

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31290A
Date Received: 10/20/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DANSKIN CATTLE LLC Phone:
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME ID USA 83647

2. Date of Priority: 04/01/1974

3. Source: ROCK CREEK Trib. to: SOUTH FORK BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01N	07E	14	NE	NW	ELMORE	
01N	07E	15	SE	NE	ELMORE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.518	

7. Total Quantity Appropriated is:
0.518 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
01N	07E	10	NW	SW	4	IRRIGATION	11.2
			SE	SW	7	IRRIGATION	16
			SW	SW	7	IRRIGATION	26.6
			Section Acres				53.8
01N	07E	15	NW	NE	1	IRRIGATION	28.5
			SW	NE	4	IRRIGATION	3
			SE	NE	5	IRRIGATION	9
			NE	NW	1	IRRIGATION	0.6
			NE	NW	2	IRRIGATION	11
Section Acres				52.1			
Total Acres				105.9			

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ACES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

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.

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.

USE OF THIS RIGHT WITH RIGHT NO. 63-19756 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .894 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 63-115 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 105.9 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 123.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-115 & 63-19756.

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

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31290
Date Received: 9/5/2001
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): DANSKIN CATTLE LLC Phone: (208)587-3617
C/O ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME ID USA 83647

2. Date of Priority: 04/01/1974

3. Source: ROCK CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	07E	14	NE NW	ELMORE	

5. Description of diverting works:

Pipeline - risers - sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.574	

7. Total Quantity Appropriated is:
0.574 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	07E	9	NE	SE	IRRIGATION	0.8
			SE	SE	IRRIGATION	0.5
			Section Acres			
01N	07E	10	NW	SW	IRRIGATION	11.2
			SW	SW	IRRIGATION	26.6
			SE	SW	IRRIGATION	16
			Section Acres			
01N	07E	15	NE	NW	IRRIGATION	11
			NW	NW	IRRIGATION	1.2
			Section Acres			
Total Acres						67.3

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Private lands and Forest Service. Has lease agreement with Forest Service. This claim is an enlargement based upon decreed right 63-00115.

15. Basis of Claim: Beneficial Use

— ENLARGEMENT CLAIM —

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

63-31290

Date Received

9-5-01

Receipt Number

NO FEE REQUIRED
X777777NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 05 2001

WATER RESOURCES
WESTERN REGIONPlease type or print clearly DANSKIN CATTLE CO LLC1. Name of Claimant (s) C/O ROBERT C BAKER Phone (209) 587-3617Mailing Address PO Box 488 MOUNTAIN HOME ID Zip 836472. Date of Priority (Only one (1) per claim) 4-1-19743. Source of water supply (a) ROCK CREEK
which is tributary to (b) BOISE RIVER, SOUTH FORK4. a. Location of existing point of diversion is: Township 01N Range 07E Section 14,
_____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of ELMORE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. PIPELINE-RISERSSPRINKLERS

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04-01 to 11-01 amount 574 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 574 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>7E</u>	<u>9</u>													<u>.8</u>			<u>.5</u>	<u>1.3</u>
		<u>10</u>										<u>11.2</u>	<u>26.6</u>	<u>16</u>					<u>53.8</u>
		<u>15</u>					<u>11</u>	<u>1.2</u>											<u>12.2</u>

Total number of acres irrigated 67.3

11. In which county (ies) are lands listed above as place of use located? ELMORE

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-00 or None X

14. Remarks: PRIVATE LANDS & FOREST SERVICE HAS
LEASE AGREEMENT WITH FOREST SERVICE.

THIS CLAIM IS AN ENLARGEMENT BASED UPON
DECREED RIGHT 63-00115.

Last Name _____ Ident No. 63-31290

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am MANAGING member Title _____
of DANSKIN CATTLE LLC Organization _____, that I have signed the foregoing
document in the space below as MANAGING member Title _____ of DANSKIN CATTLE LLC Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization managing member DANSKIN CATTLE LLC Date 9/5/01

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 5 day of SEPT 2001



Notary Public [Signature]

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 2006

Please Print Name

17. Notice of Appearance
Notice is hereby given that _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number 63-31290

Copies White-State, Yellow-Claimant

SF5 Right No. 63-31290A

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

RIGHT NUMBER: 63-31290A

NAME AND ADDRESS: DANSKIN 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 ~~0-574~~ CFS

USE OF THIS RIGHT WITH RIGHT NOS. 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

T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	<u>0.518</u> ~~0-574~~ CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T01N R07E S09	NESE	.8	T01N R07E S09	SESE	.5
T01N R07E S10 Lot 4	NWSW	11.2	T01N R07E S10 Lot 8	SWSW	26.6
T01N R07E S10 Lot 7	SESW	16.0	~~T01N R07E S14 Lot 1~~	~~NWSW~~	~~4.0~~
~~T01N R07E S14 Lot 2~~	~~SWSW~~	~~.5~~	T01N R07E S15 Lot 1	NWNE	28.5
T01N R07E S15 Lot 4	SWNE	3.0	T01N R07E S15 Lot 5	SENE	9.0
T01N R07E S15 Lot 2	NENW	11.6	~~T01N R07E S15~~	~~NWNW~~	~~1.2~~
~~T01N R07E S15 Lot 6~~	~~NESE~~	~~4.4~~			

