

0035

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 7 2012	
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 Case No. 39576 _____	)))))))	Subcase No. 63-33143 <i>Previously Disallowed</i> STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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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.

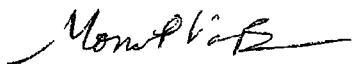
The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Ellen B. Batt, Ellen G. Batt,
Norman C. Batt & Frederick C. Batt

 John R. Hammond, Jr. Date
 Attorney for Claimants/Objectors

IDWR Concurrence:

 6/13/2011
Monica Van Bussum Date
Senior Water Resource Agent

 6-13-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

06/13/2011

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

RIGHT NUMBER: 63-33143

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

ELLEN G BATT
1621 IDAHO
CALDWELL ID 83605

NORMAN A BATT
1621 IDAHO
CALDWELL ID 83605

FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

JR4
MLB
NBS

SOURCE: GROUND WATER

TRIBUTARY:

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 of Wilder Irrigation District water for irrigation of the place of use described on this right.

QUANTITY: 0.650 CFS
335.700 AFY

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

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Right Nos. 63-4428, 63-33143, 63-33475, and 63-33476 are limited to a total combined diversion rate of 4.16 cfs.

PRIORITY DATE: 04/22/1979

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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	0.650 CFS 335.70 AFY

06/13/2011

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S29	SWSE	1.60	T04N R04W S32	NWNE	39.00
T04N R04W S32	SWNE	34.00			

74.6 ACRES TOTAL

Right Nos. 63-4428, 63-33143, 63-33475, and 63-33476 are limited to the irrigation of a combined total of 213.5 acres in a single irrigation season.

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.

This right is based upon an enlargement of Right No. 63-4428 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 74.6 acres.

NBS
MLB
JH

CERTIFICATE OF MAILING

I certify that on May 3, 2011, 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:

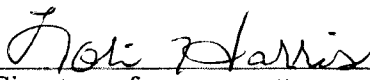
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

ELLEN B BATT
ELLEN G BATT
FREDERICK C BATT
NORMAN A BATT

Represented by:
JOHN RICHARD HAMMOND, JR
FISHER, PUSCH & ALDERMAN, LLP
P.O. BOX 1308
BOISE, ID 83701

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney