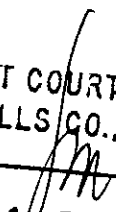


DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 
2004 APR 1 PM 4 36

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Water Right No. 61-04132
	)	
_____	)	

On February 27, 2004, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-04132 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 1, 2004.



JOHN M. MELANSON
Presiding Judge
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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-04132

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 APR 1 PM 4 36

NAME AND ADDRESS: BATRUEL DAIRY
MARY BATRUEL
PAUL BATRUEL
RT 1 BOX 428
GLENNS FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 10.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/29/1903

POINT OF DIVERSION: T04S R10E S09 NENWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.00 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

PLACE OF USE: Irrigation Within Elmore County

Section	Acres	Section	Acres
T05S R09E S12	NWSE 5.0	SWSE	7.0
S13	NWNE 3.0	SWNE	24.0
LOT 2	(SENE) 16.0	NENW	19.5
	NWNW 1.5	SWNW	1.0
	SENE 19.0	NESE	39.0
	NWSE 16.0	SESE	13.0
R10E S18	SENE 30.0	LOT 3	(NWSW) 39.0
LOT 4	(SWSW) 38.0	NESE	17.0
	NWSE 40.0		
328.0 Acres Total			

Stockwater Within Elmore County

Section	Acres	Section	Acres
T05S R09E S12	NWSE	SWSE	
S13	NWNE	SWNE	
LOT 2	(SENE)	NENW	
	NWNW	SWNW	
	SENE	NESE	
	NWSE	SESE	
R10E S18	SENE	LOT 3	(NWSW)
LOT 4	(SWSW)	NESE	
	NWSE		

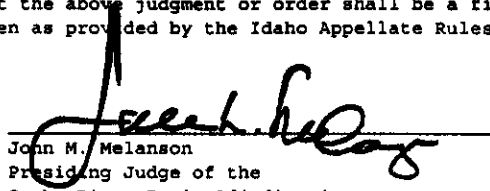
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 APR 01 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 61-04132

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-04132 was mailed
on April 01, 2004, with sufficient first-class postage prepaid
to the following:

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

MARY BATRUEL
PAUL BATRUEL
Represented by:
MATT J. HOWARD
ATTORNEY AT LAW
PO BOX 190012
BOISE, ID 83719
Phone: 208-333-0622

BATRUEL DAIRY
PAUL & MARY BATRUEL
RT 1 BOX 428
GLENN'S FERRY, ID 83623
Phone: 208-366-7272

BATRUEL DAIRY
RT 1 BOX 428
GLENN'S FERRY, ID 83623
Phone: 208-366-2375

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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04/01/04