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DEPARTMENT OF
WATER RESOURCES

2004 JUL 30 PM 4:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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

) ORDER OF PARTIAL DECREE
)
) For Water Right: 63-05069B
)
)

On June 11, 2004, a *Special Master's Report and Recommendation* was filed by this Court for water right 63-05069B. On June 25, 2004, The United States of America filed a *Motion to Correct Clerical Errors* contained in the *Special Master's Recommendation*, stating an "instrument number" in the "Other Provisions Necessary for Definition or Administration of this Water Right" portion of the recommended *Partial Decree* was incorrectly documented as 354703, and should be corrected to read 354793, as provided for in the *Standard Form 5*. Also on June 25, 2004, the claimant, Danskin Cattle LLC, filed a *Notice of Concurrence with United States' Motion to Correct Clerical Error*.

Therefore, IT IS ORDERED that water right 63-05069B be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED *July 30*, 2004.

John M. Melanson

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 63-05069B

2004 JUL 30 PM 4:33
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *M*

NAME AND ADDRESS: DANSKIN CATTLE LLC
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME, ID 83547

SOURCE: BOCK CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
UNNAMED STREAM TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.24 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT AND RIGHT NO. 63-5069A
FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1892

POINT OF DIVERSION: T01N R07E S15 S22 S22
SWSESE Within Elmore County
NENENE
SWNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.22 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Elmore County
T01N R07E S15 LOT 7 (NESE) 11.0
11.0 Acres Total
Stockwater Within Elmore County
Same as Irrigation

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

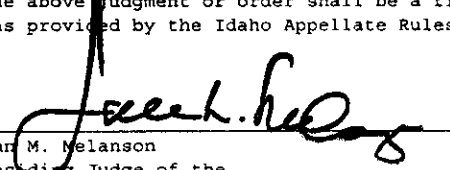
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF
THE STIPULATION TO RESOLVE SUBCASES ENTERED INTO ON MARCH 10,
2004 BETWEEN THE UNITED STATES OF AMERICA AND THE DANSKIN CATTLE
LLC FILED IN THE OFFICE OF THE ELMORE COUNTY RECORDER AND
RECORDED ON MARCH 11, 2004 AS INSTRUMENT NO. 354793; THE
PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER
RIGHT.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 JUL 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-05069B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-05069B was mailed
on July 30, 2004, with sufficient first-class postage prepaid
to the following:

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

DANSKIN CATTLE LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/30/04