

2002 OCT 25 PM 3 33

**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 43-02378, 43-02484, 43-02522,
	)	43-02547, 43-02548 and 43-10426
Case No. 39576	)	(J.R. Simplot Co.)
	)	
	)	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* in subcase 43-10426 on July 13, 1989, claiming 1.52 cfs from groundwater to irrigate 1,379 acres in Cassia County from March 15 to November 15 with a priority date of March 15, 1962, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but with a priority date of December 23, 1959. The Director also identified subcases 43-02378, 43-02484, 43-02522, 43-02547 and 43-02548 as overlapping claims.

The claimant filed an *Objection* on February 8, 2002, objecting to quantity alleging the amount should be 2.36 cfs. No one objected to the 5 overlapping claims.

On June 27, 2002, the claimant was granted leave to file an amended notice of claim to claim the higher quantity. IDWR filed an *Amended Director's Report, Subcase No. 43-10426* recommending the amended claim for 2.36 cfs. No one objected to the amended recommendation.

Conclusions of Law

J.R. Simplot Company is entitled to partial decrees adjudicating water rights for claim 43-10426 and uncontested overlapping claims 43-02378, 43-02484, 43-02522, 43-02547 and 43-02548 as recommended by IDWR and as described in the attached *Special Master*

Recommendations for Partial Decrees for Water Rights 43-02378, 43-02484, 43-02522, 43-02547, 43-02548 and 43-10426.

DATED October 25, 2002.



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

2002 OCT 25 PM 3 33

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10426

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 2.36 CFS
472.80 APY

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWNE
S24 NWNENE
R27E S19 NENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.36 CFS 472.80 APY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R26E S01	SESE 14.0	
S12	NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
S13	NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
S24	NENE 39.0	SENE 39.0
R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
LOT 5	(SWNW) 49.0	SENW 30.0
	NESW 30.0	LOT 6 (NWSW) 49.0
LOT 7	(SWSW) 39.0	
S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
	SENW 17.0	NESW 19.0
LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
	SESW 38.0	
S18	NENW 40.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 39.0
	NESW 39.0	LOT 3 (NWSW) 51.0
LOT 4	(SWSW) 51.0	SESW 39.0
S19	NENW 36.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 7.0
1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

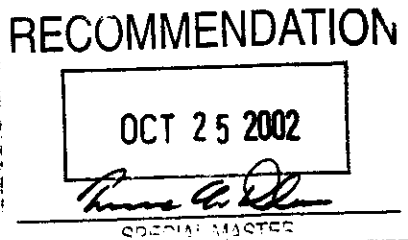
OTHER PROVISIONS (continued)

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



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 25 PM 3 33

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

POINT OF DIVERSION:	T12S R26E S12	NESESE	Within Cassia County
	S13	SWSWNE	
	S24	NWNENE	
	R27E S19	SWNESW	
		NENESW	

PLACE OF USE:	Irrigation			Within Cassia County
	T12S R26E S01	SESE 14.0		
	S12	NENE 11.0		SENE 14.0
		NESE 32.0		SESE 39.0
	S13	NENE 39.0		SWNE 27.0
		SENE 40.0		NESE 39.0
		SESE 39.0		
	S24	NENE 39.0		SENE 39.0
	R27E S06 LOT 3	(NENW) 11.0	LOT 4	(NWNW) 21.0
	LOT 5	(SWNW) 49.0		SENW 30.0
		NESW 30.0	LOT 6	(NWSW) 49.0
	LOT 7	(SWSW) 39.0		
	S07 LOT 1	(NWNW) 45.0	LOT 2	(SWNW) 51.0
		SENW 17.0		NESW 19.0
	LOT 3	(NWSW) 51.0	LOT 4	(SWSW) 51.0
		SESW 38.0		
	S18	NENW 40.0	LOT 1	(NWNW) 51.0
	LOT 2	(SWNW) 51.0		SENW 39.0
		NESW 39.0	LOT 3	(NWSW) 51.0
	LOT 4	(SWSW) 51.0		SESW 39.0
	S19	NENW 36.0	LOT 1	(NWNW) 51.0
	LOT 2	(SWNW) 51.0		SENW 7.0
	1379.0 Acres Total			

