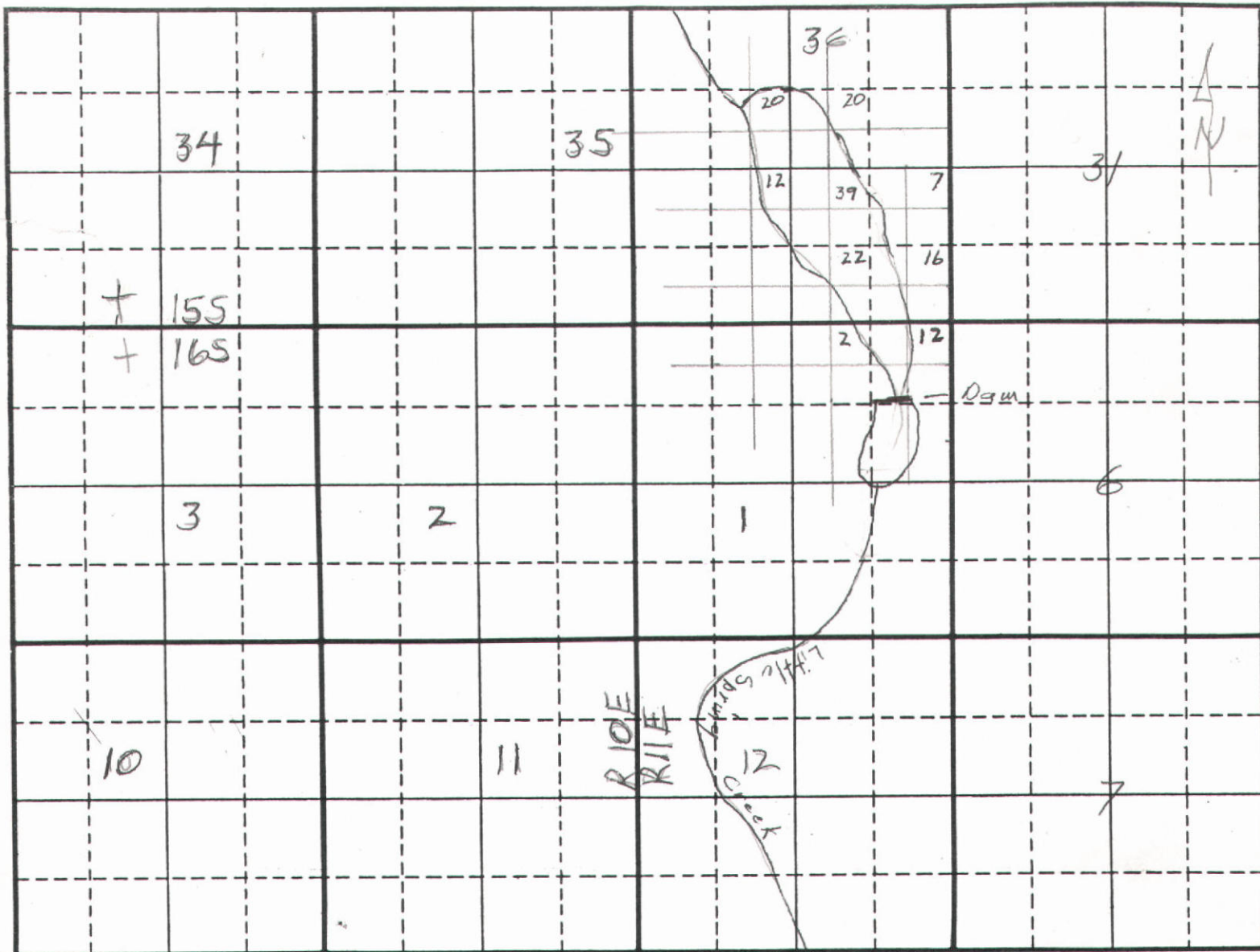


(8) Remarks \_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of \_\_\_\_\_ ) ss.  
County of \_\_\_\_\_ )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (Claimant)

Notary Public  
Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_ claimant by: \_\_\_\_\_  
\$20.00 fee received by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Dates \_\_\_\_\_

MICROFILMED

# The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 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 am 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, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of 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 in a supplement

thereto, in said newspaper, in two (2) (consecutive)  
calendar weekly issue(s) of said newspaper, in the following date(s):

.....August 28, 1985.....

.....September 4, 1985.....

.....

.....

.....

.....

.....

(Signed).....*Joe E Aman*.....

Subscribed and sworn to before me this 4th day of September  
A.D., 1985

.....  
Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires March 26, 1988

### NOTICE OF CLAIMS OF WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

51-4100 *138*

BRACKETT LIVESTOCK, INC.  
ROGERSON, ID 83302

Source: LITTLE SPRING CREEK  
trib. to BIG FLAT CREEK CASTLE  
ROCK SPRING trib. to LITTLE  
SPRING CREEK.

