BIG FLAT CREEK
Tributary: BRUNEAU RIVER
EAST FORK
Diversion PE SWNW Sec 13 T
15S R 10E
Use: IRRIGATION (1 and
CFS)
Total Diversion: 11500 cfs
Date Filed 6/20/1983
In: T15S R10E S13 NWSE
SWSW SE SW NWSE
SWSE
S14 SE NE NE SE SE
S24 NW
135.0 A
Permit subject to
all provisions of
Protestants submitted
based on the provisions of Sec.
42-203 and/or
the provisions of the criteria of
Sec. 42-203 and/or
Protestants filed with
the Director of Water
Resources by mail
Boise, Idaho 20 or
before 6/20/83
R. J. JOHNSON,
Director
Public

RECEIVED
APR 3 1990

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2003

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

RE: License No. 51-7267 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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.

Enclosed is a copy of the approved Application for Amendment.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED

MAY 16 2004

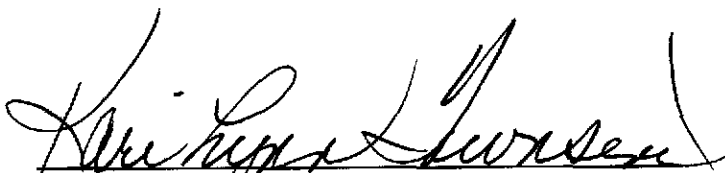
CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

51-7267

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

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED
MAR 16 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director 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 Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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, requests 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 IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303)

MICROFILMED
MAR 16 2004

FINAL ORDER

The Director 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 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.

Comment Report

51-7267

1. kwalker 5/22/2003 Overlapping Decrees

Comment: In review of this permit it was noticed that the SRBA decrees stated 6.12 cfs for all the rights when combined. We do not know where the 6.12 cfs comes from - the lands only need 6.03 cfs for 1 inch to the acre. In adding all the rights for these lands up they allow 5.88 cfs which is not an inch to the acre

2. VAULT 5/6/1993 Lapse Notice Sent

Comment: Lapse Notice Sent

3. VAULT 6/29/1993 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICROFILMED

MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2003

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

RE: Water Right Permit No. 51-07267

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

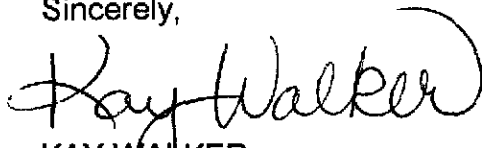
Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Points of Diversion
☒ Place of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days

If you have any questions, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

MAR 16 2004

LICENSE REVIEW CHECKLIST

Permit No. 51-7267 Date: 5-2-2003 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use add ppu

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps Right(s): 51-7085/00096/10184

File reviewed Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 1.60 cfs

Fee Limit 2.0 cfs

Measured _____ cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 1.6

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 1.6 cfs 322 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 1.6 cfs 322 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

1.6 cfs x 1.9835 x 214 days = 679.2 af (vs) 301.7 acres x 3.5 (FHR) = 1055.95 af

Remarks

X27(92) 92 x 3.5 = 322.0 ~ 1060.0

3 sig. figures

Additional Conditions 51A

Watermaster Control

_____ GW Measurement/Measuring Device

Other

Trust R55 - remove 051

Non-trust (048)

GW Dist? _____

Water Msmt Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

not req'd

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

P49 S06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-7085

WATER RIGHT NUMBER 51-7085

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAULA BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217
Attorney	CRAIG A PRIDGEN MC QUAID METZLER 221 MAIN ST 16TH FL SAN FRANCISCO, CA 94105
Current Owner	BERT BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217

Priority Date 03/08/1974

Basis Decreed

Status Active

<u>Source</u>	<u>Tributary</u>
BIG FLAT CREEK	CLOVER CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	1 600 CFS	240 00 AF
	<u>Total Diversion:</u>	1.600 CFS	240.00 AF

Location of Point(s) of Diversion

BIG FLAT CREEK	NW1/4NW1/4	Sec. 24, Twp 15S, Rge 10E, B M
OWYHEE County		
BIG FLAT CREEK	SE1/4NE1/4	Sec 14, Twp 15S, Rge 10E, B.M.
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			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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 51-7085

Conditions of Approval:

- 1 C18 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

Remarks

1. Place of Use - Irrigation 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. Quantity 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. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-00096 & 51-07267
4. Place of Use - Irrigation THE USE OF WATER WITHIN T15S, R10E, S24, NWNE AND NENW IS LIMITED TO THE N1/2N1/2 OF THOSE PLACES OF USE.

Comments

- 1 MSCHULTE 6/19/1998 COPIED FROM REMARKS
Comment: CLAIM BASED ON FIELD EXAM BY IDWR ON 6/8/88 WHICH FOUND 129 ACRES IRRIGATED. HOWEVER, LEGAL DESCRIPTION OF LANDS IRRIG. IN EXAM APPEARS TO BE INCORRECT. THE WATER IS USED OVER THE ENTIRE SEASON INSTEAD OF THE PERIOD DESCRIBED IN THE PERMIT.
- 2 AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10

Dates and Other Information:

Licensed Date
Decreed Date 11/17/2000
Water Supply Bank Enrollment Accepted
Water Supply Bank Enrollment Removed
Enlargement Use Priority Date
Enlargement Statute Priority Date
State or Federal S
Owner Name Connector AND
Water District Number: 51A
Generic Max Rate Per Acre
Generic Max Volume Per Acre
Decree Defendant
Decree Plaintiff
Civil Case Number 39576
Judicial District FIFTH
Swan Falls Trust or Nontrust
Swan Falls Dismissed
DLE Act Number
Carey Act Number
Mitigation Plan False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-96

WATER RIGHT NUMBER 51-96

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERT BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217
Attorney	CRAIG A PRIDGEN MC QUAID METZLER 221 MAIN ST 16TH FL SAN FRANCISCO, CA 94105
Current Owner	PAULA BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217

Priority Date 04/15/1906

Basis Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG FLAT CREEK	CLOVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1 600 CFS	
STOCKWATER	1/01 to 12/31	0 200 CFS	
	<u>Total Diversion</u>	1 600 CFS	

Location of Point(s) of Diversion

BIG FLAT CREEK	NW1/4NW1/4	Sec 24, Twp 15S, Rge 10E, B M
OWYHEE County		
BIG FLAT CREEK	SE1/4NE1/4	Sec 14, Twp 15S, Rge 10E, B M
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			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

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-96

Conditions of Approval:

