

08/24/2005

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

RIGHT NUMBER: 27-41
NAME AND ADDRESS: LITTLE BUTTE IRRIGATION CO LTD
PO BOX 580
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/05/1886

POINT OF DIVERSION:
T03S R35E S12 NESESE Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.400 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.

Place of use is within the area served by Little Butte Irrigation Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Use of this right is combined with water from Eastern Idaho Water Company.

05/12/2005

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

RIGHT NUMBER: 27-41

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

DISALLOWED

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.400 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	4/01 11/01	2.400 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S03	SWSW	1.0	T03S R35E S03	SESW	15.0
T03S R35E S03	SWSE	16.0	T03S R35E S03	SESE	3.0
T03S R35E S09	SENE	2.0	T03S R35E S10	NENE	21.0
T03S R35E S10	NWNE	10.0	T03S R35E S10	SENE	19.0
T03S R35E S10	NENW	15.0	T03S R35E S10	NWNW	5.0
T03S R35E S10	SWNW	10.0	T03S R35E S10	NESE	39.0
T03S R35E S10	SWSE	19.0	T03S R35E S10	SESE	37.0
T03S R35E S11	NENW	40.0	T03S R35E S11	NWNW	40.0
T03S R35E S11	SWNW	27.0	T03S R35E S11	SENE	40.0
T03S R35E S11	NESW	37.0	T03S R35E S11	NWSW	39.0
T03S R35E S11	SWSW	30.0	T03S R35E S11	SESW	33.0
T03S R35E S11	NESE	40.0	T03S R35E S11	NWSE	17.0
T03S R35E S12	NWSW	30.0			

585 ACRES TOTAL

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

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:

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

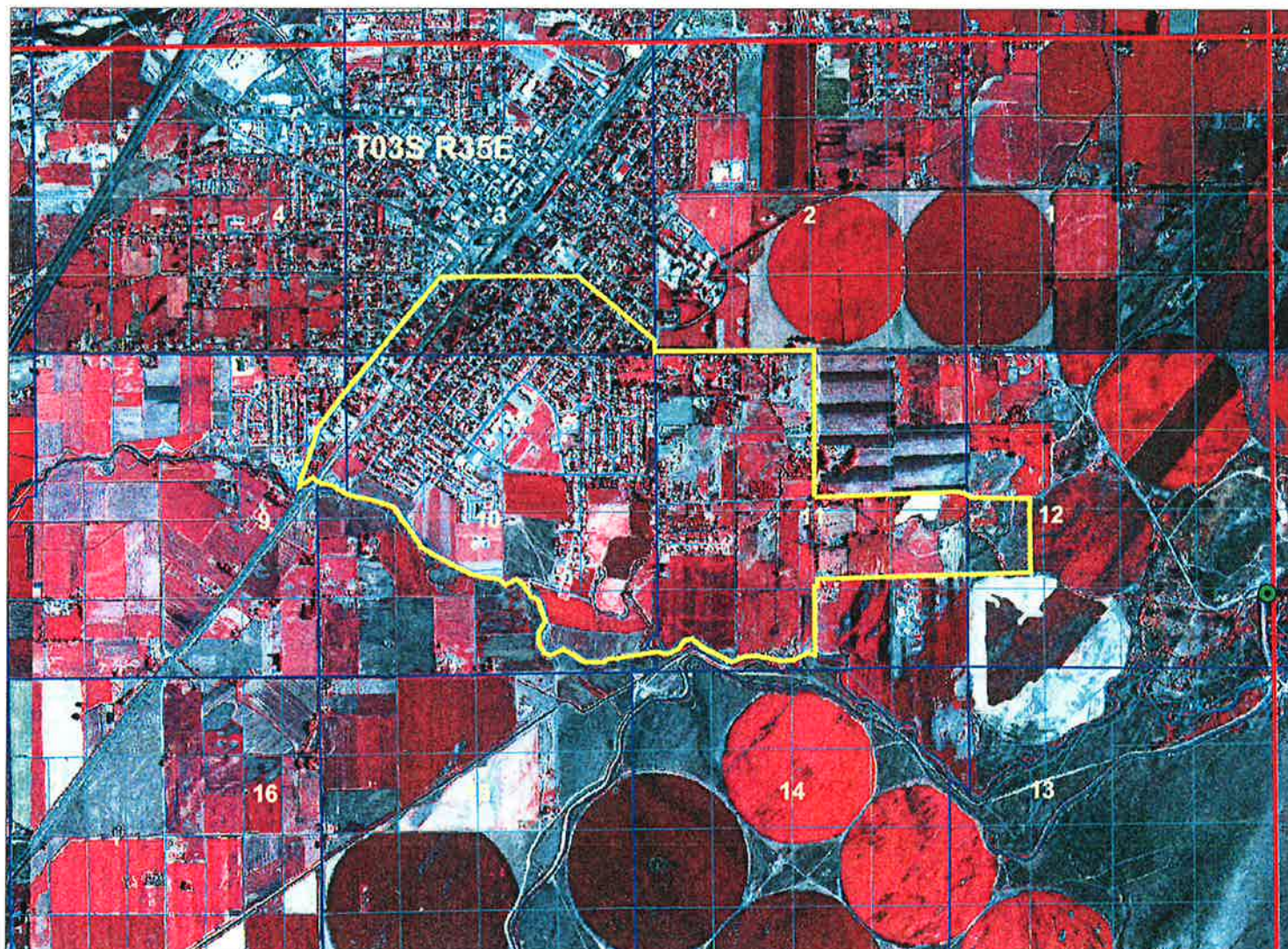
a right was determined not to exist in a prior adjudication.

