

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. 63-31290A
	)	(Split from 63-31290)
	)	
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 63-31290B, are split from water right 63-31290. The original water right is now superseded by this water right and water right 63-31290B.

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.

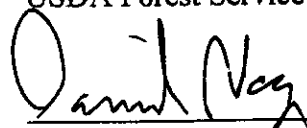
CLAIMANT:
Danskin Cattle LLC

OBJECTOR:
United States on behalf of the
USDA Forest Service


Dana L. Hofstetter

Date

4/9/04


David L. Negri

Date

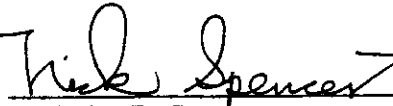
3/18/04

IDWR CONCURRENCE:

ATTORNEY FOR IDWR:


Jan Shurte
Adjudication Supervisor

Date


Nicholas B. Spencer
Deputy Attorney General

Date

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

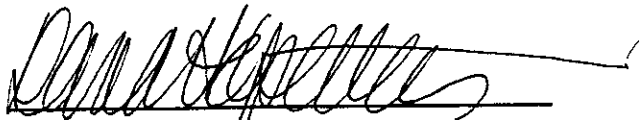
Copy to:

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: 63-31290A

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

SOURCE: ROCK CREEK

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.518 0-574 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 63-115 & 63-31290B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 63-19756 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .894 CFS.

PRIORITY DATE: 04/01/1974

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:

T01N R07E S14 NENW Within ELMORE County

T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.518 0-574 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

~~T01N R07E S09~~	~~NESE~~	~~.8~~	~~T01N R07E S09~~	~~SESE~~	~~.5~~
T01N R07E S10 Lot 4 NWSW		11.2	T01N R07E S10 Lot 8 SWSW		26.6
T01N R07E S10 Lot 7 SESW		16.0	~~T01N R07E S14 Lot 1 NWSW~~		~~4.0~~
~~T01N R07E S14 Lot 2 SWSW~~		~~.5~~	T01N R07E S15 Lot 1 NWNE		28.5
T01N R07E S15 Lot 4 SWNE		3.0	T01N R07E S15 Lot 5 SENE		9.0
T01N R07E S15 Lot 2 NENW		11.0	~~T01N R07E S15~~	~~NWNW~~	~~1.2~~
~~T01N R07E S15 Lot 6 NESE~~		~~4.4~~			

105.9 117.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 AND 63-31290B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 117.3 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 134.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-115, 63-19756 & 63-31290B.

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

SF5 Right No. 63-31290A

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-115 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ^R~~67.3~~ AGES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

DN
NBS

SF5 Right No. 63-31290A