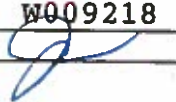


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A63-21123
Date Received: 2/21/1990
Receipt No: W009218
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LITTLE CATTLE CO. 208-365-4611
Address: P.O. BOX 205
EMMETT, ID 83617

2. Date of Priority: JAN 01, 1950

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02W	24	SE	SE	NW		CANYON

5. Description of diverting works:
SPRING SUBS INTO POND(.2 ACRES X 6' DEEP) FOR STOCKWATER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			1.20
STOCKWATER FROM STORAGE	01/01	12/31			1.20

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 500 HD. CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02W	24	SE	NW		STO FS STOC S	

A63-21123

Page 1

Date: 03/05/90

MICROFILMED
SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
_____,
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
SEP 03 1992

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: A63-21123
Date Received: 2/21/1990
Receipt No: W009218
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LITTLE CATTLE CO. 208-365-4611
Address: P.O. BOX 205
EMMETT, ID 83617

2. Date of Priority: JAN 01, 1950

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02W	24	NE	SE	NW		CANYON

5. Description of diverting works:
SPRING SUBS INTO POND(.2 ACRES X 6' DEEP) FOR STOCKWATER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			1.20
STOCKWATER FROM STORAGE	01/01	12/31			1.20

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 500 HD. CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02W	24	SE	NW		STO FS STOC S	

A63-21123

Page 1

Date: 02/21/90

MICROFILMED
SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am *Peter* of

Organization, that I have signed the foregoing
document in the space below as *Peter* of

Organization and that the statements contained in the
foregoing document are true and correct.

Peter of Little Chino Co
Signature of Authorized Agent

Peter of Little Chino Co
Title and Organization

5-21-90
Date

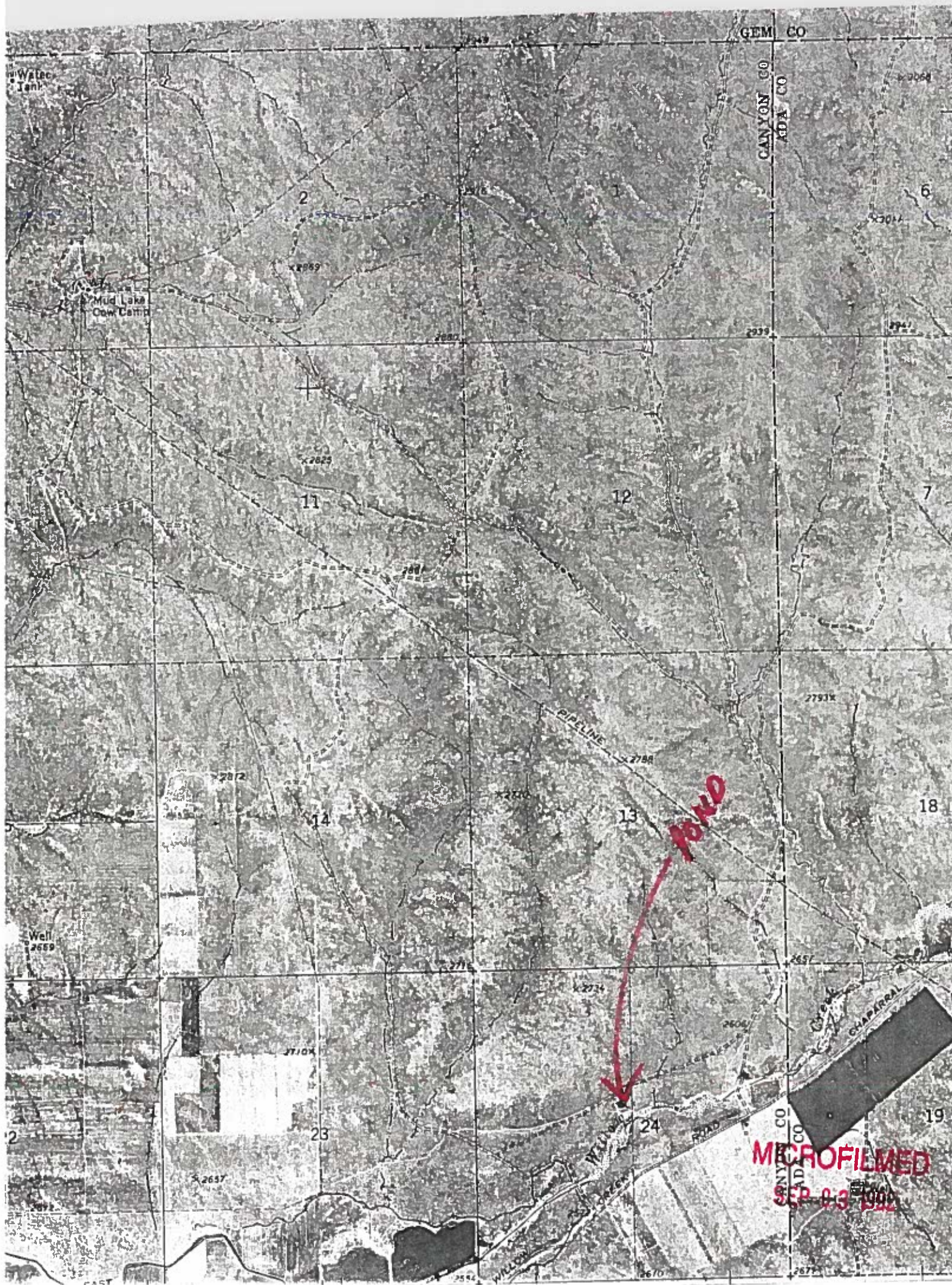
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of February 19 90

Seal

Jan Skute
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94



09/21/2006

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

RIGHT NUMBER: 63-21123
NAME AND ADDRESS: LITTLE CATTLE CO
PO BOX 205
EMMETT ID 83617
SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 1.200 AFY
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 01/01/1950
POINT OF DIVERSION:
T05N R02W S24 SESENW Within CANYON County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	1.20 AFY

PLACE OF USE: STOCKWATER STORAGE Within CANYON County
T05N R02W S24 SENW

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.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21123 V1

WATER RIGHT NUMBER: 63-21123 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE CATTLE CO PO BOX 205 EMMETT, ID 83617 (208)365-4611

Priority Date: 01/01/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		1.20 AF
	<u>Total Diversion:</u>		1.20 AF

Location of Point(s) of Diversion

SPRING	SE1/4SE1/4NW1/4	Sec. 24, Twp 05N, Rge 02W, B.M.
CANYON County		

Place of Use

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	02W	24								X									

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21123 V1

Comments:

1. dnelson 9/21/2006 Claim Review

Comment: This claim is a beneficial use claim for stockwater storage and stockwater from storage. This use is only for a pond, so the use would only be stockwater storage. The stockwater from storage would only be used if the water were being sent to a water trough. There is nothing in the file to suggest that there is a water trough coming off this pond.

The owner claimed a stockwater storage use of 1.2 afa, which sounds reasonable compared to the size of the pond. The pond has less than an acre in surface area, and it does not appear to be a deep pond. This claim will be recommended with the standard domestic use limitation language. The priority date is acceptable per a letter signed by the claimant and his foreman stating that this pond was constructed on the date claimed.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/18/2006	scurtis	Active
Contacts	9/21/2006 2:20:52 PM	dnelson			Active
Priority Date	9/21/2006 2:22:04 PM	dnelson			Active
POD	9/21/2006 2:23:33 PM	dnelson			Active
Source	9/21/2006 2:24:19 PM	dnelson			Active
POU	9/21/2006 2:26:15 PM	dnelson			Active
Use	9/21/2006 2:27:11 PM	dnelson			Active
Season	9/21/2006 2:28:21 PM	dnelson			Active
Quantity	9/21/2006 2:30:35 PM	dnelson			Active
Summary			09/21/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/18/2006 7:04:50 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21123 V1

POU	9/21/2006 2:26:01 PM	dnelson	Updated shape for Active POU
Contacts	9/21/2006 2:20:52 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is below the threshold requiring a field exam.
POD	9/21/2006 2:23:34 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	9/21/2006 2:26:16 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photos and claim file.
Summary	9/21/2006 2:31:39 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21123 V1

General	9/21/2006 2:22:05 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - A letter from the owner and his foreman claiming the pond was in place on the date claimed.
POD	9/21/2006 2:23:17 PM	dnelson	Updated shape
Source	9/21/2006 2:24:19 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Claim information is sufficient for this type of use.
Use	9/21/2006 2:27:11 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Claim information was sufficient to verify use.
Season	9/21/2006 2:28:21 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Standard year round use for stockwater storage was allowed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21123 V1

Quantity	9/21/2006 2:30:35 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - This use was below the threshold requiring a measurement.
----------	----------------------	---------	--

Water Supply Bank:

**Little Enterprised Limited
Partnership
Brad Little
Box 488
Emmett, Idaho 83617 0488
Telephone: 208-365-4611
Fax: 208-365-4615
Email: little_brad@msn.com**

June 27, 2006

Daniel Nelson
Western Region IDWR
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Nelson:

RE A-63-21123 (Ponds @ Harvey)

These ponds were built by my father David Little to provide water for livestock and wildlife water. We have always had livestock in the area and even had some culverts buried in the creek channel (Willow Creek). But as the neighbors up stream diverted more and more water it was necessary to build these ponds for:

1. water for our livestock and
2. to have water for the indigenous wildlife.

Since I was not born yet, Elmer Bowman our (foreman at the time) managed the cattle in the area and can attest to the above facts.

Sincerely,



Brad Little
Gen Partner Little Enterprises Limited Partnership

Attest to the above



Elmer Bowman (foreman for Dave Little during the period)

Evidence of Priority63-21123.doc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LITTLE LAND AND LIVESTOCK,
AND LITTLE CATTLE COMPANY
PO BOX 205
EMMETT ID 83617

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-21120, A63-21123,
A63-21127, A63-31090, and A63-31091

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

Page 2
Little Land and Livestock

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, I will need some additional information on a couple of the rights to ensure they are recommended correctly. Could you please supply the following:

63-31090 – wildlife use from a manmade pond – We need evidence that the pond associated with this right was built with the intention to supply water for both livestock under water right 63-21123 and wildlife use under this right. We may not be able to allow this water right, if you cannot show that the intent at the time the pond was constructed was for both purposes.

63-31091 – wildlife use from a natural pond. We need evidence that the pond associated with this right was enhanced or improved in some way to provide additional water for wildlife purposes. Our office generally doesn't allow a wildlife use on a natural waterway unless it has been enhanced to provide better conditions for the wildlife using it.

The information requested above on water rights 63-31090 and 63-31091 and the required evidence supporting the priority date(s) requested on all of the water rights referred to in this letter needs to be returned to me by May 26, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-21120, A63-21123, A63-21127, A63-31090, and
A63-31091

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

4/18/2006

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page2

Rec	63 31090	LITTLE CATTLE CO,	SPRING	05N02W24							X									0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	05N02W24									X	X	X	X				0

AJ5856NP

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

DATE: AUG-21-1997

PAGE: A-94

RIGHT NUMBER: 63-21123

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

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.2 AFY

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T05N R02W S24 SESENW Within CANYON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	01-01 12-31	1.2 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	1.2 AFY

PLACE OF USE: STOCKWATER STORAGE Within CANYON County
T05N R02W S24 SENW

STOCKWATER FROM STORAGE Within CANYON County
T05N R02W S24

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Verified by SE Date: 8/17/98

Verification Source: _____