1. C18 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

Remarks

- 1 Place of Use - Irrigation 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
- 2 Place of Use - Irrigation 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
- 3 Quantity 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
- 4 Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-07085 & 51-07267
STOCKWATER, 950 RANGE CATTLE

Comments

1. AJU10-JS 7/30/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10
- 2 skeen 5/1/2003 4:18:43 PM Water Right
Comment This water right record was updated by decree record from old RightID 45400 to new RightID 424516

Dates and Other Information

Licensed Date
 Decreed Date 11/17/2000
 Water Supply Bank Enrollment Accepted
 Water Supply Bank Enrollment Removed
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal S
 Owner Name Connector AND
 Water District Number 51A
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre
 Decree Defendant:
 Decree Plaintiff
 Civil Case Number. 39576
 Judicial District FIFTH
 Swan Falls Trust or Nontrust
 Swan Falls Dismissed
 DLE Act Number
 Carey Act Number
 Mitigation Plan False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-10184

WATER RIGHT NUMBER 51-10184

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAULA BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217
Attorney	CRAIG A PRIDGEN MC QUAID METZLER 221 MAIN ST 16TH FL SAN FRANCISCO, CA 94105
Current Owner	BERT BRACKETT FLAT CREEK RANCH ROGERSON, ID 83302 (208)857-2217

Priority Date: 04/01/1934

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG FLAT CREEK	CLOVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.080 CFS	
<u>Total Diversion:</u>		1.080 CFS	

Location of Point(s) of Diversion

BIG FLAT CREEK	NW1/4NW1/4NW1/4	Sec. 24, Twp 15S, Rge 10E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
15S	10E	13		8.5	6.2	9.2	23.9
15S	10E	14	17.0		10.0	2.9	29.9

Total Acres 53.8

Conditions of Approval:

- 1 C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 51-10184

Remarks:

- 1 Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
 - Irrigation OF A COMBINED TOTAL OF 301.7 ACRES IN A SINGLE IRRIGATION SEASON COMBINED
 RIGHT NOS 51-00096, 51-07085 AND 51-07267.
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
 DESCRIBED ABOVE 51-00096, 51-07085 & 51-07267.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
 DIVERSION RATE OF 2.68 CFS. COMBINED RIGHT NOS. 51-00096
 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
 DIVERSION RATE OF 6 12 CFS. COMBINED RIGHT NOS.. 51-00096, 51-07085 & 51-07267

Comments:

- 1 MSCHULTE 6/29/1998 COPIED FROM REMARKS
Comment THIS CLAIM IS FOR HIGH WATER HISTORICALLY USED ON THE LANDS WHICH HAVE DECREED
WATER RIGHTS THE CLAIM IS BASED ON AN ADDITIONAL 1"/ACRE USED DURING THE FLOOD PERIOD.
- 2 AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
Comment CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10
3. JSHURTE 11/11/1998 SEASON OF USE CHANGE
Comment CHANGED SEASON OF USE FROM 4-1 TO 7-1 TO 4-1 TO 10-31 PER IDWR STANDARD FOR THIS
AREA THIS RIGHT WILL STILL BE CONSIDERED A FLOOD WATER RIGHT DUE TO IT'S PRIORITY DATE.

Dates and Other Information

Licensed Date:
 Decreed Date 12/1/2000
 Water Supply Bank Enrollment Accepted
 Water Supply Bank Enrollment Removed
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date
 State or Federal: S
 Owner Name Connector: AND
 Water District Number 51A
 Generic Max Rate Per Acre
 Generic Max Volume Per Acre:
 Decree Defendant
 Decree Plaintiff
 Civil Case Number 39576
 Judicial District FIFTH
 Swan Falls Trust or Nontrust
 Swan Falls Dismissed
 DLE Act Number:
 Carey Act Number
 Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 22 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 51-07267

1. Owner: Bert Beckett / Flat Creek Ranch Phone No. 208-857-2217

Current Address: Rogerson ID 83302

2. Accompanied by: _____ EXAM DATE: 6-23-93

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Big Flat Creek tributary to Clower Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: (A) 51-07085, (A) 51-00096

2. Other water rights with the same point of diversion: 51-07085, 51-00096

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	14	15S	10E	Owyhee	GIS, ASCS, Orthophoto
			NW	NW	24	15S	10E	"	" " "

2. Place(s) of Use:

Indicate Method of Determination

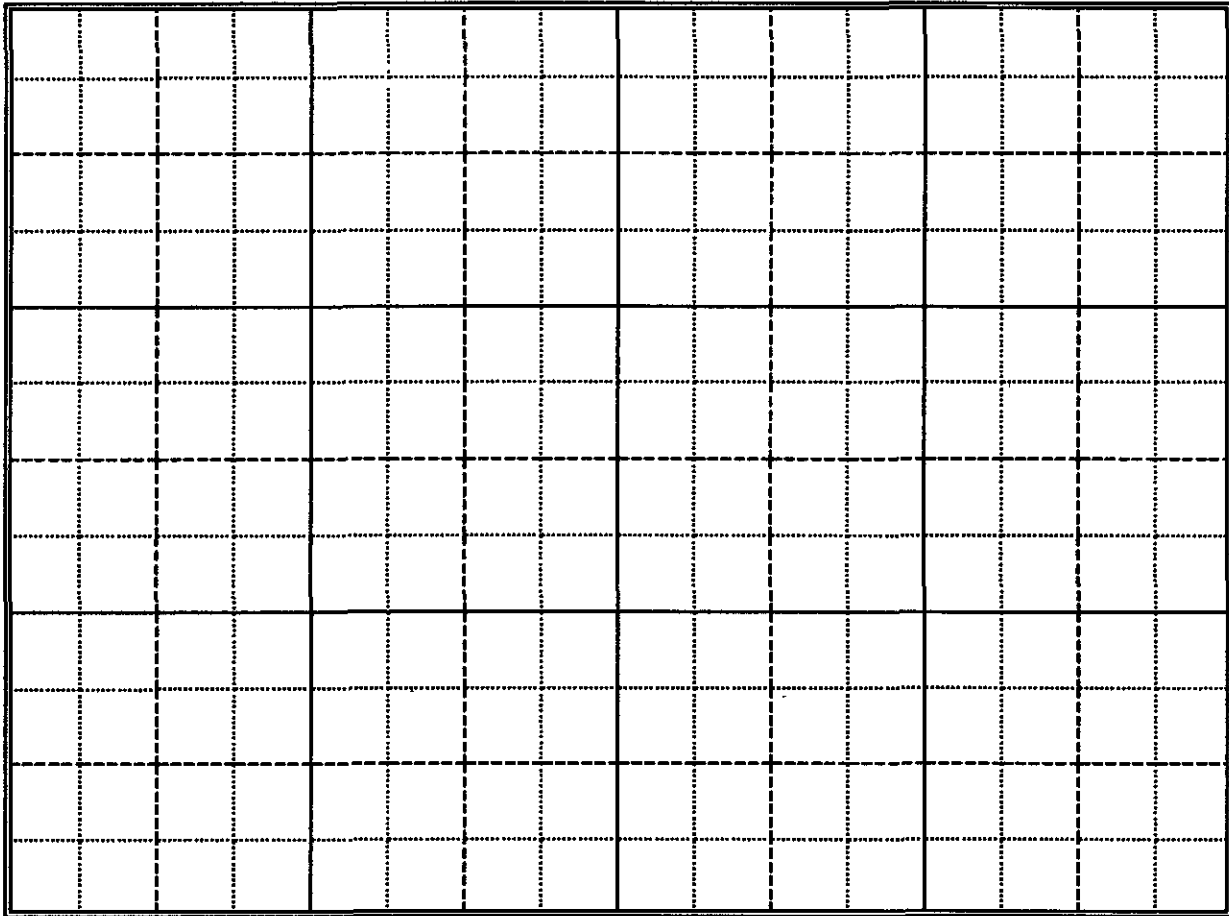
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	10E	13			40				13	34	36	62	9.2	35		40	40		253.4
		14				17									10			2.9	29.9
		24		9.5			8.9												18.4
																			301.7

