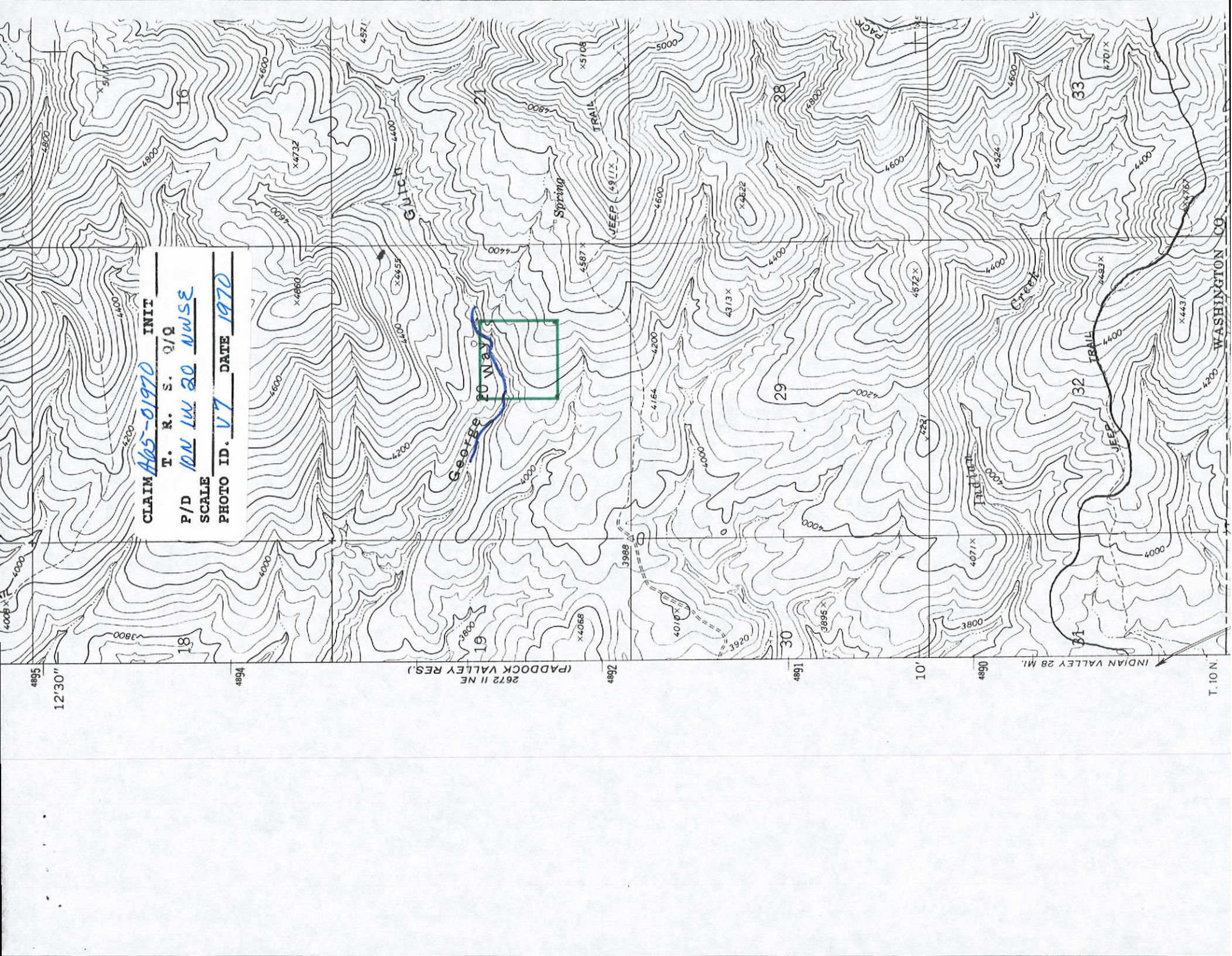




CLAIM 405-01970 INIT  
T. R. S. Q/Q  
P/D 10N 1W 20 NWSE  
SCALE  
PHOTO ID. V7 DATE 1970

2672 II NE  
(PADDOCK VALLEY RES.)

INDIAN VALLEY 28 MI.

T. 10 N.

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01970  
Date Received: 10/17/1989  
Receipt No: X999999  
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: A. L. CATTLE CO., INC. 208-365-2320  
Address: P.O. BOX 608  
EMMETT, ID 83617

2. Date of Priority: APR 24, 1923

3. Source: LITTLE WILLOW CREEK Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 10N      | 01W   | 20      | NW     | SE     |     |     | WASHINGTON |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.330  |      | 20.10  |

7. Total Quantity Appropriated is:  
0.330 C.F.S. (and/or) 20.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 10N      | 01W   | 20      | NW     | SE  |     | STOCK |       |

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

A65-01970

Page 1

Date: 10/17/89

MICROFILMED

SEP 18 1992



State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day  
of October 19 89

Anna Baunhoff  
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 7, 1994

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

FILED

2004 APR 14 PM 3 26

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 65-01970

NAME AND ADDRESS:

A L CATTLE INC  
PO BOX 608  
EMMETT, ID 83617

SOURCE:

GEORGE WAY GULCH CREEK TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY:

0.33 CFS  
20.10 AFY

PRIORITY DATE:

04/24/1923

POINT OF DIVERSION:

T10N R01W S20 NWSE Within Washington County

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------|----------------|-----------|
| Stockwater     | 01-01 TO 12-31 | 0.33 CFS  |
|                |                | 20.10 AFY |

PLACE OF USE:

Stockwater Within Washington County  
T10N R01W S20 NWSE

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

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

Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

This water right shall be administered as being from a  
separate source pursuant to Basin 65 General Provision No. 3.  
If the holder of this right seeks to change the right pursuant  
to Idaho Code Section 42-222 or successor statute, nothing in  
this general provision shall preclude any other person or entity  
from demonstrating that such change in use would cause injury to  
its water right or from receiving any relief provided by law in  
the event of injury.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

APR 14 2004

SPECIAL MASTER

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

JAN 24 2002

WATER RESOURCES  
WESTERN REGION

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 )

A. Subcase 65-1970  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior,  
Bureau of Reclamation, Regional Director PN Code-3100  
Address: 1150 N. Curtis Rd. Suite 100  
Boise, Idaho 83706-1234  
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:  
David W. Gehlert (303 312-7352)  
Trial Attorney, General Litigation Section  
Environment and Natural Resource Division  
U.S. Department of Justice  
999 18th Street, Suite N 945  
Denver, CO 80202

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: A L Cattle Inc.  
Address: PO Box 608  
Emmett, ID 83617

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**  
Should be:
  2. ☐ **Source**  
Should be:
  3. ☐ **Quantity**  
Should be:
  4. ☐ **Priority Date**  
Should be:
  5. ☐ **Point(s) of Diversion**  
Should be:
  6. ☐ **Instream Flow Description**  
Should be:
  7. ☐ **Purpose(s) of Use**  
Should be:
  8. ☐ **Period of Year**  
Should be:
  9. ☐ **Place of Use**  
Should be:
  11. **I object because:**
    - ☐ This water right should not exist.
    - ☐ This water right was not recommended, but should be recommended with the elements described.

**E. REASONS SUPPORTING EACH OBJECTION(S):**

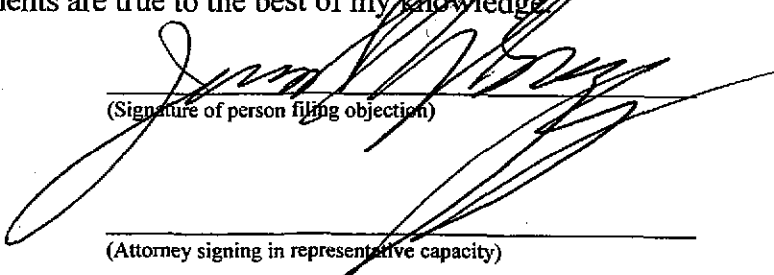
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

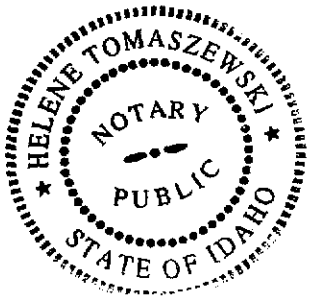
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

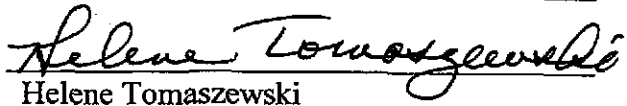
  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002



  
Helene Tomaszewski  
Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 01-16-2002

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, 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, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: A L Cattle Inc.  
  
Address: PO Box 608  
Emmett, ID 83617

3. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

IDWR Document Depository  
P.O. Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

10/27/2000

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

RIGHT NUMBER: 65-1970

NAME AND ADDRESS: A L CATTLE INC  
PO BOX 608  
EMMETT, ID 83617

SOURCE: GEORGE WAY GULCH CREEK  
CREEK

TRIBUTARY: LITTLE WILLOW

QUANTITY: 0.33 CFS  
20.1 AFY

PRIORITY DATE: 04/24/1923

POINT OF DIVERSION: T10N R01W S20 NWSE Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01-01 12-31

QUANTITY  
0.33 CFS  
20.1 AFY

PLACE OF USE:

STOCKWATER Within  
WASHINGTON County  
T10N R01W  
S20

NWSE

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 IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS LITTLE WILLOW CREEK.  
STOCKWATER, 1500 RANGE CATTLE

NOTICE OF ERROR  
REPLY

APR 11 2001

WATER RESOURCES  
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001**

Water right number: 65-1970

A L CATTLE INC

PO BOX 608

EMMETT ID 83617

Telephone Number: (208)365-2320

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

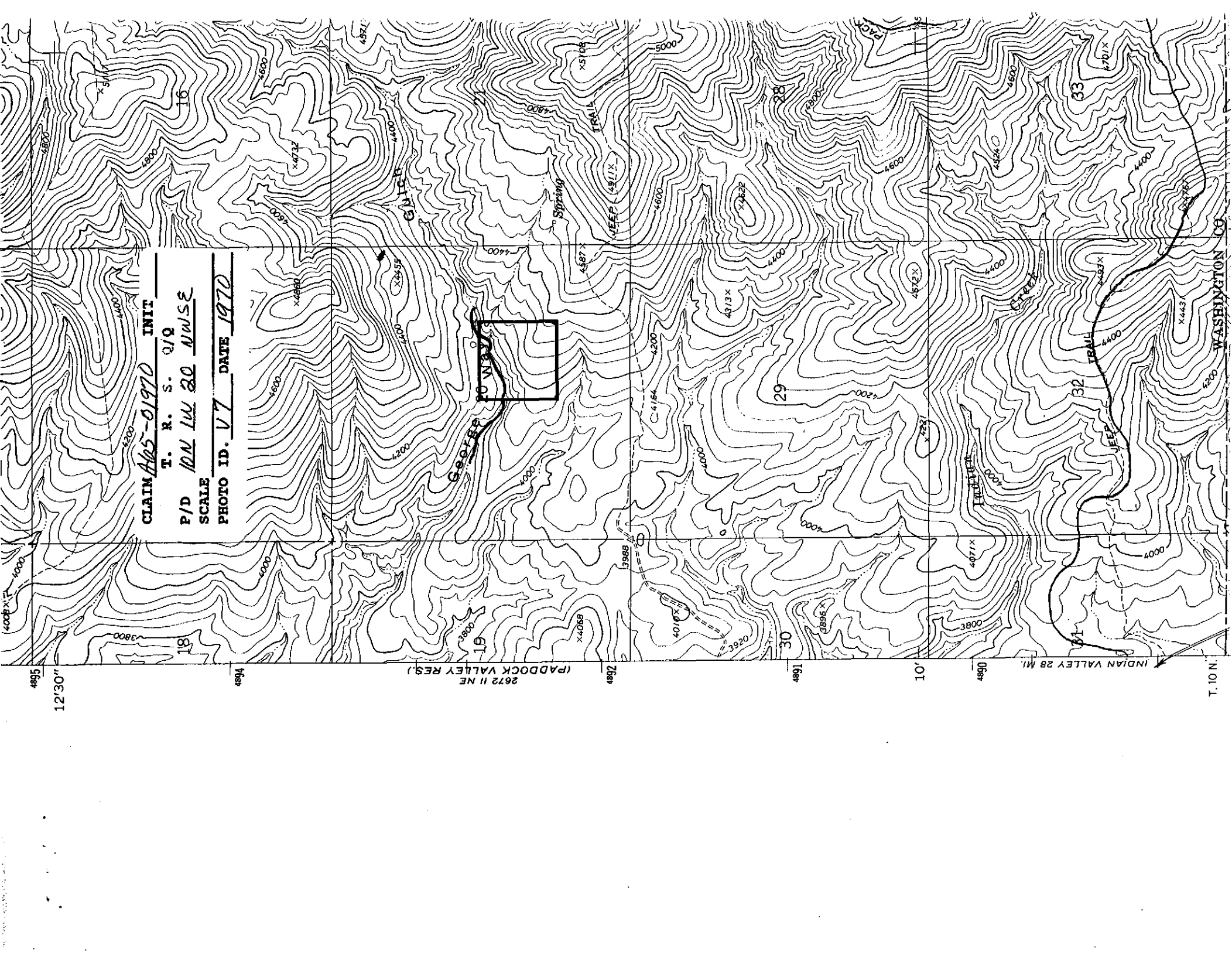
☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4.11.01

SIGNATURE: A.L. Cattle, Inc

Please print your name: Agnes W. Brailford

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190



CLAIM 405-01970 INIT

T. R. S. Q/Q

P/D 10N 1W 20 NWSE

SCALE

PHOTO ID. V7 DATE 1970

2672 II NE  
(PADDOCK VALLEY RES.)

INDIAN VALLEY 28 MI.

T. 10 N.

WASHINGTON CO

AJ5809NP  
No. A65-01970

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/08/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | A L CATTLE INC<br>PO BOX 608<br>EMMETT ID 83617<br>(208) 365-2320 | 04/24/1923       | STOCKWATER | 01-01 12-31           | 0.330 CFS         | 20.10 AFA           |
| TOTAL DIVERSION: |                                                                   |                  |            |                       | 0.330 CFS         | 20.10 AFA           |

Water Source: ~~LITTLE WILLOW CREEK~~

Tributary to:

*George Way Gulch*  
*Little Willow Cr.*

Stage: DECREED

Point(s) of Diversion: T10N R01W S20 NWSE

WASHINGTON County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 10N | 01W | 20 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

POU County: WASHINGTON

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 10/17/89 BAUMHOFF 10/18/89 BAUMHOFF 03/30/95 POST-STD

*EXP- B01 aka Little Willow Cr.*

*N11*

*EXP- 1500 range cattle*

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

IDENT. NO.

MAP NO

## WATER RIGHT

65-1970

Notice is hereby given that

MYRN H. LITTLE

Route 3, Box 151, Emmett, Idaho 83617

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 4/24/23

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Little Willow, *trib*

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

20. Use stock, 33 Period of Use From 1/1 To 12/31  
(Domestic, foreign, stock, etc.) (Mo., Day) (K., Day)

Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(Domestic Irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: \_\_\_\_\_ Cubic Feet Per Second, or \_\_\_\_\_ Acre Feet Per Annum,  
and/or 13,000 Gals. Per ~~Month~~ day

(5) A) Point of Diversion: Give location of point where water is diverted from its source SR NW 4 NW SE 4  
Sec. 20 Twp. 10N Rge. 1W B.M.; additional points:

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. diversion box-ponded

(5) 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.

[illegible]**Total No. of acres**

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

~~1500 range cattle total - 800 spring and fall~~

(7) Effluent, sewage waste, or return water from this use is discharged into \_\_\_\_\_.

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks

(10) Basis of claim (Check one) ☒ A) Rights based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

### Individual

12/17/70  
(Date)

(Signature of Claimant)

widow

(Signature of Spouse)

## Organization

(Signature of Authorized Agent)

State of Idaho

County Alameda

On this 17th day of December, in the year 1970, before me,

On this 10th day of June, 2014, Myrn H. Little  
a notary public, personally appeared Myrn H. Little  
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,  
corporation, partnership or other legal entity) executed the same. Laurie D. Branch

Notary Public residing at Boise, Idaho

My commission expires 8/12/74

alw 4-27-78

\*INDICATES TOTAL\*

SOURCE: LITTLE WILLOW CREEK

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                                                                                                                                                                   | PRIORITY<br>DATE | USE                     | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE                         | DIVERSION<br>POINT                             | PLACE OF USE<br>AND ACREAGE                                     | BASIS FOR<br>RIGHT |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|-----------------------|------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------|--------------------|
| 65-2067         | LITTLE WILLOW IRRIGATION<br>DISTRICT<br>114 NORTH 8TH STREET, PAYETTE,<br>IDAHO 83661<br>REMARKS: POINTS OF<br>RE-DIVERSION & PLACES OF USE<br>WITHIN LANDS OF LITTLE WILLOW<br>IRRIGATION DISTRICT. SEE RIGHT<br>65-2149.                                                            | 1/17/1908        | IRRIGATION              | 3/15 11/15            | --- AFA<br>4.94 CFS                            | SWSW S 2<br>T 8N R 4W                          | *2826*                                                          | LICENSE            |
| 65-2149         | LITTLE WILLOW IRRIGATION<br>DISTRICT<br>114 NORTH 8TH STREET, PAYETTE,<br>IDAHO 83661<br>REMARKS: POINTS OF DIVERSION &<br>RE-DIVERSION IN NWSE, S. 12,<br>NENW, SWNW, S. 13, NWSE, S.<br>20, NENE, S. 30, 19N, R3W;<br>SWSW, S. 2, T8N, R4W. STORAGE<br>IN PADDOCK VALLEY RESERVOIR. | 12/29/1913       | IRRIGATION<br>FROM STOR | 3/15 11/15            | 36400.00 AFA<br>--- CFS                        | SWSE S17<br>T10N R 2W                          | SAME AS OTHER USE                                               | LICENSE            |
|                 |                                                                                                                                                                                                                                                                                       |                  | IRRIGATION              | 3/15 11/15            | --- AFA<br>50.00 CFS<br>*---*AFA<br>*50.00*CFS |                                                | *2826*                                                          |                    |
| 65-3134         | LITTLE WILLOW IRRIGATION<br>DISTRICT<br>114 NORTH 8TH STREET, PAYETTE,<br>IDAHO 83661<br>REMARKS: POINTS OF DIVERSION &<br>PLACES OF USE WITHIN LANDS OF<br>LITTLE WILLOW IRRIGATION<br>DISTRICT. SEE RIGHT 65-2149.                                                                  | 4/ 1/1916        | IRRIGATION              | 3/15 11/15            | --- AFA<br>2.50 CFS                            | NWSW S 2<br>T 8N R 4W                          | *2826*                                                          | DECREE             |
| 65-1971         | LITTLE, MYRN H.<br>ROUTE 3, BOX 151, EMMETT,<br>IDAHO 83617                                                                                                                                                                                                                           | 5/25/1918        | STOCKWATER              | 1/ 1 12/31            | 20.10 AFA<br>.33 CFS                           | SENE S21<br>T10N R 1W                          | SENE<br>S21 T10N R 1W                                           | BENEFICIAL<br>USE  |
| 65-2240         | ROLAND, CYRIL W. &<br>ROLAND, IRENE<br>STAR ROUTE, PAYETTE, IDAHO<br>83661                                                                                                                                                                                                            | 1/14/1920        | IRRIGATION              | 3/15 11/15            | --- AFA<br>1.80 CFS                            | SENE S17<br>T 8N R 4W                          | NENE(33) NWNE(16)<br>SWNE( 7) SENE(33)<br>S17 T 8N R 4W<br>*89* | LICENSE            |
| 65-1970         | LITTLE, MYRN H.<br>ROUTE 3, BOX 151, EMMETT,<br>IDAHO 83617                                                                                                                                                                                                                           | 4/24/1923        | STOCKWATER              | 1/ 1 12/31            | 20.10 AFA<br>.33 CFS                           | NWSE S20<br>T10N R 1W                          | NWSE<br>S20 T10N R 1W                                           | BENEFICIAL<br>USE  |
| 65-3618         | HIGBY, CHARLES S. &<br>HIGBY, EMMA J.<br>STAR ROUTE, PAYETTE, IDAHO<br>83661                                                                                                                                                                                                          | 1/ 1/1940        | IRRIGATION              | 3/15 11/15            | --- AFA<br>.64 CFS                             | NWSE S17<br>T 8N R 4W<br>SWSE S17<br>T 8N R 4W | NWSE(25)<br>T11 11 7J<br>S17 T 8N R 4W<br>*32*                  | BENEFICIAL<br>USE  |