

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

2003 JUL 28 AM 11:24

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 428
GLENNS 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 (SWNW)

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
T05S R09E S13	NWNE 3.0	SWNE 24.0
LOT 2	(SENE) 9.0	NENW 19.5
	NWNW 1.5	SWNW 1.0
	SENW 19.0	NESE 36.0
	NWSE 16.0	SESE 13.0
R10E S18	SENW 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:

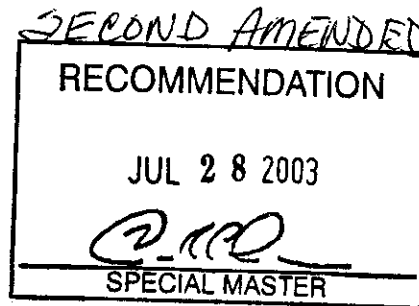
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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



CERTIFICATE OF MAILING

I certify that a true and correct copy of the SECOND AMENDED MASTER'S REPORT AND RECOMMENDATION was mailed on July 28, 2003, with sufficient first-class postage to the following:

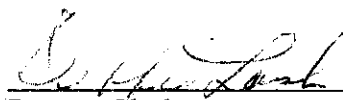
Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

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

Charles Honsinger
Ringert Clark Chtd.
P O Box 2773
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Norman Semanko
410 S Orchard, Suite 144
Boise, Idaho 83705

United States Department of Justice
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Boise, Idaho 83724



Deputy Clerk