

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 24 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

Subcase No. 61-4132

Case No. 39576

STANDARD FORM 5**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Batruel Dairy

<i>Paul V Batruel</i>	<i>06-24-03</i>	<i>Mary V. Batruel</i>	<i>6-24-03</i>
Paul Batruel, Pro Se	Date	Mary Batruel, Pro Se	Date

STANDARD FORM 5 - 61-4132

IDWR Concurrence:

Roxanne Brown 6/17/03
Roxanne Brown Date
Senior Water Resource Agent

Candice M. McHugh 6/17/03
Candice M. McHugh Date
Deputy Attorney General for IDWR

CERTIFICATE OF MAILING

I certify that on June 24, 2003, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Batrue Dairy
Rt 1, Box ~~426~~ *428*
Glenns Ferry, ID 83623-9756



Signature of person or attorney mailing the form

06/17/2003

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

RIGHT NUMBER: 61 4122

NAME AND ADDRESS: MARY BATROEL
PAUL BATROEL
BATROEL DAIRY
RT 1 BOX 420
GLENNS FERRY ID 83623

SOURCE: LITTLE CANYON CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 10.0 CFS

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 03/29/1903

POINT OF DIVERSION:

T04S R10E S9 NE1/4 within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	10.0 CFS
STOCKWATER	01/01 12/31	0.25 CFS

PLACE OF USE: IRRIGATION within ELMORE County

T05S R09E S12	NW1/4	5.0	T05S R09E S12	SW1/4	7.0
T05S R09E S13	NW1/4	3.0	T05S R09E S13	SW1/4	24.0
T05S R09E S13 Lot 2	SE1/4	16.0	T05S R09E S13	NE1/4	19.5
T05S R09E S13	NW1/4	1.5	T05S R09E S13	SW1/4	1.0
T05S R09E S13	SE1/4	19.0	T05S R09E S13	NE1/4	39.0
T05S R09E S13	NW1/4	16.0	T05S R09E S13	SE1/4	13.0
T05S R10E S18	SE1/4	30.0	T05S R10E S18 Lot 3	NW1/4	30.0
T05S R10E S18 Lot 4	SW1/4	30.0	T05S R10E S18	NE1/4	17.0
T05S R10E S18	NW1/4	40.0			

STOCKWATER within ELMORE County

T05S R09E S12	NW1/4		T05S R09E S12	SW1/4	
T05S R09E S13	NW1/4		T05S R09E S13	SW1/4	
T05S R09E S13 Lot 2	SE1/4		T05S R09E S13	NE1/4	
T05S R09E S13	NW1/4		T05S R09E S13	SW1/4	
T05S R09E S13	SE1/4		T05S R09E S13	NE1/4	
T05S R09E S13	NW1/4		T05S R09E S13	SE1/4	
T05S R10E S18	SE1/4		T05S R10E S18 Lot 3	NW1/4	
T05S R10E S18 Lot 4	SW1/4		T05S R10E S18	NE1/4	
T05S R10E S18	NW1/4				

320 ACRES TOTAL

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

RB gm² P.B. MB