Department of Water Resources

Eastern Region



Claim No.: 27-38, 27-39, 27-40,
27-41, and 27-10878



0 1320 2640 3960 5280 Feet



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ

PROFILED

SCANNED

JAN 12 2006



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: August 2005

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

RIGHT NUMBER: 27-41

NAME AND ADDRESS:

LITTLE BUTTE IRRIGATION CO LTD
PO BOX 580
BLACKFOOT ID 83221

SOURCE:

Source:
BLACKFOOT RIVER

Tributary:
SNAKE RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/05/1886

POINT OF DIVERSION:

T03S R35E S12 Lot 1 SESE
Within BINGHAM County

T03S R35E S12 Lot 1 NESESE
Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

2.400 CFS

-4/01-11/01

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.

The rights listed below are limited to the irrigation of a combined total of 585 acres in a single irrigation season. Combined Right Nos.: 27-38, 27-39, 27-40, 27-41, and 27-10878.

Place of use is within the area served by Little Butte Irrigation Company.

This right is limited to the irrigation of 120 acres within 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Eastern Idaho Water Company.

Water is delivered through Little Butte Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

11/09/2005

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

RIGHT NUMBER: 27-41
NAME AND ADDRESS: LITTLE BUTTE IRRIGATION CO LTD
PO BOX 580
BLACKFOOT ID 83221

WM A Downing
120 ac

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/05/1886

POINT OF
DIVERSION: T03S R35E S12 ~~NESESE~~ Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 ~~11/01~~

QUANTITY
2.400 CFS

10/31

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.

Place of use is within the area served by Little Butte Irrigation Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Eastern Idaho Water Company.

+ F01
+ C05
+ K06
+ E56



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 24, 2005

Little Butte Irrigation Co LTD
PO Box 580
Blackfoot ID 83221

RE: Preliminary Director's Reports 27-38, 27-39, 27-40, 27-41 & 27-10878

Dear Sir:

In response to the Notices of Error submitted after the initial mailing of the Preliminary Director's Reports in June 2005, enclosed for your records are the revised Preliminary Director's Reports for the above listed water rights and a map of the canals service area. These reports are based on information obtained subsequent to the initial mailings and replace the previous Preliminary Director's Reports.

The Department expects to submit to the Snake River Basin Adjudication Court all recommendations for the Blackfoot Drainage, Basin 27, in November 2005. At that time you will receive a Director's Report for each of your water rights, which should mirror each of the revised preliminary recommendations.

Naturally if you have questions please call me at the above phone number.

Respectfully Submitted,

Ernest Carlsen
Water Right Supervisor

Enclosures (5)
emc

SCANNED

JAN 12 2006

PROFILED

Little Butte Irrigation Company
3035 River Ranch Rd.
Blackfoot, ID 83221

July 25, 2005

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

Re: (5) Notice of Errors Reply

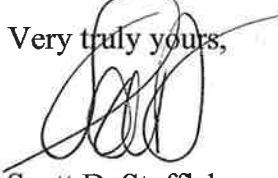
Dear Ernie:

Pursuant to our discussion, I am submitting the irrigation company's reply to the five disallowed water rights. The basis of our response is that these rights are deeded to the irrigation company. In addition, they have always been utilized and are currently being utilized by the irrigation company, since its creation.

