

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. 65-22746  
)

Case No. 39576

) Standard Form 5  
)

) STIPULATED ELEMENTS  
) OF A WATER RIGHT  
)

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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 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 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.

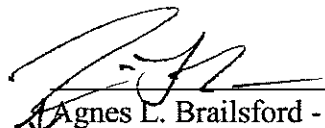
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

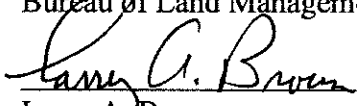
**CLAIMANT:**

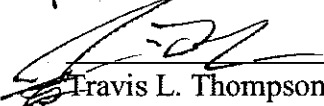
A. L. Cattle Inc.

**OBJECTOR:**

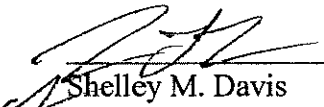
United States on behalf of the  
Bureau of Land Management

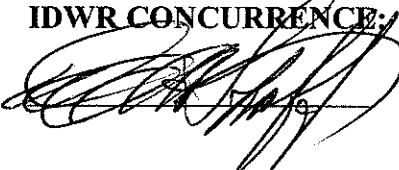
 2/15/06  
Agnes L. Brailsford - President Date

 2/23/2006  
Larry A. Brown Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

 2/15/06  
Travis L. Thompson Date  
of Attorneys for A. L. Cattle Inc

**IDWR CONCURRENCE:**

 2/15/06  
Shelley M. Davis Date  
of Attorneys for A. L. Cattle Inc

 2-22-06  
Date

\_\_\_\_\_  
Date

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

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RIGHT NUMBER: 65-22746

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

*mm*

SOURCE: UNNAMED STREAM

TRIBUTARY: FOUR MILE CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right when combined with 65-19896 shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~01/25/1897~~ 03/22/1897

*LAB*

*[Signature]*

POINT OF  
DIVERSION:

T09N R01W S4 ~~SENWSE~~ NWSWSE  
T09N R01W S4 NESESE

Within PAYETTE County  
End of Stream Flow  
Begin of Stream Flow

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.020 CFS

PLACE OF USE:

STOCKWATER

Within PAYETTE County

T09N R01W S04 NWSE  
T09N R01W S04 SWSE  
T09N R01W S04 SESE

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 operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation and Joint Motion for Order Approving Stipulation entered into on August 29, 2002 between the United States of America and Western Stockgrowers Association, et al.; the provisions of such Stipulation to apply fully to this water right.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

## CERTIFICATE OF MAILING

I certify that on Feb. 23, 2006 mailed the original and copies of this form, including all attachments, 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

2. Copy 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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

A.L. Cattle, Inc  
P.O. Box 608  
Emmett, Idaho 83617

Travis L. Thompson  
Barker, Rosholt & Simpson, LLP  
113 Main Ave. E., Suite 303  
Twin Falls, Idaho 83301

Shelley M. Davis  
Barker, Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, ID 83701

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

# 65-22746 AL Cattle

