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MAR 10 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 9 2010	
By _____	Clerk
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

) Subcases 67-2320, 67-4291, 67-4412,
) 67-10971 and 67-10975
) (City of Weiser)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

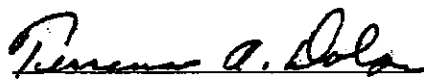
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 19, IDWR Basin 67* on December 22, 2006. The Director recommended claims 67-2320 and 67-4291 to the City of Weiser, 55 W. Idaho Street, Weiser, Idaho, 83672, for .55 cfs and 1.23 cfs from groundwater for year-'round municipal use in Washington County with priority dates of January 7, 1964, and June 1, 1950, based on a license and beneficial use. The Director recommended claims 67-4412, 67-10971 and 67-10975 be disallowed: "No lawful appropriation shown." The City filed *Objections* on August 22, 2007.

On March 1, 2010, the City filed *Standard Forms 5* in subcases 67-4412, 67-10971 and 67-10975. The same date, the City filed a *Withdrawal of Objections* in subcases 67-2320 and 67-4291

Conclusions of Law

The City is entitled to partial decrees adjudicating water rights as recommended by IDWR (67-2320 and 67-4291), as described in the *SF-5s* (67-4412, 67-10971 and 67-10975) and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 67-2320, 67-4291, 67-4412, 67-10971 and 67-10975*.

DATED March 9, 2010.



TERRENCE A. DOLAN

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 67-02320

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672

SOURCE: GROUND WATER

QUANTITY: 0.55 CFS

PRIORITY DATE: 01/07/1964

POINT OF DIVERSION: T11N R05W S29 SENW Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.55 CFS

PLACE OF USE: -
Place of use is within the service area of the City of Weiser
municipal water supply system as provided for under Idaho Law.

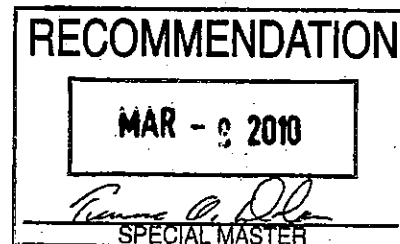
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-04291

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672

SOURCE: GROUND WATER

QUANTITY: 1.23 CFS

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION: T11N R05W S29 SESWNW Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.23 CFS

PLACE OF USE:
Place of use is within the service area of the City of Weiser
municipal water supply system as provided for under Idaho Law.

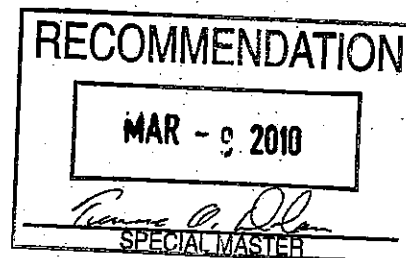
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-04412

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION: T11N R05W S32 SESW Within Washington County

The point of diversion for this water right is unsurveyed
accretion land. The quarter-quarter description has been
protracted from the adjacent public land survey.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.40 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T11N R05W S32	NWSW 0.6 SESW 6.0
	20.0 Acres Total	SWSW 13.4

The place of use for this water right is unsurveyed accretion
land. The quarter-quarter description has been protracted from
the adjacent public land survey.

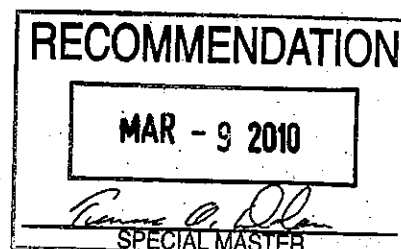
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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RULE 54(b) CERTIFICATE

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Eric J. Wildman
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-10971

NAME AND ADDRESS: CITY OF WEISER
55 W IDAHO ST
WEISER, ID 83672

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 09/30/1980

POINT OF DIVERSION: T10N R05W S17 NWNE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Washington County
T10N R05W S17 NWNE

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

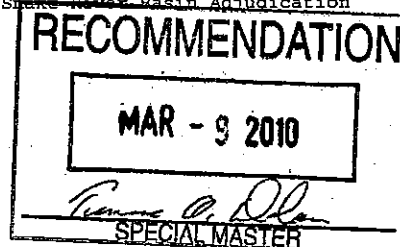
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RULE 54(b) CERTIFICATE

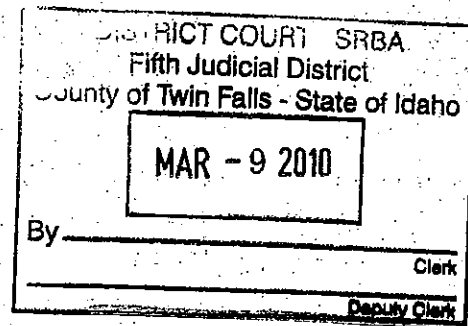
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No.. 39576)
)
) Water Right 67-10975

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Mar-08-2010



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

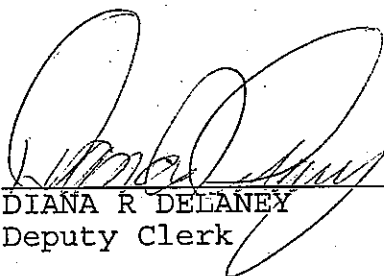
Water Right(s): 67-02320
67-04291 67-04412 67-10971
67-10975

On March 09, 2010, Special Master TERRENCE A. DOLAN 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 09, 2010.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR - 9 2010	
By _____	Clerk
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)
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CERTIFICATE OF MAILING

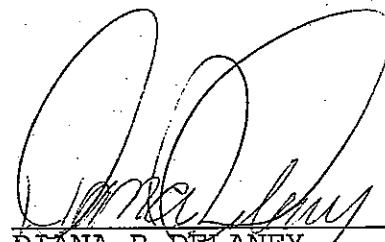
Water Right(s): 67-02320
67-04291 67-04412 67-10971
67-10975

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 09, 2010, with sufficient first-class postage prepaid to the following:

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

CITY OF WEISER
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING