



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 17, 2009

Danskin Cattle Co.
C/O Robert C. Baker
PO Box 488
Mountain Home, ID 83647

RE: Water Right No. 51-10323

Dear Mr. Baker:

It has been brought to my attention that the water right referenced above was claimed and decreed in the Snake River Basin Adjudication (SRBA) with the legal descriptions for the point of diversion in Township 5 South, Range 8 East, Section 3 and for the place of use in Township 5 South, Range 8 East, Sections 4, 5, 8, 9 and 16.

Those legal descriptions put the water diversion and use on the north side of the Snake River. When looking at the map filed with your claim, it appears that the intended diversion and use was on the south side of the Snake River, possibly in Township 6 South. I have enclosed a copy of the Partial Decree that was issued by the SRBA Court in 1998 that shows the point of diversion in Township 5 South, Range 8 East, Section 3, and the place of use in Township 5 South, Range 8 East, Sections 4, 5, 8, 9 and 16. Note: Even though the Partial Decree lists Owyhee County for the point of diversion and place of use, the legal descriptions shown are in Elmore County.

In order to correct the legal descriptions, it will be necessary for you to contact the SRBA Court in Twin Falls to have the Partial Decree set aside. The Court may also require that you file an amended claim with the correct legal descriptions for the point of diversion and places of use. The telephone number for the SRBA Court is (208) 736-3011, and I can be contacted by phone at (208) 287-4917 or by sending email to Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle, Manager
Adjudication Technical Section

Enclosure: Copy of Partial Decree for 51-10323

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-10323

1998 JAN 30 PM 1

DISTRICT COURT - 1
TWIN FALLS CO., ID

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

SOURCE: GROUNDWATER

QUANTITY: 0.16 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1988

POINT OF DIVERSION: T05S R08E S03 SWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.12 CFS
	DOMESTIC	01-01 12-31	0.04 CFS

DOMESTIC USE IS FOR 1 HOME AND POTATO SHED.

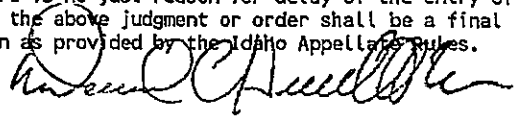
PLACE OF USE:	STOCKWATER	Within Owyhee County
	T05S R08E S04	SWSE
	S05	SESW
	S08	SWSE
	S09	NESE
	S16	SESE
		NESE
	DOMESTIC	Within Owyhee County
	T05S R08E S09	NENE

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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-10323

PAGE 1
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