

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 17 2003	
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

Case No. 39576

SPECIAL MASTER'S REPORT

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

FOR WATER RIGHT 61-00303B

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

An objection was filed on June 15, 1999, by United States Department of Justice, Bureau of Land Management. An *Order Granting Motion to Amend Claims* was issued on May 5, 2000. An *Amended Director's Report* was filed on December 28, 2000. The Bureau of Land Management, Batruel Dairy and Carlene Smith filed an objection to the *Amended Director's Report*. A *Supplemental Director's Report* was filed on September 17, 2001. The Bureau of Land Management filed an objection on October 29, 2001. The parties filed a *Stipulation to Resolve Objections* in this subcase and other subcases owned by Batruel Dairy. The parties also filed a *Standard Form 5* in this subcase. The Idaho Department of Water Resources was not a signature to the *Stipulation* or the *Standard Form 5*. On October 29, 2002, IDWR filed a *Notice of IDWR Concurrence in Basin 61 Subcase Settlements Submitted Without IDWR Signature*. The change is as follows: remove two places of use and add stockwater as a purpose of use.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the elements for water right 61-00303B be decreed as set forth in the *Attached Recommendation for Partial Decree pursuant to I.R.C.P. 54(b)*.

DATED: June ____, 2003.



THOMAS R. CUSHMAN
Special Master
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

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00303B

JUN 17 2003

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

MARY BATRUEL
PAUL BATRUEL
PETER BATRUEL
RT 1 BOX 428
GLENNS FERRY, ID 83623

SOURCE:

LITTLE CANYON CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.20 CFS

PRIORITY DATE:

05/02/1892

POINT OF DIVERSION:

T05S R10E S08

NENWSW

Within Elmore County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation

Stockwater

PERIOD OF USE

03-15 TO 11-15

01-01 TO 12-31

QUANTITY

0.20 CFS

0.02 CFS

PLACE OF USE:

Irrigation

T05S R10E S18

SENW 28.0

NWSE 40.0

Within Elmore County

NESE 17.0

85.0 Acres Total

Stockwater

Same as Irrigation

Within Elmore County

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 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.

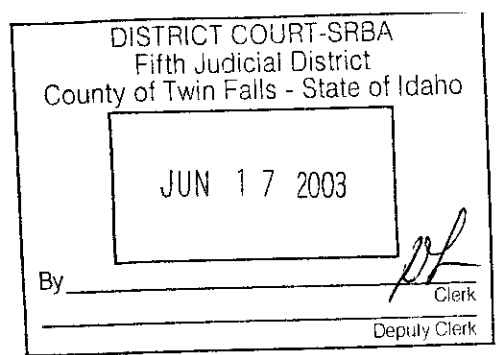
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JUN 17 2003

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-00303B File Number: 00139



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)
_____)

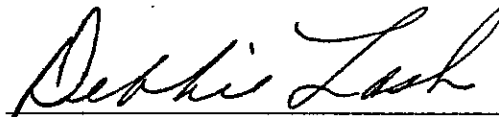
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION
Water Right(s): 61-00303B

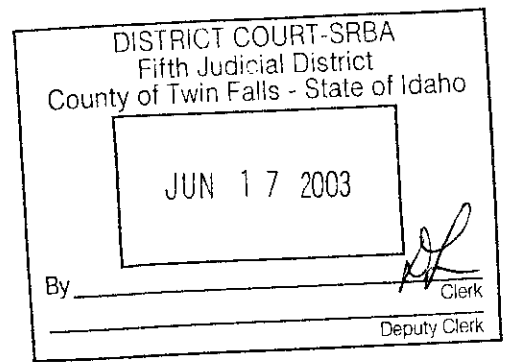
On June 17, 2003, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 17, 2003.


DEBBIE LASH
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 61-00303B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 17, 2003, with sufficient first-class postage prepaid to the following:

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

CARLENE SMITH
Represented by:
CHARLES L. HONSINGER
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

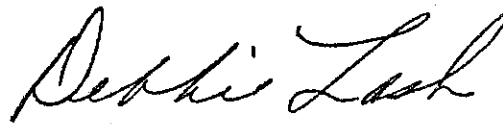
CERTIFICATE OF MAILING

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06/17/03

BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
PETER BATRUEL

Represented by:
MATT J. HOWARD
ATTORNEY AT LAW
PO BOX 190012
BOISE, ID 83719
Phone: 208-333-0622

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

A handwritten signature in cursive script, reading "Debbie Lash", written in black ink.

DEBBIE LASH
Deputy Clerk