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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 APR 24 PM 1 51

**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

)
) **Subcase(s): 31-7311, 31-2395 & 31-2357**
)
) **ORDER OF REFERENCE TO SPECIAL**
) **MASTER BRIGETTE BILYEU**

On April 15, 2003, this Court received correspondence regarding the above-captioned water right claim(s). A copy of the correspondence is attached to this *Order*. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file(s). Where the water right claim(s) was/were previously uncontested, a subcase file was created for the correspondence. Where a partial decree(s) was/were previously entered for the water right claim(s), the partial decree(s) was/were also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That BRIGETTE BILYEU is appointed Special Master to preside over the above-captioned water right claim(s) for the following purposes:
 - a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;
 - b. To determine whether the correspondence complies with *SRBA Administrative Order 1 (AO1)* and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be

dismissed on its face; or to determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

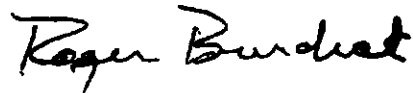
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AO1*.

IT IS SO ORDERED.

DATED April 24, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

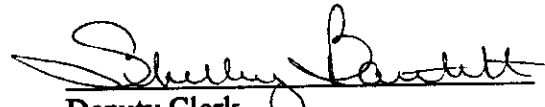
I certify that a true and correct copy of the **ORDER OF REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU** was mailed on April 24, 2003, with sufficient first-class postage to the following:

Ben D. Jernberg
14306 W. Morningstar Trail
Surprise, AZ 85374

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Deputy Clerk

Snake River Basin
Adjudication Court.

P.O. Box 2707

Twin Falls, ID. 83303-2707

4-14-03
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

MAILED

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1264

Dear Sirs:

I have 31-7311, 31-2395 and 31-2357

This so it says lets me irrigate 461 Acres with
4.99 CFS to water 663 acres of uncultivated pasture
ground- 31-7311. 672.9 acres 31-2395 and 461
acres 31-2357. With out the 663 acres that I
have the right to irrigate this adds up to 1133.9
not counting the 461 acres that they say is the same
31-2357 and 31-7311. I try to transfer 260 acres of
water the statesays the have to have 78 acres for
some reason This adds up to 338 acres. I am irrigating

approx 620 acres of farm ground plus the 663 acres of dry
pasture and water resources in Idaho Falls and Boise
says I can't do this. This does not sound right to me
nor to anyone else, I'm sure. Somewhere they people
have taken water from me that should not have been.

I'm going to send you the bill I have been getting
from the North ESPA Water Measurement Dist. This is
the way my father and I filed on this water and intended
for it to be that way. They did not get these figures
out of the blue. Why would I drill wells to pump
enough water for these licenses and file 2 filings to the
same ground.

I do not understand why they took this water away from me, and why your people can't straighten it out. I'm sure someone made a big error and I need to have it straightened out without having to hire high priced attorneys to do so.

No one advised me as to what was going on when this all took place.

Phone 623-214-1830
Fax 623-214-1862
Mobile 602-432-0533

Thank You
Ben D Jernberg
14306 W. Morningstar
Tr. Surprise, Az. 85374

When this number for your records

Bills are based on budgets approved at annual meetings.
Assessments not paid by May 1, 2003 shall bear interest from the date due until paid at the rate of eight percent (8%) per annum.
We have carefully tried to describe your points of diversion and flow rates authorized by water rights without duplication or error. If you feel there is a mistake, please contact the water measurement district office at (208) 525-7171.
Please note that if a diversion has multiple owners, each owner will receive a copy of this bill. However, it only needs to be paid once.

PLEASE REMIT PAYMENT ON OR BEFORE MAY 1, 2003

Water Right Name	Water Right Number(s)	Priority	Water Right	Bill CFS
JERNBERG, BEN D	A31-02357	11/13/1956	4.6	
JERNBERG, BEN D	A31-02396	10/09/1961	3.65	
JERNBERG, BEN D	A31-07311	04/23/1979	13.45	
Total Water Right Diversion Rate:				21.7 CFS
Pro-rate cost factor = \$8.60 per cfs				\$186.62
Assessed pro-rate cost:				
Total number of diversions:				2
Total number of diversions x \$25.00:				\$50.00
Total 2003 Assessment:				\$236.62

PD 3-13-03
3166

BEN D JERNBERG
14306 W. MORNINGSTAR TRAIL
SURPRISE AZ 85374

Reporter No. 92

NORTH ASPEN WATER MEASUREMENT DISTRICT
2003 ANNUAL ASSESSMENT NOTICE