



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 16, 2011

Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 63-4428 (Batt)

Dear Judge Wildman:

The Director's Report for Basin 63, Part 3 was filed with the SRBA Court on December 19, 2006. The deadline to file objections was June 20, 2007. Contained in the Director's Report for Basin 63, Part 3 was the recommendation for water right number 63-4428. No objections were filed to the water right recommendation and a partial decree was issued on February 6, 2009.

An initial hearing was held on June 14, 2011 concerning water right no. 63-33143, which is an enlargement of water right number 63-4428. At that hearing, Special Master Booth questioned whether the combined use limitations contained within the enlargement right need to be carried over to 63-4428, the base right. Indeed, identification of the combined use limitations contained within the enlargement water right is necessary for proper and efficient administration of water right number 63-4428.

I am attaching an Amended Director's Report wherein the changes concerning the proposed combined use limits with water right number 63-33143 are described in underline/strikeout format.

Accordingly, it seems appropriate for the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure and decree the rights as described in the attached Amended Director's Report.

I am sending a copy of this letter to the claimants, as well as their counsel, so that they are aware of this issue.

If you should have any questions or comments, please feel free to contact me at (208) 287-4813.

Sincerely,

A handwritten signature in black ink that reads "Nick Spencer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas B. Spencer
Deputy Attorney General, IDWR

Enclosure

cc: John R. Hammond, Jr.
Ellen G. Batt
Ellen B. Batt
Frederick C. Batt
Norman A. Batt
Special Master Theodore Booth
Monica Van Bussum

06/15/2011

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

RIGHT NUMBER: 63-4428

NAME AND ADDRESS: ELLEN G BATT
1621 IDAHO
CALDWELL ID 83605

ELLEN B BATT
1621 IDAHO
CALDWELL ID 83605

FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

NORMAN A BATT
1621 IDAHO
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS
436.500 AFY

Right Nos. 63-4428 and 63-33143 are limited to a total combined diversion rate of 1.50 cfs.

Right Nos. 63-4428, 63-33143 and 63-11700 are limited to a total combined diversion rate of 4.16 cfs.

PRIORITY DATE: 06/01/1959

POINT OF DIVERSION:

T04N R05W S23 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.500 CFS 436.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S09	NESE	36.00	T04N R05W S09	SESE	36.00
T04N R05W S23	NWNW	25.00			

97 ACRES TOTAL

~~Right Nos. 63-4428 and 63-11700 are limited to the irrigation of a combined total of 213.5 acres in a single irrigation season.~~

Right Nos. 63-4428, 63-33143, and 63-11700 are limited to the irrigation of a combined total of 213.5 acres in a single irrigation season.

06/15/2011

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Right No. 63-33143 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The water diverted under this right is injected into the Golden Gate Canal in exchange for Wilder Irrigation District water by diverting an equal amount from this canal for irrigation of the place of use listed on this right.