

2003 MAY 9 PM 2 26

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

**For Water Rights 31-00160B, 31-00161B,
31-02299, 31-02415, 31-04011C, 31-07131
and 31-07320**

On March 5, 2003, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights 31-00160B, 31-00161B, 31-02299, 31-02415, 31-04011C, 31-07131 and 31-07320 are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 9, 2003.



ROGER S. BURDICK
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

2003 MAY 9 PM 2 27

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-07320

NAME AND ADDRESS: RAY SAUER
HC 63 BOX 2130
MONTEVIEW, ID 83435

SOURCE: GROUND WATER

QUANTITY: 5.12 CFS
896.00 AFY

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.

RIGHT NOS. 31-00160A, 31-00161A, 31-002299, 31-02415,
31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 21.73 CFS.

UNLESS MODIFIED BY AMENDMENT OF OR REPLACEMENT OF THE
EXISTING AGREEMENT DATED OCTOBER 24, 1985, BY AND BETWEEN JOE
HARTWELL AND WILLIE E. HARTWELL, HUSBAND AND WIFE, AND SAUER
ENTERPRISES, AN IDAHO PARTNERSHIP, AND A WATER RIGHT TRANSFER OR
OTHER OFFICIAL WATER RIGHT ACTION SUBSEQUENT TO ISSUANCE OF THIS
LICENSE, THE WATER CONTRIBUTED FROM THE TWO WELLS IN T07N, R34E,
S05, NESE, TO THE TOTAL COMBINED DIVERSION RATE OF THIS RIGHT AND
ALL OTHER RIGHTS DIVERTED FROM THESE SAME TWO WELLS IS LIMITED TO
16.32 CFS.

PRIORITY DATE: 12/18/1984

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	5.12 CFS 896.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R34E S18	NENE 32.0 NWNE 32.0 SWNE 32.0 SENE 32.0 NESW 32.0 LOT 3 (NWSW) 32.0 LOT 4 (SWSW) 32.0 SESW 32.0 256.0 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

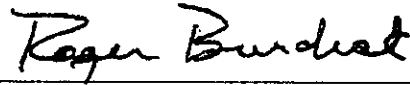
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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