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DEPARTMENT OF
WATER RESOURCES

2008 AUG 20 AM 11:02

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) Subcases 02-10047 and 02-10048
Case No. 39576) (J.R. Simplot Co.)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

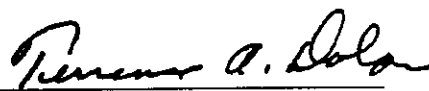
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claims to J.R. Simplot Company, c/o Terry T. Uhling, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho, 83707, for 6.24 cfs and 5.05 cfs from the Snake River to irrigate 584 acres in Elmore County from March 15 to October 31 with priority dates of March 15, 1953, and March 15, 1950, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 5, 2007, objecting to place of use. On August 6, 2008, the claimant and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

J.R. Simplot Company is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-10047 and 02-10048*.

DATED August 20, 2008.


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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 02-10047

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6.24 CFS

PRIORITY DATE: 03/15/1953

POINT OF DIVERSION: T05S R04E S34 LOT 4 (NESWNW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	6.24 CFS

PLACE OF USE:	Irrigation		Within Elmore County
	T05S R04E S28	SWSW 19.0	SESW 1.0
	S29	SWNE 34.0	NESW 16.0
		NWSW 8.0	LOT 1 (SWSW) 34.0
		SESW 18.0	NESE 16.0
		NWSE 40.0	SWSE 31.0
		SESE 35.0	
	S30	NWNE 12.0	SWNE 36.0
		NENW 38.0	LOT 1 (NWNW) 18.0
	LOT 2	(SENW) 25.0	NESE 33.0
	LOT 3	(NWSE) 21.0	LOT 4 (SESE) 19.0
	S32 LOT 2	(SWNE) 31.0	LOT 1 (SENE) 19.0
	LOT 4	(NWNW) 15.0	LOT 3 (SENW) 41.0
	S33	NENW 11.0	LOT 4 (NWNW) 13.0
	584.0 Acres Total		

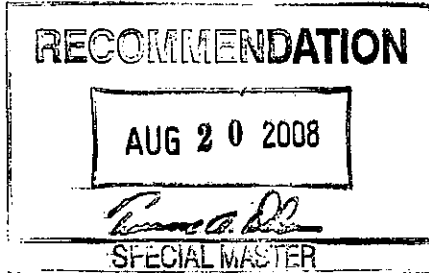
The rights listed below are limited to the irrigation of a combined total of 584 acres in a single irrigation season. Combined Right Nos.: 2-10047, 2-10048, and 110 assessed acres of Snake River Irrigation District. This right is limited to the irrigation of 311 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands.

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.



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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 02-10048

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.05 CFS

PRIORITY DATE: 03/15/1950

POINT OF DIVERSION: T05S R04E S34 LOT 4 (NESWNW) Within Elmore County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	5.05 CFS

PLACE OF USE:	Irrigation		Within Elmore County
	T05S R04E S28	SWSW 19.0	SESW 1.0
	S29	SWNE 34.0	NESW 16.0
		NWSW 8.0	LOT 1 (SWSW) 34.0
		SESW 18.0	NESE 16.0
		NWSE 40.0	SWSE 31.0
		SESE 35.0	
	S30	NWNE 12.0	SWNE 36.0
		NENW 38.0	LOT 1 (NWNW) 18.0
	LOT 2	(SENW) 25.0	NESE 33.0
	LOT 3	(NWSE) 21.0	LOT 4 (SESE) 19.0
	S32 LOT 2	(SWNE) 31.0	LOT 1 (SENE) 19.0
	LOT 4	(NWNW) 15.0	LOT 3 (SENW) 41.0
	S33	NENW 11.0	LOT 4 (NWNW) 13.0
	584.0 Acres Total		

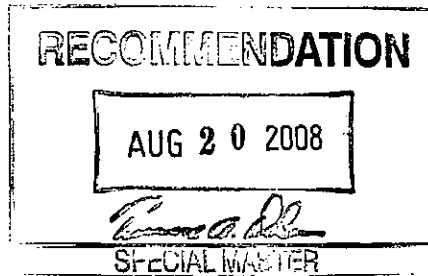
The rights listed below are limited to the irrigation of a combined total of 584 acres in a single irrigation season. Combined Right Nos.: 2-10047, 2-10048, and 110 assessed acres of Snake River Irrigation District. This right is limited to the irrigation of 252 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands.

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.



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

CERTIFICATE OF MAILING

Water Right(s): 02-10047
02-10048

CERTIFICATE OF MAILING

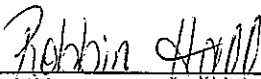
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2008, with sufficient first-class postage prepaid to the following:

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

J R SIMPLOT COMPANY
Represented by:
TERRY T UHLING
J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
08/20/08

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Water Right(s): 02-10047
02-10048

ROBBIN HALL
Deputy Clerk