Priority Date: 05/01/1971

Diversion Pt.: NENE Sec 01 T 16S R  
10E SESE Sec 36 T 15N R 10E

Use:

IRRIGATION STORAGE (80.0 AF)

IRRIGATION FROM

STORAGE (80.0 AF)

In: SWNE SENW NESW NESE

NWSE SWSE SESE Sec 36 T 15S R 11E

NENE NWNE Sec 01 T 16S R 11E For  
150 Acres.

Exceptions to a claim may be filed  
with the Director, Dept. of Water  
Resources, Western Region,  
Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Publish August 28, September 4, 1985 2t

RECEIVED  
SEP 6 1985

Department of Water Resources  
Western Regional Office

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Brackett Livestock Inc.  
(Name of Claimant)  
Rogerson, ID 83302 Telephone No 857-2217  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

(1) Date of priority (When was the water first applied to a beneficial use) 5/1/1971

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)

1 Little Spring Creek 2 Castle Rock Spr tributary to Big Flat Creek 2 Little Spring Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

|          | (cfs, af)    | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------|--------------|-------------------------------------|-------------------------------|-----------------|
|          |              |                                     | (Mo., Day)                    | (Mo., Day)      |
| Quantity | <u>80 AF</u> | Use <u>Storage for Irr.</u>         | Period of Use From <u>1/1</u> | To <u>12/31</u> |
| Quantity | <u>80 AF</u> | Use <u>Irr. from Storage</u>        | Period of Use From <u>4/1</u> | To <u>11/1</u>  |
| Quantity |              | Use                                 | Period of Use From            | To              |
| Quantity |              | Use                                 | Period of Use From            | To              |
| Quantity |              | Use                                 | Period of Use From            | To              |

(4) 80 AF TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion. (Location of point where water is diverted from its source)  
NE ¼ NE ¼, Sec 1 Twp. 16S Rge. 10E B M, County of Owyhee  
Additional points of diversion Rediverted from stream in the SESE Sec. 36 T15N R10E

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities. be as specific as possible. Describe any changes in the system and give the date of the change. Earthen dam, approx. 200ft. long with structural height of approx. 20ft. with 80AF live storage capacity.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 15S | 11E | 36   |     |     | 20  |     |     |     |     |     | 20  | 12  |     |     | 7   | 39  | 22  | 16  | 136   |
| 16S | 11E | 1    | 12  | 2   |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 14    |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 150

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

NOTE Include here the type and number of stock watered 950 range cattle

(7) If you are claiming water as a member of an organization, list name of organization: Brackett Livestock, Inc.

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**DECLASSIFIED**

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

[illegible]

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27 day of

Lynd

Notary Public  
Residing at \_\_\_\_\_

Mary M. Mordway  
 Notary Public  
 Residing at  
 Boca

My commission expires 1-7-88

FOR DEPARTMENT USE ONLY

Forwarded to  
claimant by  
Date

Received by                      Prelim. check by 1275  
 \$30.00 fee received by                       
 Overdue Published in Avantech May 1985  
 Dates 8/28 & 9/4/85

1. *What is the main purpose of the study?*

2. *What are the research objectives?*

3. *What is the significance of the study?*



State of Idaho )  
 ) ss.  
County of )

(Claimant)

**Notary Public**  
**Residing at** \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

**MICROFILMED**

# The Owyhee Avalanche

**P.O. BOX 97**

**HOMEDALE, IDAHO 83628**

202/337-4631

## 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 am 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, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of 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 in a supplement

thereto, in said newspaper, in two (2) (consecutive)  
calendar weekly issue(s) of said newspaper, in the following date(s):

.....August 28, 1985.....

.....September 4, 1985.....

.....

.....

.....

.....

.....

(Signed).....*pc 2/1/ma*.....

Subscribed and sworn to before me this....4th.....day of.....September....  
A.D., 19....85

**Notary Public in and for the State of Idaho.**

residing at.....Homedale...,Idaho.

My commission expires.....March 26, 1988

THE BUREAU OF LAND MANAGEMENT  
 HAS BEEN ADVISED THAT THE  
 FOLLOWING INFORMATION IS  
 AVAILABLE FOR YOUR INFORMATION:  
 1. LAND 1/5  
 BUREAU OF LAND MANAGEMENT, INC.  
 BUREAU OF LAND MANAGEMENT  
 Source: LITTLE SPRING CREEK  
 1/5 to 1/5 P. 1/5 CREEK CREEK  
 1/5 SPRING CREEK. 1/5  
 SPRING CREEK.  
 Priority Date: 05/01/1971  
 Disposition: 1/5: NENE Sec 01 T 16S R  
 1/5 NENE Sec 01 T 16S R 10E  
 1/5:  
 1/5: 1/5 STORAGE (80.0 AF)  
 1/5: 1/5 FROM  
 1/5: (80.0 AF)  
 1/5: SW 1/4 NW NENE  
 1/5: SW 1/4 NW Sec 36 T 16S R 11E  
 1/5: NW 1/4 NW Sec 31 T 16S R 11E For  
 1/5:  
 1/5: to a claim may be filed  
 with the Director, Dept. of Water  
 Resources, Western Region,  
 Salt Lake, Boise, Idaho 83720.  
 KEN DUNN, Dir.