105.9 ~~117.3~~ 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 & 63-31290B.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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. SECTION 42-1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ~~67.9~~ ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, March 17, 2004 12:25 PM
To: Spencer, Nick; Harvey, Becky; Steve Spencer (E-mail); Dana Hofstetter (E-mail)
Subject: Danskin Cattle LLC SF5s & Overlap Analysis Memo for 63-31290A&B

Attached are the SF5's for 63-31290A, 31290B, 5069A and 5069B for Danskin Cattle LLC. I did an overlap analysis for 63-31290A per request from Dana which did have to involve all the overlapping rights. So, attached is my overlap analysis memo to explain the changes in the overlap remarks on 63-31290A and 63-31290B. I also added the side stipulation remark for 63-5069A and 63-5069B. We will need an official copy of that recorded stipulation for our files also. If you have any questions, just give me a call.

Jan



Danskin Cattle Co
63-31290A SF...



Danskin Cattle Co
63-31290B SF...



Danskin Overlap
Review Memo.do...



Danskin Cattle Co
63-5069A SF5...



Danskin Cattle Co
63-5069B SF5...

OVERLAP ANALYSIS FOR 63-31290A AND 63-31290B – DANSKIN CATTLE CO.

3-16-04

63-31290A –

Ok to have the combined use as 1.0 cfs with 63-115 and 63-31290B since 63-31290A is a portion of the original enlargement right for 63-115 and no additional water can be added with this right from Rock Creek. 63-31290B is the other portion of the original enlargement right and overlaps with 63-115 which overlaps with this right.

This right and Right No. 63-19756 do have a 27.1 acre place of use overlap in the NWNE, SWNE, NENW, S. 15 – ok to have the .894 cfs overlap condition between the two since both are surface water rights and 63-31290A is a portion of the original enlargement claim and no additional water can be added with this right.

All of the acres on 63-31290A overlap with 63-115 – need to add in 63-31290B due to the overlap of it with 63-115 where all three together cannot exceed the 117.3 acres that is the total of 63-115. Note that 63-115 was previously decreed in the SRBA with the additional 11.4 acres as shown in 63-31290B.

Since this right does have a place of use overlap with both 63-115 and 63-19756 as mentioned above and 63-31290B overlaps with 63-115 – the overlap condition should have the total combined acre limitation of 134.9 when all four are combined. This includes the 117.3 acres from 63-115 plus the additional 17.6 acres under 63-19756 that do not overlap with this right or 63-115 in Sec. 10 as explained below. This totals the 134.9 acre limitation. Note: The 11.4 acres in 63-31290B are included in the 117.3 acre total for 63-115.

No overlap with 63-31296 in Sec. 10. All of 63-31296 acres are in addition to those in 63-31290A. Therefore, no overlap conditions needed between this right and 63-31296.

Note: 63-19756 and 63-31296 do overlap between each other in Sec. 10, thus the acre overlap conditions between those two rights were appropriate. Only the additional acres listed in Sec. 15 under 63-19756 overlap with 63-31290A.

63-31290B –

Ok to have the combined use as 1.0 cfs with 63-115 and 63-31290A since 63-31290B is a portion of the original enlargement right for 63-115 and no additional water can be added with this right from Rock Creek. 63-31290A is the other portion of the original enlargement right and overlaps with 63-115 which overlaps with this right. This right does not overlap with 63-19756 or 63-31296.

This right only overlaps on place of use with 63-115. The 11.4 acres split to this right are all included in the place of use for 63-115. Since 63-31290A is the other portion of the original enlargement right and overlaps with 63-115 it should be included in the total acre limitation of 117.3 acres.

AGENT J

DATE

3-16-04

63 - 31296

63 - 31290A+B

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
ROCK CK	115		IN	7E	10									1.4		1.7					53.8	53.8
"	31290A	"	"	"										1.4		1.7					53.8	
"	31296	"	"	"							1.2			1.5		1.6				3.7	17.6	17.6
SPRINGS & UNK. STREAMS	19756	"	"	"							1.2			1.5		1.6				3.7	17.6	
TOTAL																					71.4	

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ROCK CK	115	IN	7E	15	1.1 28.5	1.4 3	1.5 9	1.2 11.6	1.2								1.6 4.4				57.7	57.7	
	31290A	"	"	"	1.1 28.5	1.4 3	1.5 9	1.2 11.6													57.1		
SPRINGS & UNK. STREAM	19756	"	"	"	1.1 26	1.4 .5		1.2 .6	(all included in 15+ 31290A)														27.1
ROCK CK	31290B	"	"	"				1.2									1.6 4.4				5.6		
TOTAL																					57.7		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
115			IN	7E	9												.8		.5		1.3	1.3
31290B			"	"	"												.8		.5		1.3	
TOTAL			"	"	"																	1.3

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
115			IN	7E	14								1.1	1.2							4.5	4.5
31290B			"	"	"								1.1	1.2							4.5	
TOTAL			"	"	"																	4.5

TOTAL - 63 - 117.3

& 31290B when complete.

