

JUL 23 2003

2003 JUL 22 PM 2: 00

WILLIAMSON, 15410

In Re SRBA

)

)

Case No. 39576

)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

)

FOR WATER RIGHT 61-11921

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 place of use for stockwater is the same as domestic and should be same as irrigation.

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 61-11921 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.

[Handwritten signature]

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 61-11921

2003 JUL 22 PM 2:00
DISTRICT CLERK
TWIN FALLS CO., IDAHO
FILED

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: 1.16 CFS

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

PRIORITY DATE: 07/31/1898

POINT OF DIVERSION: T05S R09E S12 SESE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.16 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Irrigation Within Elmore County

T05S R09E S13	NWNE 3.0	SWNE 24.0
LOT 2	(SENE) 16.0	NENW 19.5
	NWNW 1.5	SWNW 1.0
	SENE 19.0	NESE 39.0
	NWSE 16.0	SESE 13.0
R10E S18	SENE 30.0	LOT 3 (NWSW) 39.0
LOT 4	(SWSW) 38.0	NESE 17.0
	NWSE 40.0	
316.0 Acres Total		

Stockwater Within Elmore County
Same as Irrigation

Domestic Within Elmore County

T05S R09E S13	SWNE	LOT 2 (SENE)
R10E S18 LOT 3	(NWSW)	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 61-00293B, 61-00303B,
61-00304B, 61-00308, 61-04132 AND 61-10834 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.

THE QUANTITY OF WATER FOR STOCKWATER USE SHALL BE MEASURED
AT THE POINT WHERE THE WATER ENTERS THE DIVERSION POND LOCATED
IN T05S, R09E, S13, SESE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

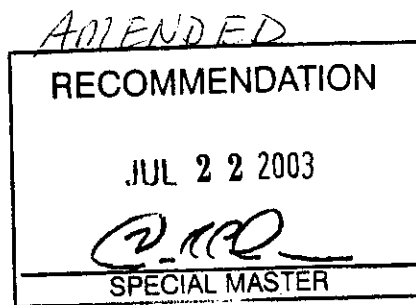
OTHER PROVISIONS (continued)

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



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:

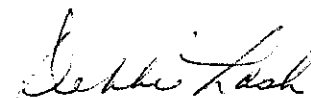
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Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724



Deputy Clerk