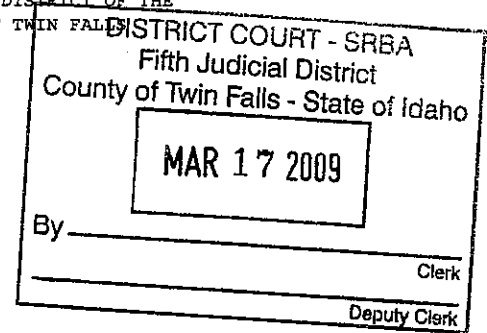


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 63-21557



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

SOURCE: GROUND WATER

QUANTITY: 0.46 CFS  
28.10 AFY

PRIORITY DATE: 04/01/1957

POINT OF DIVERSION: T04N R03W S29 SWNW Within Canyon County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|----------------------------|----------------|----------------|-----------------------|
|                            | Stockwater     | 01-01 TO 12-31 | 0.46 CFS<br>28.10 AFY |

PLACE OF USE: Stockwater T04N R03W S29 NWNW Within Canyon County SWNW

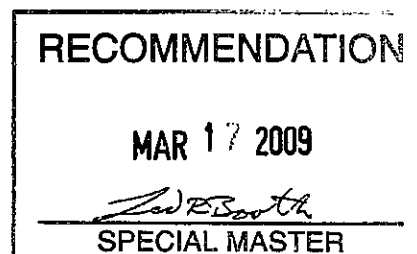
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Case No. 39576

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHTS 63-02731,  
) 63-04968, 63-05036, 63-05037, 63-05038,  
) 63-05039, 63-21557, and 63-21598

I. FINDINGS OF FACT

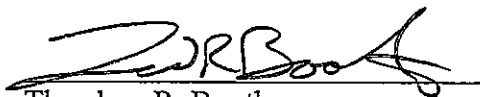
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of water right 63-02731, and recommended the remainder to be disallowed.

On June 14, 2007, the claimant of the water rights, the J.R. Simplot Company, through its attorney Terry T. Uhling, filed objections to the *Director's Report*. 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 63-02731, 63-04968, 63-05036, 63-05037, 63-05038, 63-05039, 63-21557, and 63-21598 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

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

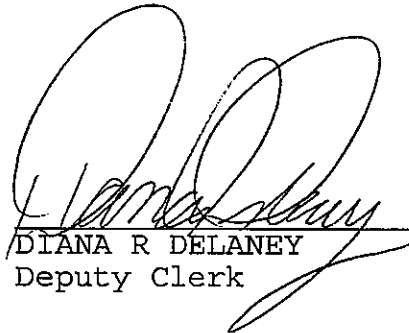
Water Right(s): 63-02731  
63-04968 63-05036 63-05037  
63-05038 63-05039 63-21557  
63-21598

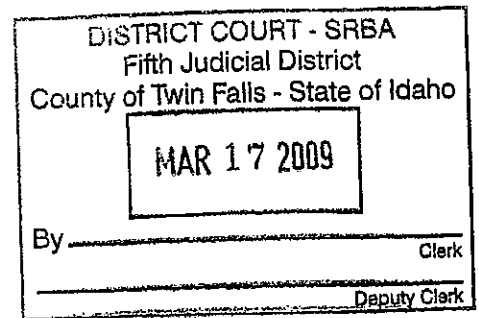
On March 17, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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



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): 63-02731  
63-04968 63-05036 63-05037  
63-05038 63-05039 63-21557  
63-21598

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:

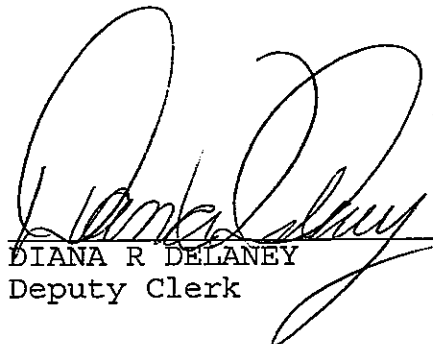
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

J R SIMPLOT COMPANY  
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

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



---

DIANA R DELANEY  
Deputy Clerk