

RECEIVED

AUG 25 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 24 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	)	Subcases 03-7009, 03-7034, 03-10010,
	)	03-10198 and 03-10264
Case No. 39576	)	(City of Weiser)
	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

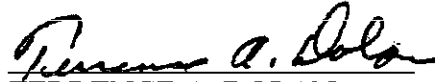
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, IDWR Basin 03* on August 15, 2006. The Director recommended claims 03-7009, 03-7034 and 03-10198 to the City of Weiser, 55 W. Idaho Street, Weiser, Idaho, 83672, for 4.46 cfs, 1.3 cfs and .66 cfs from the Snake River for year-'round municipal use within the service area of the City of Weiser, and to irrigate of 96 acres and 33 acres in Washington County from March 1 or 15 to November 15 with priority dates of November 15, 1972, May 3, 1984, and January 15, 1907, based on licenses. The Director recommended claim 03-10010 be disallowed: "Recommended as right no. 3-7009."

The Director filed his *Amended Director's Reports* in subcases 03-10198 and 03-10264 (split from 03-10198) on May 8, 2010, recommending the claims for 3.76 cfs and .22 cfs from the Snake River to irrigate 188 acres and 11 acres in Washington County from March 1 to November 15 with a priority date of January 15, 1907, based on a license. No one objected to the *Amended Director's Reports*. On August 19, 2010, the City of Weiser, with IDWR's concurrence, filed *Standard Forms-5* in subcases 03-7009, 03-7034 and 03-10010.

Conclusions of Law

The City of Weiser is entitled to partial decrees as described in the *Amended Director's Reports, SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 03-7009, 03-7034, 03-10010, 03-10198 and 03-10264*.

DATED August 24, 2010.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 03-07009

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.65 CFS

PRIORITY DATE: 11/15/1972

POINT OF DIVERSION: T11N R05W S32 SWSW 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
	Municipal	01-01 TO 12-31	0.65 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.

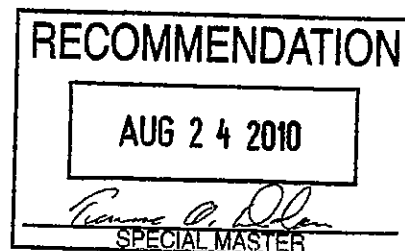
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 03-07034

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.38 CFS
85.50 AFY

Right Nos. 3-7034 and 67-4016 are limited to a total combined annual diversion volume of 85.5 AF.
Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological stream gaging station at Weiser exceeds 4,750 cfs.
Right Nos. 3-7034 and 3-10198 are limited to a total combined diversion rate of 1.30 cfs and to a total combined annual diversion volume of 432.0 AF from the point of diversion in T01N, R05W, S17, NWNW.

PRIORITY DATE: 05/03/1984

POINT OF DIVERSION: T10N R05W S17 NWNW 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	03-15 TO 11-15	0.38 CFS 85.50 AFY

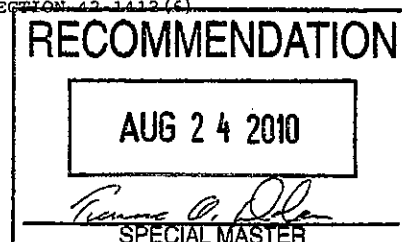
The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Washington County
T10N R05W S17 NWNW 5.0 SWNE 14.0
19.0 Acres Total

Right Nos. 3-7034 and 67-4016 are limited to the irrigation of a combined total of 19 acres in a single irrigation season.

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(C)



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 03-10010

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.81 CFS

PRIORITY DATE: 12/31/1912

POINT OF DIVERSION: T11N R05W S32 SWSW 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
	Municipal	01-01 TO 12-31	3.81 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.

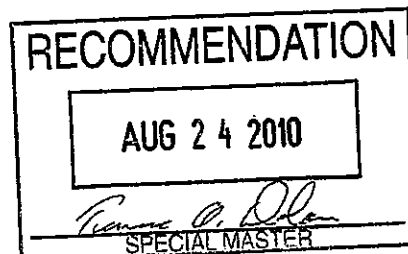
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 3-7009.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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

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final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
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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 03-10198

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.76 CFS

Right Nos. 3-7034 and 3-10198 are limited to a total combined
diversion rate of 1.30 cfs and to a total combined annual
diversion volume of 432.0 AF from the point of diversion in
T10N, R05W, S17, NWNW.

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T10N R05W S17 NWNW Within Washington County
S20 LOT 1 (NENE)

The point of diversion in T10N, R05W, S17, NWNW 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 3.76 CFS

PLACE OF USE: Irrigation Within Washington County
T10N R05W S17 NWNE 35.0 SWNE 24.0
SENE 6.0 LOT 4 (NENW) 41.0
LOT 3 (SENW) 41.0 NESE 38.0
NWSE 2.0 SESE 1.0
188.0 Acres Total

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

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Eric J. Wildman

Presiding Judge of the

Snake River Basin Judicial District

RECOMMENDATION

AUG 24 2010

SPECIAL MASTER

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 03-10264

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T10N R05W S20 LOT 1 (NENE) Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.22 CFS

PLACE OF USE: Irrigation Within Washington County
T10N R05W S17 SESE 11.0
11.0 Acres Total

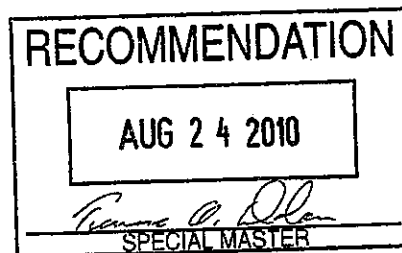
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

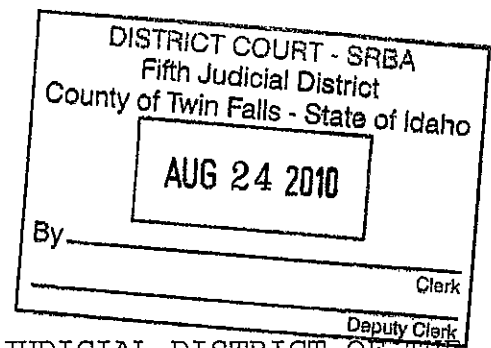
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

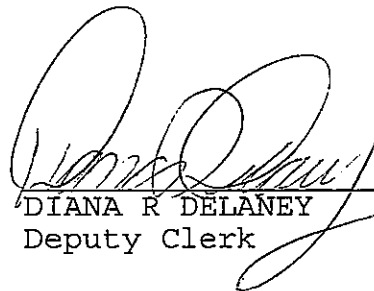
Water Right(s): 03-07009
03-07034 03-10010 03-10198
03-10264

On August 24, 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.

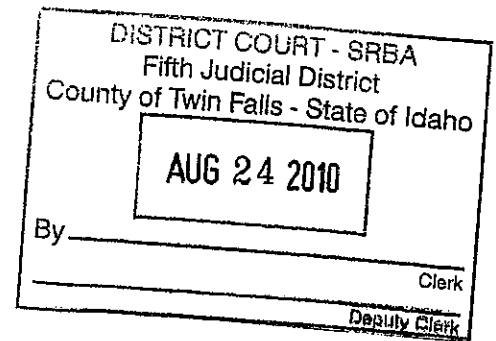
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 August 24, 2010.



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

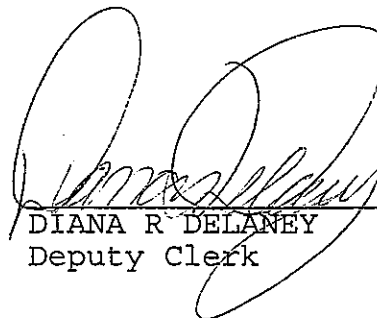
Water Right(s): 03-07009
03-07034 03-10010 03-10198
03-10264

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 August 24, 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

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08/24/10