

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 61-04132
(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. Patruel

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 61-04132 to
reflect a more accurate historical beneficial use
and priority date, according to the best of my
knowledge and to witness testimonies.

- ☐ 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)

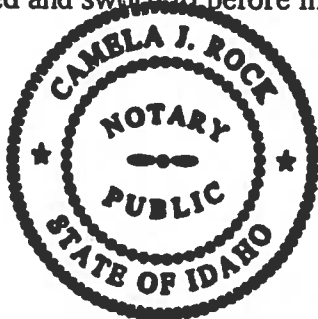
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

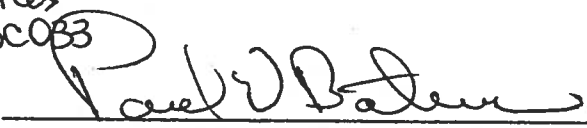
3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

USDI, BLM

Represented By:

US Department of Justice
Environment & Nat'l Resources
550 West Front Street, MSC 033
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: A61-04132
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	
Name:	PAUL BATRUEL	208-366-7272
Address:	RT 1 BOX 428 GLENN'S FERRY ID 83623	
Name:	BATRUELS DAIRY	208-366-7272
Address:	RT 1 BOX 426 GLENN'S FERRY ID 83623	

2. Date of Priority: APR 1, 1896

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
04S	10E	9	NE	NW	NE		ELMORE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.000		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
10.080 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; DOMESTIC, 4 HOMES LAWN IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	09E	12	NW	SE		IRR	8.0
			SW	SE		IRR	10.0
					Section Acres		18.0
		13	NW	NE		IRR	3.0
			SW	NE		IRR	24.0
			SW	NE		DOMEST	
			SE	NE		IRR	16.0
			SE	NE		DOMEST	
			NE	NW		IRR	16.0
			NW	NW		IRR	5.0
			SW	NW		IRR	4.0
			SE	NW		IRR	16.0
			NE	SE		IRR	40.0
			NW	SE		IRR	16.0
			SE	SE		IRR	13.0
					Section Acres		153.0
10E		18	SE	NW		IRR	37.0
			NW	SW		IRR	39.0
			NW	SW		DOMEST	
			SW	SW		IRR	38.0
			NE	SE		IRR	17.0
			NW	SE		IRR	40.0
					Section Acres		171.0
					Total Acres		342.0

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:

CLAIM NO. A63-00308 & A61-02055.

14. Remarks:

DESCRIPTION OF DIVERTING WORKS - DIV. DAM IN CREEK W/PIPELINE TO OPEN DITCH 15 MILES LONG TO MORROW RESERVOIR WHERE WATER IS DIVERTED VIA DITCHES FOR FLOOD AND SPRINKLER IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

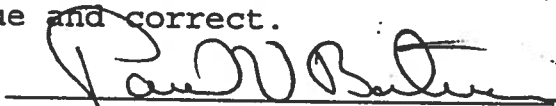
16. Signature(s)

(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):  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

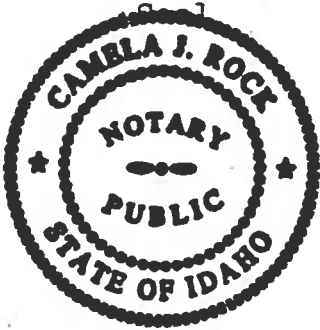
Title and Organization

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

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: A61-04132

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 208-366-2375
Address: RT. 1 BOX 426
GLENNS FERRY, ID 83623

Name: PAUL BATRUEL 208-366-2375
Address: RT. 1 BOX 426
GLENNS FERRY, ID 83623

Name: MARY BATRUEL 208-366-2375
Address: RT. 1, BOX 426
GLENNS FERRY, ID 83623

2. Date of Priority: APR 01, 1895

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
04S	10E	9	SW	NE			ELMORE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 DAIRY 5 RANGE 50 PIGS
A61-04132 Page 1

Date: 11/02/89

MICROFILMED

AUG 11 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	09E	12	NW	SE		IRR	7.0
			SW	SE		IRR	8.0
					Section Acres		15.0
		13	SW	NE		IRR	30.0
			NE	NW		IRR	5.0
			SE	NW		IRR	25.0
			NE	SE		IRR	20.0
			SE	SE		IRR	5.0
					Section Acres		85.0
	10E	18	SE	NW		IRR	30.0
			NW	SW		IRR	15.0
			SW	SW		IRR	25.0
			NE	SE		IRR	20.0
			NW	SE		IRR	35.0
					Section Acres		125.0
					Total Acres		225.0

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:

CLAIM NO. A63-00308 & A61-02055.

