

DISTRICT COURT - SRBA
OF THE STATE OF IDAHO
FILED

FILED

In Re SRBA)
)
Case No. 39576)
)
_____)

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

An objection was filed on June 15, 1999, by United States of America, Bureau of Land Management. An *Amended Director's Report* was filed on December 28, 2000, and a *Corrected Amended Director's Report* was filed on January 5, 2001. An objection was filed to the *Corrected Amended Director's Report* by United States of America, Bureau of Land Management on January 23, 2001, an objection was also filed by Batruel Dairy on January 24, 2001. The parties filed a *Stipulation to Resolve Objections* in this subcase. The parties also filed a *Standard Form 5* on October 23, 2002. The Idaho Department of Water Resources was not a signature to the *Stipulation* or the *Standard Form 5*. On June 18, 2003, IDWR filed a *Notice of IDWR Concurrence in Basin 61 Subcase Settlements Submitted Without IDWR Signature*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Notice of IDWR Concurrence* and the *Standard Form 5*, IT IS RECOMMENDED that the elements for water right 61-10834 be decreed as set forth in the *Attached Recommendation for Partial Decree pursuant to I.R.C.P. 54(b)*.

DATED: October 14, 2003.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

2003 OCT 14 PM 2: 03

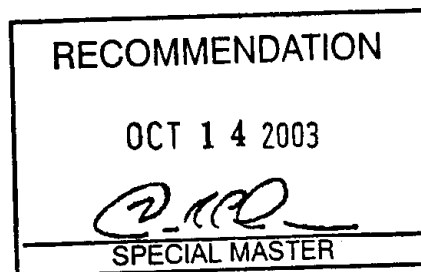
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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RULE 54(b) CERTIFICATE

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.

Presiding Judge of the
Snake River Basin Adjudication



2003 OCT 14 AM 10:40

DISTRICT COURT-SRBA
TWIN FALLS CO IDAHO
FILED *[Signature]*

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 61-10834

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 14, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL

Represented by:
MATT J. HOWARD
ATTORNEY AT LAW
PO BOX 190012
BOISE, ID 83719
Phone: 208-333-0622

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

[Signature: Debbie Lash] PAGE 1
10/14/03
DEBBIE LASH
Deputy Clerk

2003 OCT 14 AM 10:40

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 61-10834

On October 14, 2003, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 14, 2003.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk