

RECEIVED

NOV 02 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 1 2011

By _____ Clerk

Deputy Clerk

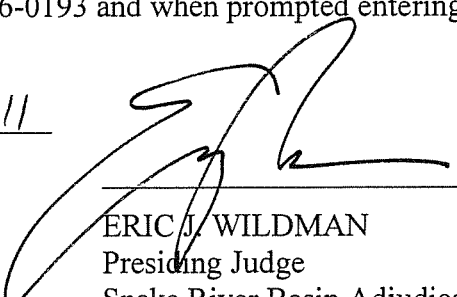
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

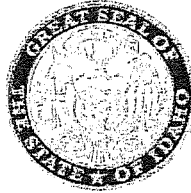
In Re SRBA) Water Right No.: 51-10323
Case No. 39576)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON

A *Partial Decree* was issued for the above-captioned water right on January 30, 1998. On October 24, 2011, the Clerk of the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the *Partial Decree* contains an error with respect to the point of diversion and place of use elements. A copy of the October 24, 2011 correspondence is attached hereto as Exhibit A. The correspondence asserts that the township in the legal description of the *Partial Decree* for the point of diversion and place of use elements was mistakenly identified as T05S, but should be T06S. With respect to the point of diversion element, the Department also recommended including a description for the location of a well. More specifically the Department recommended adding Lot 12 to the legal description for the point of diversion element. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the above-mentioned clerical errors in accordance with the attached Exhibit B.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **February 21, 2012, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign.

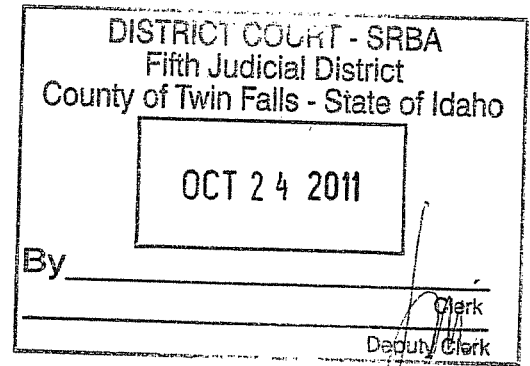
Dated: November 1, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 21, 2011



Clerk of the Court
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Clerical Error for IDWR Subcase No. 51-10323

To the Clerk of the SRBA District Court:

It recently came to the Department's attention that the decree issued in the above referenced subcase contains a clerical error. Specifically, the township was mistakenly identified as T05S, but should be T06S. After applying the township fix to the POD, the Department proceeded to include a description for the location of a well, more specifically Lot 12.

The revised recommendation in overstrike/underscore format correcting the clerical error has been enclosed.

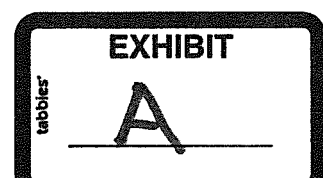
I am also sending copies of this correspondence to the claimants' attorney so that they are aware of this clerical oversight and proposed corrections.

Thank you for your cooperation in this regard. Should you have any questions please contact me at (208) 287-4809.

Sincerely,

Chris Bromley
Deputy Attorney General

cc: D. Hofstetter



10/20/2011

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 24 2011

By _____

Clerk
Deputy Clerk

RIGHT NUMBER: 51-10323
NAME AND ADDRESS: DANSKIN CATTLE LLC
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME ID 83647

SOURCE: GROUND WATER

TRIBUTARY: _____

QUANTITY: 0.160 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 T06S R08E S3 SWSW Lot 12 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.120 CFS
DOMESTIC	1/01 12/31	0.040 CFS
DOMESTIC USE IS FOR 1 HOME AND POTATO SHED.		

PLACE OF USE: STOCKWATER in OWYHEE County

T05S T06S R08E S04	SWSE	T05S T06S R08E S05	SESW
T05S T06S R08E S08	SWSE	T05S T06S R08E S09	NESE
T05S T06S R08E S09	SESE	T05S T06S R08E S16	SENE
T05S T06S R08E S16	NESE		
<u>DOMESTIC in OWYHEE County</u>			
T05S T06S 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.

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 - Beneficial Use

ALLOTMENT NO. 821, CHALK FLAT STOCKWATER, 500 RANGE CATTLE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

NAME AND 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: T06S R08E S03 LOT 12 (SWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T06S R08E S04	SWSE
	S05	SESW
	S08	SWSE
	S09	NESE SESE
	S16	SENE NESE
	Domestic	Within Owyhee County
	T06S R08E S09	NENE

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

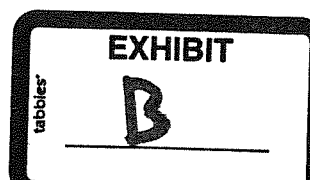
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

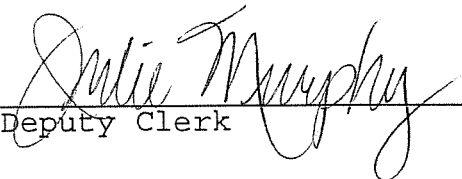


CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on November 01, 2011, with sufficient first-class postage to the following:

DANSKIN CATTLE CO
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME, ID 83647
Phone: 208-587-3617

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".