14. Remarks:

DESCRIPTION OF DIVERTING WORKS - DIV. DAM IN CREEK W/PIPELINE TO OPEN DITCH 15 MILES LONG TO MORROW RESERVOIR WHERE WATER IS DIVERTED VIA DITCHES FOR FLOOD AND SPRINKLER IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Shay & Batmeh Date: Nov. 21 - 89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21ST day
of November 19 89
Seal
Residing at Meridian ID
My Commission Expires 8-14-94
Jan Thurst
Notary Public

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in loss of a water right.

Notice is hereby given that

PETER, PAUL & MARY CATRUEL
(Name of Claimant)
RT. 1 BOX 426 GLENNS FERRY, IDAHO 83623 Telephone No. 208-366-2375
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) APRIL 1, 1895

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
LETTLE CANYON CREEK tributary to SNAKE RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day)
Quantity <u>10 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>23 CFS</u>	Use <u>STOCKWATER</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity <u>10.23 CFS</u>	TOTAL QUANTITY USED.		

- (4) _____
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 1/4, Sec. 9 Twp. 4S Rge. RIDE B.M., County of ELMORE
- Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. DIVERSION DAM, 3 FT HEAD GATE + 30 FT PIPE INTO OPEN DITCH 15 MILES LONG, 6 FT WIDE ON BOTTOM 4 FT DEEP 3108 SLIPS 170 L WITH A CAPACITY OF 75.75 CU. FT FLOW WEIGHT VARIATION TO 1/2 ACRE

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NWX				SWX				SEX				TOTAL
			NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	
55	9E	12													40	40			80
55	9E	13			40		40			10	40	40	40		40			40	200
55	10E	18								40	40	40	40		40	40			20431
55	9E	12								25					20			5	85
55	9E	13			30		5			30	15	25			20	35			125
55	10E	18																	225

No. of acres 484.31

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

HYDRO POWER, FARMSTEAD, GARDEN, LIVESTOCK (DAIRY)
950 HORSES 5 WATER FLOWS BY DITCH, PIPE +
PIPE + PUMP 50 PISS POUND FOR GOOS + QUICK

NOTE: Include here the type and number of stock watered: 350 DAIRY STOCK 5 HORSES
If you are claiming water as a member of an organization, list name of organization: 50 PISS

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

AUG 1 1982

(8) Remarks: MAP OF RESERVOIR & USE OF WATER
USED IN OPEN DITCH CONDUITS PUMP, PIPELINES
AND GRAVITY FLOW THROUGH THE LAND.
CLAIMANT HAS STORAGE RIGHT ON FILE.

MAP OF DEVERSTON
TO POINT OF STORAGE
LITTLE CANYON CREEK
TO MORROW'S RESERVOIR



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of ELMORE

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 24 day of June, 1983

Notary Public
 Residing at

My commission expires 3-26-85

FOR DEPARTMENT USE ONLY
 Received by AW Date 6/28/83
 Prelim. check by JG Date 3/2/84
 \$30.00 fee received by SL Date 6-23-83
 Published in Mountain Home News
 Date 2/13 & 3/1/84

Forwarded to claimant by: [Signature] Date 1

MICROFILMED
 AUG 11 1982

April 5, 2003

To whom it may concern,

I, Samuel Blackwell, was born in 1929 and have lived near Cold Springs Creek my entire life. I am a third-generation rancher and am aware of long-standing irrigation practices in this area. My entire life I have run cattle in the area near Little Canyon Creek and beyond.

It is my knowledge that prior to 1900 the Montgomery and Parmley families used to water thousands of sheep along the Herron Ditch during the Spring and Fall. The sheep that camped and grazed alongside the ditch were benefited from the water that flowed into Morrow Reservoir.

In addition, cattle also benefited from water flowing into the Herron Ditch into the month of July. It stands to reason that water would flow into Morrow Reservoir year-round, as long as there was enough water in Little Canyon Creek.

Samuel D. Blackwell

Samuel D. Blackwell,
Northwest of Glenns Ferry
Tel: (208) 366-2265

F A C S I M I L E

Name: Roxanne Brown; Candice Hughes
Organization: Idaho Dept. of Water Resources
Fax: 327-5400
From: Paul Batruel
Date: 04/07/2003
Subject: 61-04132 ("flow" right)
Pages: 3

*2nd Transmission
June 13, 2003*

Comments:

Following are two statements as additional information on the flow right priority date. Please let me know if there are any questions or concerns.

