

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 67-00020

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| MAR 24 2008                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

NAME AND ADDRESS: WEISER IRRIGATION DIST  
C/O JAY EDWARDS  
PO BOX 591  
WEISER, ID 83672

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.00 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION: T11N R04W S35 NENE Within Washington County

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                               | Irrigation     | 03-01 TO 11-15 | 3.00 CFS |

PLACE OF USE:

The rights listed below are limited to the irrigation of a combined total of 9066 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, & 67-14621.

The rights listed below are limited to the irrigation of a combined total of 9489 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, 67-14621, 03-2006, & 03-7005.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

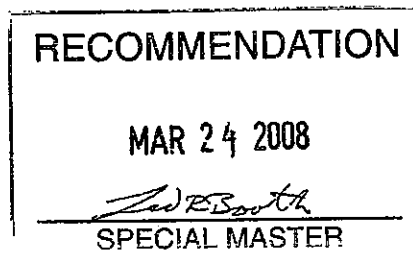
Water rights 67-2164B, 67-14353, and 67-14445 are private water rights delivered by and through the Weiser Irrigation District. This remark shall not modify or any way amend the elements of this water right.

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.

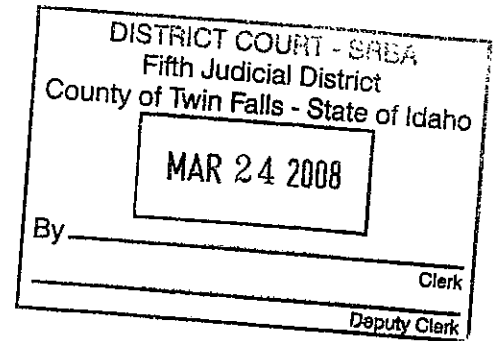
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



RECEIVED

MAR 25 2008

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

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHTS 67-00008,  
) 67-00009, 67-00010, 67-00011, 67-00012,  
) 67-00013B, 67-00014, 67-00015, 67-00016,  
) 67-00017, 67-00018, 67-00019, 67-00020,  
) 67-00021, 67-00022, 67-02168B, 67-02169G,  
) and 67-14621  
)  
) (Weiser Irrig. Dist. – Digital Boundary)

I. FINDINGS OF FACT

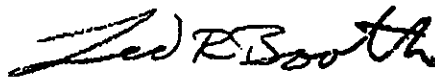
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On August 21, 2007, Edward L. Pollard, Sr., by and through his attorney Shelly M. Davis, filed an objection to the *Director's Report*, seeking to have Mr. Pollard's land that is irrigated under Mr. Pollard's own water rights (nos. 67-02146B, 67-14353, and 67-14445) be excluded from the digital boundary place of use for the Weiser Irrigation District. On March 20, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved Mr. Pollard's objection by including a remark in the Weiser Irrigation District water rights recognizing that Mr. Pollard's rights are conveyed via the District's Galloway Ditch. Consequently, no changes were made to the digital boundary of the District. The Idaho Department of Water Resources concurred with the stipulations.

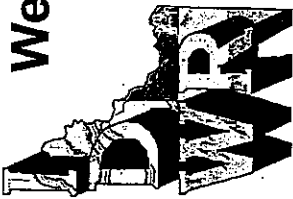
## II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 67-00008, 67-00009, 67-00010, 67-00011, 67-00012, 67-00013B, 67-00014, 67-00015, 67-00016, 67-00017, 67-00018, 67-00019, 67-00020, 67-00021, 67-00022, 67-02168B, 67-02169G, and 67-14621 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated March 24, 2008



Theodore R. Booth  
Special Master  
Snake River Basin Adjudication



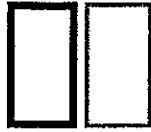
# Weiser Irrigation Dist

SRBA Recommendations: 3-2006, 3-7005, 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, 67-14621

Service Area Boundary  
GIS Place of Use Illustration

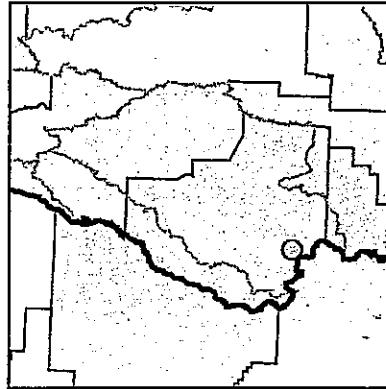
## Legend

Service Area



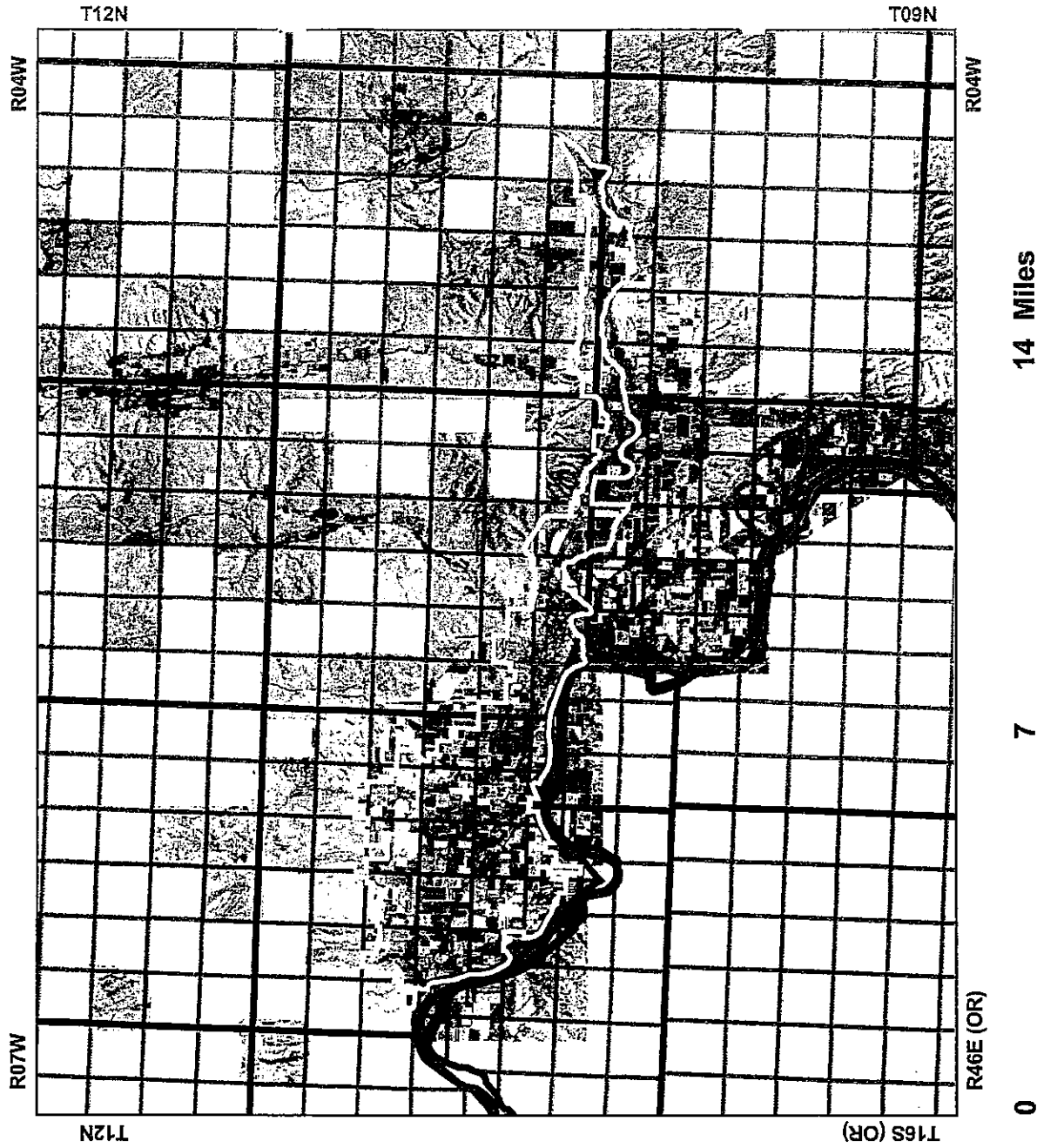
Townships

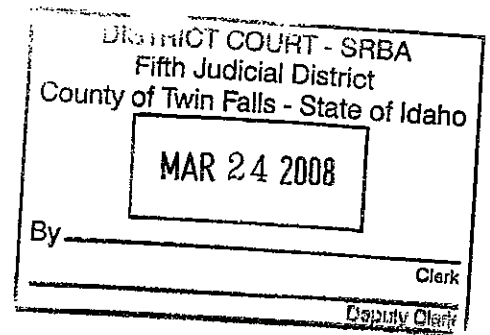
PLS Sections



Washington County  
IDWR Basin 67

Prepared by D. Favreau  
On Tuesday, December 19, 2006  
1987/88 Aerial Photography





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): 67-00008  
(SEE ATTACHED EXHIBIT A)

On March 24, 2008, Special Master THEODORE R. BOOTH  
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 24, 2008.

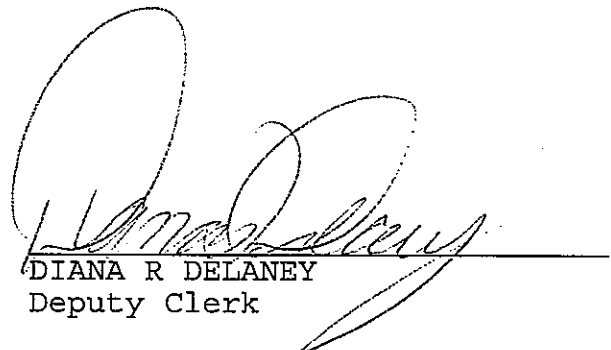
  
DIANA R DELANEY  
Deputy Clerk

Exhibit A

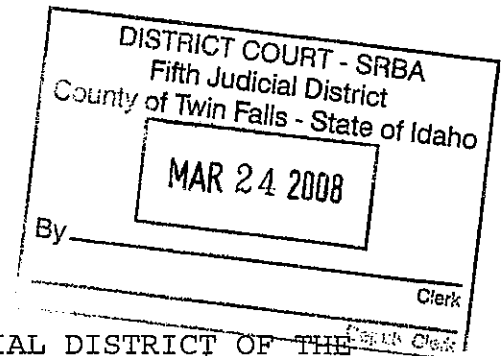
Subcase Nos:

67-00008  
67-00009  
67-00010  
67-00011  
67-00012  
67-00013B  
67-00014  
67-00015  
67-00016  
67-00017  
67-00018  
67-00019  
67-00020  
67-00021  
67-00022  
67-02168B  
