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Department of Water Resources

2003 AUG 29 AM 11: 57

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	) Subcase 51-10380
	) (split claims 51-12980 & 51-12981)
Case No. 39576	) (J. R. Simplot Self Declaration Revocable
	) Trust and John B. Urquidi, J & J Ranches)
	)
	) SPECIAL MASTER REPORT
	) AND RECOMMENDATION

Findings of Fact

The Owen Family Revocable Trust A filed a *Notice of Claim to a Water Right* on April 22, 1993, claiming .24 cfs from Jimmy Cappel Spring for year-'round stockwater use in Owyhee County with a priority date of 1947, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 6 (IDWR Basin 51)* on July 31, 1997. The Director recommended the claim as filed, but to J. R. Simplot Self Declaration Revocable Trust, P.O. Box 27, Boise, Idaho, 83707, with a priority date of December 31, 1947.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 1997, objecting to priority date and place of use. John B. Urquidi, J & J Ranches, HC 85, Box 115, Bruneau, Idaho, 83604-9703, filed an *Objection* the same date objecting to nearly all the recommended elements and alleging the water right should not exist.

The BLM filed a *Motion to Dismiss Objection* on March 15, 2002, and its *Motion* was granted on April 10, 2002. On July 2, 2003, J. R. Simplot and John B. Urquidi, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* agreeing to split 51-10380 into 51-12980 (J. R. Simplot Self Declaration Revocable Trust) and 51-12981 (John B. Urquidi, J & J Ranches).

Conclusions of Law

J. R. Simplot Self Declaration Revocable Trust and John B. Urquidi, J & J Ranches are entitled to partial decrees adjudicating water rights as described in the *Amended Claim SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 51-12980 and 51-12981*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 51-10380 be disallowed because it was split into 51-12980 and 51-12981.

DATED August 29, 2003.



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 51-12980

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JR SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707

SOURCE: JIMMY CAPPEL SPRING TRIBUTARY: SINKS

QUANTITY: 0.24 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-12981 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.24 CFS AND SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1947

POINT OF DIVERSION: T10S R04E S32 SENESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.24 CFS

PLACE OF USE: Stockwater Within Owyhee County
T10S R04E S29 NESE

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

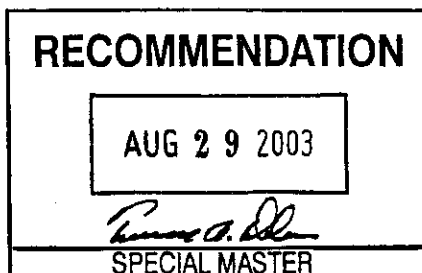
THE OPERATION, USE, & ADMINISTRATION OF THIS WATER RIGHT IS ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE RELEASE AND SETTLEMENT
AGREEMENT ENTERED INTO ON JUNE 12, 2003 BETWEEN THE JR.R. SIMPLOT
SELF-DECLARATION REVOCABLE TRUST AND J&J RANCHES, A COPY OF WHICH
IS CONTAINED IN THE IDWR WATER RIGHT FILE NOS. 51-12980, 51-12981
THE PROVISIONS OF SUCH STIPULATION AND RELEASE TO APPLY FULLY TO
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
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.



Roger Burdick
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 51-12981

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOHN B URQUIDI
J & J RANCHES
HC 85 BOX 115
BRUNEAU, ID 83604-9703

SOURCE: JIMMY CAPPEL SPRING TRIBUTARY: SINKS

QUANTITY: 0.24 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-12980 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.24 CFS AND SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1947

POINT OF DIVERSION: T10S R04E S32 SENESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.24 CFS

PLACE OF USE: Stockwater Within Owyhee County
T10S R04E S33 SENW

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

THE OPERATION, USE, & ADMINISTRATION OF THIS WATER RIGHT IS ALSO
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AGREEMENT ENTERED INTO ON JUNE 12, 2003 BETWEEN THE J.R. SIMPLOT
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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
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

AUG 29 2003

Roger A. Burdick
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 51-10380

51-12980 51-12981

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 29, 2003, with sufficient first-class postage prepaid to the following:

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

SIMPLOT SELF DECLARATION REVOC

Represented by:
ALBERT P. BARKER
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

J & J RANCHES

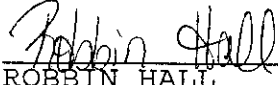
Represented by:
SUSAN E. BUXTON
225 N 9TH STREET
BOISE, ID 83702
Phone: 208-331-1800

CERTIFICATE OF MAILING

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JOHN B URQUIDI
J & J RANCHES
HC 85 BOX 115
BRUNEAU, ID 83604-9703

JR SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707



ROBBIN HALL
Deputy Clerk

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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

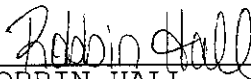
Water Right(s): 51-10380
51-12980 51-12981

On August 29, 2003, 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 29, 2003.



ROBBIN HALL
Deputy Clerk