Regards,



Paul Batruel
(208) 366-7272

To whom it may concern,

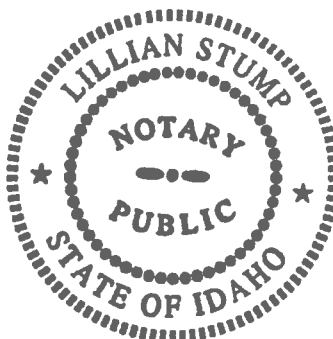
I, Paul Batruel, from 1972 to 2003, have lived and worked on the property owned by my parents, Peter and Mary Batruel, and currently known as Batruel Dairy. During this time, and until the most recent practices, Little Canyon Creek water was diverted to Morrow Reservoir throughout the year, so long as there was sufficient water to satisfy other lawful claims downstream. According to my predecessors and to other locals with expert knowledge of the operation of the reservoir canals and diversions, this practice had been in effect since the start of irrigation season in 1896, which would have been April 1, 1896. According to historical practice, the amount available for diversion each year was approximately 10 cfs. This practice was carried out by myself, my predecessor, Marv Wootan, his predecessor, Norman Sellman, and the predecessors before him (as evidenced by the multiple signatures on the attached 1983 water right claim).

Paul Batruel
(Signature)

02-24-03
(Date)

Subscribed to and sworn before me
his 25 day of February 19 2003

Lillian Stump
Notary Public
Lillian Stump



To whom it may concern,

I, Samuel D Blackwell, from 1944 to 103, (circle ~~one~~) lived worked /

owned / have knowledge of the property currently owned and occupied by Batruel Dairy. During this time, and until the most recent practices, Little Canyon Creek water was diverted to Morrow Reservoir throughout the year, so long as there was sufficient water to satisfy other lawful claims downstream. This practice was carried out by past users of Morrow Reservoir and permitted there to be a steady flow through said reservoir which allowed it to stay full longer as well as to save water rather than waste it.

Past 55 years there has always been
Stock water in the Herrow Ditch.

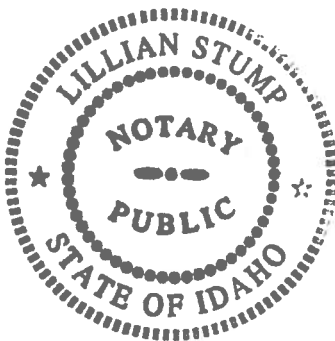
Samuel D Blackwell
(Signature)

2/24/03
(Date)

Subscribed to and sworn before me
this 24 day of February 19 2003

Lillian Stump
Notary Public

Lillian Stump



April 5, 2003

To whom it may concern,

I, William Walker, was born in Glenns Ferry in 1921 and have lived in the vicinity of Glenns Ferry my entire life. I remember ice-skating on Morrow Reservoir during winter months when I was a young boy, from about 1928 onward. The reservoir would be virtually full, since there were willows along the high-water mark where we would get branches to make makeshift hockey sticks and which we could reach without effort.

I can only assume, since the reservoir appeared full, that the owners of Morrow Reservoir would fill all year round, and likewise that such had been the practice for many years, perhaps from the reservoir's inception in the 1890's.

It would only make sense that after the reservoir had filled, the practice would have been to flow water through the reservoir and apply it to the irrigable lands for beneficial use. According to the irrigation practices handed down to us by our predecessors, such would have been the logical practice at Morrow Reservoir.

William H. Walker

William H. Walker,
Northwest of Glenns Ferry,
Tel: (208) 366-2235

Received 3/31/03
from Paul Batmuel

April 30, 2003

I Marvin Wooten owned & operated the
Marion reservoir ranch - approx. 84 years - (1962-1971)
using water from little canyon creek to fill reservoir
in winter & spring, & used water until the
decreased rights had to be filled.

Marvin Wooten

Received 0131103
from Paul Batruel

March 31, 2003

To whom it may concern,

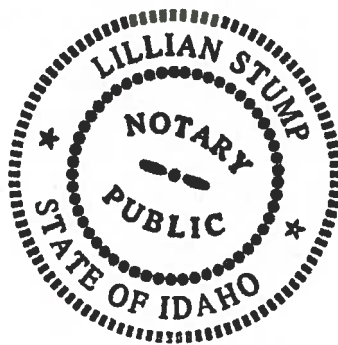
I, J. L. Leeper, have been a resident of Elmore County since 1960. Having worked in the area of Morrow's Reservoir for many years, I have observed water filling the Reservoir in July some years, when water was available. I also know that this was the general practice among the previous owners of the Batruels' property, Norman Sellman, Joe Pachner, Marv Wootan, and Dave Owens.

J L Leeper

Subscribed to and sworn before me
this 31st day of MARCH 2003

Lillian Stump

Notary Public



To whom it may concern,

I, Mary Batrue, from 1972 to 2003, have lived, worked, and owned the property currently known as Batrue Dairy. During this time, and until the most recent practices, Little Canyon Creek water was diverted to Morrow Reservoir throughout the year, so long as there was sufficient water to satisfy other lawful claims downstream. According to my predecessors and to other locals with expert knowledge of the operation of the reservoir canals and diversions, this practice had been in effect since the start of irrigation season in 1896, which would have been April 1, 1896. According to historical practice, the amount available for diversion each year was approximately 10 cfs. This practice was carried out by myself, my predecessor, Marv Wootan, his predecessor, Norman Sellman, and the predecessors before him (as evidenced by the multiple signatures on the attached 1983 water right claim).

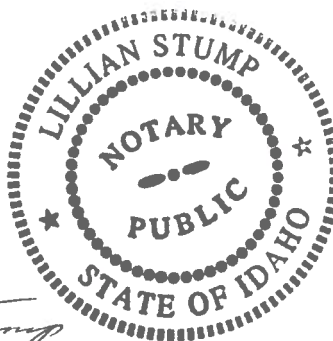
Mary Batrue
(Signature)

2-25-03
(Date)

Subscribed to and sworn before me
this 25 day of February, 2003

Lillian Stump
Notary Public

Lillian Stump



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

PETER, PAUL ^{AND} MARY BATRUEL
(Name of Claimant)

RT. 1 BOX 426 GLENNS FERRY IDAHO 83623 Telephone No. 208-366-2375
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) APRIL 1, 1895

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

LITTLE CANYON CREEK tributary to SNAKE RIVER

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>10 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>.23 CFS</u>	Use <u>STOCKWATER</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 10.23 CFS TOTAL QUANTITY USED.
(cfs af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NE 1/4, Sec. 9 Twp. 4S Rge. RIDE B.M., County of ELMORE

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. DEVIATION DAM. 3 FT HEAD GATE + 30 FT PIPE INTO OPEN DITCH 15 MILES LONG, 6 FT WIDE ON BOTTOM 4 FT DEEP SLOPE 1 TO 1 WITH A CAPACITY OF 75.75 CU. FT FLOW WEIGHT VARYING TO SEASON

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5S	9E	12														40	40		80
5S	9E	13			40		40			40	40	40	40	40	40			40	200
5S	10E	18								40	40	40	40	40	40	40			20431
5S	9E	12														7	8		15
5S	9E	13			30		5			25				20			5		85
5S	10E	18								30	15	25		20	35				125

225

No. of acres 484.31

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

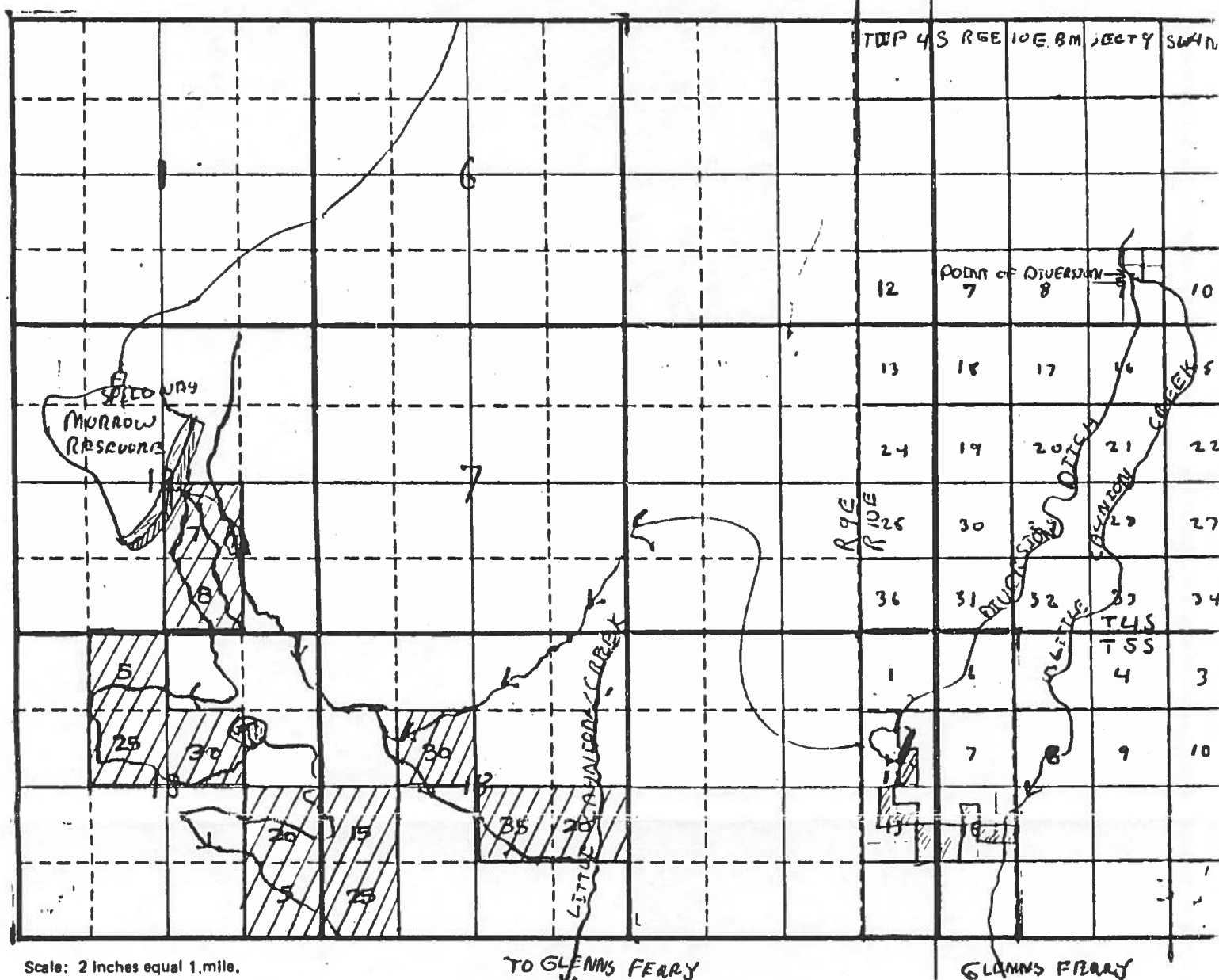
HYDRO POWER, FARMSTEAD, GARDEN, LIVESTOCK (DAIRY)
850 HORSES 5 WATER FLOWS BY DITCH, PIPE +
PIPE + PUMP 50 PIS POUND FOR GOOS + DUCK

