

05/12/2005

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

RIGHT NUMBER: 27-40

NAME AND ADDRESS: LITTLE BUTTE IRRIGATION CO LTD  
PO BOX 580  
BLACKFOOT ID 83221

**DISALLOWED**

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/05/1886

POINT OF DIVERSION:

T03S R35E S12 SESE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 2.000 CFS       |

PLACE OF USE:

585 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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.

No lawful appropriation shown.

(#5 CONT.) WATER IS TRANSPORTED BY EARTHEN DITCHES; DITCHES ARE OPEN; WATER IS OBTAINED FROM THE RIVER VIA A HEADGATE.

(REMARKS FROM SUBMITTED CLAIM) THE COMPANY REQUIRES THAT A SHAREHOLDER OWN 2 SHARES FOR EVERY ACRE THAT IS IRRIGATED BECAUSE OF THE SANDY SOIL CONDITION.

(MEMO TO THE FILE: 06/02/1989 PRM) ASSUMING 1462.5 A.F.A. FOR CONSUMPTIVE USE WHICH WAS OMITTED FROM SUBMITTED CLAIM.

\*\*\*CHANGED ADDRESS 5/22/95/JT\*\*\*

EXPLANATORY MATERIAL: Decreed

05/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included

where

a right was determined not to exist in a prior adjudication.