See memo for analysis - dated 3-16-04

TOTAL ALL - 134.9

SF5 Right No. 63-31290A

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

RIGHT NUMBER: 63-31290A

NAME AND ADDRESS: DANSKIN 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 ~~0.574~~ CFS

USE OF THIS RIGHT WITH RIGHT NOS. 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

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POINT OF DIVERSION:

T01N R07E S14 NENW Within ELMORE County
T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	<u>0.518</u> ~~0.574~~ CFS

PLACE OF USE: IRRIGATION Within ELMORE County

~~T01N R07E S09~~ ~~NESE~~ ~~.8~~	~~T01N R07E S09~~ ~~SESE~~ ~~.5~~
T01N R07E S10 Lot 4 NWSW 11.2	T01N R07E S10 Lot 8 SWSW 26.6
T01N R07E S10 Lot 7 SESW 16.0	~~T01N R07E S14 Lot 1 NWSW~~ ~~4.0~~
~~T01N R07E S14 Lot 2 SWSW~~ ~~.5~~	T01N R07E S15 Lot 1 NWNE 28.5
T01N R07E S15 Lot 4 SWNE 3.0	T01N R07E S15 Lot 5 SENE 9.0
T01N R07E S15 Lot 2 NENW 11.6	~~T01N R07E S15~~ ~~NWNW~~ ~~1.2~~
~~T01N R07E S15 Lot 6 NESE~~ ~~4.4~~	

105.9 ~~117.3~~ ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 ^{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.

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

SF5 Right No. 63-31290A

SF5 Right No. 63-31290A

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.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ~~67.3~~ ACES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

SF5 Right No. 63-31290A

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

RIGHT NUMBER: 63-31290A

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

SOURCE: ROCK CREEK

TRI

QUANTITY: 0.518 0.574 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 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 1.894 CFS.

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POINT OF DIVERSION:

T01N R07E S14 NENW Within ELMORE County

T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.518 0.574 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T01N R07E S09	NESE	.8	T01N R07E S09	SESE	.5
T01N R07E S10 Lot 4	NWSW	11.2	T01N R07E S10 Lot 8	SWSW	26.6
T01N R07E S10 Lot 7	SESW	16.0	T01N R07E S14 Lot 1	NWSW	4.0
T01N R07E S14 Lot 2	SWSW	.5	T01N R07E S15 Lot 1	NWNE	28.5
T01N R07E S15 Lot 4	SWNE	3.0	T01N R07E S15 Lot 5	SENE	9.0
T01N R07E S15 Lot 1	NENW	0.6	T01N R07E S15 Lot 2	NENW	11.0
T01N R07E S15	NWNW	1.2	T01N R07E S15 Lot 6	NESE	4.4

105.9 117.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 105.9 117.3 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 105.9 117.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-115 & 63-19756.

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

SF5 Right No. 63-31290A

PER PHONE CALL FROM
DANA HOFSTETTER I
CORRECTED THE LOT #
FOR THE SWSW, S. 10,
T1N R7E FROM LOT 7
TO LOT 8. NOT IN
DATABASE AS MORE IS
TO COME FROM USFS.
2-6-04

change to 117.3 see memo
dated 3/16/04
change to 134.5

SF5 Right No. 63-31290A

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.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ~~67.3~~ ACES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

Claims: 03-113 & 03-31250
Date Prepared: 02-28-02
Prepared By: Ron Howerton





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

December 4, 2003

Dana L. Hofstetter
608 West Franklin Street
Boise, ID 83702

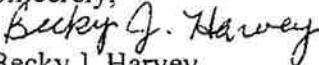
Re: Danskin Cattle LLC SF 5's
Subcase Nos.: 63-5069 & 63-31290

Dear Dana:

Pursuant to the settlement discussions, enclosed please find Standard Forms 5 for the following water right recommendations: 63-5069A, 63-5069B, 63-31290A & 63-31290B. Through great effort Jan was able to split the rights retaining the original water right numbers and adding letter suffixes rather than assigning four new numbers.

Please review the SF 5's and attached recommendations. If all meets with your approval, sign where indicated, **initial the recommendations**, then please forward the originals to Steve Spencer at the US Forest Service to obtain David Negri's signature. By copy of this letter, it is requested that the Forest Service return the original documents to me so that IDWR may sign them. I will then file the documents with the SRBA Court.

If you have any questions, please feel free to call Nick Spencer at: 327-7930 or me at: 327-7881.