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

See attached



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>at creek</i>	<i>GE</i>	<i>25</i>	<i>8141077</i>	<i>Berkley</i>	<i>rated @ 425 gpm</i>
<i>" "</i>	<i>GE</i>	<i>25</i>	<i>SC-286UC7-FLZ</i>		<i>" "</i>
<i>booster</i>	<i>Unknown</i>	<i>25</i>	<i>Unknown</i>	<i>Unknown</i>	<i>" "</i>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

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1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

2 open channel measurements on ditches from POB in NW1/4, S24. See attached. BU Field Report for 51-07085 for pumping system in SENE, S14. Booster pump rated at 425 gpm.

E. NARRATIVE/REMARKS/COMMENTS

See attached System diagram.

This permit overlaps parts of 51-00096 and 51-07085. It is intended to cover the additional acres not covered by these rights. (See overlap map and Tables) All of these three rights are used in a permissible place of use totalling 301.7 acres. (See attached GIS map and Table)

The 25 hp booster pump was added to the system since 51-07085 was licensed and examined. The two existing 25 hp pumps were measured at 1.90 cfs. and the booster adds another 425 gpm (.95 cfs).

Summary of Rights and conditions:

51-00096	1.60 cfs		130 acres.
51-07085	1.60 cfs	240 AF	80 "
51-07267	1.84 cfs	322 AF	92 "
	5.04	562 AF	302 acres

This right combined with 51-07085 is limited to a combined 3.44 cfs.
 " " " " 51-00096 " " to a " 4.44 cfs.
 " " " " 51-00096 and 51-07085 is limited
 to a combined 5.04 cfs.

This right is limited to 92 acres in the PPU of 302 acres.

The on stream diversion point in the NWNW, 524 is being added by the PPU.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

See D.2**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{92 \times 3.5 = 322}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{1.84 \times 214 \times 1.9835 = 781}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{322}$$

2. Volume Calculations for Other Uses:

NA**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-1</u>	<u>10-31</u>	<u>1.84 cfs</u>	<u>322</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>1.84 cfs.</u>	<u>322 AF</u>

2. Recommended Amendments

____ Change P.D. as reflected above ☒ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

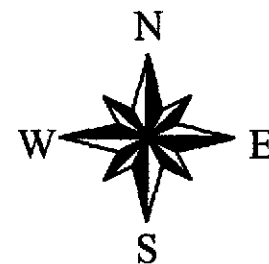
I. AUTHENTICATIONField Examiner's Name Linda Warner Date 6-18-98

