

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A61-00304B

Date Received: 11/02/1989

Receipt No: W006762

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETER BATRUEL
Address: RT. 1 BOX 426 208-366-2375
GLENS FERRY, ID 83623-0000
OR
Name: PAUL BATRUEL
Address: RT. 1, BOX 426 208-366-2375
GLENS FERRY, ID 83623
OR
Name: MARV BATRUEL
Address: RT. 1, BOX 426 208-366-2375
GLENS FERRY, ID 83623

2. Date of Priority: MAY 07, 1892

3. Source: LITTLE CANYON CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	10E	8	NW	SW			ELMORE

5. Description of diverting works:
GRAVITY DIVERSION VIA SLICK DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A61-00304B

Page 1

Date: 11/21/89

MICROFILMED

Aug 11 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	10N	18	SE	NW		IRR	26.0
			NE	SE		IRR	12.0
			NW	SE		IRR	35.0
						Section Acres	73.0
						Total Acres	73.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A61-00303B, A61-04132, & APP. NO. 61-07581.

14. Remarks:

THIS CLAIM REFLECTS A SPLIT OF THE ORIGINAL DECREED RIGHT BASED ON A PRO-RATED AMOUNT USING THE INFORMATION IN THE DECREE (200 ACRES FOR 100 INCHES OF WHICH CLAIMANT OWNS 80 ACRES WHICH EQUALS 40" OF THIS RIGHT).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHARLES E. CONKER

Decree Plaintiff

vs

T. H. ANTHONY ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Sharyn R. Bateman Date: Nov. 21-1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 89

Jan Skute
Notary Public

Seal

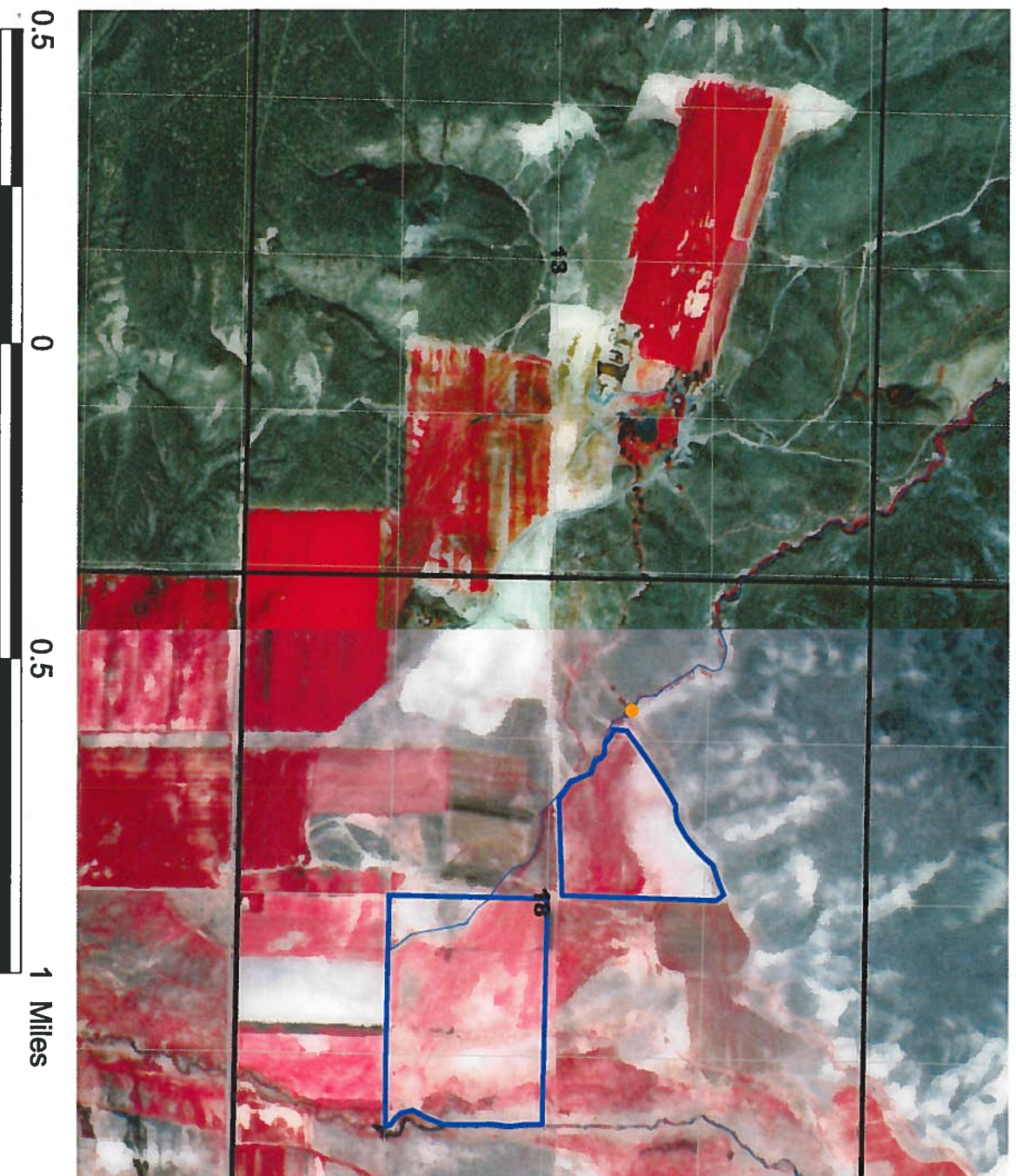
Residing at Meridian ID
My Commission Expires 8-14-94

Water Right No. 61-00303B and 61-00304B

T05S, R10E

Map Prepared February 26, 1999
By Roxanne Brown for the
Dept. of Water Resources

 50-50 diversion
Sand Springs Gulch
61-00303B



Water Right Number - R61-003048

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
Last Name - First Name - Address -
BATRUEL PETER 1 - RT 1 BOX 426 State- ID Zip- 836230000

BATRUEL PAUL City- GLENN'S FERRY Phone - 208-366-2375 State- ID Zip- 836230000
1 - RT 1 BOX 426

BATRUEL MARY City- GLENN'S FERRY Phone - 208-366-2375 State- ID Zip- 83623
1 - RT 1 BOX 426

*** O - ORIGINAL OWNER ***
LATTY JOHN City- GLENN'S FERRY Phone - 208-366-2375 State- ID Zip- 83623
1 -

VINER RICHARD P City- GLENN'S FERRY Phone - 208-000-0000 State- ID Zip- XXXXX
1 -

City- XXXXX
Phone - 208-000-0000
State- ID Zip- XXXX

Priority Date - + Region - + Stage - + Status - +
05/07/1892 14 WESTERN D - DECRED

Source - +
LITTLE CANYON CREEK Snake River

Two Rng Sec Tract Lot RFlg County Point of Diversion - +
05S 10E 8 NE NW SW (39) ELMORE

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0

Prefix Translation: RESEARCH

Total Acres: 87.0

Other Rights for Same Use - A61-00303B, A61-04132, & APP. NO. 61-07581.

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

----- Conditions of Approval -----
----- No Conditions of Approval found. -----

+ - - - Decree Defe
T. H. ANTHONY ET. AL.

- - -Comments- -
No Comments Found

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+-----+
+-----+ Adjudication Rights Dates and Flags Area +-----+
+-----+
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[illegible]

12/28/2000

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

RIGHT NUMBER: 61-304B

NAME AND ADDRESS: MARY BATRUEL
PAUL BATRUEL
BATRUELS DAIRY
RT 1 BOX 426
GLENNS FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 05/07/1892

POINT OF DIVERSION: T05S R10E S8 NENWSW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.80 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County					
T05S R10E S18	NENW	1	T05S R10E S18	SWNW	1
T05S R10E S18	SENW	28	T05S R10E S18	NESE	17
T05S R10E S18	NWSE	40			

STOCKWATER Use same as
IRRIGATION

87 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - decree

RECEIVED

MAR 27 2000

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

Subcase 61-00304B
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Paul V. Batruek, dba: Batruek's Dairy

My address is Rt. 1, Box 426, Glenns Ferry, Id. 83623

My phone number is: Work (208) 366-7272 Home (208) 366-7272

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒

I must amend my Notice of Claim to the use of water in the SRBA because:

I intend for the Notice of Claim for 61-00304B
to accurately reflect the historical beneficial
use and to include stockwater use for this decreed
water right.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Elmore

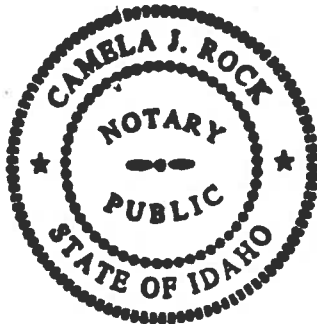
Paul V. Batrue, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Paul V. Batrue
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 24th, 2000.
(Insert Date)



Camela J. Rock
Notary Public for Penner & Fink, Inc.
Residing at: Glenns Ferry, Id 83623
My Commission expires: 04-26-05

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on march 24th, 2000, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

USDI, BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC033
BOISE, ID 83724


Signature of person or attorney mailing the form

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A61-00304B
Date Received: 11/21/1989
Receipt No: W006762
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name:	MARY BATRUEL	208-366-2375
Address:	RT 1 BOX 426	
	GLENN'S FERRY ID	83623
OR		
Name:	PAUL BATRUEL	208-366-7272
Address:	RT 1 BOX 428	
	GLENN'S FERRY ID	83623
OR		
Name:	BATRUELS DAIRY	208-366-7272
Address:	RT 1 BOX 426	
	GLENN'S FERRY ID	83623

2. Date of Priority: MAY 7, 1892

3. Source: LITTLE CANYON CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	10E	8	NE	NW	SW		ELMORE

5. Description of diverting works:
GRAVITY DIVERSION VIA SLICK DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 300 DAIRY COWS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	10E	18	SE	NW	IRR	37.0
			NE	SE	IRR	17.0
			NW	SE	IRR	40.0
Section Acres						94.0
Total Acres						94.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A61-00303B, A61-04132, & APP. NO. 61-07581, ~~306, 307, 308~~, 10834, 2938

14. Remarks:

THIS CLAIM REFLECTS A SPLIT OF THE ORIGINAL DECREED RIGHT BASED ON A PRO-RATED AMOUNT USING THE INFORMATION IN THE DECREE (200 ACRES FOR 100 INCHES OF WHICH CLAIMANT OWNS 80 ACRES WHICH EQUALS 40" OF THIS RIGHT).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

CHARLES E. CORKER

Decree Plaintiff

T. H. ANTHONY ET. AL.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Paul Bateman Date: 03/24/2000

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

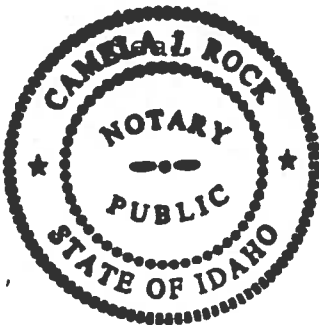
Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of March 20 00

Camela J. Rock
Notary Public



Residing at Glenns Ferry, ID 83623

My Commission Expires 04-26-05