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JUL 23 2003

Department of Water Resources

2003 JUL 22 PM 2:00

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

) AMENDED SPECIAL MASTER'S
) REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
FOR WATER RIGHTS 61-00293B, 61-
00303B and 61-00304B

I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued on June 17, 2003. The SRBA District Court received a *Motion to Amend Special Master's Recommendation* on July 7, 2003.

The Motions state that Peter Batruel is deceased and should not be listed as an owner.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Motion to Amend Special Master's Recommendation*, IT IS RECOMMENDED that the elements for water rights 61-00293B, 61-00303B and 61-00304B be decreed as set forth in the *Attached Amended Recommendation for Partial Decree pursuant to I.R.C.P. 54(b)*.

DATED: July 22, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-00293B

2003 JUL 22 PM 2:00
FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 428
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.575 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/01/1898

POINT OF DIVERSION: T05S R09E S12 SESE Within Elmore County
R10E S18 LOT 2 (SNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.575 CFS
	Stockwater	01-01 TO 12-31	0.575 CFS

PLACE OF USE:					
	Irrigation			Within Elmore County	
	T04S R09E S13	NWNE 3.0		SWNE 24.0	
	LOT 2	(SENE) 9.0		NENW 19.5	
		NWNW 1.5		SNNW 1.0	
		SENE 19.0		NESE 36.0	
		NWSE 16.0		SESE 13.0	
	R10E S18	SENE 28.0	LOT 3	(NWSW) 30.0	
	LOT 4	(SWSW) 38.0		NESE 17.0	
		NWSE 40.0			
	295.0 Acres Total				

Stockwater Within Elmore County
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NOS. 61-00303B, 61-00304B, 61-00308
61-04132, 61-10834 AND 61-11921 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 328 ACRES IN A SINGLE IRRIGATION SEASON.

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

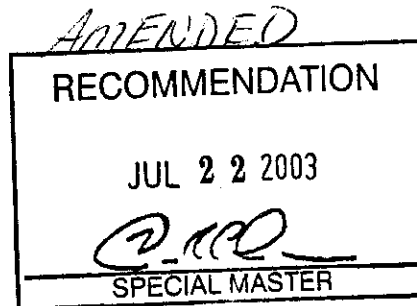
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS 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



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 61-00303B

2003 JUL 22 PM 2:00
FILED

NAME AND ADDRESS: BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 428
GLENN'S 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	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R10E S18 SENW 28.0 NESE 17.0
NWSE 40.0
85.0 Acres Total

Stockwater Within Elmore County
Same as Irrigation

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).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

APPEALED

RECOMMENDATION

JUL 22 2003

[Signature]
SPECIAL MASTER

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 61-00304B

2003 JUL 22 PM 2:00

NAME AND ADDRESS: BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 428
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS

PRIORITY DATE: 05/07/1892

POINT OF DIVERSION: T05S R10E S08 NENWSW Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R10E S18 SENW 28.0 NESE 17.0
NWSE 40.0
85.0 Acres Total

Stockwater Within Elmore County
Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

41777777
RECOMMENDATION

JUL 22 2003

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SPECIAL MASTER

CERTIFICATE OF MAILING

I certify that a true and correct copy of AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on July 22, 2003, with sufficient first-class postage prepaid to the following:

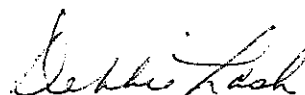
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Batrue Dairy
Paul & Mary Batrue
Rt 1 Box 428
Glenns Ferry, Idaho 83623

Charles Honsinger
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PO Box 2773
Boise, ID 83701-2773

Norman Semanko
Attorney at Law
410 S Orchard, Suite 144
Boise, ID 83705

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724



Deputy Clerk