Reviewer _____ Date _____

SEAL
MICHAEL J. LINDA
JUN 25 1998

IDAHO DEPARTMENT OF WATER RESOURCES

T15S, R10E, S13, S14 & S24

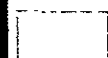


1987 NAPP PHOTO

 SECTION LINES

 POD

 POU

 1/4 1/4 LINES

6 ACRES

6 SECTION NUMBER

CLAIM(S) : 51-00096, 51-07085 A
PERMIT 51-07267

OWNER(S): BRACKET LIVESTOCK

Prepared by: Mel Schulte

Date: 6/16/1998

0 0.25 0.5 0.75 1 Miles



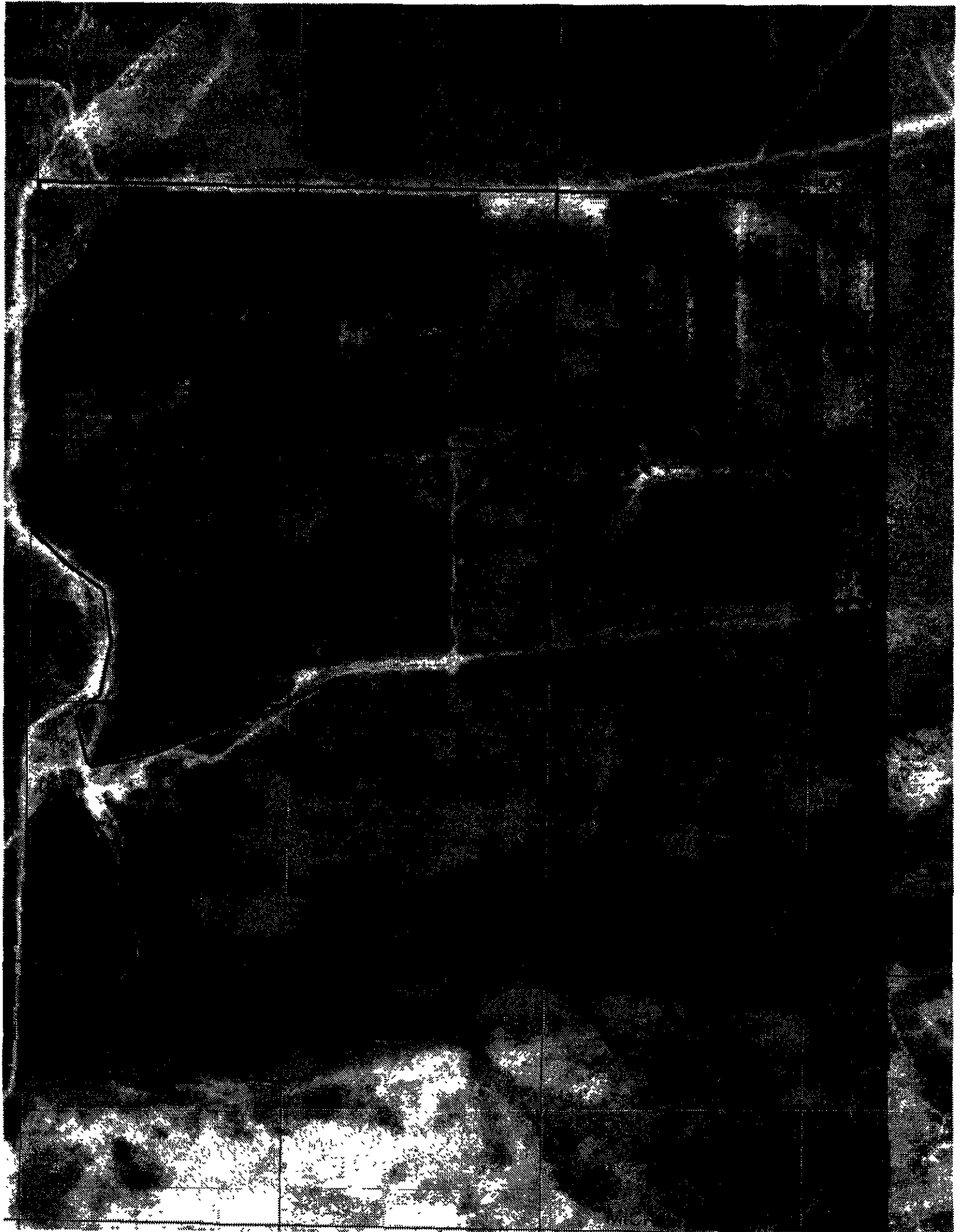
NESE

NE

NE

MAR 16 2002

WINDY HILL



MAD 1 6 2001

FEB 28 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources **BENEFICIAL USE FIELD REPORT****A. GENERAL INFORMATION**

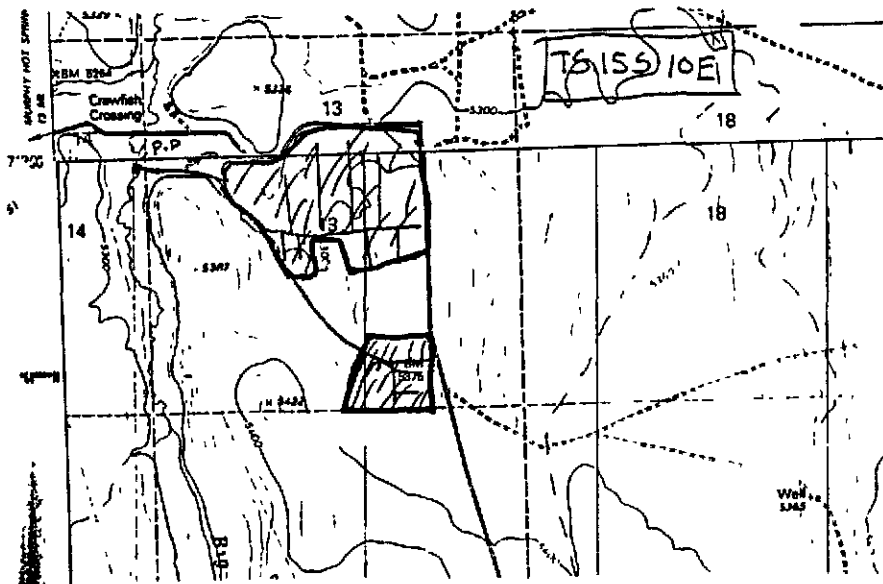
Permit No. SI-7085
1 Owner Bert Brackett Phone No. 857-2217
Current Address: _____
2 Accompanied by: Dale Neaderhiser EXAM. DATE: 6/6/88
Address: Employee Phone No. No phone
Relationship to Permit Holder: Employee
3 Source Big Flat Creek tributary to Three Creek

B. OVERLAP REVIEW

- 1 Other water rights with same place of use: SI-00964, SI-00963
Western will need to get copies. ☐ Copies Attached
2 Other water rights with same point of diversion. _____
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Cop. of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more)
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)

MILITARY
APR 15 2006

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Anubar	10.02"			091421	10.02"	

2. Measurements:

With anubar and manometer; $Q = 1.73$ cfs was measured @ 30 psi. Normal operating pressure is 70 psi. Therefore this measurement doesn't represent the normal operating capacity; However each pump has a 425 gpm capacity; combined open discharge flow ≈ 1.9 cfs. is measured flow seems reasonable.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 1.73 \text{ cfs}$$

2. Alternate Method for Checking Purposes.

$$Q = \frac{8.8 \times 25 \times 70}{3 + 2.31 \times 70} \times 2 = 1.9 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 70 psi x 2.31 = 161.7 ft (1); Dynamic pumping level 3 ft (2)

Total Head: (1) + (2) = 164.7 (3) : Flow rate. _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 x 0.6 KH x _____ CTR or 40 MULT x 1 PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

P# 1860

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$$V_{in} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 129 \text{ ac.} \times 30 = 3870 \text{ AFA}$$

$$V_{on} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (1.73) \times 183 \times 1.9835 = 628 \text{ AFA}$$

$$V = \text{Smaller of } V_{in} \text{ and } V_{on} = 628 \text{ AFA}$$

2. Volume Calculations for Other Uses:

Miller

MAR 15 2004

System Description (continued)

- 3 Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two 25 HP centrifugal pumps in Parallel intake water at creek and deliver to 8 lines with a total of 69 heads. Normal operating pressure at the pumps is 70 psi; but when the exam was conducted pressure only reached 30 psi. Apparently, one of the pumps ~~was~~ became plugged; yet, measured flow contradicts capacity with only one pump running.

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	General Electric	25	8141077	Berkely	423 GPM
#2	Century Electric	25	66-286UCR-RZ	Berkely	425 GPM

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Method of Determination/Remarks
					13	15S	10E	Owyhee	Ground Map
					14	15S	10E	Owyhee	aerial photo

6. Place(s) of Use:

Indicate Method of Determination Aerial Photo

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			9				15	23	29	15		9		12	28		119
15S	10E	14			3			7											10
Under → SYSTEM	15S	10E	13				37			3	30	10				15	28		123
License →	15S	10E	13				37			10						5	28		80
																			129

Corrected 6/9/89 R.D.

Do not use this space

MAR 16 2004

H REMARKS AND OVERLAP REVIEW ANALYSIS

An overlap may exist, but we don't have the files here at Southern.

