

2003 MAR -5 PM 3: 24

FILED
TWIN FALLS CO., IDAHO
46

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
	)	FOR WATER RIGHT: 31-10652

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Neal Sauer on June 18, 2001. The *Objection* was resolved on January 15, 2003 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 5, 2003.



BRIGETTE BILYEU, Special Master
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 31-10652

2003 MAR -5 PM 3:24

FILED
TWIN FALLS CO., IDAHO
JF

NAME AND ADDRESS: NEAL SAUER
HC 63 BOX 2137
MONTEVIEW, ID 83435

SOURCE: GROUND WATER

QUANTITY: 6.22 CFS
1088.50 AFY

RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B,
31-04011B, 31-04011C, 31-04012, 31-07131 AND 31-10652 ARE
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 16.32 CFS.

RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B,
31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131,
31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 26.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 7350 AF.

THE TOTAL COMBINED RATE OF DIVERSION FOR THE TWO WELLS
LOCATED IN T07N, R34E, S05, NESE IS LIMITED TO 16.32 CFS.

RIGHT NOS. 31-00160A, 31-00161A, 31-02299, 31-02415,
31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 21.73 CFS.

PRIORITY DATE: 08/21/1960

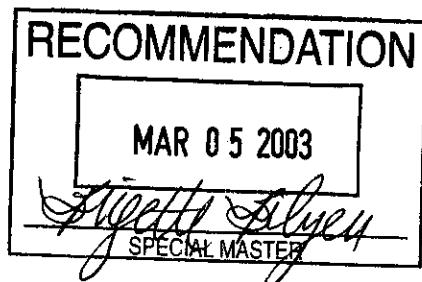
POINT OF DIVERSION: T07N R33E S13 SWNESE Within Jefferson County
R34E S05 NENESE
NESE
S18 LOT 3 (SENWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.22 CFS 1088.50 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R33E S24	NESE 38.0 NWSE 39.0 SWSE 40.0 SESE 40.0
	R34E S19	NESW 38.0 LOT 3 (NWSW) 37.0 (SWSW) 39.0 SESW 40.0
	LOT 4	
	311.0 Acres Total	

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. 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 MAR -5 PM 3:24

DIST. CLERK
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

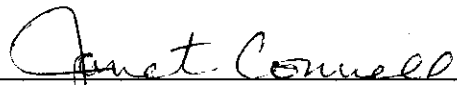
Water Right(s): 31-10652

On March 05, 2003, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 05, 2003.



JANET CONNELL
Deputy Clerk

2003 MAR -5 PM 3: 24

DIST. CLERK - SRBA
TWIN FALLS CO., IDAHO
FILED *of*

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): 31-10652

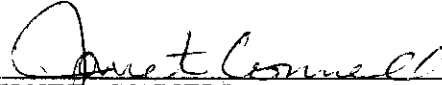
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 05, 2003, with sufficient first-class postage prepaid to the following:

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

NEAL SAUER

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/05/03