

RECEIVED

MAY 21 2021

DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAY 20 2021                                                                               |              |
| By _____                                                                                  | Clerk        |
| _____                                                                                     | Deputy Clerk |

In Re SRBA

Case No. 39576

Subcase Nos. 61-248 and 61-10419

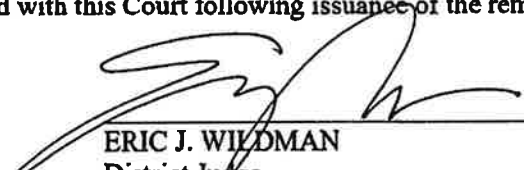
I.R.C.P. 54(b) PARTIAL JUDGMENT

**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.

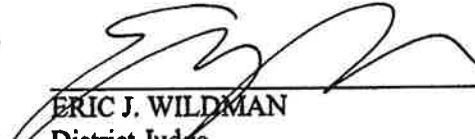
Dated May 20, 2021.

  
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 20<sup>th</sup> day of May, 2021.

  
ERIC J. WILDMAN  
District Judge

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the PARTIAL JUDGMENT was mailed on May 20, 2021, with sufficient first-class postage to the following:

MOUNTAIN HOME IRRIGATION DIST

Represented by:

CHRIS M BROMLEY  
380 S 4TH STREET STE 103  
BOISE, ID 83702  
Phone: 208-287-0991

WEITZ & COMPANY INC

Represented by:

JAMES BROWITT  
SCHROEDER LAW OFFICES PC  
1915 NE CESAR E CHAVEZ BLVD  
PORTLAND, OR 97212  
Phone: 503-281-4100

WEITZ & COMPANY INC

Represented by:

LAURA A SCHROEDER  
SCHROEDER LAW OFFICES PC  
1915 NE CESAR E CHAVEZ BLVD  
PORTLAND, OR 97212  
Phone: 503-281-4100

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

MOUNTAIN HOME IRRIGATION DIST  
VERIFIED PETITION FOR  
DECLARATORY JUDGMENT