NOTE: Include here the type and number of stock watered: 350 DAIRY STOCK 5 HORSES

- (7) If you are claiming water as a member of an organization, list name of organization: 50 PIS

(8) Remarks MAP OF RESERVOIR & USE OF WATER
USED IN OPEN DITCH POUNDS, PUMP, PIPELINE
AND GRAVITY FLOW THROUGH THE LAND.
CLAIMANT HAS STORAGE RIGHT ON FILE.

MAP OF DEVERSION
TO POINT OF STORM
LITTLE CANYON CREEK
TO MURROWS RESERVOIR



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
 County of ELMORE) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Marvin Wooten Norman K. Sellman
Shirley W. Bateman
 (Claimant)

Sworn to before me this 24 day of June, 1983.

Marion S. Clark
 Notary Public
 Residing at Glenns Ferry, Id.

My commission expires 3-26-85

FOR DEPARTMENT USE ONLY

Received by AW2 Date 6/28/83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by JG Date 3/2/84 _____ claimant by: _____
 \$30.00 fee received by 38 Date 6/28/83 32219
 Published in Mountain Home News
 Dates 2/23 & 3/1/84

12/28/2000

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

RIGHT NUMBER: 61-4132

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

NO LAWFUL APPROPRIATION SHOWN

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

VERIFIED BY

R. McFarley
8-18-94

08/18/94 13:15:58
Page 1

Water Right Number - R61-04132

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BATRUEL

PETER

1 - RT 1 BOX 426
2 -
3 -

State- ID Zip- 83623

BATRUEL

MARY

City- GLENN'S FERRY
Phone - 208-366-2375
1 - RT 1, BOX 426
2 -
3 -

State- ID Zip- 83623

BATRUEL

PAUL

City- GLENN'S FERRY
Phone - 208-366-2375
1 - RT 1 BOX 426
2 -
3 -

State- ID Zip- 83623

+ - - Priority Date - - +
04/01/1895

+ - - - - Region - - - +
14 WESTERN

+ - - - - Stage - - - +

+ - - - - Status - - - +
I - DISALLOWED

+ - - - - Source - - - - - +
LITTLE CANYON CREEK

+ - - - - Tributary - - - - - +
SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
04S 10E 9 SW NE (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period to Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 10.000
04 - STOCKWATER 01/01 12/31 0.230

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
10.230 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 09E 12 NW SE 01 IRRIGATION (39) ELMORE
05S 09E 12 SW SE 01 IRRIGATION (39) ELMORE
05S 09E 13 SW NE 01 IRRIGATION (39) ELMORE
05S 09E 13 NE NW 01 IRRIGATION (39) ELMORE
05S 09E 13 SE NW 01 IRRIGATION (39) ELMORE
05S 09E 13 NE SE 01 IRRIGATION (39) ELMORE
05S 09E 13 SE SE 01 IRRIGATION (39) ELMORE
05S 10E 18 SE NW 01 IRRIGATION (39) ELMORE
05S 10E 18 NW SW 01 IRRIGATION (39) ELMORE
05S 10E 18 SW SW 01 IRRIGATION (39) ELMORE

MICROFILMED
SEP 27 1996

Water right number - R61-04132

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
05S	10E	18	NE SE		20.0		01	IRRIGATION	(39) ELMORE
05S	10E	18	NW SE		35.0		01	IRRIGATION	(39) ELMORE

Total Acres: 225.0

+ - - Diversion Means - SEE REMARKS.

