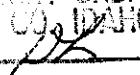


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JUL 23 2003

Department of Water Resources

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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

) AMENDED SPECIAL MASTER'S
) REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

FOR WATER RIGHT 61-04038

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 Motion states that the point of diversion should be listed in section 18 and not section 10.

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 right 61-04038 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

CERTIFICATE OF MAILING

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

CARLENE SMITH

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

BATRUEL DAIRY

PAUL & MARY BATRUEL
RT 1 BOX 428
GLENNS FERRY, ID 83623
Phone: 208-366-7272

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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 61-04038

NAME AND ADDRESS: CARLENE SMITH
RT 1 BOX 420
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRING GULCH CREEK TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.18 CFS

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

PRIORITY DATE: 08/02/1898

POINT OF DIVERSION: T05S R10E S18 NESW Within Elmore County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.18 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R10E S18 NESW 2.0 SESW 7.0
SWSE 1.0
S19 NENW 1.0
11.0 Acres Total

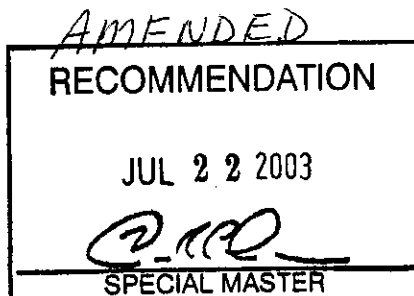
Stockwater Within Elmore County
T05S R10E S18 NESW SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCK
WATER 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