

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

COPY FEB - 2 2009

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. 63-3173

Uncontested Overlap to 63-18509 FEB 03 2009

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

DEPARTMENT OF
WATER RESOURCES

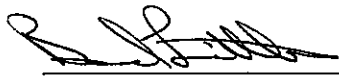
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

Little Cattle Company

 1-23-2009
By: _____ Date
Title:

STANDARD FORM 5 – Water Right No. 63-3173

IDWR Concurrence:

Kay Walker 1/15/2009
Kay Walker Date
Senior Water Resource Agent

Andrea L. Courtney 1/12/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR
GARRICK BAXTER

SF5 Right No. 63-3173

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

RIGHT NUMBER: 63-3173

NAME AND ADDRESS: LITTLE CATTLE CO
PO BOX 205
EMMETT ID 83617

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.780 CFS
495.000 AFY

The total instantaneous diversion of water from all points of diversion under Right Nos. 63-3173, 63-7140 and 63-18509 shall not exceed 3.28 cfs, ~~nor a total combined annual volume of 909.0~~

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation.

PRIORITY DATE: 12/30/1959

POINT OF DIVERSION:

T05N R01W S19 NESW Within ADA County

T05N R01W S19 NWSW Lot 3 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.780 CFS 495.00 AFY

PLACE OF USE: IRRIGATION in ADA County and CANYON County

T05N R01W S19	NWNE	4.00	T05N R01W S19	SWNE	1.00
T05N R01W S19	NENW	16.00	T05N R01W S19 Lot 1	NWNW	1.00
T05N R01W S19 Lot 2	SWNW	27.00	T05N R01W S19	SENE	24.00
T05N R01W S19 Lot 2	SWNW	29.00	T05N R01W S19 Lot 3	NWSW	36.00
T05N R01W S19	NESW	2.00	T05N R01W S19 Lot 3	NWSW	39.00
T05N R01W S19 Lot 4	SWSW	5.00	T05N R02W S24	SENE	10.00
T05N R02W S24	NESW	1.00	T05N R02W S24	SENE	13.00
T05N R02W S24	SESW	5.00	T05N R02W S24	NWSE	22.00
T05N R02W S24	NESE	39.00	T05N R02W S24	NWSE	23.00
T05N R02W S24	NESE	40.00	T05N R02W S24	SESE	23.00
T05N R02W S24	SWSE	36.00	T05N R02W S24	SESE	21.00
T05N R02W S24	SWSE	37.00			

252 ACRES TOTAL202 ACRES TOTAL

SF5 Right No. 63-3173

AS
kw

Right No. 63-3173 is limited to the irrigation of 110 acres in 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.

BR

~~The right holder shall accomplish the change authorized by Transfer No. 4343 within one (1) year of the date of its approval.~~

~~SNAKE RIVER BASIN ADJUDICATION CLAIM NO. A63-18509 IS ALSO CHANGED UNDER TRANSFER NO. 4343 AND IS REPRESENTED UNDER A SEPARATE APPROVAL.~~

~~FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer No. 4343 within one (1) year of the date of its approval.

SNAKE RIVER BASIN ADJUDICATION CLAIM NO. A63-18509 IS ALSO CHANGED UNDER TRANSFER NO. 4343 AND IS REPRESENTED UNDER A SEPARATE APPROVAL.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

Right No. 63-18509 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

CERTIFICATE OF MAILING

I certify that on Jan - 30, 2009, 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

2. Copies to:

LITTLE CATTLE CO.
P.O. BOX 205
EMMETT, ID 83617

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Deserae Kramer
Signature of person or attorney mailing the form