67-02169G  
67-14621

Exhibit A

Subcase Nos:

67-00008  
67-00009  
67-00010  
67-00011  
67-00012  
67-00013B  
67-00014  
67-00015  
67-00016  
67-00017  
67-00018  
67-00019  
67-00020  
67-00021  
67-00022  
67-02168B  
67-02169G  
67-14621



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): 67-00008  
(SEE ATTACHED EXHIBIT A)

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 24, 2008, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1  
03/24/08

WEISER IRRIGATION DISTRICT

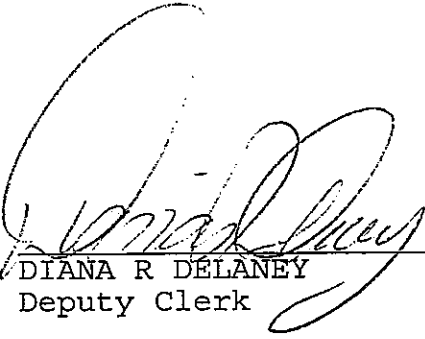
Represented by:  
LARY C WALKER  
232 E MAIN ST  
PO BOX 828  
WEISER, ID 83672  
Phone: 208-549-0390

EDWARD L POLLARD SR

Represented by:  
SHELLEY M DAVIS  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

WEISER IRRIGATION DIST

C/O JAY EDWARDS  
PO BOX 591  
WEISER, ID 83672  
Phone: 208-414-1792



DIANA R DELANEY  
Deputy Clerk