

164
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 DEC 28 PM 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. 02-7102B
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

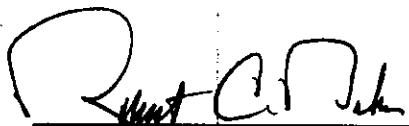
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

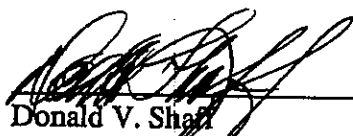


Robert C. Baker

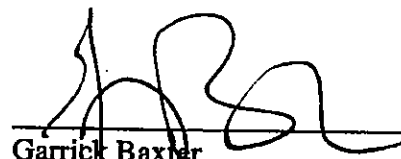
Date

STANDARD FORM 5 - 02-7102B

IDWR Concurrence:


Donald V. Shan
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:

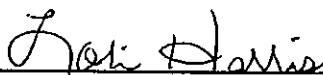
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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: 2-7102B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.500 CFS

~~The right holder must install, as part of his diversion works, 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: 10/12/1972

POINT OF DIVERSION:

T06S R08E S4 SESE Lot 8 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.500 CFS
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 NWNW 44.00	T06S R08E S05 SWNW 40.00	
T06S R08E S05 SENW 40.00	T06S R08E S05 NWSW 40.00	
T06S R08E S05 NWSE 40.00	T06S R08E S05 SWSW 40.00	
T06S R08E S05 SESE 40.00	T06S R08E S05 NESE 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 SWNW 40.00	
T06S R08E S07 SENE 40.00	T06S R08E S07 NESW 40.00	
T06S R08E S07 SESW 40.00	T06S R08E S07 NESE 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 NWNE 40.00	T06S R08E S08 SWNE 40.00	
T06S R08E S08 SENE 40.00	T06S R08E S08 NENW 40.00	
T06S R08E S08 NWNW 40.00	T06S R08E S08 SWNW 40.00	
T06S R08E S08 SENW 40.00	T06S R08E S08 NWSW 40.00	
T06S R08E S08 NWSE 40.00	T06S R08E S08 SWSW 40.00	
T06S R08E S08 SESE 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 acre 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 25 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.

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

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.

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

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 499 ~~504~~ acres to which the water right shall become appurtenant.

~~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~~

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