

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-00022

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: 40.00 CFS

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION: T11N R04W S35 NENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	40.00 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:

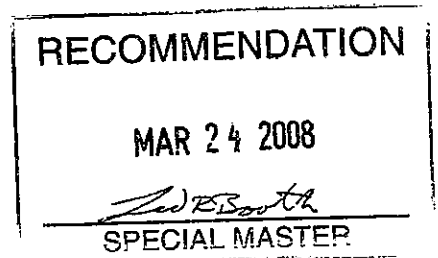
Water rights 67-2164B, 67-14353, and 67-14445 are private water rights delivered by and through the Weiser Irrigation District. This remark shall not modify or any way amend the elements of this water right.

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.

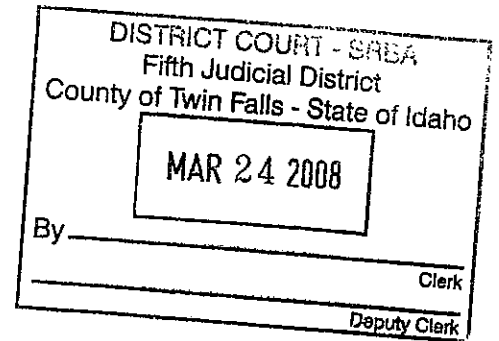
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

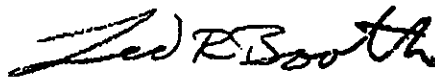
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

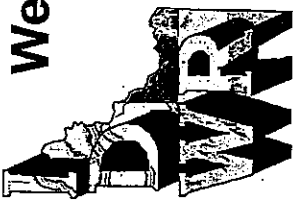
II. CONCLUSIONS OF LAW

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



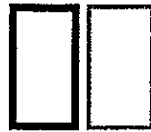
Weiser Irrigation Dist

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

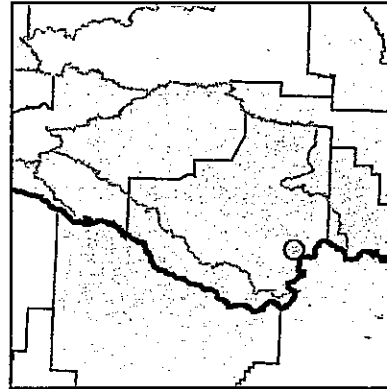
Legend

Service Area

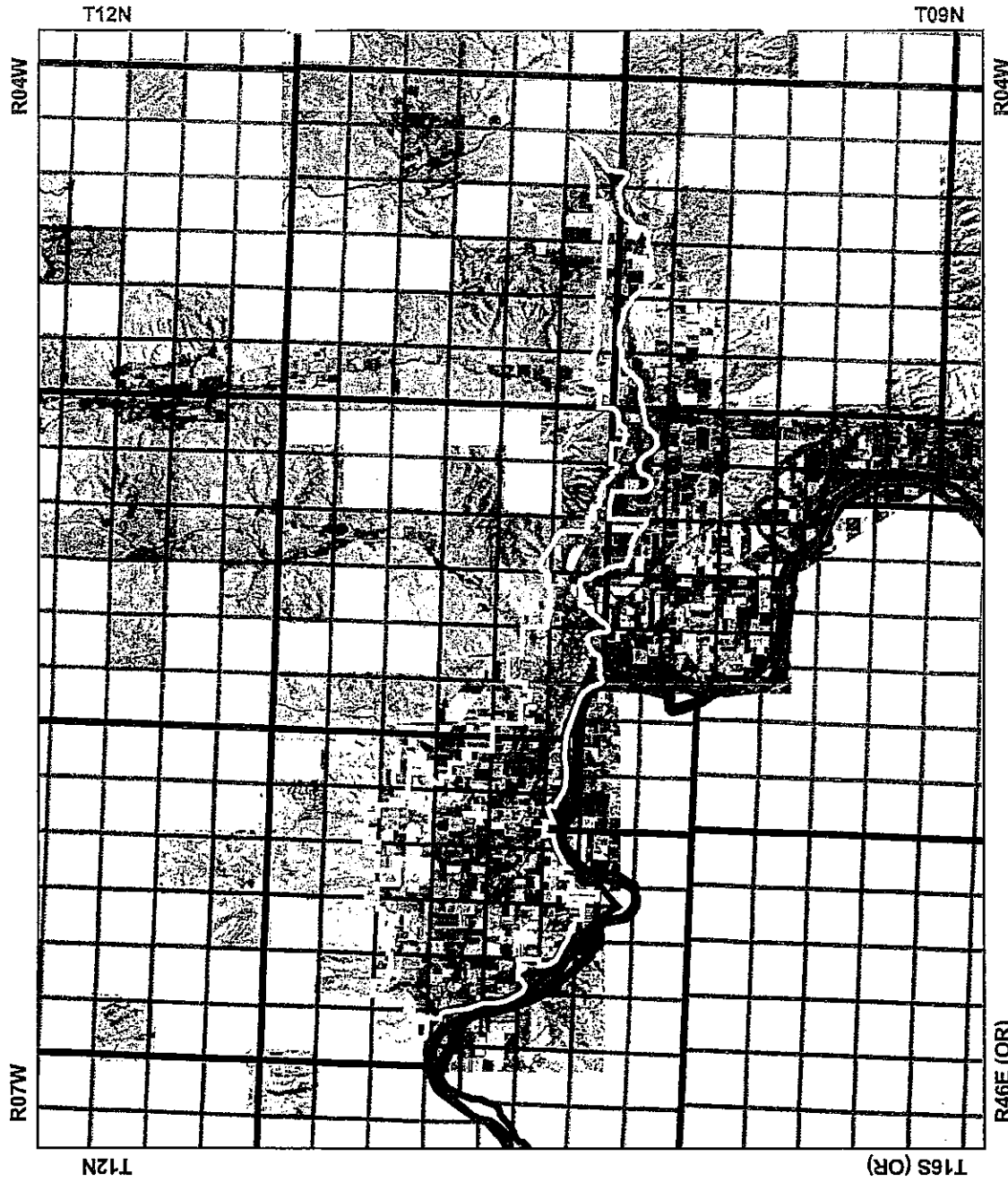


Townships

PLS Sections



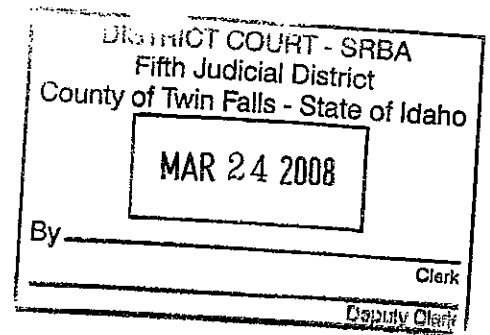
Washington County
IDWR Basin 67



0 7 14 Miles



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.

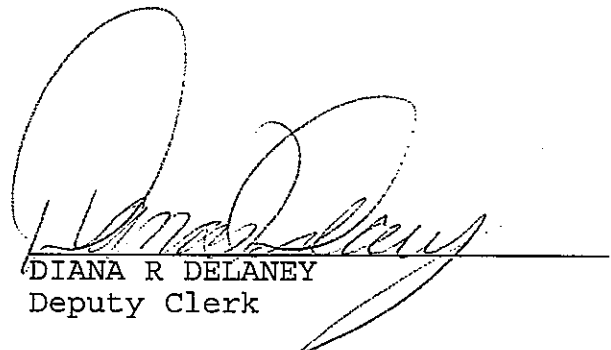

DIANA R DELANEY
Deputy Clerk

Exhibit A

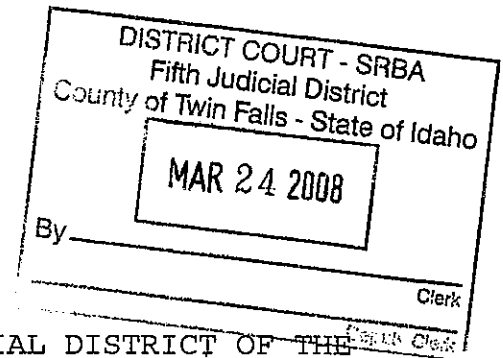
Subcase Nos:

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

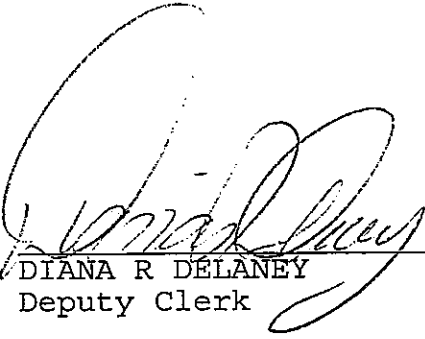
Represented by:
LARY C WALKER
232 E MAIN ST
PO BOX 828
WEISER, ID 83672
Phone: 208-549-0390

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