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JUL 30 2004

DEPARTMENT OF  
WATER RESOURCES

2004 JUL 29 AM 8:56

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

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right: 63-31290A

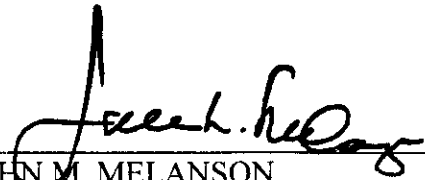
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)

On June 11, 2004, a *Special Master's Report and Recommendation* was filed by this Court for water right 63-31290A. On July 28, 2004, the claimant, Danskin Cattle LLC, by and through its counsel of record, Dana L. Hofstetter, filed a *Motion to Alter or Amend the Special Master's Recommendation*, stating that reference to Lot 8 of Section 10 was omitted from the place of use description of the recommended *Partial Decree*. In reviewing the subcase file, this Court determines that a clerical error was made, to wit: Lot 8 of Section 10 was omitted from the place of use element on the recommended *Partial Decree*, as reported in the *Standard Form 5 Amended Director's Report* filed with this Court on April 9, 2004.

Therefore, IT IS ORDERED that water right 63-31290A 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  
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 63-31290A

2004 JUL 29 AM 8:56

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *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: 0.518 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-115 & 63-31290B IS LIMITED  
TO A TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.  
USE OF THIS RIGHT WITH RIGHT NO 63-19756 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .894 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<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.518 CFS |

| PLACE OF USE: | Irrigation                      | Within Elmore County |
|---------------|---------------------------------|----------------------|
|               | T01N R07E S10 LOT 4 (NWSW) 11.2 | LOT 8 (SWSW) 26.6    |
|               | LOT 7 (SESW) 16.0               |                      |
|               | S15 LOT 1 (NWNE) 28.5           | LOT 4 (SWNE) 3.0     |
|               | LOT 5 (SENE) 9.0                | LOT 2 (NENW) 11.0    |
|               | LOT 1 (NENW) 0.6                |                      |
|               | 105.9 Acres Total               |                      |

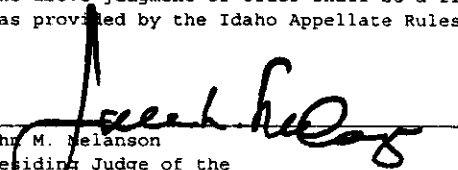
USE OF THIS RIGHT WITH RIGHT NO. 63-115 AND 63-31290B IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117.3 ACRES IN  
A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 134.9 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS. 63-115, 63-19756 AND  
63-31290B.

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 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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 63-31290A

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 63-31290A 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 MUPRHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/29/04