

RECEIVED
APR 12 2004
Department of Water Resources

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. 63-05069B
	)	(Split from 63-05069)
	)	
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 the facts, date, expert opinions and law supporting 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.

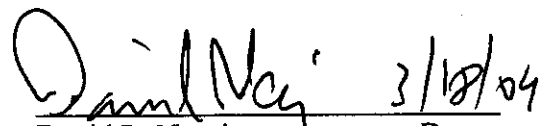
This water right, along with water right 63-05069A, are split water right 63-05069. The original water right is now superseded by this water right and water right 63-05069A.

Pursuant to the terms of the *Stipulation to Resolve Subcases* entered into on March 10, 2004, such stipulation being incorporated into this *Standard Form 5*, 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:
Danskin Cattle LLC

OBJECTOR:
United States on behalf of the
USDA Forest Service


Dana L. Hofstetter Date


David L. Negri Date

IDWR CONCURRENCE:

Jan Shurte 4-9-04
Jan Shurte Date
Adjudication Supervisor

ATTORNEY FOR IDWR:

Nick Spencer 4-9-04
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on April 9, 2004, I mailed the original and copies of this form, including all attachments, postage pre-paid and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705


Dana L. Hofstetter

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

RIGHT NUMBER: 63-5069B

NAME AND ADDRESS: DANSKIN CATTLE LLC
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME ID 83647

SOURCE: BOCK CREEK
UNNAMED STREAM

TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.240 1-2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT AND RIGHT NO. 63-5069A FOR STOCKWATER
USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1892

POINT OF DIVERSION:

T01N R07E S15 SWSSE Within ELMORE County
T01N R07E S22 NENENE Within ELMORE County
T01N R07E S22 SWNEE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.220 1-13 CFS
STOCKWATER	01/01 12/31	0.020 -07 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T01N R07E S15 Lot 7 NESE	11.0	~~T01N R07E S15 Lot 9 SESE~~	~~26.0~~
~~T01N R07E S22 NENE~~	~~4.5~~	~~T01N R07E S22 Lot 2 NWNW~~	~~9.7~~
~~T01N R07E S23 Lot 3 SWNW~~	~~5.5~~		

STOCKWATER same as IRRIGATION11 56.7 ACRES TOTAL

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 QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE
STIPULATION TO RESOLVE SUBCASES ENTERED INTO ON MARCH 10, 2004 BETWEEN
THE UNITED STATES OF AMERICA AND THE DANSKIN CATTLE LLC FILED IN THE OFFICE
OF THE ELMORE COUNTY RECORDER AND RECORDED ON MARCH 11, 2004 AS INSTRUMENT NO.
354793; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

PN
NBS

SF5 Right No. 63-5069B

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER USE IS FOR 50 ~~250~~ RANGE CATTLE.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-5069.

[Handwritten signature]
PN
[Handwritten signature]
NBS

SF5 Right No. 63-5069B