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

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

RECOMMENDATION
OCT 25 2002
Thomas G. Olsen
SPECIAL MASTER

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

2002 OCT 25 PM 3 33

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-02378

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 2.40 CFS
640.00 AFY

PRIORITY DATE: 03/22/1952

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWNE
S24 NWNENE
R27E S19 SWNESW
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.40 CFS 640.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R26E S01	SESE 14.0	
S12	NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
S13	NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
S24	NENE 39.0	SENE 39.0
R27E S06 LOT 3	(NENW)11.0	LOT 4 (NWNW)21.0
LOT 5	(SWNW)49.0	SENE 30.0
	NESW 30.0	LOT 6 (NWSW)49.0
LOT 7	(SWSW)39.0	
S07 LOT 1	(NWNW)45.0	LOT 2 (SWNW)51.0
	SENE 17.0	NESW 19.0
LOT 3	(NWSW)51.0	LOT 4 (SWSW)51.0
	SESE 38.0	
S18	NENW 40.0	LOT 1 (NWNW)51.0
LOT 2	(SWNW)51.0	SENE 39.0
	NESW 39.0	LOT 3 (NWSW)51.0
LOT 4	(SWSW)51.0	SESE 39.0
S19	NENW 36.0	LOT 1 (NWNW)51.0
LOT 2	(SWNW)51.0	SENE 7.0
1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

RECOMMENDATION

OCT 25 2002



SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

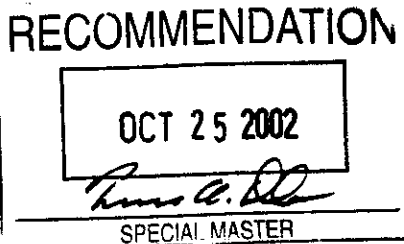
OTHER PROVISIONS (continued)

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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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



2002 OCT 25 PM 3 33

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 43-02522

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 2.99 CFS
598.00 AFY

PRIORITY DATE: 05/01/1961

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWNE
S24 NWNENE
R27E S19 SWNESW
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.99 CFS 598.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R26E S01	SESE 14.0	
S12	NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
S13	NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
S24	NENE 39.0	SENE 39.0
R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
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	NESW 30.0	LOT 6 (NWSW) 49.0
LOT 7	(SWSW) 39.0	
S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
	SENW 17.0	NESW 19.0
LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
	SESW 38.0	
S18	NENW 40.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 39.0
	NESW 39.0	LOT 3 (NWSW) 51.0
LOT 4	(SWSW) 51.0	SESW 39.0
S19	NENW 36.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 7.0
1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

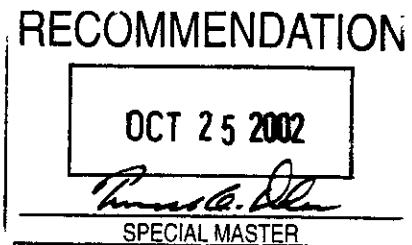
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RULE 54(b) CERTIFICATE

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Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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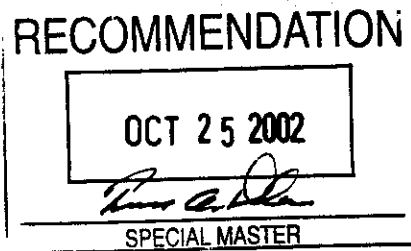
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RULE 54(b) CERTIFICATE

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 25 PM 3 34

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

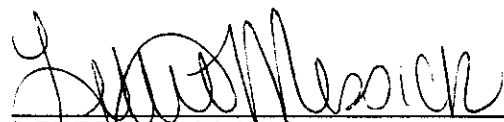
Water Right(s): 43-02378
43-02484 43-02522 43-02547
43-02548 43-10426

On October 25, 2002, 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 October 25, 2002.



LETTIE MESSICK
Deputy Clerk

2002 OCT 25 PM 3 34

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): 43-02378
43-02484 43-02522 43-02547
43-02548 43-10426

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 October 25, 2002, with sufficient first-class postage prepaid to the following:

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

J R SIMPLOT CO
Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk

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10/25/02