

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 27 2002	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

Subcase No. 65-2953

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

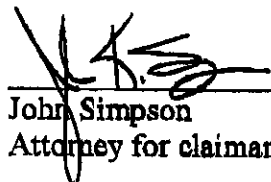
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/RESPONDENT:

David Little Farms, Inc.

OBJECTOR(s):

State of Idaho - Department of Lands

 6/27/02
John Simpson Date
Attorney for claimant/respondent

 6/24/02
Steven J. Schuster Date
Deputy Attorney General
Idaho Department of Lands

OBJECTOR:

United States of America – Dept. of Interior
BLM

Larry G. Brown 6/22/02
Larry Brown *FWP* Date
U.S. Dept. of Justice
Attorney for objector

IDWR Concurrence:

Larry Brown 6/27/02
Agent Date

Garlick L. Baxter 6/27/02
Garlick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

06/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-2953

NAME AND ADDRESS: DAVID LITTLE FARMS INC
PO BOX 68
EMMETT ID 83617

SOURCE: BISSEL CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 22.10 CFS
1,322.0 AFY

PRIORITY DATE: 10/28/1958

POINT OF DIVERSION:

TOEN R01W S20 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	03/15 11/15	1,322.0 AFY
STOCKWATER FROM STORAGE	01/01 12/31	14.0 AFY
DIVERSION TO STORAGE	12/01 09/01	22.10 CFS 14.0 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within GEM County

TO7N R02W S02 Lot 1 NENE	17.0	TO7N R02W S02 Lot 2 NNNE	3.3
TO7N R02W S02 Lot 3 NENW	25.0	~~TO7N R02W S02 Lot 4 NNW~~	~~3.2~~
TO7N R02W S02 SWNW	20.0	TO7N R02W S02 SENW	5.3
TO7N R02W S02 NWSW	4.0	TO8N R01W S19 SWNE	1.3
TO8N R01W S19 SENE	8.4	TO8N R01W S19 NESW	20.0
TO8N R01W S19 Lot 3 NWSW	7.0	TO8N R01W S19 Lot 4 SWSW	23.0
TO8N R01W S19 SESW	40.0	TO8N R01W S19 NESE	15.0
TO8N R01W S19 NWSE	25.0	TO8N R01W S19 SWSE	9.9
TO8N R01W S19 SESE	1.3	TO8N R01W S30 NENW	24.0
TO8N R01W S30 Lot 1 NNW	35.0	TO8N R01W S30 Lot 2 SWNW	38.0
TO8N R01W S30 SENW	16.0	TO8N R01W S30 NESW	16.0
TO8N R01W S30 Lot 3 NWSW	38.0	TO8N R01W S30 Lot 4 SWSW	38.0
TO8N R01W S30 SESW	32.0	TO8N R01W S30 SWSE	7.0
TO8N R01W S31 NNNE	28.0	TO8N R01W S31 SWNE	2.4
TO8N R01W S31 SENE	19.0	TO8N R01W S31 NENW	6.3
TO8N R01W S31 Lot 1 NNW	24.0	TO8N R01W S32 SWNW	12.0
TO8N R01W S32 SENW	0.3	TO8N R01W S32 NESW	28.0
TO8N R01W S32 NWSW	24.0	TO8N R01W S32 SESW	5.6
TO8N R01W S32 NWSE	8.0	TO8N R01W S32 SWSE	15.0
TO8N R02W S25 NENE	1.2	TO8N R02W S25 SENE	19.0
TO8N R02W S25 SESE	7.0	TO8N R02W S25 NESE	38.0
TO8N R02W S25 NWSE	8.4	TO8N R02W S25 SWSE	36.0
TO8N R02W S25 SESE	39.0	TO8N R02W S35 SWNE	2.4
TO8N R02W S35 SENE	27.0	TO8N R02W S35 SESE	12.0
TO8N R02W S35 NESE	39.0	TO8N R02W S35 NWSE	27.0
TO8N R02W S35 SWSE	29.0	TO8N R02W S35 SESE	39.0
TO8N R02W S36 NENE	39.0	TO8N R02W S36 NNNE	39.0
TO8N R02W S36 SWNE	37.0	TO8N R02W S36 SENE	14.0
TO8N R02W S36 NENW	33.0	TO8N R02W S36 NNW	2.1
TO8N R02W S36 SWNW	39.0	TO8N R02W S36 SENW	39.0
TO8N R02W S36 NESW	30.0	TO8N R02W S36 NWSW	39.0
TO8N R02W S36 SWSW	19.0	TO8N R02W S36 SESE	1.7
TO8N R02W S36 NWSE	2.9	TO8N R01W S31 NESE	4.4

STOCKWATER FROM STORAGE same as IRRIGATION FROM STORAGE
DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE

1305.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1305.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-12382, 65-02025, 65-02016, 65-02498, 65-02499, 65-07061.

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE IRRIGATION OF FEDERAL PUBLIC LAND.

FWP

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1106 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*RG
JB
JCS STS*

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE USE OF WATER ON 8N 1W S 31 SWNE AND LOT 1 NWNW IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE GRAZING LEASE NO. 6448; THE USE OF WATER ON 8N 1W S 31 NESE AND 7N 2W S 2 LOT 1 NENE IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE GRAZING LEASE NO. 6739.

CERTIFICATE OF MAILING

I certify that on 6-27, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication *hand delivered*
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Office of the Attorney General
Natural Resource Division
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
Attn: Steven J. Schuster

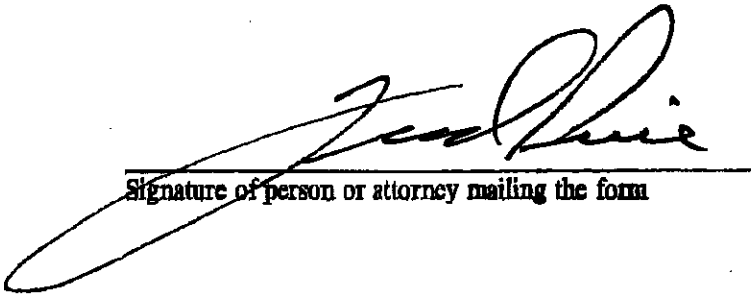
David L. Negri
United States Department of Justice
Environment & Natural Resources Division
General Litigation Section *hand delivered*
550 W. Fort St., MSC 033
Boise, ID 83724

David W. Gehlert
Trial Attorney, General Litigation Section
Environment & Natural Resources Division
U.S. Dept. of Justice
999 18th Street, Suite N945
Denver, CO 80202

John K. Simpson
P.O. Box 2139
Boise, ID 83701-2139
hand delivered

USDI - BLM
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Repository
P.O. Box 83720
Boise, ID 83720
hand delivered



Signature of person or attorney mailing the form