

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2007	
By _____	Clerk Deputy Clerk

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 37-13130,
	)	37-22188 AND 37-22189

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-13130 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Simon Farms, Inc., on January 22, 2007. The *Objection* was resolved on February 9, 2007 with the filing of a *Standard Form 5*. A *Notice of Completed Administrative Proceeding* was filed on August 15, 2007 which split the former parent right 37-13130 into assigned split right numbers 37-22188 and 37-22189. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-13130 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22188 and 37-22189 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 28, 2007.


BRIGETTE BILYEU
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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 23 2007

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22188

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: SIMON FARMS INC
PO BOX 403
FAIRFIELD, ID 83327

SOURCE: GROUND WATER

QUANTITY: 1.01 CFS
250.60 AFY

The rights listed below are limited to a total combined
diversion rate of 6.08 cfs and to a total combined annual
diversion volume of 2174.8 AF. Combined Right Nos.: 37-22184,
37-22186, and 37-22188.

PRIORITY DATE: 09/21/1976

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior
right.

POINT OF DIVERSION: T01S R15E S17 SENESE Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.01 CFS 250.60 AFY

PLACE OF USE:	Irrigation	Within Camas County
	T01S R15E S04	SWNW 5.2 NESW 39.0 SWSW 35.9
	S09	NENW 38.0 SWNW 39.0 NESW 36.0 SWSW 36.0
		SESW 6.1 NWSW 37.0 SESW 30.0 NWNW 39.0 SESW 31.0 NWSW 39.0 SESW 32.0
	443.2 Acres Total	

This right is limited to the irrigation of 71.6 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 443.2 acres in a single irrigation season.
Combined Right Nos.: 37-22186 and 37-22188.

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

This right is based upon an enlargement of Right No. 37-22186
pursuant to Section 42-1426, Idaho Code.

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.R.C. SECTION 42-1412(G).

RECOMMENDATION

SEP 28 2007

SPECIAL MASTER

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.

John M. Melanson
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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 28 2007

By _____ Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22189

NAME AND ADDRESS: SIMON FARMS INC
PO BOX 403
FAIRFIELD, ID 83327

SOURCE: GROUND WATER

QUANTITY: 0.10 CFS
25.90 AFY

Rights 37-22187 and 37-22189 when combined shall not exceed a total diversion rate of 0.63 cfs, a total annual maximum diversion volume of 141.1 af.

Rights 37-21724, 37-22185, 37-22187, and 37-22189 when combined shall not exceed a total diversion rate of 4.99 cfs, a total annual maximum diversion volume of 1385.7 af.

Rights 37-22185, 37-22187, and 37-22189 when combined shall not exceed a total diversion rate of 0.63 cfs, a total annual maximum diversion volume of 279.7 af.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/21/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T01S R15E S21 SWSENE Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	0.10 CFS
			25.90 AFY

PLACE OF USE:	Irrigation	Within Camas County
T01S R15E S21	NENE 34.0	NWNE 34.0
	SWNE 34.0	SENE 34.0
	NESE 34.0	SESE 34.0
S22	NENW 34.0	NWNW 34.0
	SWNW 34.0	SENW 34.0
	NWSW 34.0	SWSW 34.0
408.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 408 acres in a single irrigation season. Combined Right Nos.: 37-21724, 37-22185, 37-22187 and 37-22189.

This right is limited to the irrigation 7.4 acres within the place of use described above in a single irrigation season.

Rights 37-22187 and 37-22189 when combined shall not exceed a total irrigation of 45.8 acres.

Rights 37-22185, 37-22187 and 37-22189 when combined shall not exceed a total irrigation of 97 acres.

RECOMMENDATION

SEP 28 2007

Michael J. [Signature]

SPECIAL MASTER

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

This right is based upon an enlargement of Right No. 37-22187 pursuant to Section 42-1426, Idaho Code.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2007	
By _____	Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-13130
37-22188 37-22189

On September 28, 2007, Special Master BRIGETTE BILYEU 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 September 28, 2007.


JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2007	
By _____	Clerk Deputy Clerk

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): 37-13130
37-22188 37-22189

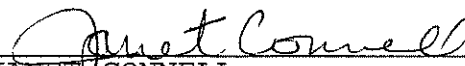
CERTIFICATE OF MAILING

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 September 28, 2007, with sufficient first-class postage prepaid to the following:

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

SIMON FARMS INC
PO BOX 364
FAIRFIELD, ID 83327
Phone: 208-764-2324

SIMON FARMS INC
PO BOX 403
FAIRFIELD, ID 83327



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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09/28/07