

159
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 DEC 28 AM 10 20

**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

) Subcase Nos. 02-7022B
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

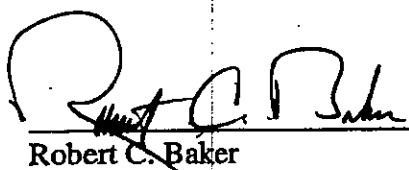
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin 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.

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/OBJECTOR:

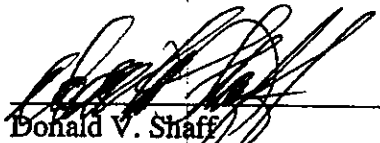
Danskin Cattle, LLC


Robert C. Baker

12/16/09
Date

STANDARD FORM 5 - 02-7022B.

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

12-22-09
Date


Garrick Baxter
Deputy Attorney General

12/22/09
Date

CERTIFICATE OF MAILING

I certify that on December 24, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

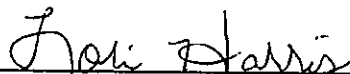
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

DANSKIN CATTLE LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

DANSKIN CATTLE LLC
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME, ID 83647

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

12/09/2009

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

RIGHT NUMBER: 2-7022B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.510 CFS

~~The right holder must install, as part of his diversion work, a continuous recording totalizing device that records the total volume of water diverted from the Snake River during the given irrigation season. On or before January 1 of the following year, the applicant shall submit a copy of the volume record to the department.~~

The annual volume diverted under the water rights listed below when combined shall not exceed 2,508 acre feet. Combined Right Nos.: 2-7019B, 2-7019D, 2-7022B, 2-7023B, 2-7102B.

PRIORITY DATE: 10/18/1968

POINT OF
DIVERSION:

T06S R08E S4 SESE Lot 8 Within Owyhee County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

1.510 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in Owyhee County

T06S R08E S04	NWSW	40.00	T06S R08E S04	SWSW	40.00
T06S R08E S04	SESW	40.00	T06S R08E S04	SWSE	40.00
T06S R08E S05 Lot 4	NNNW	44.00	T06S R08E S05	SWNW	40.00
T06S R08E S05	SENW	40.00	T06S R08E S05	NESW	40.00
T06S R08E S05	NWSW	40.00	T06S R08E S05	SWSW	40.00
T06S R08E S05	SESW	40.00	T06S R08E S05	NESW	40.00
T06S R08E S05	NWSE	40.00	T06S R08E S05	SWSE	40.00
T06S R08E S05	SESE	40.00	T06S R08E S06 Lot 1	NENE	44.00
T06S R08E S06	SENE	40.00	T06S R08E S07	SWNE	40.00
T06S R08E S07	SENE	40.00	T06S R08E S07	NESW	40.00
T06S R08E S07	SESW	40.00	T06S R08E S07	NESW	40.00
T06S R08E S07	NWSE	40.00	T06S R08E S07	SWSE	40.00
T06S R08E S07	SESE	40.00	T06S R08E S08	NENE	40.00
T06S R08E S08	NNNE	40.00	T06S R08E S08	SWNE	40.00
T06S R08E S08	SENE	40.00	T06S R08E S08	NENW	40.00
T06S R08E S08	NNNW	40.00	T06S R08E S08	SWNW	40.00
T06S R08E S08	SENW	40.00	T06S R08E S08	NESW	40.00

T06S R08E S08	NWSW	40.00	T06S R08E S08	SWSW	40.00
T06S R08E S08	SESW	40.00	T06S R08E S08	NESE	40.00
T06S R08E S08	NWSE	40.00	T06S R08E S08	SWSE	40.00
T06S R08E S08	SESE	40.00	T06S R08E S09	NENE	40.00
T06S R08E S09	NWNE	40.00	T06S R08E S09	SWNE	40.00
T06S R08E S09	SENE	40.00	T06S R08E S09	NENW	40.00
T06S R08E S09	NWNW	40.00	T06S R08E S09	SWNW	40.00
T06S R08E S09	SENW	40.00	T06S R08E S09	NESW	40.00
T06S R08E S09	NWSW	40.00	T06S R08E S09	SWSW	40.00
T06S R08E S09	SESW	40.00	T06S R08E S09	NESE	40.00
T06S R08E S09	NWSE	40.00	T06S R08E S09	SWSE	40.00
T06S R08E S09	SESE	40.00	T06S R08E S10	SWNW	40.00
T06S R08E S10	NESW	40.00	T06S R08E S10	NWSW	40.00
T06S R08E S10	SWSW	40.00	T06S R08E S10	SESW	40.00
T06S R08E S10	NWSE	40.00	T06S R08E S10	SWSE	40.00
T06S R08E S15	NENW	40.00	T06S R08E S15	NWNW	40.00
T06S R08E S15	SWNW	40.00	T06S R08E S15	SENW	40.00
T06S R08E S15	NESW	40.00	T06S R08E S15	NWSW	40.00
T06S R08E S15	SWSW	40.00	T06S R08E S15	SESW	40.00
T06S R08E S16	NENE	40.00	T06S R08E S16	NWNE	40.00
T06S R08E S16	SWNE	40.00	T06S R08E S16	SENE	40.00
T06S R08E S16	NENW	40.00	T06S R08E S16	NWNW	40.00
T06S R08E S16	SWNW	40.00	T06S R08E S16	SENW	40.00
T06S R08E S16	NESW	40.00	T06S R08E S16	NWSW	40.00
T06S R08E S16	SWSW	40.00	T06S R08E S16	SESW	40.00
T06S R08E S16	NESE	40.00	T06S R08E S16	NWSE	40.00
T06S R08E S16	SWSE	40.00	T06S R08E S16	SESE	40.00
T06S R08E S17	NENE	40.00	T06S R08E S17	NWNE	40.00
T06S R08E S17	SWNE	40.00	T06S R08E S17	SENE	40.00
T06S R08E S17	NENW	40.00	T06S R08E S17	NWNW	40.00
T06S R08E S17	SENW	40.00	T06S R08E S17	NESW	40.00
T06S R08E S17	NWSW	40.00	T06S R08E S17	SWSW	40.00
T06S R08E S17	SESW	40.00	T06S R08E S17	NESE	40.00
T06S R08E S17	NWSE	40.00	T06S R08E S17	SWSE	40.00
T06S R08E S17	SESE	40.00			

4128 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 800 acres in a single irrigation season within the 4,128 acres land base. Combined Right Nos.: 2-2260, 2-7019B, 2-7019D, 2-7022B, 2-7023B, and 2-7102B.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

After specific notification by the Department, the department must be notified in writing if a change occurs in the location of irrigated land, prior to diverting the water and must be provided a map showing the location of acres to be irrigated within 40 acre tracts.

A second crop cannot be grown and/or harvested from the new lands during the same growing season that a crop has been grown on the old land. "Crop", in this case, also includes irrigated pasture.

If the 4,128 acres listed in the place of use are split into multiple ownerships, the water right shall be appurtenant to the 504 acres listed in the last Notice, if any, submitted to the department unless otherwise provided for in the instrument of conveyance.

Once water is diverted on the new lands, water cannot be used on the previously irrigated lands during the remainder of the irrigation season.

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

After specific notification by the Department, the right holder shall install a suitable measuring device to record the total volume diverted or shall enter into an agreement with the Department to determine the volume of water diverted from power records and shall annually report the volume diverted to the Department.

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 - License

~~The following rights are also diverted through point of diversion described above: 2-7019B, 2-7019D, 2-7022B, 2-7023B, 2-7102B, and 2-2260~~

Violation of any conditions of Transfer 3460 is cause for the Director to cancel or modify the transfer. The land owner shall be entitled however, to designate 428 504 acres to which the water right shall become appurtenant.

JB

ROR