+ - - Non-Irrigation Use - STOCKWATER, 350 DAIRY, 5 RANGE, 50 PIGS

+ - - Other Rights for Same Use - CLAIM NO. A63-00308 & A61-02055.

Remarks -
NO LAWFUL APPROPRIATION SHOWN.

+ - - No Old Water Right Numbers Found

Old Water Right Numbers

Conditions of Approval
P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

+ - - Decree Plaintiff

+ - - Decree Defendant

+ - - Decree Date
00/00/0000

Comments -
Date: 08/18/1994 User Id: RMCARTH Subject: COPIED FROM REMARKS
DESCRIPTION OF DIVERTING WORKS - DIV. DAM IN CREEK W/PIPELINE TO OPEN DITCH 15 MILES LONG TO MORROW RESERVOIR WHERE WATER IS
DIVERTED VIA DITCHES FOR FLOOD AND SPRINKLER IRRIGATION.

+ - - Audit Fields
08/18/94 RMCARTH

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Object Filed Date	- 00/00/0000	Field Inspection Flag	- 08/18/1994	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P

MICROFILMED
SEP 27 1996

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

08/18/94 13:15:58
Page 3

Water right number - R61-04132

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Receipt Number	- W006762	Water District	- 61D
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	-	Presumption Flag	-
		Notice of Error Flag	-

MICROFILMED
SEP 27 1996

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:09:13
08/18/94
70
CLAIM NUMBER: A61-04132

LAST: BATRUEL
ADDRESS: RT. 1 BOX 426
CITY: GLENN'S FERRY
PHONE NUMBER: 208-366-2375
OWNER CODE: C

FIRST: PETER
STATE: ID ZIP: 83623

LAST: BATRUEL
ADDRESS: RT. 1, BOX 426
CITY: GLENN'S FERRY
PHONE NUMBER: 208-366-2375
OWNER CODE: C

FIRST: MARY
STATE: ID ZIP: 83623

LAST: BATRUEL
ADDRESS: RT. 1 BOX 426
CITY: GLENN'S FERRY
PHONE NUMBER: 208-366-2375
OWNER CODE: C

FIRST: PAUL
STATE: ID ZIP: 83623

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE
Y
FIELD EXAMINER
Y () N ()

CLAIM REMARKS: DESCRIPTION OF DIVERTING WORKS - DIV. DAM IN CREEK W/PIPELINE TO
OPEN DITCH 15 MILES LONG TO MORROW RESERVOIR WHERE WATER IS
DIVERTED VIA DITCHES FOR FLOOD AND SPRINKLER IRRIGATION.

MICROFILMED
SEP 27 1996

CONTACT PERSON: _____

PHONE NUMBER: (____) ____ - ____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

MICROFILMED
SEP 27 1995

A. AJ CLAIM: # A61-04132 PRIORITY DATE: 04-01-1895 STAGE: S

B. WR RECORD: # 61-04132 PRIORITY DATE: 04-01-1895 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☒) N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y() N()

FIELD EXAM COMPLETED

N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y() N()

LICENSE ISSUED

N/A(☒) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A() Y(☒) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N(☒)

NOTES:

Evidence of priority date was requested 1-28-93. No evidence was submitted.

Disallowed - No useful appropriation shown.

RECOMMENDED PRIORITY DATE:

REVIEWED BY KJP

DATE 8-18-94

MICROFILMED
SEP 27 1996

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A61-04132	04S	10E	9					SW	NE	ELMORE

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A61-00308 NONE
 A61-10834
 WR RECORDS IN SAME 40 ACRE TRACT
 61-02055
 61-02224

SOURCE: LITTLE CANYON CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
61-04132	04S	10E	9					SW	NE	ELMORE

OTHER WR RECORDS WITH SAME WR POD
 AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX
 61-02055
 61-02224
 NONE NONE

SOURCE: LITTLE CANYON CREEK

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

MICROFILMED
SEP 27 1996

TWP.		RGE.		SEC.		LOT		POD		COUNTY		DIVERSION NAME		DIVERSION NBR	
04S	10E	9		1/4	1/4	SW	NE		FLAG		ELMORE				

SOURCE: LITTLE CANYON CREEK		TRIB: SNAKE RIVER					
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							
91							
92							
93							
94							
95							
96							
97							
98							
99							
100							

