

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

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 17 2009	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-02239

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

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 4.60 CFS

This right when combined with all other rights shall not exceed
0.02 cfs per acre at the field headgate for the lands listed
herein.

PRIORITY DATE: 05/18/1914

POINT OF DIVERSION: T04N R03W S21 NESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.80 CFS
	Industrial	01-01 TO 12-31	0.80 CFS

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.
Industrial use is for dust abatement.

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R03W S18 LOT 7 (NWSW) 35.0	
	R04W S13 NESE 40.0	NWSE 35.0
	SWSE 40.0	SESE 40.0
	190.0 Acres Total	
	Industrial	Within Canyon County
	T04N R03W S18 LOT 7 (NWSW)	LOT 8 (SWSW)

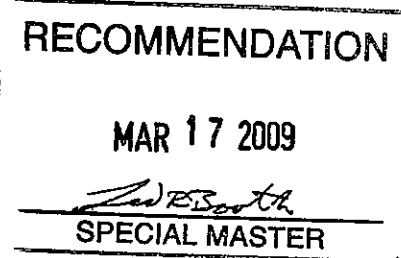
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



RECEIVED
MAR 18 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 17 2009
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
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02239,
) 63-02240, 63-02386, 63-02425, 63-02657,
) 63-07678, 63-21537, 63-21541, 63-21559,
) 63-21561, and 63-22210

I. FINDINGS OF FACT

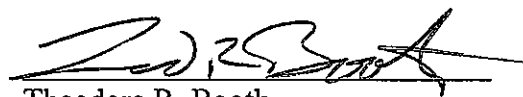
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of water rights 63-02239, 63-02240, 63-02386, 63-02425, 63-02657, 63-07678, and recommended the remainder to be disallowed.

On June 14, 2007, the claimant of the water rights, the Simplot Livestock Company, through its attorney Terry T. Uhling, filed objections to the *Director's Report* for the disallowed claims. On March 9, 2009 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02239, 63-02240, 63-02386, 63-02425, 63-02657, 63-07678, 63-21537, 63-21541, 63-21559, 63-21561, and 63-22210 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated March 17, 2009


Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 17 2009	
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

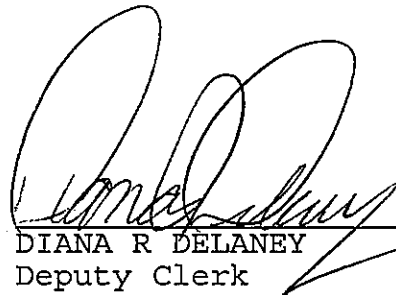
Water Right(s): 63-02239
(SEE ATTACHED EXHIBIT A)

On March 17, 2009, Special Master THEODORE R. BOOTH 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 March 17, 2009.

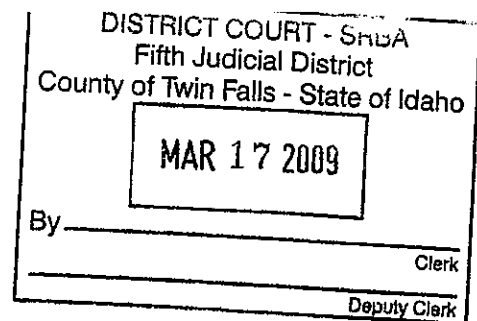


DIANA R. DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-02239
63-02240
63-02386
63-02425
63-02657
63-07678
63-21537
63-21541
63-21559
63-21561
63-22210



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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-02239
(SEE ATTACHED EXHIBIT A)

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 March 17, 2009, with sufficient first-class postage prepaid to the following:

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

J R SIMPLOT COMPANY
SIMPLOT LIVESTOCK CO
Represented by:
GRAY A YOUNG
J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110

CERTIFICATE OF MAILING

PAGE 1
03/17/09

SIMPLOT LIVESTOCK CO

Represented by:

NORMAN S JENSEN

805 W FRANKLIN

BOISE, ID 83702

Phone: 208-338-7204

J R SIMPLOT COMPANY

SIMPLOT LIVESTOCK CO

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

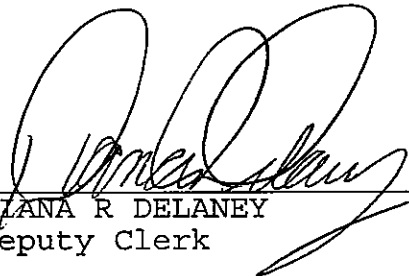

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-02239
63-02240
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