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

In Re SRBA

Case No. 39576

Subcase Nos. 61-248 and 61-10419

**STIPULATION FOR ENTRY OF
PARTIAL JUDGMENT**

COMES NOW Mountain Home Irrigation District ("MHID), through its counsel of record McHugh Bromley, PLLC, and Weitz & Company, Inc. ("Weitz"), through its counsel of record Schroeder Law Offices, PC, and hereby stipulate as follows:

- 1) The parties jointly submit the attached proposed partial judgment for entry by the Court, allowing MHID to appeal this Court's April 22, 2021 *Order on Cross-Motions for Summary Judgment*.
- 2) The parties agree this Court shall retain jurisdiction over the undecided matters in MHID Count II and Weitz Counterclaim I and stay any further action on the those claims until a remittitur is issued by the Idaho Supreme Court in the appeal of the matters decided in the April 22, 2021 *Order on Cross-Motions for Summary Judgment* and a status conference is held with this Court following the remittitur.

DATED this 19th day of May, 2021.

MCHUGH BROMLEY, PLLC

SCHROEDER LAW OFFICE, PC



CHRIS M. BROMLEY
Attorneys for MHID



Laura A. Schroeder
Attorneys for Weitz & Company, Inc.

CERTIFICATE OF SERVICE

I certify that on this 19th day of May, 2021, I caused to be served a true and correct copy of the foregoing upon the following persons by facsimile and electronic mail as follows:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Facsimile: 208-736-2121

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
Facsimile: 208-287-6700

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CHRIS M. BROMLEY

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

In Re SRBA

Case No. 39576

Subcase Nos. 61-248 and 61-10419

I.R.C.P. 54(b) PARTIAL JUDGMENT

PARTIAL JUDGMENT IS ENTERED AS FOLLOWS:

- 1) On October 5, 2020, Mountain Home Irrigation District (“MHID”) filed a *Verified Petition for Declaratory Judgment*. Count I sought a declaratory ruling that water right 61-248 was disallowed in the Snake River Basin Adjudication and ceased to exist. Count II sought a declaratory ruling that a 1923 contract between the parties’ predecessors was fully satisfied.
- 2) On December 15, 2020, Weitz and Company, Inc. (“Weitz”) filed counterclaims against MHID. Counterclaim I sought damages against MHID for breach of fiduciary duty. Counterclaim II sought a declaratory ruling as to whether Weitz has a beneficial ownership interest in water right 61-10419.
- 3) On January 22, 2021, the Court bifurcated the proceeding, entering an Order directing that MHID Count I and Weitz Counterclaim II would be retained and determined by the Court. After that determination, the Court would transfer MHID Count II and Weitz Counterclaim I to Elmore County for further proceedings.
- 4) On February 16, 2021, cross motions for summary judgment were filed by MHID and Weitz.
- 5) On April 22, 2021, the Court issued its *Order on Cross-Motions for Summary Judgment*, in which it DENIED MHID Count I and GRANTED Weitz Counterclaim II to the extent Weitz owns a beneficial interest in water right 61-10419.

- 6) This Court retains jurisdiction over MHID Count II and Weitz Counterclaim I and any action on those claims is hereby stayed until a remittitur is issued by the Idaho Supreme Court and a status conference is held with this Court following issuance of the remittitur.

Dated _____.

ERIC J. WILDMAN
District Judge

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above partial judgment 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 partial judgment is a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this _____ day of _____, 20_____.

ERIC J. WILDMAN
District Judge