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

SEP 27 1996

A. ROOT WATER RIGHT NUMBERS: A61-04132

B. POUL LISTING					AJ	WR	LANDSAT	FIELD	RECOMM.	
TWP	RNG	SEC	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	ACRES
05S	09E	12	NW	SE	BATRUEL, PETER	A61-04132 / 7.0	61-04132 / 7.0			
05S	09E	12	SW	SE	BATRUEL, PETER	A61-04132 / 8.0	61-04132 / 8.0			
05S	09E	13	SW	NE	BATRUEL, PETER	A61-04132 / 30.0	61-04132 / 30.0	41.0		
			SW	NE	BATRUEL, PETER	A61-002938 / 25.0	-	/		
			SW	NE	BATRUEL, MARY	A61-10194 /	-	/		
			SW	NE	BATRUEL, MARY	A61-10540 /	-	/		
			SW	NE	BATRUEL, MARY	R61-10194 /	-	/		
			SW	NE	BATRUEL, MARY	R61-10540 /	-	/		
05S	09E	13	NE	NW	BATRUEL, PETER	A61-04132 / 5.0	61-04132 / 5.0	18.0		
05S	09E	13	SE	NW	BATRUEL, PETER	A61-04132 / 25.0	61-04132 / 25.0	20.0		
05S	09E	13	NE	SE	BATRUEL, PETER	A61-04132 / 20.0	61-04132 / 20.0	41.0		
			NE	SE	BATRUEL, PETER	A61-002938 / 37.0	-	/		
			NE	SE	BATRUEL, PETER	A61-10834 / 8.0	-	/		
			NE	SE	MORROW, JAMES C.	61-02055 / 8.0	61-02224 / 8.0			
			NE	SE	MORROW, JAMES C.	61-02224 / 8.0				
05S	09E	13	SE	SE	BATRUEL, PETER	A61-04132 / 5.0	61-04132 / 5.0	24.0		
			SE	SE	BATRUEL, PETER	A61-10834 / 7.0	-	/		
			SE	SE	BATRUEL, PETER	A61-002938 / 10.0	-	/		
			SE	SE	MORROW, JAMES C.	61-02055 / 7.0	61-02224 / 7.0			
			SE	SE	MORROW, JAMES C.	61-02224 / 7.0				
05S	10E	18	SE	NW	BATRUEL, PETER	A61-04132 / 30.0	61-04132 / 30.0	37.0		
			SE	NW	BATRUEL, PETER	A61-003038 / 26.0	-	/		
			SE	NW	BATRUEL, PETER	A61-10382 / 26.0	-	/		
			SE	NW	BATRUEL, PETER	A61-002938 / 26.0	-	/		
			SE	NW	BATRUEL, PETER	A61-003048 / 26.0	-	/		
05S	10E	18	NW	SW	BATRUEL, PETER	A61-04132 / 15.0	61-04132 / 15.0			
			NW	SW	BATRUEL, PETER	A61-002938 / 30.0	-	/		
			NW	SW	BATRUEL, PETER	A61-10834 / 8.0	-	/		
			NW	SW	VINER, RICHARD P.	61-04039 / 40.0	61-02055 / 8.0			
			NW	SW	MORROW, JAMES C.	61-02055 / 8.0	61-02224 / 8.0			
			NW	SW	MORROW, JAMES C.	61-02224 / 8.0				
05S	10E	18	SW	SW	BATRUEL, PETER	A61-04132 / 25.0	61-04132 / 25.0			
			SW	SW	BATRUEL, PETER	A61-002938 / 38.0	-	/		
			SW	SW	BATRUEL, PETER	A61-10834 / 7.0	-	/		
			SW	SW	MORROW, JAMES C.	61-02055 / 7.0				

MICROFILMED
SEP 27 1998

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
SW SW 4 MORROW, JAMES C.							61-02224 / 7.0				
05S	10E	18	NE	SE		BATRUEL, PETER	A61-04132 /20.0	61-04132 /20.0			34.0
			NE	SE		BATRUEL, PETER	A61-003038 /12.0	-	/		
			NE	SE		BATRUEL, PETER	A61-10382 /12.0	-	/		
			NE	SE		BATRUEL, PETER	A61-002938 /12.0	-	/		
			NE	SE		BATRUEL, PETER	A61-003048 /12.0	61-003048 /			
			NE	SE		LATTY, JOHN		61-00303 /			
05S	10E	18	NW	SE		BATRUEL, PETER	A61-04132 /35.0	61-04132 /35.0			42.0
			NW	SE		BATRUEL, PETER	A61-003038 /35.0	-	/		
			NW	SE		BATRUEL, PETER	A61-002938 /35.0	-	/		
			NW	SE		BATRUEL, PETER	A61-10382 /35.0	-	/		
			NW	SE		BATRUEL, PETER	A61-003048 /35.0	61-003048 /			
			NW	SE		LATTY, JOHN		61-00303 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A61-04132	225.00	225.00	257.00
-------------	-----------	--------	--------	--------