Sincerely,

Becky J. Harvey
Paralegal

/bh
Enclosures

cc: Steve Spencer, USFS

SF5 Right No. 63-31290A

10/21/2003

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

RIGHT NUMBER: 63-31290A

NAME AND ADDRESS: DANSKIN 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 ~~0.574~~ CFS

USE OF THIS RIGHT WITH RIGHT NOS. 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

T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>0.518</u> ~~0.574~~ CFS

PLACE OF USE: IRRIGATION Within ELMORE County

~~T01N R07E S09~~	~~NESE~~	~~.8~~	~~T01N R07E S09~~	~~SESE~~	~~.5~~
T01N R07E S10 Lot 4	NWSW	11.2	T01N R07E S10 Lot 7	SWSW	26.6
T01N R07E S10 Lot 7	SESW	16.0	~~T01N R07E S14 Lot 1~~	~~NWSW~~	~~4.0~~
~~T01N R07E S14 Lot 2~~	~~SWSW~~	~~.5~~	T01N R07E S15 Lot 1	NWNE	28.5
T01N R07E S15 Lot 4	SWNE	3.0	T01N R07E S15 Lot 5	SENE	9.0
T01N R07E S15 Lot 1	NENW	0.6	T01N R07E S15 Lot 2	NENW	11.0
~~T01N R07E S15~~	~~NWNW~~	~~1.2~~	~~T01N R07E S15 Lot 6~~	~~NESE~~	~~4.4~~

105.9 ~~117.3~~ ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 105.9 ~~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 123.5 ~~134.9~~ ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-115 & 63-19756.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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

SF5 Right No. 63-31290A

SF5 Right No. 63-31290A

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.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ~~67.3~~ ACES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

09/09/03

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31290A

DRAFT

NAME AND ADDRESS: DANSKIN 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 ~~0.574~~ CFS

USE OF THIS RIGHT WITH RIGHT NOS. 63-115 & 63-32190B 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 0.894 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
T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>0.518</u> ~~0.574~~ CFS

PLACE OF USE:

<u>IRRIGATION Within ELMORE County</u>		
~~T01N R07E S00~~	~~NESE~~	~~0.8~~
T01N R07E S10 Lot 4 NWSW		11.2
T01N R07E S10 Lot 7 SESW		16.0
~~T01N R07E S14 Lot 2 SWSW~~		~~0.5~~
T01N R07E S15 Lot 4 SWNE		3.0
T01N R07E S15 Lot 1 NENW		0.6
~~T01N R07E S15~~	~~NWNW~~	~~1.2~~
~~T01N R07E S00~~	~~SESE~~	~~0.5~~
T01N R07E S10	SWSW	26.6
~~T01N R07E S14 Lot 1 NWSW~~		~~4.0~~
T01N R07E S15 Lot 1 NWNE		28.5
T01N R07E S15 Lot 5 SENE		9.0
T01N R07E S15 Lot 2 NENW		11.0
~~T01N R07E S15 Lot 6 NESE~~		~~4.4~~

105.9 ~~147.3~~ ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 105.9 ~~147.3~~ 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 123.5 ~~134.9~~ ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-115 & 63-19756.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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. SECTION 42-1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 55.9 ~~67.3~~ ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM THE ORIGINAL RIGHT NO. 63-31290.

RECEIVED
JUL 28 2003

Department of Water Resources

Dana L. Hofstetter, ISB No. 3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

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

In Re SRBA

Case No. 39576

)
)
) Subcase Nos. 63-5069 and 63-31290
)
)
)
)
)
)

NOTICE OF APPEARANCE

Dana L. Hofstetter of Hofstetter Law Office, LLC enters an appearance as attorney of record for Danskin Cattle LLC in the above-referenced subcases, and requests that copies of all documents be served upon her at the above address.

DATED this 25th day of July, 2003.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of July, 2003, I caused to be served copies of the foregoing **Notice of Appearance** by the postage pre-paid methods indicated below:

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Danskin Cattle LLC
c/o Robert C. Baker
P.O. Box 488
Mountain Home, ID 83647
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4020.1\5627

RECEIVED

JAN 31 2003

Department of Water Resources

**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

A. Subcase: 63-31290

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Danskin Cattle LLC

Address: C/O Robert C Baker
P.O. Box 488
Mountain Home, ID 83647

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: See E below.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

Places of use shown in the Directors Report recommendation in the NESE and SESE of Section 9, Lot 1 NWSW and Lot 2 SWSW of Section 14, and NWNW and NESE of Section 15, all in T1N, R7E are on National Forest System land. The claimant is not authorized to occupy and use the National Forest for this purpose.

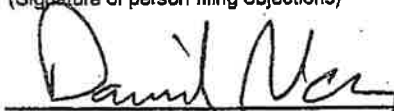
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

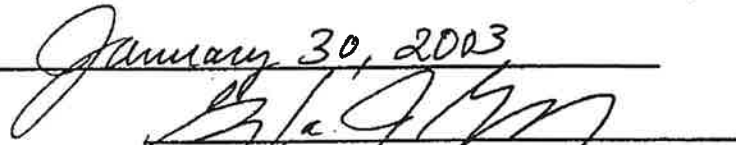
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objections)


(Attorney signing in representative capacity)

Subscribed and sworn before me on:


Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 1/30/03, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

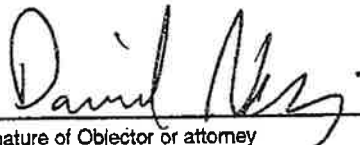
Name: Danskin Cattle LLC
Address: C/O Robert C Baker
P.O. Box 488
Mountain Home, ID 83647

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2002

MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME ID 83647

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We request the publication dates be November 13, 2002 and November 20, 2002. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

Enclosure

Post-it* Fax Not		7671	Date 11-7-2	# of pages 2
To: Danni Smith			From Danni	
Co. Dept.			Co.	
Phone #			Phone #	
Fax #			Fax #	

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Elmore County are shown to the nearest section – more specific locations are available upon request.

