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JUL 30 2004

DEPARTMENT OF
WATER RESOURCES

2004 JUL 29 AM 8:56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 63-31290B
	)	
_____	)	

On June 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 63-31290B. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 63-31290B be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 29, 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)
PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
Water Right 63-31290B

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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jm

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

SOURCE: ROCK CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.056 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-115 & 63-31290A IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.

PRIORITY DATE: 04/01/1974

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T01N R07E S14 NENW Within Elmore County
S15 LOT 5 (SENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.056 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T01N R07E S09	NESE 0.8 SESE 0.5
	S14 LOT 1	(NWSW) 4.0 LOT 2 (SWSW) 0.5
	S15	NWNW 1.2 LOT 6 (NESE) 4.4
	11.4 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 63-115 AND 63-31290A IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 117.3 ACRES IN A SINGLE
IRRIGATION SEASON.

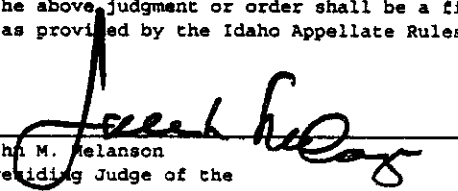
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-115
PURSUANT TO SECTION 42-1426, IDAHO CODE.
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 DANKIN 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 29 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-31290B

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 63-31290B was mailed
on July 29, 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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07/29/04