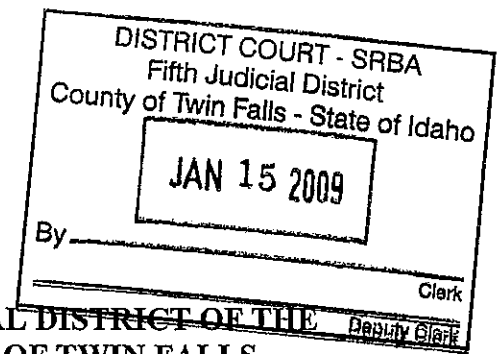


RECEIVED

JAN 16 2009

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 RIGHT 63-02052A

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right 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 this water right.

On June 15, 2007, the Nampa & Meridian Irrigation District, through its attorney S. Bryce Farris, filed an objection to the Director's Report, asserting that the source of water should be described as wastewater. On December 16, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-02052A be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Jan. 15, 2009

Theodore R. Booth
Special Master
Snake River Basin Adjudication

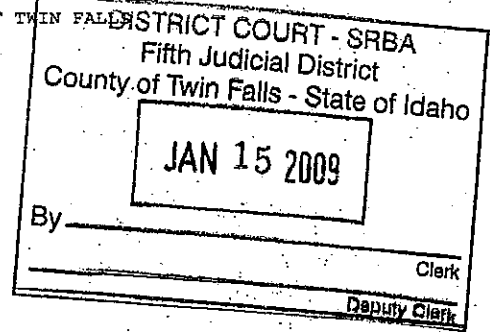
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No: 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-02052A



NAME AND ADDRESS:

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687

SOURCE:

TENMILE CREEK TRIBUTARY: BOISE RIVER

TO THE EXTENT THAT ALL OR A PORTION OF THE SOURCE OF THIS WATER
RIGHT MAY CONSIST OF WASTE WATER, FRASIER FAMILY TRUST, NAMPA &
MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF
RECLAMATION, TOGETHER WITH THEIR RESPECTIVE ASSIGNS AND HEIRS,
AGREE THAT NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED
STATES BUREAU OF RECLAMATION WAIVE NO RIGHT TO ASSERT IN THE
FUTURE THAT THE SOURCE OF ALL OR PART OF THIS WATER RIGHT IS THE
WASTE WATER OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED
STATES BUREAU OF RECLAMATION AND THEREBY IS SUBJECT TO THE RIGHT
OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES
BUREAU OF RECLAMATION TO CEASE WASTING IT OR RECAPTURE IT.

QUANTITY:

2.40 CFS

PRIORITY DATE:

04/29/1907

POINT OF DIVERSION:

T03N R01W S05

NESE

Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
2.40 CFS

PLACE OF USE:

Irrigation

T03N R01W S05

NESW 40.0

NWSE 40.0

Within Canyon County

NESE 40.0

120.0 Acres Total

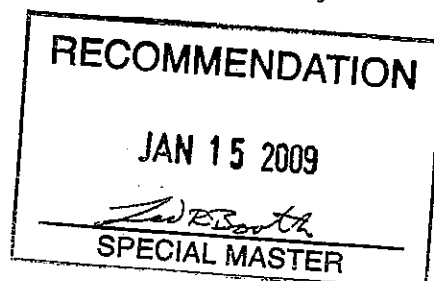
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

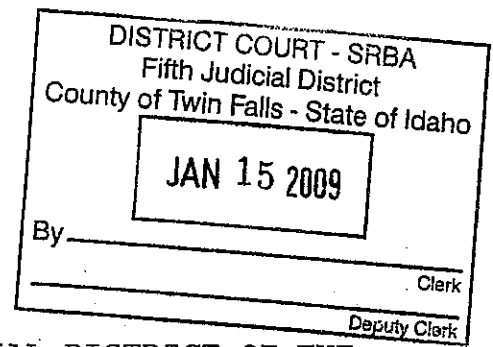
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

John M. Melanson
Presiding Judge of the
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

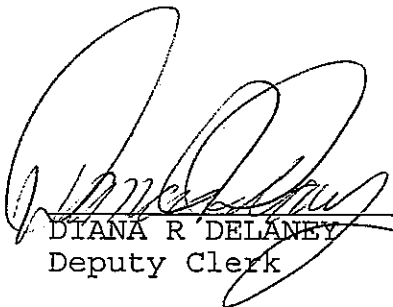
Water Right(s): 63-02052A

On January 15, 2009, 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.

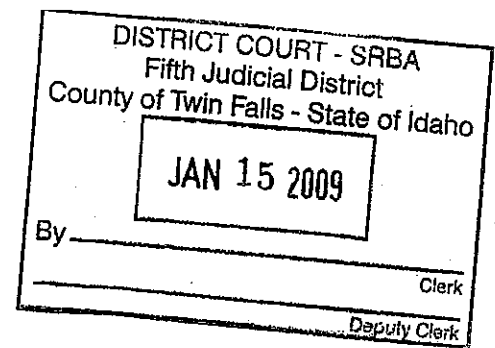
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 January 15, 2009.



DIANA R DELANEY
Deputy Clerk



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) : 63-02052A

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 January 15, 2009, with sufficient first-class postage prepaid to the following:

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

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

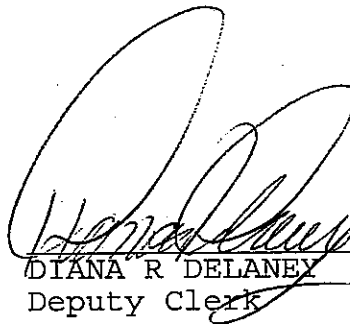
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
01/15/09

MIKE FRASIER
236 N HAPPY VALLEY RD
NAMPA, ID 83687

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687
Phone: 208-466-5925



DIANA R DELANEY
Deputy Clerk