At time of measure, the system was never fully pressurized however, measurement seems reasonable based on capacity of pumps at free discharge.

6/9/89 Report Reviewed & Corrected - Mislocated Section Corner - on Aerial Photo. Land list for license is distributed on the assumption that lands under the system not under Permit are Part II covered with Deeded right 51-0096 Acres.
SLP

I. RECOMMENDATIONS

1. Recommended Amounts

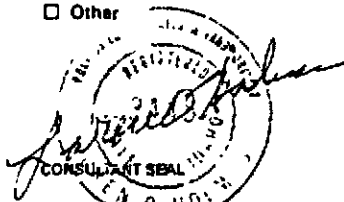
Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (af)
Irrigation	Apr 1	June 15	1.6 cfs	240 287 AFA
Irrigation	Aug 15	Oct 15	1.6 cfs	240 287 AFA
Totals:				1.6 cfs 240 287 AFA

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Carl Reeb
 Signature Carl E. Reeb
 Certification Date 4/6/88
 Field Report Preparation Date 6/8/88

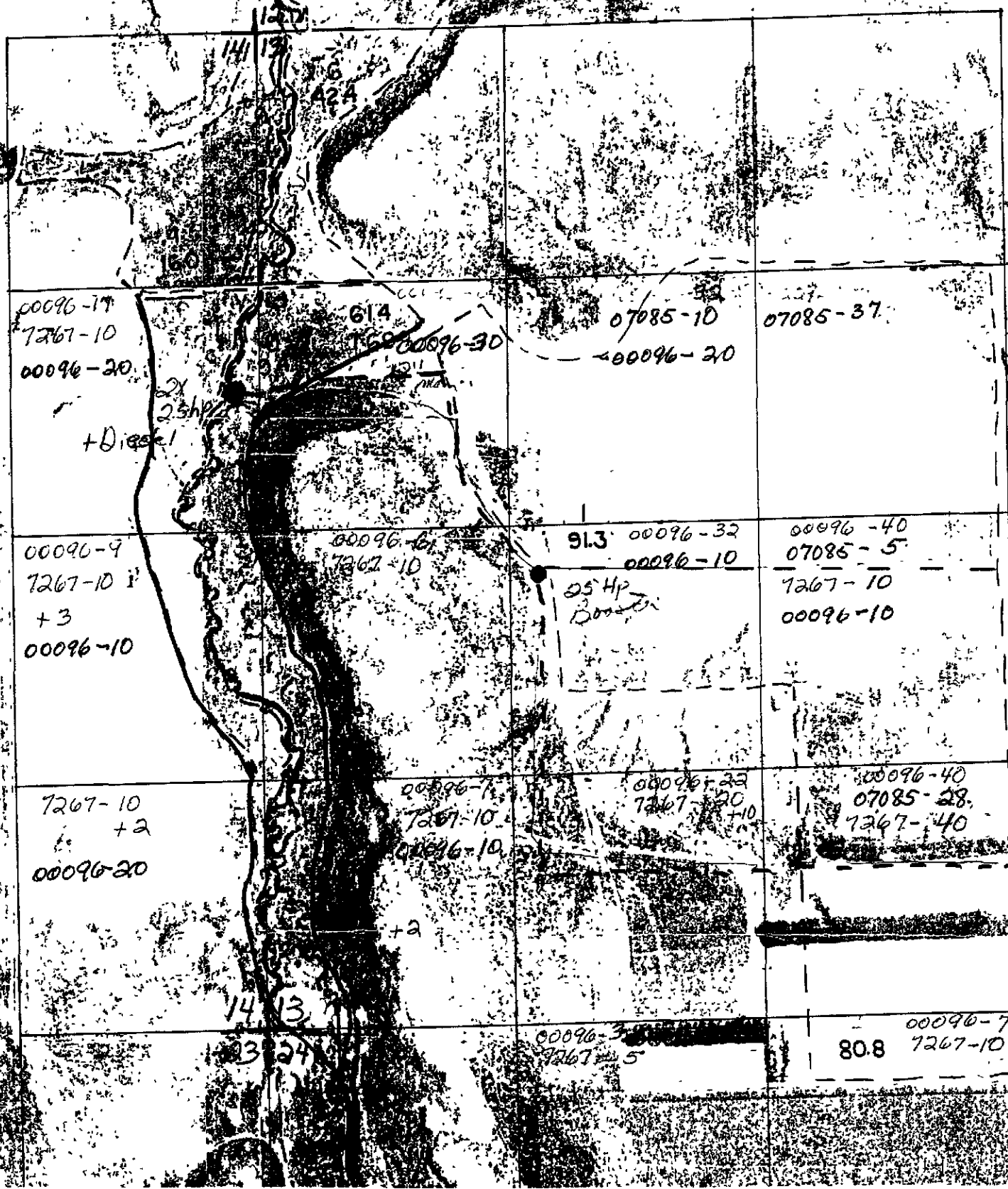


- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MIL

7-1-5 2006

00096 = Claim
 07085 = License
 07267 = permit



MAP 1 S 2004

WESTERN REGION

CLAIM NUMBERS A51-00096, A51-07085, Permit 51-07267

AGENT Mei Schulte DATE 6-16-98

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM ACRES 301.7

READY FOR DECREE _____ (YES)

SENT FOR DECREE _____ (YES)

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
~~RECOM~~	15S	10E	13			40				13	34	36	6.2	9.2	35		40	40		253.1
GIS			14				17									10			2.9	29.9
			24		9.5			8.9												18.4
~~RECOM~~																				301.7
GIS																				

POLYGON CREATED ON 80 _____

POLYGON # () () () () _____ UPDATED BY

ATTRIBUTES OF B51-POU.SHP () () () () ()

ATTRIBUTES OF B51-POD.SHP () () () () ()

