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Department of Water Resources

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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

Case No. 39576

)
) Subcase 43-00103C
) (J.R. Simplot Co.)
)
) AMENDED SPECIAL MASTER
) REPORT

Findings of Fact

J.R. Simplot Company, P.O. Box 27, Boise, Idaho, 83707, filed a *Notice of Claim to a Water Right* on June 8, 1989, claiming 1.1 cfs from Cassia Creek to irrigate 437 acres in Cassia County from March 15 to November 15 with a priority date of April 1, 1894, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim be disallowed: "No lawful appropriation shown."

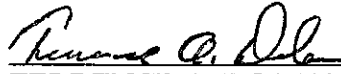
Ted Higley filed an *Objection* on January 15, 2002, objecting to quantity and point of diversion. J.R. Simplot Company filed an *Objection* on February 8, 2002, objecting to the water right not being recommended as claimed. On September 2, 2003, Mr. Higley filed a *Notice of Withdrawal of Ojections* in multiple subcases, including 43-00103C. Finally, on December 12, 2003, J.R. Simplot Company and Ted Higley, with IDWR's concurrence, filed a *Standard Form 5* agreeing that a water right be decreed to J.R. Simplot Company for 1.1 cfs from Cassia Creek to irrigate 737.5 acres.

The Special Master entered a *Special Master Report and Recommendation* on December 22, 2003. However, on January 7, 2004, J.R. Simplot Company filed a *Motion to Alter or Amend Special Master's Report and Special Master Recommendation for Partial Decree for Water Right 43-00103C* pointing out that under place of use, T 13S, R 26E, § 31, SWNW, 39 acres should be T 13S, R 26E, § 13, SWNW, 39 acres, as stated in the SF-5.

Conclusions of Law

J.R. Simplot Company is entitled to a partial decree adjudicating a water right under claim 43-00103C as described in the *SF-5* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 43-00103C*.

DATED January 9, 2004.



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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-00103C

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.10 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C,
43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107,
43-275, 43-276, 43-277, 43-10591, AND 43-10592.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County
SESENW
S21 SWNWSW
S22 SWSENE
NENENW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.10 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R26E S11 NESW 17.0 SESW 26.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 38.0
S12 NWSW 30.0 SWSW 30.0
S13 NWNW 39.0 SWNW 39.0
S14 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 35.0 SWNW 17.0
SENW 40.0 NWSW 36.0
SWSW 40.0
S15 NESE 8.5 SWSE 31.0
SESE 31.0
737.5 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C,
AND 43-104B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C,
43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277,
43-10591, AND 43-10592.

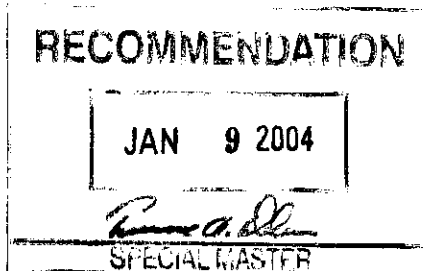
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

AMENDED



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 43-00103C

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 January 09, 2004, with sufficient first-class postage prepaid to the following:

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

J R SIMPLOT COMPANY

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

TED HIGLEY
PO BOX 57
MALTA, ID 83342
Phone: 208-645-2444

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

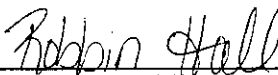
Water Right(s): 43-00103C

On January 09, 2004, Special Master JOHN M MELANSON 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 January 09, 2004.



ROBBIN HALL
Deputy Clerk