RECEIVED

SEP 6 1985

Department of Water Resources  
Western Regional Office

# MICROFILMED

September 30, 1985

Richard Strickland, Secretary  
Bruneau Buckaroo Ditch Co.  
HC 85 Box 105  
Bruneau, ID 83604

Re: Claim to a Water Right No. 51-4100 in the Name of Brackett Livestock Inc.  
Protested on Behalf of Bruneau Buckaroo Ditch Co., Hot Springs Ditch Co.,  
Frank Beckman (Earl Miller) & South Side Ditch Co.

Dear Mr. Strickland:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure of the right claimed. However, your letter will be made a part of the permanent Claim file, as described in Section 42-244, Idaho Code, which states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Yours truly,

DAVID R. TUTHILL, Jr. P. E.  
Western Regional Manager

DRT:jp

**MICROFILMED**

September 30, 1985

Brackett Livestock Inc.  
Rogerson, ID 83302

Re: Claim No. 51-4100

Gentlemen:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID R. TUTHILL, JR., P. E.  
Western Regional Manager

DRT:jp

Enc:

**MICROFILMED**

September 21, 1985

Department of Water Resources  
Western Region  
Statehouse  
Boise, Idaho 83720

RE: Water Claim #51-4100 - Brackett Livestock, Inc.

Dear Mr. Dunn:

On behalf of the Bruneau Buckaroo Ditch Company and the following parties, we are filing a protest to the filing of Brackett Livestock, Inc Water Claim #51-4100.

Hot Springs Ditch Company  
HC 85 Box 123  
Bruneau, Idaho 83604

South Side Ditch Company  
HC 85 Box 139  
Bruneau, Idaho 83604

Frank Bachman(Earl Miller)  
P.O. Box 223  
Bruneau, Idaho 83604

As down stream water users of the Bruneau River, which is fed by the tributaries the claim is filed on, we feel the Priority Date of 5/1/71 is significant to the system, as the water in the Bruneau River was adjudicated 12/8/25.

We request you deny this claim and maintain the court decree as the instrument of adjudication.

The reasons for our protest of this claim will be included along with our letter of Exception to Bracket Livestock, Inc, Water Claims #51-4097 - #51-4098 and #51-4099.

Sincerely,



Wayne Bachman, President  
Bruneau Buckaroo Ditch Co.  
HC 85 Box 105  
Bruneau, Idaho 83604



Richard Strickland, Secretary  
Bruneau Buckaroo Ditch Co.

RECEIVED  
SEP 23 1985

Department of Water Resources  
Western Region  
MICROFILMED

Brunau Buckaroo  
Co-op Ditch Company  
HC 85 Box 105  
Brunau, ID 83604

Department of Water Resources  
Western Region - 3rd floor  
Statehouse  
Boise, Idaho 83720



State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: GLS

Right Number 51-4100 Applicant Brackett Livestock Inc.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 9/10/85
- ☒ Claim published correctly. Original available 2001 \*36656 8/28/85 9/4/85
- ☒ Exceptions processed.

By DRT Date 9/17/85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 9/17/85

**MICROFILMED**  
**RECEIVED**  
SEP 17 1985

Department of Water Resources

September 18, 1985

Brackett Livestock Inc.  
Rogerson, ID 83302

Re: Claim No. 51-4100

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID R. TUTHILL, JR., P.E.  
Western Regional Manager

DRT:jp

Enc:

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region

---

Statehouse  
Boise, Idaho 83720  
(208) 334-2190

AUGUST 22, 1985

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

Gentlemen:

Enclosed you will find a legal notice 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 billings to this office before SEPTEMBER 16, 1985.

Yours truly,

JUDY PENSE  
Secretary

Encl.

**MICROFILMED**

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 08/28 & 09/04/85.

**MICROFILMED**

51-4100.

BRACKETT LIVESTOCK INC.

ROGERSON. ID 83302

Source: LITTLE SPRING CREEK trib. to BIG FLAT CREEK  
CASTLE ROCK SPRING trib. to LITTLE SPRING CREEK

Priority Date: 05/01/1971

Diversion Pt: NENE Sec 01 T 16S R 10E SESE Sec 36 T 15N R 10E

Use: IRRIGATION STORAGE (80.0 AF)  
IRRIGATION FROM STORAGE (80.0 AF)

In: SWNE SENW NESW NESE NWSE SWSE SESE Sec 36 T 15S R 11E NENE NWNE  
Sec 01 T 16S R 11E FOR 150 ACRES

**MICROFILMED**