B51-DBPOU.DBF _____ UPDATED BY

B51-DBPOD.DBF _____ UPDATED BY

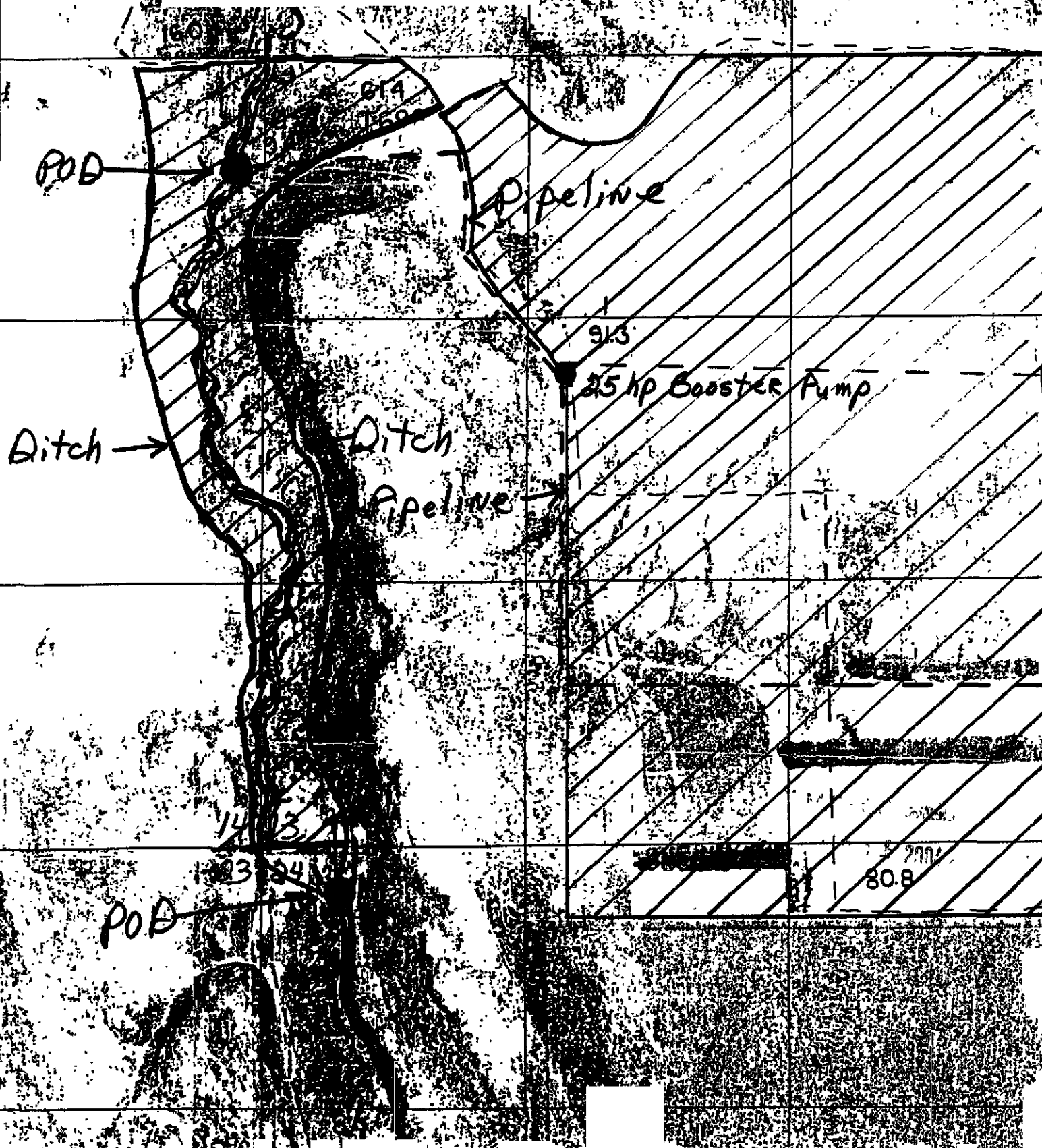
RDH GPSTABLE

Mei Schulte

MAY 15 2000

127
141 131 6
A24
A51-00096, A51-07085, P51-07267

SYSTEM DIAGRAM



130

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
51-00096A		15S	10E	13																	
PERMIT				13						10		10	10	10						30	
FOUND				14			20									10		20		50	80
OVERLAP																					
NEW ACRES																					

1.30

7-00096B

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	15S	10E																			
PERMIT			13						20	20						10			50	50	
FOUND																					
OVERLAP																					
DIFFERENCE																					

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
ERMIT	-																					
OUND																						
VERLAP																						
IFFERENCE																						

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PERMIT																						
FOUND																						
OVERLAP																						
DIFFERENCE																						

M.C.

2020 11 11 10:00

1.60	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE					SYSTEM
	1906																				TOTAL	TOTAL
7. A-51-00096	155	10E			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
~~FOUND~~				13			40				16	32	32	6	7	22		40	40			
FOUND				14			A	17									A			A		
OVERLAP				24		7			3													271
VEN-ACRES																						

1.60	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE					SYSTEM
																					TOTAL	TOTAL
7. A-07085	155	10E			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
~~FOUND~~				13			37				10							5	28			80
FOUND																						
OVERLAP																						
REFERENCE																						

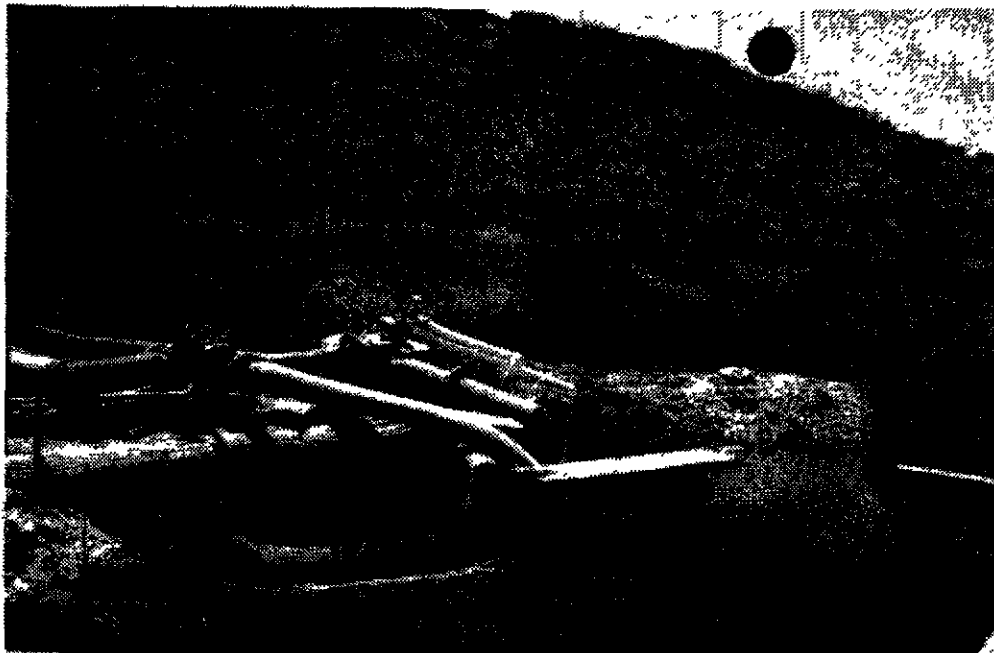
	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE					SYSTEM
																					TOTAL	TOTAL
	7267	155	10E		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND				13									10	10	20		10	40			90	
FOUND				14			10										10		10		30	
OVERLAP				24		10			5												15	135
REFERENCE																						