Thank you for taking the time to talk with myself and Neil Hepworth.

If you need anything else, or have any questions, please feel free to contact either myself or Neil. Thank you.

Very truly yours,



Scott D. Stufflebeam

SDS

Attachments

RECEIVED

JUL 27 2005

Department of Water Resources
Eastern Region

07/21/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-41

LITTLE BUTTE IRRIGATION CO LTD

PO BOX 580

BLACKFOOT ID 83221

Telephone Number: (208)785-2132

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

No harmful appropriation shown

2. Describe the changes you wish to make in the proposed recommendation:

harmful appropriation should be recognized.

3. Give a brief explanation as to why you disagree with these portions:

This is a deeded water right. This right has always been and is currently being used by the irrigation company.

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____

SIGNATURE: _____

Please print your name: _____

Scott D. Griffith

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED**JUL 27 2005**

Department of Water Resources
Eastern Region

*KMO
4/27*

Notes

12-1-03 decreed to William Downing, 120
miles of Blackfoot River, 4-5-1886.

4/14/04 No other claims filed identifying
this right number. CB.

2-20-05 Address change sent

4-14-05 Put a copy of the decree in the file.
Also called Scott, asked him if they've had
a chance to look over the maps yet. He said
they did, but they had a question about
how the lines were determined. They provide
water to several lots in town that is not
marked on the map. Does it need to be?
I wouldn't give him an answer, told him
he needed to discuss this with Cindy. PB

5/11/05 Disallowed see note in 27-38.

Summary

Claim No. 27 - 41

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

Yes (☒) No (☐)

If Yes, go to 2
If No, go to 3

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Yes (☒) No (☐)

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

3. Is the water being used for all of the purposes claimed and to the extent claimed?

Yes (☐) No (☐)

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

4. Is any portion of the claim being recommended?

Yes (☐) No (☒)

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

5. Is an additional remark and/or condition required?

Yes (☒) No (☐)

If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6

6. Would you like to view the recommended right?

Yes (☒) No (☐)

If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.

7. Is this a "split" or "combined" right?

Yes (☐) No (☒)

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8

8. Do you have documents you would like to attach or link to the file?

Yes (☐) No (☒)

If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9

9. Would you like to set the verification date?

Yes (☒) No (☐)

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

^u "Disallowed"

Summary Data Entry Form

Claim No.: 27-40

Remarks and Conditions (Include Type, Category and Code if applicable):

P01 Gen Cond.

P11 Exp cond.

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

CB

Date

5/11/05

Mail this card to all people, businesses and publications who send you mail. For publications, tape an old address label over name and old address sections and complete new address. **COMPLETE ADDRESS PORTION ON FRONT OF FORM with Name, Street Address, City, State and ZIP Code of individual or business to whom you are relaying this card.**

Your Name	Print or Type—Last Name, First Name, Middle Initial <i>A27-00038 et al</i>				
Old Address	No. and Street <i>1385 S. SHILING Ave</i>	Apt./Suite No.	P.O. Box	R.D. No.	Rural Box No.
	City and State <i>Blackfoot ID</i>	ZIP + 4 Code <i>83221</i>			
New Address	Little Butte Irrigation Co. P.O. Box 580 Blackfoot, ID 83221		Box	R.D. No.	Rural Box No.
			Keyline No. (if any) <i># 4098</i>		
Sign Here	<i>SKrehboed, sec 1 3/22/95</i>				

PS FORM 3576, 11/92

RECEIVER: Be sure to record the above new address in your address book at home or office.

5/22/95

AS REQUESTED, I HAVE CHANGED THE ADDRESS ON THE FOLLOWING NOTICES OF CLAIM TO REFLECT THE NAME AND ADDRESS ON THE FRONT OF THIS CARD.

A27-00038, A27-00039, A27-00040, A27-00041
A27-10878

IF YOU HAVE ANY QUESTIONS, PLEASE CALL 525-7161.

Ja Thompson

NOV 13 1996
MICROFILMED

JUL 13 1995

SCANNED

William A. Downing:

27-41

That the plaintiff William A. Downing is, and at all times hereinafter mentioned was, a citizen of the United States.

That in the year 1882, and continuously thereafter, said plaintiff was, has been, and now is, the owner, in the actual possession and entitled to the possession of the certain lot, piece or parcel of ground situate, lying and being in the County of Bingham, Territory of Idaho, described as follows, to-wit:

The northeast quarter of the southeast quarter, and the east half of the northeast quarter of section ten (10) of township three (3) south of range thirty-five (35) east of Boise Meridian, containing one hundred and twenty acres, being the same lands hereinbefore referred to as occupied by said Downing.

75.

idian, being the same lands hereinbefore referred to as occupied by said Morgan.

27-41 William A. Downing:

That the plaintiff William A. Downing is, and at all times hereinafter mentioned was, a citizen of the United States.

That in the year 1882, and continuously thereafter, said plaintiff was, has been, and now is, the owner, in the actual possession and entitled to the possession of that certain lot, piece or parcel of ground situate, lying and being in the County of Bingham, Territory of Idaho, described as follows, to-wit:

The north-east quarter of the south-east quarter, and the east half of the north-east quarter of section ten (10) of township three (3) south of range thirty-five (35) east of Boise Meridian, containing one hundred and twenty acres, being the same lands hereinbefore referred to as occupied by said Downing.

MAY 15 1996

L-5

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BINGHAM COUNTY.

27-C *number 1 copy*
Transfers
Noted

Fred S. Stevens, et al.)
Plaintiffs,)
-VS-)
Eastern Idaho Water Co. et al.,)
Defendants.)
)

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of Law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite each name, to-wit:-

27 0012	Fred S. Stevens	July 6, A. D. 1869	138 Inches
27 0013	Henry Dunn	July 1, A. D. 1870	300 Inches
27 0014	N. A. Just and)		
	:		
27 0015	Emma Just)	August 1, A. D. 1871	200 Inches
27 0016	Leon Misslen	July 1st, A. D. 1873	200 Inches - Trans #92-221
27 0017	John Misslen	July 1st, A. D. 1874	120 Inches Trans #58
27 0018	H. R. Lewis	March 1st, A. D. 1875	100 Inches
27 0019	Presto Burrell	March 1st, A. D. 1876	100 Inches
27 0020	William Kirkpatrick	May 1st, A. D. 1878	100 Inches
27 0021	F. M. Shoemaker	April 1st, A. D. 1879	90 Inches TRANS # 1962
27 0022	Eastern Idaho Water Co.	March 25, A. D. 1880	1800 Inches
<i>Trans</i> <i>2468</i>	P. B. Fox Jr.)		
	:		
	William Howard)		
	A. Whitten)		

Youngie Dick

RECORDED
MAY 15 1996

12)	0002	Susan E. Whitten) & Calvin Mills)	March 25, A. D. 1880	600 Inches	Trans # 784, 787, 807
0001	0001	Levi Warren	April 1, A. D. 1882	50 Inches	
0002	0002	Emily Warren	April 1, A. D. 1883	106 Inches	
0002	0002	Daniel Y. Miller	April 1, A. D. 1883	100 Inches	
0002	0002	Fred S. Stevens	October 1, A. D. 1884	140 Inches	
0002	0002	N. A. Just) & Emma Just)	April 1st, A. D. 1885	100 Inches	
0002	0002	Leon Misslen	May 1st, A. D. 1885	300 Inches	Trans # 58-44
0003	0003	Robert Millen	May 1st, A. D. 1885	150 Inches	Trans # 109
0004	0004	P. B. Fox Jr.) William Howard) A. Whitten) Susan Whitten) Calvin Mills)	June 1st, A. D. 1885	1500 Inches	Trans # 237-246-328 # 465-531-777-1000-230 # 852-853-854, 1561 # 1962, 2445, 2578, 2933
0032	0032	W. W. Riter	July 3rd, A. D. 1885	560 Inches	
0033	0033	Thomas G. Weber	July 23, A. D. 1885	480 Inches	
0002	0002	James Drew	Oct. 1st, 1885 A. D.	6 Inches	
0035	0035	Eastern Idaho Water Co.	October 1st, A. D. 1885	1000 Inches	
0036	0036	H. R. Lewis) & Sarah Lewis)	March 1, A. D. 1886	160 Inches	
0037	0037	James Welch	March 20th, A. D. 1886	400 Inches	
0038	0038	William M. Danilson	April 5th A. D. 1886	352 Inches	Little Butte Irrigation
0039	0039	David S. Morgan	April 5th, A. D. 1886	132 Inches	"
0040	0040	William Morgan	April 5th, A. D. 1886	100 Inches	"
0041	0041	William A. Downing	April 5th, A. D. 1886	120 Inches	
0042	0042	F. Little	October 4th A. D. 1886	240 Inches	27-42 Bearlake - Grayson
0043	0043	Charles S. Burton	October 4th A. D. 1886	240 Inches	
0044	0044	John Sharp Sr.	November 1, A. D. 1886	320 Inches	27-11016 Roland 128" L&L
0045	0045	F. W. Jennings	November 1, A. D. 1886	400 Inches	
0046	0046	Donald Tolmie	April 1st, A. D. 1887	100 Inches	

