

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. 65-7061

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


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


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

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:

Armen Brown 6/27/02
Agent Date

Garrick L. Baxter 6/27/02
Garrick 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: 65-7061

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

SOURCE: SUCKER CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 3.00 CFS
450.0 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 01/19/1969

POINT OF DIVERSION:

T08N R01W S16 SWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.02 CFS
DIVERSION TO STORAGE	11/01 01/31	1.0 CFS
	02/01 03/31	3.0 CFS
IRRIGATION STORAGE	11/01 03/30	450.0 AFY
IRRIGATION FROM STORAGE	04/01 10/30	450.0 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE 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	~~T07N R02W S02 Lot 4 NNNE~~	~~3.3~~
T07N R02W S02	20.0	T07N R02W S02	SENW
T07N R02W S02	NWSW	4.0	T08N R01W S19
T08N R01W S19	SENE	8.4	T08N R01W S19
T08N R01W S19 Lot 3 NWSW	7.0	T08N R01W S19	Lot 4 SWSW
T08N R01W S19	SESW	40.0	T08N R01W S19
T08N R01W S19	NWSE	25.0	T08N R01W S19
T08N R01W S19	SESE	1.3	T08N R01W S30
T08N R01W S30 Lot 1 NNNE	35.0	T08N R01W S30 Lot 2 SNNW	38.0
T08N R01W S30	SENW	16.0	T08N R01W S30
T08N R01W S30 Lot 3 NWSW	38.0	T08N R01W S30 Lot 4 SWSW	38.0
T08N R01W S30	SESW	32.0	T08N R01W S30
T08N R01W S31	NNNE	28.0	T08N R01W S31
T08N R01W S31	SENE	19.0	T08N R01W S31
T08N R01W S31 Lot 1 NNNE	24.0	T08N R01W S32	SNNW
T08N R01W S32	SENW	0.3	T08N R01W S32
T08N R01W S32	NWSW	24.0	T08N R01W S32
T08N R01W S32	NWSE	8.0	T08N R01W S32
T08N R02W S25	NENE	1.2	T08N R02W S25
T08N R02W S25	SESW	7.0	T08N R02W S25
T08N R02W S25	NWSE	9.4	T08N R02W S25
T08N R02W S25	SESE	39.0	T08N R02W S35
T08N R02W S35	SENE	27.0	T08N R02W S35
T08N R02W S35	NESE	39.0	T08N R02W S35
T08N R02W S35	SWSE	29.0	T08N R02W S35
T08N R02W S36	NENE	39.0	T08N R02W S36
T08N R02W S36	NNNE	37.0	T08N R02W S36
T08N R02W S36	NNNE	33.0	T08N R02W S36
T08N R02W S36	NNNE	39.0	T08N R02W S36
			SENW

T08N R02W S36	NESW	30.0	T08N R02W S36	NWSW	39.0
T08N R02W S36	SWSW	19.0	T08N R02W S36	SESW	1.7
T06N R02W S36	NWSE	2.9	T08N R01W S31	NESE	4.4

STOCKWATER same as IRRIGATION FROM STORAGE
DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE
IRRIGATION 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, 65-02953, 65-02016, 65-02498, 65-02499, 65-02025.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 447 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

FUP
for
RB
JCS
RB
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
Twin Falls, Idaho 83303-2707

hand delivered

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
Boise, ID 83724

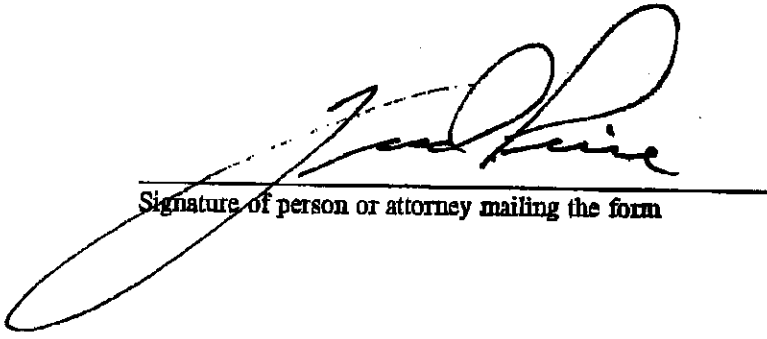
hand delivered

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