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE					SYSTEM
																					TOTAL	TOTAL
PU	7267	155	10E		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND				13			40				13	34	36	62	9.2	35		40	40		253.4	
FOUND				14			17										10		2.9		29.9	
OVERLAP				24		95			89												18.4	301.7
REFERENCE																						

MAC
MAR 15 2004

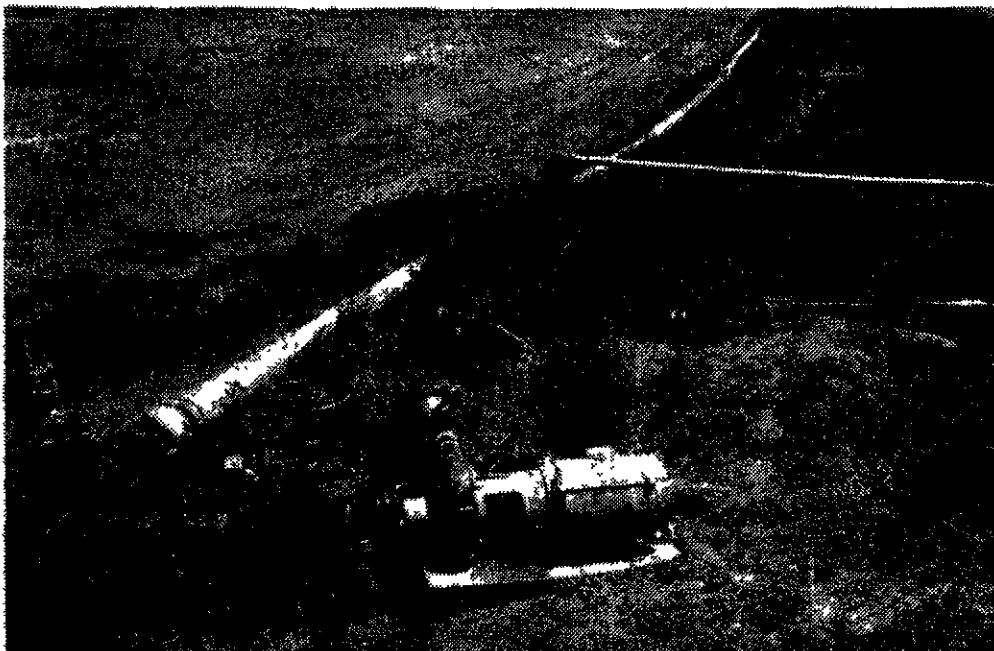
51-07267

6/23/1993



POD

T15S, R10E, S14,
SENE.



BOOSTER PUMP



POD

T15S, R10E, S24,
NWNW.

MICRO
M19 15 2004

51-07267

6/23/1993

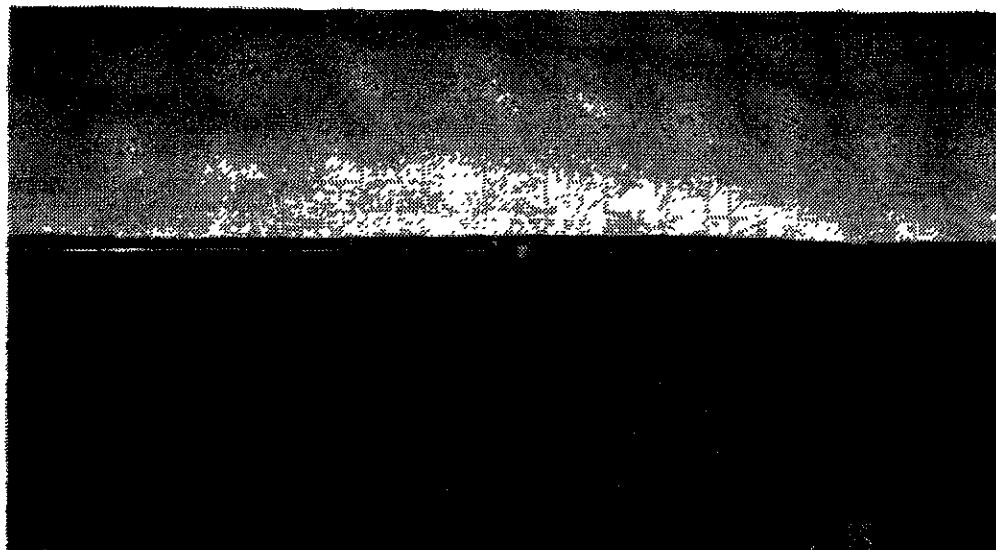
POU



POU



POU



1200 9 5 9898

July 2, 1993

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 51-07267

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JUL 08 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 51-07267 Reviewed by Alg Date 6/30/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? irrigate-135
yes Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
NA Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125 Amount Submitted
yes Correct?
yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received 6/25/93 176
Date proof due 5/1/93 - 121
No. of days late = 55
Priority Date 6/20/83 + 171
New Priority Date 8/14/83 226

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 6/25/93
7/2/93 Alg

*needs a lockable
needs an order*

May 6, 1993

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

LAPSE NOTICE

RE: PERMIT NO. 51-07267

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/93
by an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

JUL 08 1993

kg

February 28, 1993

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON ID 83302

PROOF DUE NOTICE

RE: PERMIT NO. 51-07267

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

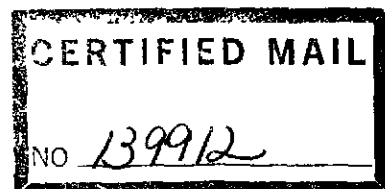
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 24, 1990

BERT BRACKETT
FLAT CREEK RANCH
ROGERSON, ID 83302

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 51-07267

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

RECEIVED

JUN 04 1990

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUN 04 1971

State of Idaho
Department of Water Resources

Don't
Advertise

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 629

APPLICATION NUMBER: 51-8267

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. 51-7085, not close
☒ Yes ☐ No* but not same land
In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application. Owyhee Nequest
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☒ No Measuring device required.
☒ Yes ☒ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 51A
6-20-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

Trust Water App-
allow 3 yrs. to develop

By: _____ Date: _____

STATE OFFICE REVIEW:

P08, P17 51 52 53 05(51A) 26 01J

- ☐ See attached sheet for more information.

By: KW Date: 4-16-90

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 13, 1990

Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 9, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

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JUN 0 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

51-07267-

BRACKETT, BERT
WELLS LOVESTOCK INC.
FLAT CREEK RANCH
ROGERSON, ID 83302

Source: BIG FLAT CREEK-

Tributary: BRUNEAU RIVER, EAST FORK

Diversion Pt: SWNW- Sec 13-T 15S-R 10E-

Use: IRRIGATION (1.600 CFS) -
Total Diversion: (1.600 CFS) -

Date Filed: 6/20/ 1983-

In: T15S R10E S13	NWSW-	SWSW-	SESW-	NWSE-
	SWSE-			
S14 -	SENE-	NESE-	SESE-	
S24-	NWNE-	NENW-		

135.0 ACRES TOTAL -

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 9, 1990.

R. KEITH HIGGINSON, Director

Published 3/21/1990 & 3/28/1990

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JUN 04 1990

FROM

Douglas Jones

TO

Tim Luke

RECEIVED

DATE

1/30/90

JAN 31 1990

SUBJECT

File 51-7267 Department of Water Resources

Here is original assignment form for the Wells Livestock App file. This needs data entry. I am sending a letter to Brackett asking him to respond to the reprocessing questionnaire. More info should be forthcoming, soon.

Shale; this assignment looks straight forward & is of per Jim. Plz update Database & return file to me Tim

DRJ

SIGNATURE

WR-NUMBER	NAME	SIG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5107267																							
5100094	CURRENS	D	BIG FLAT CREEK	15S	10E	13	40	40		:				:				:					80
5100095	CURRENS	D	BIG FLAT CREEK	15S	10E	13	40	40		:				:				:					80
5100096A	WELLS LIVESTOCK CO.	D	BIG FLAT CREEK	15S	10E	13				:		10		:	10		10		:				30
5100096B	WELLS LIVESTOCK CO.	D	BIG FLAT CREEK	15S	10E	13				:		20	20	:				:		10			50
5100105	PATRICK	D	BIG FLAT CREEK	15S	10E	13				:		40		:				:					40
5104097	BRACKETT LIVESTOCK INC	S	BIG FLAT CREEK	15S	10E	13				:		7		:				:					7
5107085	BRACKETT	P	BIG FLAT CREEK	15S	10E	13			35	:				:	25			:		20			80
5107267	BRACKETT	A	BIG FLAT CREEK	15S	10E	13				:				:		10	10	20	:		10	40	90
L5107085	BRACKETT	L	BIG FLAT CREEK	15S	10E	13			37	:			10	:				:		5	28		80
	1986 MAPPING DATA ---	-	COUNTY 73 QUAD DD 17	15S	10E	13		3	37	:	3	8	19	34	:	22	1	3	1	:	26	25	182
5107267																							
5100096A	WELLS LIVESTOCK CO.	D	BIG FLAT CREEK	15S	10E	14				20	:			:				:	10		20		50
5100105	PATRICK	D	BIG FLAT CREEK	15S	10E	14	40			:				:				:					40
5104045	BRACKETT LIVESTOCK INC	S	CRAW FISH SPRINGS	15S	10E	14		35		:	25			:	10			:					70
5104097	BRACKETT LIVESTOCK INC	S	BIG FLAT CREEK	15S	10E	14	9			:				:				:					9
5107267	BRACKETT	A	BIG FLAT CREEK	15S	10E	14			10	:				:				:	10		10		30
	1986 MAPPING DATA ---	-	COUNTY 73 QUAD DD 17	15S	10E	14	26	3		19	:			:				:	14		9		71
5107267																							
5100101	HAMMOND	D	BIG FLAT CREEK	15S	10E	24				:				:				:	40	40	40		120
5100109	PENCE	D	BIG FLAT CREEK	15S	10E	24				:				:		40		:					40
5100110	PENCE	D	BIG FLAT CREEK	15S	10E	24				40	:	40	40	:	40	40	40	:					240
5104097	BRACKETT LIVESTOCK INC	S	BIG FLAT CREEK	15S	10E	24				:		16	17	:	12	15	32	39	:		4		135
5107267	BRACKETT	A	BIG FLAT CREEK	15S	10E	24		10		:	5			:				:					15
	1986 MAPPING DATA ---	-	COUNTY 73 QUAD DD 67	15S	10E	24		2		:		3	10	:	15	19	17	14	:		8		88

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JUN 04 1990

12-11;

New Jan's driver worked
w/ Doug Jones on 12-11
& will send info & Assignment
ASAP.

Don't issue Voting order.
until at least 12-15

Spoke w/ Doug on 1-30-90
Hold order. till

Doug LBS

12-11;

New Jan's owner worked
w/ Doug Jones on 12-11
& will send info & assignment
ASAP.

Don't issue voting order.
until at least 12-15

Spoke w/ Doug on 1-30-90
hold order till

Doug has



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 5, 1989

Wells Livestock Inc.
512 N. Broadway
Buhl, ID 83316

Re: Application for Permit No. 51-7267

Dear Applicant(s):

CECIL D. ANDRUS
12-6-89
S. Curtis

NOTICE OF PENDING ORDER VOIDING APPLICATION

On June 20, 1983, you filed with the Department of Water Resources (Department) Application for Permit No. 51-7267 which proposed the diversion of 1.60 cubic feet per second from Big Flat Creek tributary to Bruneau River, East Fork for the irrigation of 135 acres.

The Department mailed a letter and questionnaire to you on October 23, 1989 in connection with the application. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as proposed by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water under this right, 51-7267, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

MICROFILMED

Tim Luke

JUN 04 1990

TIM LUKE
Sr. Water Resource Agent

Enclosure
cc: Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 23, 1989

RE: APPLICATION FOR PERMIT NO. 51-7267

DEAR APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under your application.

Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, the department asks that you complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments and/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water.

Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the department to void the application.

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JUN 04 1990

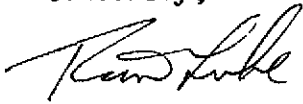
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information should be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

TL:sc

cc: Region

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JUN 04 1990

51-2262-

WELLS LIVESTOCK INC.

512 N. BROADWAY, BUHL, ID 83316

Source: BIG FLAT CREEK trib. to BRUNEAU RIVER, EAST FORK

Date Filed: 06/20/1983

Diversion Pt: SWNW Sec 13 T 15S R 10E

Use: IRRIGATION (1.60 CFS)

In: NWSW SWSW SESW NWSE SWSE Sec 13 T 15S R 10E SENE NESE SESE
Sec 14 T 15S R 10E NWNE NENW Sec 24 T 15S R 10E FOR 135 ACRES

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JUN 04 1990