Water Right: 63-31290

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

SOURCE: ROCK CREEK TRIBUTARY TO: SOUTH FORK BOISE RIVER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T01N R07E S14 NENW
S15 SENE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T01N R07E S09 NESE SESW
S10 Lot 4(NWSW) SWSW Lot 7(ESW)
S14 Lot 1(NWSW) Lot 2(SWSW)
S15 Lot 1(NWNE) Lot 4(SWNE) Lot 5(ENE)
Lot 1(NENW) Lot 2(NENW) Lot 6(ENE)
NWNW

This right is for an enlargement of 67.3 acres irrigation
Within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 on or before December 20, 2002.

Howerton, Ron

From: Howerton, Ron
Sent: Monday, October 28, 2002 1:15 PM
To: Smith, Danni
Cc: Shurte, Jan
Subject: R6331290.doc Attachment



R6331290.doc

Danni,

This is an enlargement recommendation that needs to be advertised.

It is basin 63 Part 1.

Danskin Cattle LLC

63-31290 Objection - FOREST SERVICE

(ALSO should apply to OVERLAPPING Right 63-115)

(ALSO total acres on

Objected to following lands on FS Grounds.

509	NE SE	.8 Ac	(Enlarged Side)
	SE SE	.5 Ac	(Enlarged Side)
514	NWSW	4 Ac	(DECREED Side)
	SW SW	.5 Ac	(DECREED Side)
515	NE SE	4.4 Ac	(DECREED Side)
	NWNW	1.2 Ac	(Enlarged Side)

A) ENLARGED ACRES	B) DECREED SIDE ACRES
.8	4
.5	.5
1.2	4.4
2.5 Acres (FOREST SERV)	8.9 (FOREST SERV)

A) 2.5 + B) 8.9 = 11.4 ACRES

PPOW ACRES = 117.3 - 11.4 FOREST SERV. AC =
105.9 (PRIVATE)

07/29/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31290

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

SOURCE: ROCK CREEK

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.574 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-115 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 0.894 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
T01N R07E S15 SENE Lot 5 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.574 CFS

PLACE OF USE:

<u>IRRIGATION Within ELMORE County</u>		
T01N R07E S09	NESE	0.8
T01N R07E S10 Lot 4 NWSW		11.2
T01N R07E S10 Lot 7 SESW		16.0
T01N R07E S14 Lot 2 SWSW		0.5
T01N R07E S15 Lot 4 SWNE		3.0
T01N R07E S15 Lot 1 NENW		0.6
T01N R07E S15	NWNW	1.2
T01N R07E S09	SESE	0.5
T01N R07E S10	SWSW	26.6
T01N R07E S14 Lot 1 NWSW		4.0
T01N R07E S15 Lot 1 NWNE		28.5
T01N R07E S15 Lot 5 SENE		9.0
T01N R07E S15 Lot 2 NENW		11.0
T01N R07E S15 Lot 6 NESE		4.4

117.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-115 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.

07/29/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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. SECTION 42-1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 67.3 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

03/01/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-31290

DANSKIN CATTLE LLC

C/O ROBERT C BAKER

PO BOX 488

MOUNTAIN HOME ID 83647

Telephone Number: (208) 587-3617

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

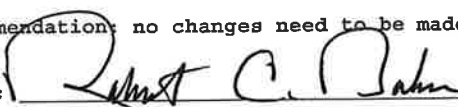
2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/18/02

SIGNATURE:



Please print your name:

Robert C. Baker

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

ENLARGEMENT CLAIM OF 63-115

(DECREED RIGHT)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-31290

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

POD OVERLAP
with 63-115
E 63-31290

4. ☒ No Change — POINT OF DIVERSION ✓ GPS LOCATION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

PIPE LINE with 14" steel pipe, then into 10" PVC
then piped across south fork of Boise River then to
risers and sprinklers.

Idaho Department of Water Resources

CLAIM VERIFICATION NARRATIVE SHEET

Updated: February 28, 2002

Date of Exam: August 8 & 20, 2001

Field examiner:

**Ron Howerton
Senior Water Right Agent**

**Water Right Nos.: 63-115 & 63-31290
Also references to: 63-19756 & 63-31296**

Contacts: Robert C. Baker

Narrative:

All Rock Creek water historically came down in the "Joy Ditches" at time of decreed right 63-115. A pipeline with risers replaced most of the historical ditches later from only the upper point of diversion. Additional land also was added for the enlargement beneficial use claim 63-31290 in 1974 when the historical "Joy Ditches" washed out. See affidavit by Robert Baker dated September 5, 2001. An additional beneficial use claim was filed on Rock Creek and is not considered an enlargement because the use began after the decree & prior to 1971, claim # 63-31296.