MAY 15 1996

#5.

idian, being the same lands hereinbefore referred to as occupied by said Morgan.

27-41 William A. Downing:

That the plaintiff William A. Downing is, and at all times hereinafter mentioned was, a citizen of the United States.

That in the year 1882, and continuously thereafter, said plaintiff was, has been, and now is, the owner, in the actual possession and entitled to the possession of that certain lot, piece or parcel of ground situate, lying and being in the County of Bingham, Territory of Idaho, described as follows, to-wit:

The north-east quarter of the south-east quarter, and the east half of the north-east quarter of section ten (10) of township three (3) south of range thirty-five (35) east of Boise Meridian, containing one hundred and twenty acres, being the same lands hereinbefore referred to as occupied by said Downing.

RECEIVED
MAY 15 1996

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
27-41

Date Received:

Receipt Nos:

Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Little Butte Irrigation Co. LTD. Phone: (208) _____
P.O. Box 580
Blackfoot, ID 83221

2. Date of Priority: 04/05/1886

3. Source: Blackfoot River Trib. to: Snake River

4. Point of Diversion:

Blackfoot River: SESE, Sec. 12, Twp 03S, Rge 35E, Bingham County

5. Description of diverting works:

Various Diversions

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	4/01	11/01	2.4 CFS	
Recharge For Irrigation	4/01	11/01	2.4 CFS	
Recovery of Project Water for Irrigation	4/01	11/01	2.4 CFS	

7. Total Quantity Appropriated is: 2.4 CFS

8. Total consumptive use: N/A

9. Non-irrigation uses:

10. Place of use:

Large POU as presently recommended in the Director's Report.

11. Place of use in counties: See Large POU described above.

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

Lands of the Shareholders

13. Other Water Rights Used:

27-38, 27-39 & 27-40

14. Remarks:

The only modification to the present recommended right made by this amended claim is to add the two additional beneficial use rights: Recharge for Irrigation & Recovery of Project Water for Irrigation. Any groundwater diverted from under the lands of Claimant's shareholders or within its boundaries is also groundwater resulting from irrigation from water under the irrigation works of Claimant and is recovered by Claimant or its shareholders for further use on the lands of Claimant's shareholders under the irrigation works of Claimant within which said lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River Basin.

15. Basis of Claim: Beneficial Use/Decreed

Decreed, Accomplished Change in purpose of use pursuant to I.C. 42-1425 & Recovering Ground Water as a Result of Irrigation pursuant to I.C. 42-228

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

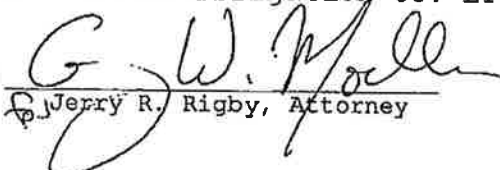
Number of attachments:

For Organizations:

DATED this 7th day of April, 2009.

Little Butte Irrigation Co. LTD.

By:

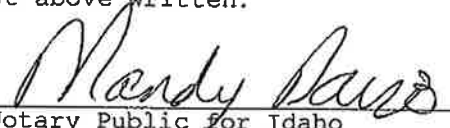

Jerry R. Rigby, Attorney

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 7th day of April, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared **Jerry R. Rigby**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

AJ5809NP
No. A27-00041

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/20/99
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LITTLE BUTTE IRRIGATION CO LTD PO BOX 580 BLACKFOOT ID 83221 (208) 785-2132	04/05/1886	IRRIGATION	04-01 11-01	2.400 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.400 CFS 1462.50 AFA

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T03S R35E S12

SESE

BINGHAM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM	
03S	35E	3											01	15			16	03	35.0	
03S	35E	9				02													2.0	
03S	35E	10	21	10		19	15	05	10						39		19	37	175.0	
03S	35E	11					40	40	27	40	37	39	30	33	40	17			343.0	
03S	35E	12										30							30.0	
																			TOTAL ACRES	585.0

POU County: BINGHAM

Non-Irrigation Uses: N/A

Other Rights: A27-00038/00039/00040/10878.

Remarks: GEN (#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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

SCANNED

JUL 13 2001

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: A27-00041
Date Received: 5/25/1989
Receipt No: E008041
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LITTLE BUTTE IRRIGATION CO., LTD. 208-785-2132
Address: 1385 S. SHILLING AVE.
BLACKFOOT, ID 83221

2. Date of Priority: APR 05, 1886

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	12	SE	SE			BINGHAM

5. Description of diverting works:
HEAD WORKS FOR LITTLE BUTTE CANAL AND OPEN DITCHES. (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 1462.5 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	3	SW	SW		IRR	1.0
			SE	SW		IRR	15.0
			SW	SE		IRR	16.0

A27-00041

Page 1

Date: 06/02/89

A2700041



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10. Place of Use: Continued

Township 03S	Range 35E	Section 3	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 3.0
						Section Acres	35.0
		9	SE	NE		IRR	2.0
						Section Acres	2.0
		10	NE	NE		IRR	21.0
			NW	NE		IRR	10.0
			SE	NE		IRR	19.0
			NE	NW		IRR	15.0
			NW	NW		IRR	5.0
			SW	NW		IRR	10.0
			NE	SE		IRR	39.0
			SW	SE		IRR	19.0
			SE	SE		IRR	37.0
						Section Acres	175.0
		11	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	27.0
			SE	NW		IRR	40.0
			NE	SW		IRR	37.0
			NW	SW		IRR	39.0
			SW	SW		IRR	30.0
			SE	SW		IRR	33.0
			NE	SE		IRR	40.0
			NW	SE		IRR	17.0
						Section Acres	343.0
		12	NW	SW		IRR	30.0
						Section Acres	30.0
						Total Acres	585.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A27-00038/00039/00040/10878.

14. Remarks:

(#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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FRED S. STEVENS ET AL
Decree Plaintiff

vs

EASTERN IDAHO WATER CO. ET AL
Decree Defendant

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ 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 _____

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 A27-00041
Date Received 5-25-89
Receipt Number 8008041

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) LITTLE BUTTE IRRIGATION COMPANY, LTD. Phone (208) 785-2132
Mailing Address c/o Roy Howell
1385 So. Shilling Ave., Blackfoot, Idaho Zip 83221
- Date of Priority (Only one (1) per claim) 4-5-1886
- Source of water supply (a) Blackfoot River
which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 3 So. Range 35 Section 12,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, E. B.M., County of Bingham
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Water is transported by earthen ditches;
Ditches are open; Water is obtained from the river via a headgate.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 2.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 585

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right Nos. 27-0038, 27-0039, 27-0040; 338 shares of Eastern Idaho or None ()
Ditch Company and 20 inches of Fox and Whitten Water

14. Remarks:

The company requires that a shareholder own 2 shares of stock for every acre that is irrigated because of the sandy soil condition.

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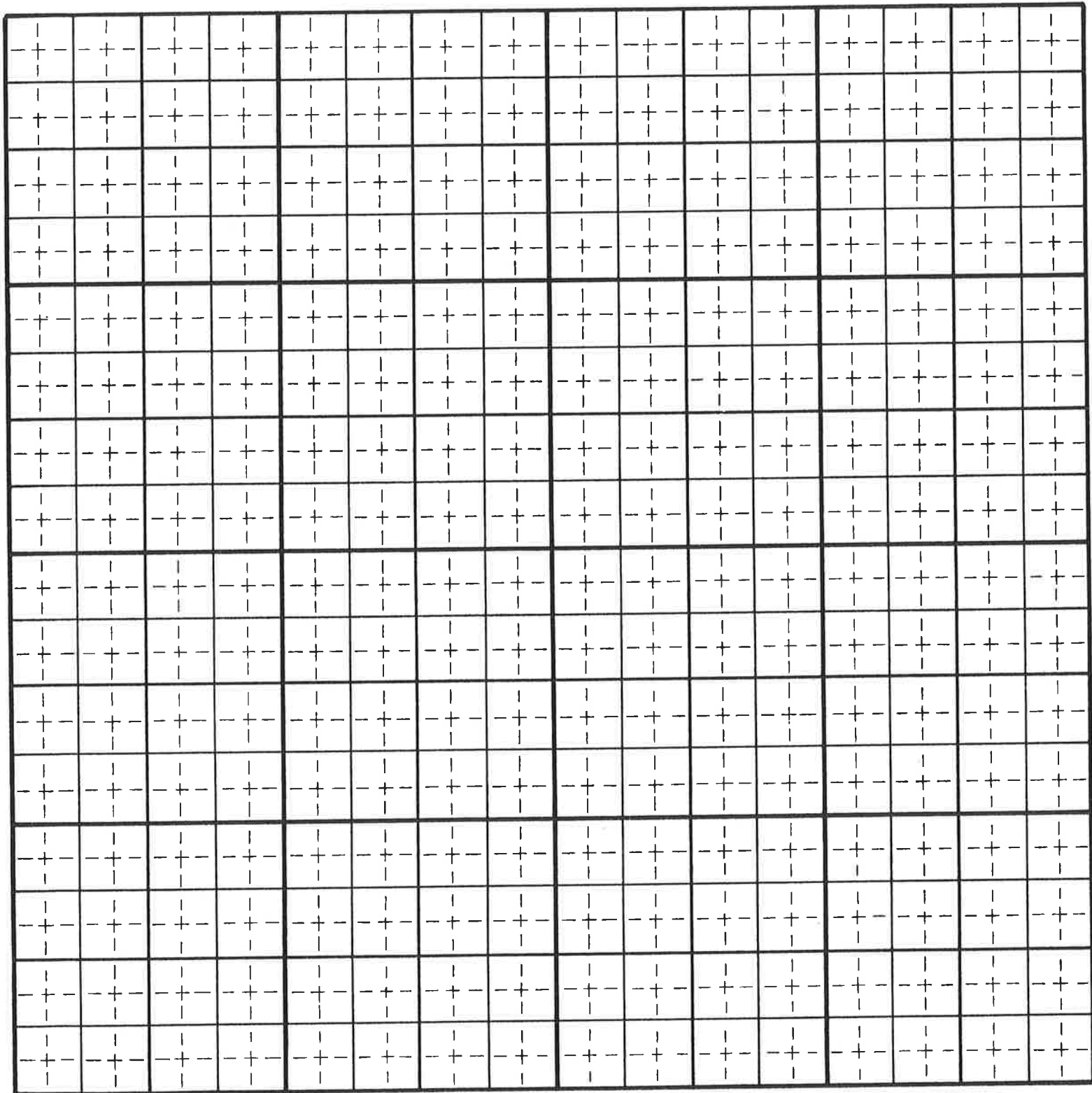
Last Name Little Butte Irrig. Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP



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Last Name Little Butte Irrig. Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 27-0041
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am one of the directors
Title
of Little Butte Irrigation Company, Ltd., that I have signed the foregoing
Organization
document in the space below as Director of said company
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Director Little Butte Irrig Co. Date 5-25-89

State of Idaho/or _____)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 25th day of May 19 89

SEAL

Notary Public [Signature]

Residing at Blackfoot ID

My Commission Expires 11-26-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name Little Butte Irrig Ident. Number _____

Copies White-State, Yellow-Claimant

Township 3 South, Range 35 E., B.M., Bingham County, Idaho

Section 12: NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 acres

Section 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 17 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 37 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 39 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 27 acres

Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 21 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 19 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 5 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 39.00 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 37.00 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 19 acres

Section 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 2 acres

Section 3: SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 16 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 3 acres

TOTAL 585 acres

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