POU COUNTY: ELMORE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-04132	LITTLE CANYON CREEK	BATRUEL, PETER	10.230	0.045		
A61-002938	SAND SPRING GULCH	BATRUEL, PETER	1.150	0.004		
A61-003038	LITTLE CANYON CREEK	BATRUEL, PETER	0.200	0.002		
A61-003048	LITTLE CANYON CREEK	BATRUEL, PETER	0.800	0.010		
A61-10382	LITTLE CANYON CREEK	BATRUEL, PETER	0.720	0.009		
A61-10834	LITTLE CANYON CREEK	BATRUEL, PETER	0.600	0.020	700.00	23.33

MICROFILMED
SEP 27 1996

LIST OF ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION:

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A61-04132	STOCKWATER	BATRIUEL, PETER	FROM 01-01 TO 12-31	.230 CFS	
A61-10194	STOCKWATER	BATRIUEL, MARY	FROM 01-01 TO 12-31	.200 CFS	
A61-10540	DOMESTIC	BATRIUEL, MARY	FROM 01-01 TO 12-31	.080 CFS	
R61-10194	STOCKWATER	BATRIUEL, MARY	FROM 01-01 TO 12-31	.200 CFS	
R61-10540	DOMESTIC	BATRIUEL, MARY	FROM 01-01 TO 12-31	.080 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: CLAIM NO. A63-00308 & A61-02055.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

MICROFILMED
 SEP 27 1996

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

[illegible]

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

DATE:

SEP 27 1996

WICHOR LIMITED

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A61-04132 IRRIGATION	FROM 04-01 TO 11-01	10,000 CFS	
A61-04132 STOCKWATER	FROM 01-01 TO 12-31	.230 CFS	
TOTAL DIVERSION RATE/VOLUME		10.230 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
61-04132 IRRIGATION	FROM 04-01 TO 11-01	10,000 CFS	
61-04132 STOCKWATER	FROM 01-01 TO 12-31	.230 CFS	
TOTAL DIVERSION RATE/VOLUME		10.230 CFS	

- C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? ☐ Y ☐ N
- D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☐ N/A ☐ Y ☐ N
- * IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INQUIRY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? ☐ Y ☐ N
- F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? ☐ Y ☐ N
- G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? ☐ Y ☐ N
- * IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.
- H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☐ N/A ☐ Y ☐ N
- * IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.
- I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? ☐ N/A ☐ Y ☐ N
- J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☐ N/A ☐ Y ☐ N
- * IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.
- K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? ☐ N/A ☐ Y ☐ N

MICROFILMED
SEP 27 1996

NOTES:

MICROFILMED
SEP 27 1995

AJ CLAIM TOTAL DIVERSION RATE: 10.230 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 10.230 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

MICROFILMED
SEP 27 1996

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-01	11-01	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
STOCKWATER	01-01	12-31	10.000		0.0
			0.230		
TOTAL FOR THIS RIGHT			10.230		

NON-IRRIGATION USES CLAIMED: S/350 DAIRY 5 RANGE 50 PIGS

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

MICROFILMED
SEP 27 1996

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	OWNERSHIP	FORFEIT/ABANDON	ADDITIONAL DIV. AMOUNT	ACCEPTED AS CLAIMED	NEEDS REVIEW
				()	()
				()	()
				()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-04132

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
10.230

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-04132	10.230	-	-	61-04132	10.230
TOTAL CFS						10.230

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT()?

DATABASE
Y

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:
SIGNATURE: _____
NAME OF FIELD EXAMINER: _____

DATE: _____
TITLE: _____

MICROFILMED
SEP 27 1996

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	ELEMENT DOCUMENTED WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE		210/11-28-98			210/18-18-94	210/18-18-94		210/18-18-94
POINT OF DIV								
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

Remarks / Cond. PO1

BARCODE UPDATED
WHOM/DATE
210/18-18-94

MICROFILMED
SEP 27 1996

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT
TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION
COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____	IDWR ID NO. _____	Y() N()
☐ NAPP	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()

=====

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAIN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <i>Stat. Claims</i>	DATE <i>6-24-83</i>	_____	_____
☐ OTHER _____	DATE _____	<i>1</i>	_____

MICROFILMED
17 60



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 28, 1993

Re: Claim No(s). AL61-04132

CECIL D. ANDRUS
GOVERNOR

AL61-10382

R. KEITH HIGGINSON
DIRECTOR

PETER BATRUEL
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 426
GLENN'S FERRY ID 83623

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1993, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

MICROFILMED
SEP 27 1996