

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED                     

2003 NOV 12 PM 3 47

RECEIVED  
NOV 14 2003  
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

)  
)  
)  
)  
**ORDER OF PARTIAL DECREE**

**Water Right 61-00293B**

On July 28, 2003, 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 61-00293B be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 12, 2003.

  
\_\_\_\_\_  
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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *jm*

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 61-00293B

2003 NOV 12 PM 3 47

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

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.575 CFS

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

PRIORITY DATE: 08/01/1898

POINT OF DIVERSION: T05S R09E S12 SESE Within Elmore County  
R10E S18 LOT 2 ( SWNW)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.575 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.575 CFS |

PLACE OF USE: Irrigation Within Elmore County

|                   |             |                   |
|-------------------|-------------|-------------------|
| T05S R09E S13     | NWNE 3.0    | SWNE 24.0         |
| LOT 2             | (SENE) 9.0  | NENW 19.5         |
|                   | NWNW 1.5    | SWNW 1.0          |
|                   | SENE 19.0   | NESE 36.0         |
|                   | NWSE 16.0   | SESE 13.0         |
| R10E S18          | SENE 28.0   | LOT 3 (NWSW) 30.0 |
| LOT 4             | (SWSW) 38.0 | NESE 17.0         |
|                   | NWSE 40.0   |                   |
| 295.0 Acres Total |             |                   |

Stockwater Within Elmore County  
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NOS. 61-00303B, 61-00304B, 61-00308  
61-04132, 61-10834 AND 61-11921 IS LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 328 ACRES IN A SINGLE IRRIGATION SEASON.

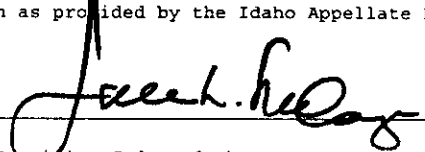
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

A handwritten signature in black ink, appearing to read "James H. Hays", is written over a horizontal line.

Presiding Judge of the  
Snake River Basin Adjudication

2003 NOV 12 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 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 61-00293B

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 61-00293B was mailed  
on November 12, 2003, with sufficient first-class postage prepaid  
to the following:

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

CARLENE SMITH  
Represented by:  
CHARLES L. HONSINGER  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

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

CERTIFICATE OF MAILING

PAGE 1  
11/12/03

ROGER L JONES

Represented by:  
NORMAN M. SEMANKO  
ATTORNEY AT LAW  
205 N 10TH ST, STE 530  
BOISE, ID 83702  
Phone: 208-344-6690

USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

JULIE MURPHY  
Chief Deputy Clerk