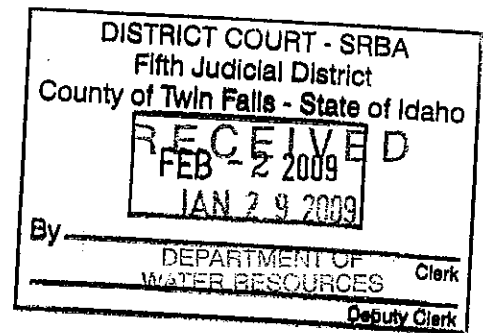


COPY



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

RECEIVED

FEB 03 2009

**DEPARTMENT OF
WATER RESOURCES**

In Re SRBA

Subcase No. 63-18509

Previously Disallowed

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

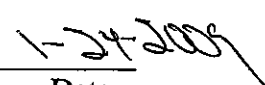
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Little Cattle Company

 
By: _____ Date
Title:

STANDARD FORM 5 – Water Right No. 63-18509

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

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

RIGHT NUMBER: 63-18509
NAME AND ADDRESS: LITTLE CATTLE CO
PO BOX 205
EMMETT ID 83617

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
225.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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.

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: 06/01/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R01W S19 NESW Within ADA County

T05N R01W S19 NWSW Lot 3 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>1.000 CFS</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.180 CFS</u>

PLACE OF USE: IRRIGATION in ADA County and CANYON County

<u>T05N R01W S19</u>	<u>NWNE</u>	<u>4.00</u>	<u>T05N R01W S19</u>	<u>SWNE</u>	<u>1.00</u>
<u>T05N R01W S19</u>	<u>NENW</u>	<u>16.00</u>	<u>T05N R01W S19 Lot 1</u>	<u>NWNW</u>	<u>1.00</u>
<u>T05N R01W S19 Lot 2</u>	<u>SWNW</u>	<u>27.00</u>	<u>T05N R01W S19</u>	<u>SENW</u>	<u>24.00</u>
<u>T05N R01W S19</u>	<u>NESW</u>	<u>2.00</u>	<u>T05N R01W S19 Lot 3</u>	<u>NWSW</u>	<u>36.00</u>
<u>T05N R01W S19 Lot 4</u>	<u>SWSW</u>	<u>5.00</u>	<u>T05N R02W S24</u>	<u>SENE</u>	<u>10.00</u>
<u>T05N R02W S24</u>	<u>NESW</u>	<u>1.00</u>	<u>T05N R02W S24</u>	<u>SESW</u>	<u>5.00</u>
<u>T05N R02W S24</u>	<u>NESE</u>	<u>39.00</u>	<u>T05N R02W S24</u>	<u>NWSE</u>	<u>22.00</u>
<u>T05N R02W S24</u>	<u>SWSE</u>	<u>36.00</u>	<u>T05N R02W S24</u>	<u>SESE</u>	<u>23.00</u>

STOCKWATER in ADA County and CANYON County

<u>T05N R01W S19</u>	<u>NWNE</u>	<u>T05N R01W S19</u>	<u>SWNE</u>
<u>T05N R01W S19</u>	<u>NENW</u>	<u>T05N R01W S19 Lot 1</u>	<u>NWNW</u>
<u>T05N R01W S19 Lot 2</u>	<u>SWNW</u>	<u>T05N R01W S19</u>	<u>SENE</u>
<u>T05N R01W S19</u>	<u>NESW</u>	<u>T05N R01W S19 Lot 3</u>	<u>NWSW</u>
<u>T05N R01W S19 Lot 4</u>	<u>SWSW</u>	<u>T05N R02W S24</u>	<u>SENE</u>
<u>T05N R02W S24</u>	<u>NESW</u>	<u>T05N R02W S24</u>	<u>SESW</u>
<u>T05N R02W S24</u>	<u>NESE</u>	<u>T05N R02W S24</u>	<u>NWSE</u>
<u>T05N R02W S24</u>	<u>SWSE</u>	<u>T05N R02W S24</u>	<u>SESE</u>

252 ACRES TOTAL

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

This right is based upon an enlargement of Right Nos. 63-3173 and 63-7140 pursuant to Section 42-1426, Idaho Code.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are diverted through points of diversion described above: 63-3173, 63-7140

The right holder shall accomplish the change authorized by Transfer 4343 within one (1) year of the date of this 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.

Stockwater use is for 800 range cattle.

This right is for an enlargement of 50 acres within the place of use described for this right.

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

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 D. Kramer
Signature of person or attorney mailing the form