

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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     | ) | Subcase No. 65-2498             |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

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 A. Brown 6/27/02  
Larry Brown FWP Date  
U.S. Dept. of Justice  
Attorney for objector

**IDWR Concurrence:**

Rochelle Brown 6/27/02  
Agent Date

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

06/12/2002

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

RIGHT NUMBER: 65-2498

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.90 CFS

PRIORITY DATE: 08/31/1948

POINT OF DIVERSION:

T08N R01W S30 NWSW Lot 3 Within GEM County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

3/15 11/15

0.90 CFS

PLACE OF USE:

IRRIGATION Within GEM County

|                          |      |                                     |                |
|--------------------------|------|-------------------------------------|----------------|
| T07N R02W S02 Lot 1 NENE | 17.0 | T07N R02W S02 Lot 2 NNNE            | 3.3            |
| T07N R02W S02 Lot 3 NENW | 25.0 | <del>T07N R02W S02 Lot 4 NNNE</del> | <del>3.2</del> |
| T07N R02W S02 SWNW       | 20.0 | T07N R02W S02 SENW                  | 5.3            |
| T07N R02W S02 NWSW       | 4.0  | T08N R01W S19 SWNE                  | 1.3            |
| T08N R01W S19 SENE       | 8.4  | T08N R01W S19 NWSW                  | 20.0           |
| T08N R01W S19 Lot 3 NWSW | 7.0  | T08N R01W S19 Lot 4 SWSW            | 23.0           |
| T08N R01W S19 SESE       | 40.0 | T08N R01W S19 NESE                  | 15.0           |
| T08N R01W S19 NWSE       | 25.0 | T08N R01W S19 SWSE                  | 9.9            |
| T08N R01W S19 SESE       | 1.3  | T08N R01W S30 NENW                  | 24.0           |
| T08N R01W S30 Lot 1 NNNE | 35.0 | T08N R01W S30 Lot 2 SWSW            | 38.0           |
| T08N R01W S30 SENW       | 16.0 | T08N R01W S30 NWSW                  | 16.0           |
| T08N R01W S30 Lot 3 NWSW | 38.0 | T08N R01W S30 Lot 4 SWSW            | 38.0           |
| T08N R01W S30 SESE       | 32.0 | T08N R01W S30 SWSE                  | 7.0            |
| T08N R01W S31 NNNE       | 28.0 | T08N R01W S31 SWNE                  | 2.4            |
| T08N R01W S31 SENE       | 19.0 | T08N R01W S31 NENW                  | 6.3            |
| T08N R01W S31 Lot 1 NNNE | 24.0 | T08N R01W S32 SWNW                  | 12.0           |
| T08N R01W S32 SENW       | 0.3  | T08N R01W S32 NWSW                  | 28.0           |
| T08N R01W S32 NWSW       | 24.0 | T08N R01W S32 SESE                  | 5.6            |
| T08N R01W S32 NWSE       | 8.0  | T08N R01W S32 SWSE                  | 15.0           |
| T08N R02W S25 NENE       | 1.2  | T08N R02W S25 SENE                  | 19.0           |
| T08N R02W S25 SESE       | 7.0  | T08N R02W S25 NESE                  | 38.0           |
| T08N R02W S25 NWSE       | 8.4  | T08N R02W S25 SWSE                  | 36.0           |
| T08N R02W S25 SESE       | 39.0 | T08N R02W S35 SWNE                  | 2.4            |
| T08N R02W S35 SENE       | 27.0 | T08N R02W S35 SESE                  | 12.0           |
| T08N R02W S35 NESE       | 39.0 | T08N R02W S35 NWSE                  | 27.0           |
| T08N R02W S35 SWSE       | 29.0 | T08N R02W S35 SESE                  | 39.0           |
| T08N R02W S36 NENE       | 39.0 | T08N R02W S36 NNNE                  | 39.0           |
| T08N R02W S36 SWNE       | 37.0 | T08N R02W S36 SENE                  | 14.0           |
| T08N R02W S36 NENW       | 33.0 | T08N R02W S36 NNNE                  | 2.1            |
| T08N R02W S36 SWNW       | 39.0 | T08N R02W S36 SENW                  | 39.0           |
| T08N R02W S36 NWSW       | 30.0 | T08N R02W S36 NWSW                  | 39.0           |
| T08N R02W S36 SWSW       | 19.0 | T08N R02W S36 SESE                  | 1.7            |
| T08N R02W S36 NWSE       | 2.9  | T08N R01W S31 NESE                  | 4.4            |

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, 65-02953, 65-02016, 65-02025, 65-02499, 65-07061.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*Fwp R/R*  
*LS JKS JB SJS*

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.

*FUT RS*

*JKS  
AB  
SJS*

## 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  
253 Third Avenue North  
P. O. Box 2707 *hand delivered*  
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

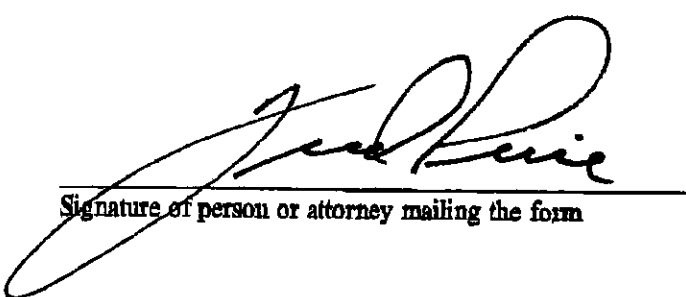
David L. Negri  
United States Department of Justice  
Environment & Natural Resources Division  
General Litigation Section  
550 W. Fort St., MSC 033 *hand delivered*  
Boise, ID 83724

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

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