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DEPARTMENT OF
WATER RESOURCES

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-04428
) and 63-33143

I. FINDINGS OF FACT

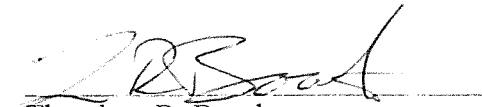
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights. (Claim 63-33143 was reported in a late claim *Director's Report*.)

No objections were filed to the *Director's Report* for claim 63-04428, and a ***Partial Decree*** was issued therefor on February 6, 2009. On January 21, 2011, the claimants of these rights filed an objection to the *Director's Report* for 63-33143. On June 17, 2011, Deputy Attorney General Nick Spencer filed correspondence with the court stating that because 63-33143 is based upon an enlargement of 63-4428, that resolution of the matter would require amendment of the ***Partial Decree*** for 63-4428 for the purpose of adding IDWR's standard language identifying the relationship between the licensed right (63-4428) and the enlargement right (63-33143). At the hearing held on May 1, 2012, the parties agreed to the issuance of an ***Amended Partial Decree*** for 63-04428 to incorporate the changes set forth in Mr. Spencer's letter. On May 7, 2012, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in 63-33143 which resolved the objection. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms*, IT IS RECOMMENDED that water right 63-33143 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the Court issue an *Amended Partial Decree* for water right 63-04428 with the elements as set forth in the attached *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated May 18, 2012


Theodore R. Booth
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-33143

SOURCE: GROUND WATER.

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-04428

NAME AND ADDRESS: ELLEN B BATT
ELLEN G BATT
FREDERICK C BATT
NORMAN A BATT
1621 IDAHO
CALDWELL, ID 83605

SOURCE: GROUND WATER

QUANTITY: 1.50 CFS
436.50 AFY

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

Right Nos. 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:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.50 CFS
			436.50 AFY

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R05W S09	NESE 36.0
	S23	SESE 36.0
	97.0 Acres Total	

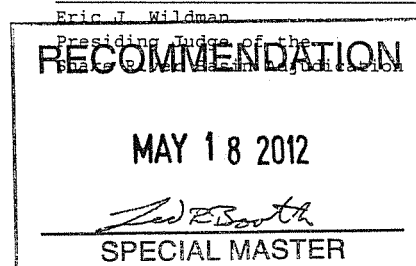
Right Nos. 63-4428, 63-33143 and 63-11700 are limited to the
irrigation of a combined total of 213.5 acres in a single
irrigation season.

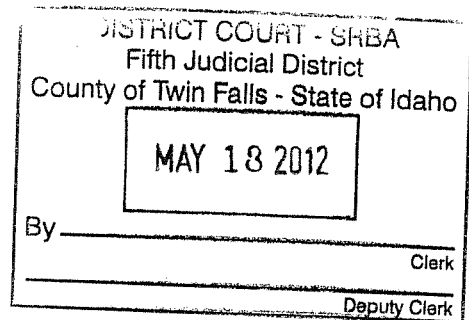
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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.





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

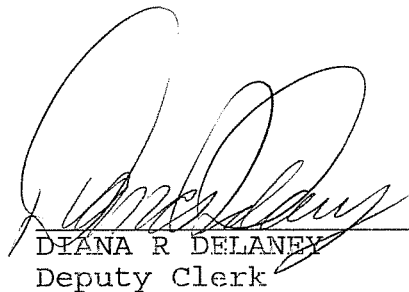
Water Right(s): 63-04428
63-33143

On May 18, 2012, Special Master THEODORE R. BOOTH 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 May 18, 2012.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 18 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04428
63-33143

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 May 18, 2012, with sufficient first-class postage prepaid to the following:

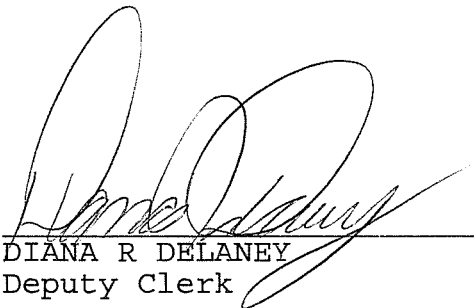
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ELLEN B BATT
ELLEN G BATT
FREDERICK C BATT
NORMAN A BATT
NORMAN A, ELLEN G, BATT
Represented by:
JOHN RICHARD HAMMOND JR.
BATT FISHER PUSCH & ALDERMAN
PO BOX 1308
BOISE, ID 83701
Phone: 208-331-1000

CERTIFICATE OF MAILING

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05/18/12

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1621 IDAHO
CALDWELL, ID 83605
Phone: 208-453-8588



DIANA R DELANEY
Deputy Clerk