The affidavits for all beneficial use claims were all filled out by Bob Baker at Western Region September 5, 2001.

DATE OF PRIORITY: Ambiguous decree 63-115 stated superior to all others, not giving a date of priority, claimant submitted evidence of 04/01/1897, recommended.

DIVERTING WORKS & POD: The upper point of diversion consists of a screw head gate, plastic with rock dam. The water is diverted into a 14 inch steel pipe underground, then into 10 inch PVC, combination risers for sprinklers and gravity flow into historical ditches on the East side, then piped over the South Fork of the Boise River to where the enlargement acres are. He then uses risers for sprinkler irrigation. The decree was ambiguous in describing points of diversion.

SEASON OF USE: The decree was ambiguous by not listing the season of use, I'm recommending the standard season for this area and it matches the claimed season of use.

PLACE OF USE: Bob was made aware again at time of filing his affidavits for proof of historical beneficial use and during the field exams, that several of his claims overlapped Forest Serve Lands. He still wanted me to recommend their lands that irrigation is on, because he leases the lands. I have recommended them and expect an objection from the Forest Service. Recommendations of 117.3 acres are combined for the decreed right 63-115 and the 63-31290-enlargement claim.

I used BLM maps and Arc View information to verify Forest Service lands. See file copy. Also, questionable tract of BLM land. I questioned Bob about this; he said his contact with BLM said it wasn't BLM and thus, I recommended it.

I will also list 63-115 as an accomplished transfer for the place of use; some land changed from decreed area and the other reason is because of the change in the place of use of the enlargement in 1974. Evidence of change is shown on the 1987 NAPP photo. No injury found.

THE DECREE: Did not specify the duty of water. After plotting lands not included in the enlargement, it comes to 0.02 CFS per acre. The enlargement claim was prorated based upon the enlarged acres, see CFS prorate table in 63-31290.

OVERLAP REVIEW: The enlargement is 67.3 acres and the decree for 50-acre total of 117.3 acres is being recommended as a permissible place of use. Other overlaps are with 63-19756 with total acres of 134.9. See file for attached overlap review sheet. No places of use overlap with 63-31296, except with the point of diversion in section 14.

MEASUREMENTS: Manning measurements were made on historical ditches to verify differences in spring sources flows and Rock Creek flows. Also to verify more than 1 CFS had been diverted after the decreed Rock Creek 63-115 beneficial use claim for 63-31296 Rock Creek. The amount measured all provided historical flows in addition to 1 CFS and proved additional CFS had been diverted for spring source claim 63-19756. See Manning's equation data in file.

**IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))**

State of Idaho)

County of Ada)

Robert C. Baka being first duly sworn,

deposes and says: I constructed a pipeline to convey the water of Rock Creek to the lands identified in claim 63- The old "Joy Ditch" washed out and became impractical to maintain. This was accomplished in 1974 without assistance or cost sharing. Water was first applied April 1, 1974


(Signature)

Subscribed and sworn to before me this

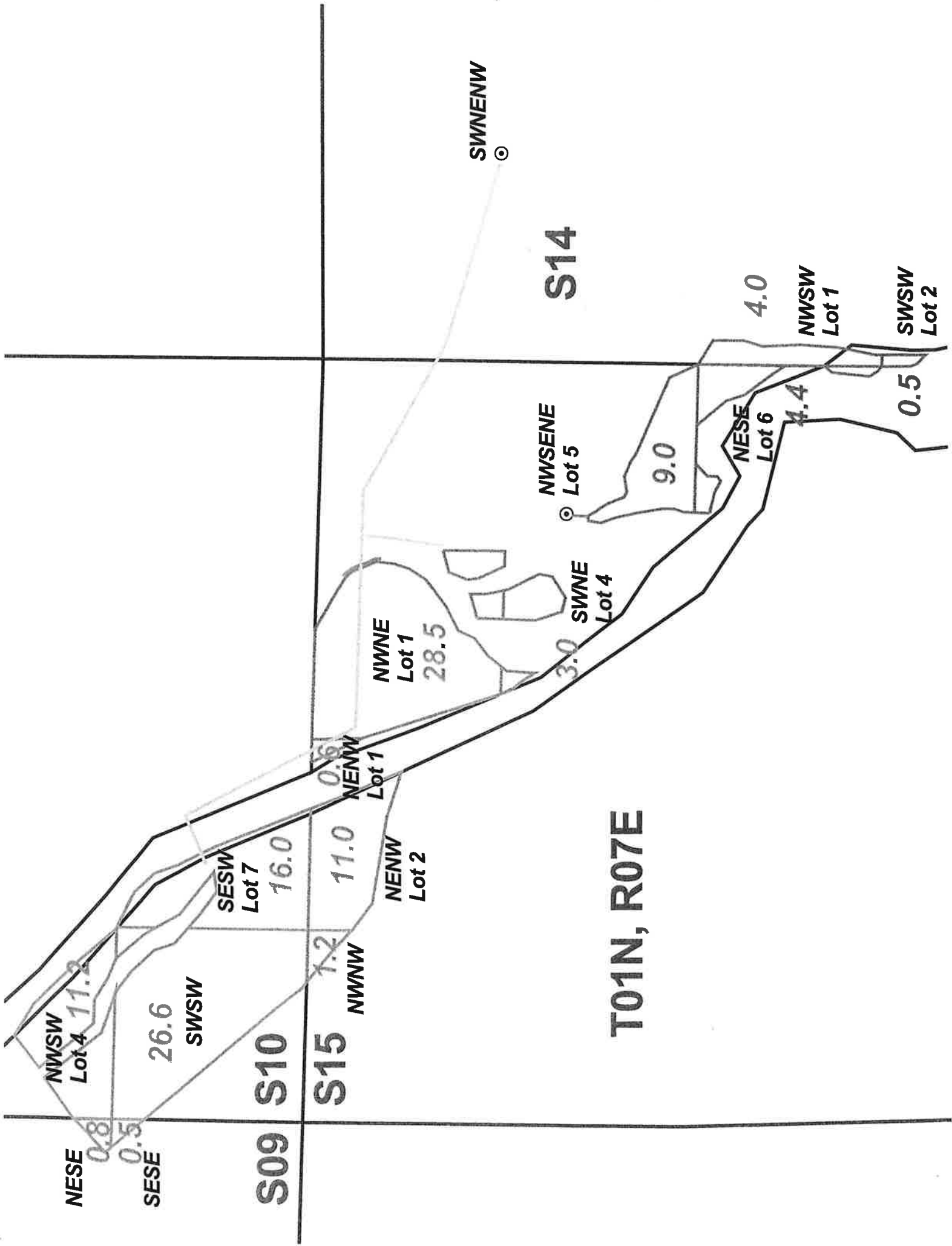
day 5 of SEPT, 2001.

Ron Hawtorn
(Notary Public)

Residing at Flon Howerton

My Commission Expires December 8, 2006.





NW3W
Lot 4

NESE

T01N R07E
SEC 09

0.8
0.5

SESE

26.0

SWSW

SES
Lot 7

16

1.2

NWNW

11.0

T01N R07E
SEC 15

NENW
Lot 2

T01N R07E
SEC 10

SWSE

NWNW

NWNW

Photo 1. FX Aug. 20, 2001. Photos by RDH. 63-31290-enlargement claim. POD photo taken earlier. Aug. 8, 2001. POD overlap with 63-115 & 63-31296, T01N, R07E, S14, SWNENW.



System consists of screw head gate, plastic, rock dam, diverted into 14" steel pipe underground, then into 10" PVC, then is piped across the South Fork of the Boise River with risers for sprinkler irrigation on the West side of river. The place of use was looked at on Aug. 8, 2001. Size and type of underground pipe was given information by owner Bob Baker.

(ENLARGEMENT OF 115)
63 - 31290

63 - 31296

(C) USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
Rock CR	63-31296	IN	7 E	10							4.5			3.3		6.1			3.7		17.6	
NO (A) overlaps																						
(B)(C) OVERLAP						26	.5		.6	4.5			3.3	6.1			3.7					44.7

- COMBINED CFS & ACRES
SEE ALSO OVERLAP REVIEW SHEET

- 63-115 Rock CR

COMBINED WITH ENLARGEMENT: 63-31290 Rock CR
 CFS = 1.0 CFS + ENLARGEMENT = 1.0 CFS COMBINED
 ACRES = 50 + 67.3 = 117.3 ACRES COMBINED

- 63-19756 SPRINGS & UNNAMED STREAMS

COMBINED WITH 63-115 Rock CR
 CFS 1.0 CFS + .894 = 1.894 CFS COMBINED
 PPOU ACRES = 117.3 + 44.7 = 134.9 COMBINED

- COMBINED WITH 63-31296 Rock CR

CFS .352 CFS (TOTAL OVERLAP) AT 0.02/ACRE = .894 CFS
 ACRES 17.6 ACRES (TOTAL OVERLAP) = 44.7 ACRES

- 63-31290 ENLARGEMENT Rock CR

COMBINED WITH SPRINGS & UNNAMED STREAMS (63-19756)
 CFS ENLARGEMENT (NONE) + .894 = CFS COMBINED = .894
 63-19756

PPOU ACRES = 117.3 + 44.7 = 134.9 COMBINED ACRES

Page 1

[illegible]

CFS PRORATE SHEET FOR ENLARGEMENTS

BASE RIGHT NO. 63-115

ACRES CFS
50 1

ENLARGEMENT NO. 63-31290

ACRES
67.3

COMBINED TOTAL ACRES = ----- 117.3

PRORATED CFS PER ACRE = ----- 0.008525

ENLARGEMENT PRORATED CFS =

((BASE CFS / (BASE + ENLARGEMENT ACRES)) X
(ENLARGEMENT ACRES) =

CFS AVAILABLE FOR ENLARGEMENT = -----

CFS
0.574

ANALYSIS OF DANSKIN CATTLE CO. CLAIMS

LAND USES

BLM / FOREST / PRIVATE

IN

SECTIONS 9, 10, 15, 22 & 23

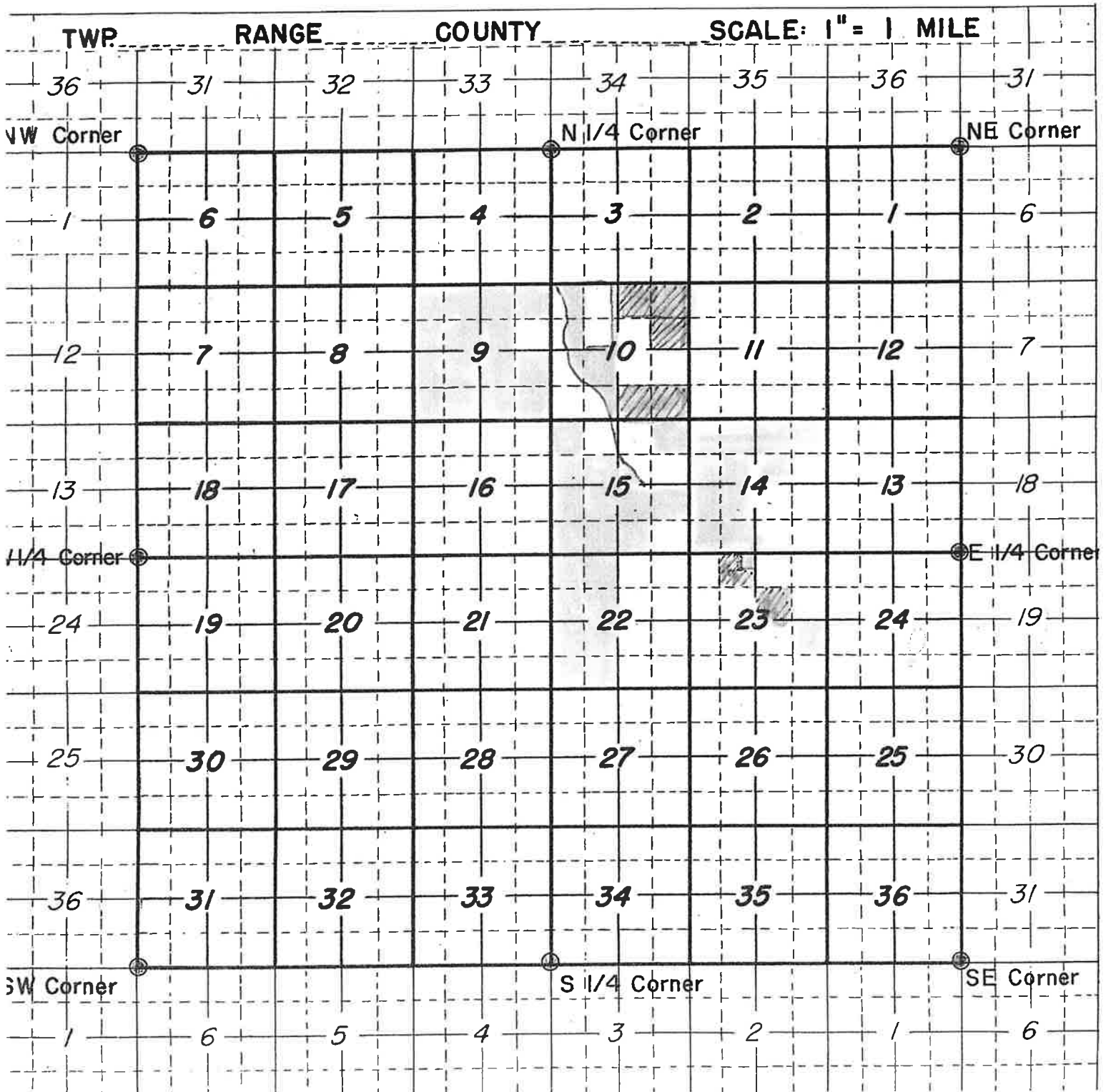
14

TIN RTE

□ = DAN PRIVATE LANDS

▨ = BLM cross hatch w/ Y

■ = SOLID GREEN (FOREST)





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 13, 2001

DANSKIN CATTLE LLC
% ROBERT C BAKER
PO BOX 488
MOUNTAIN HOME ID 83647

Re: Notice of Claim to a Water Right No. 63-115, 63-4225, 63-4859, 63-5069, 63-19755,
63-19756, 63-19757, 63-31290 & 63-31296

Dear Claimant(s):

Enclosed are copies of the above referenced *amended* claims, which reflect the necessary changes for the land and appurtenant water rights covered under the original filing. Also enclosed are the new claim filings, and copies for your records.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure