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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	)	
	)	Subcases 63-31935 and 63-31936
Case No. 39576	)	
	)	DRAINAGE DISTRICT NO. 4'S
	)	COMMENTS/OBJECTIONS TO
	)	COURT'S INTENT TO ISSUE
	)	PARTIAL DECREES
	)	

COMES NOW Drainage District No. 4, by and through their counsel of record, Ringert Clark, Chartered, and pursuant to this Court's *Notice of Court's Intent to Issue Partial Decrees*, dated October 25, 2007, submits the following Comments/Objections to Court's Notice.

With respect to water right no. 63-31936, as stated in the remarks, the source of this water right is wastewater collected in Drainage District No. 4's drainage system and then returned to the Boise River. "The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at points of diversion by the delivery organizations listed above, in the amounts indicated, to be used on the place of use within the boundaries for each individual delivery organization's rights." Thus, the place of use is the boundaries for each of the delivery irrigation organizations which deliver the water via the Ridenbaugh Canal, Thurman Mill Canal and Warms Springs Canal. Rather than define the place of use as the boundaries of Drainage District

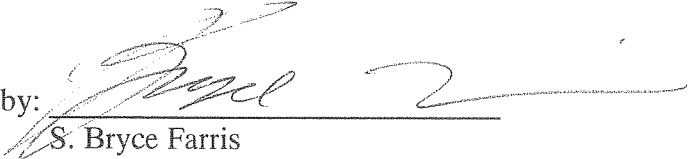
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No. 4, it would be more appropriate to define the place of use as the digital boundaries for the irrigation organizations which deliver the water after the exchange. The place of use would be the digital boundaries of Thurman Mill Ditch Company (Thurman Mill Ditch), Warm Springs Ditch Company (Warm Springs Ditch) and the Nampa & Meridian Irrigation District (Ridenbaugh Canal).

DATED this 15th day of November, 2007.

RINGERT CLARK CHARTERED

by:

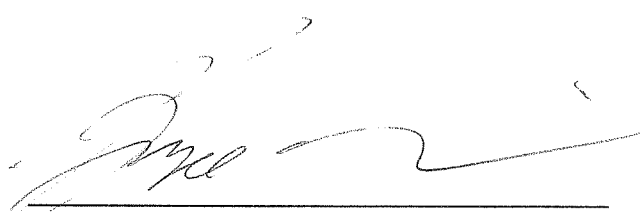

S. Bryce Farris

Attorneys for Drainage District No. 4

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing document was mailed on November 15th, 2007, with sufficient first class postage, to the following:

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098


S. Bryce Farris