

RECEIVED

AUG 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 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	) Subcases 02-6, 02-2118, 02-2139, 02-2437
	) and 02-10140
Case No. 39576	) (J.R. Simplot Co. and J.R. Simplot Self
	) Declaration Revocable Trust)
	)
	) SPECIAL MASTER REPORT
	) AND RECOMMENDATION

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 claims 02-6, 02-2118, 02-2139, 02-2437 to the J.R. Simplot Company, c/o Ron Graves, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho, 83707, for 5.78 cfs, .8 cfs, .12 cfs and 4.84 cfs from the Snake River to irrigate 356 acres, 42 acres, 6 acres and 341 acres in Elmore and Owyhee Counties between March 1 or 15 and November 15 with priority dates of May 1, 1969, November 9, 1954, March 5, 1957, and January 23, 1948, based on beneficial use and licenses.

The Director recommended claim 02-10140 to the J.R. Simplot Self Declaration Revocable Trust, P.O. Box 27, Boise, Idaho, 83707-0027, for 1.14 cfs from the Snake River to irrigate 341 acres in Elmore County from March 15 to November 15 with a priority date of April 25, 1978, based on a license.

On November 29, 2007, the J.R. Simplot Self Declaration Revocable Trust filed *Objections* in subcases 02-2437 and 02-10140 objecting to place of use. The United States of America, Department of Interior, Bureau of Land Management filed *Objections* in subcases 02-6, 02-2118, 02-2139, 02-2437 and 02-10140 on December 5, 2007, objecting to place of use.

On February 24, 2009, the J.R. Simplot Company, the J.R. Simplot Self Declaration Revocable Trust and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing on the elements of 02-6, 02-2118, 02-2139, 02-2437 and agreeing that 02-10140 should be dismissed.

Conclusions of Law

1. The J.R. Simplot Company and the J.R. Simplot Self Declaration Revocable Trust are 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 02-6, 02-2118, 02-2139, 02-2437*; and
2. The J.R. Simplot Self Declaration Revocable Trust is **not** entitled to a partial decree for claim 02-10140.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 02-10140 be **disallowed**.

DATED August 17, 2009.



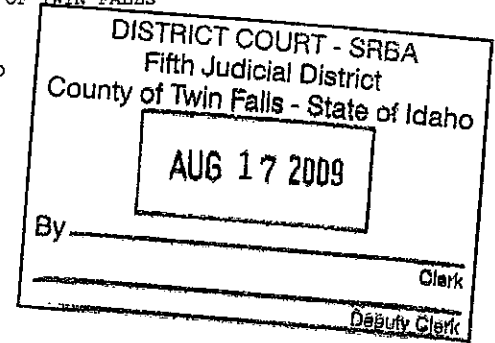
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

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

Water Right 02-00006



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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.78 CFS

The rights listed below are limited to a total combined
diversion rate of 9.05 cfs. Combined Right Nos.: 2-6, 2-15,
2-2166.

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION: T06S R05E S08 NESWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	5.78 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T06S R05E S18	SWNE 40.0 SENE 40.0
	LOT 10	(SNNW) 19.0 SENW 40.0
		NESW 38.0 LOT 3 (NWSW) 42.0
	LOT 4	(SWSW) 12.0 SESW 39.0
		NESE 37.0 NWSE 39.0
		SWSE 10.0
	356.0 Acres Total	

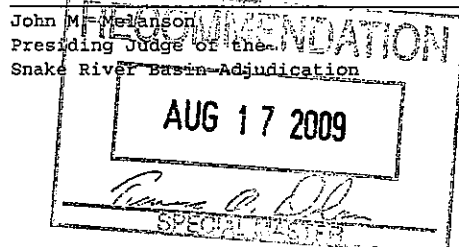
Right Nos. 02-00006 and 02-00015 are limited to the irrigation
of a combined total of 356 acres in a single irrigation season.

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.



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 02-02118

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

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.80 CFS

This right when combined with Rights 02-2053, 02-2139 and
02-200076 shall not exceed 4.94 cfs.

PRIORITY DATE: 11/09/1954

POINT OF DIVERSION: T04S R02E S36 LOT 1 (NENENE) Within Elmore County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.80 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R02E S25	NESW 20.0 NWSW 2.0 NESE 7.0 NWSE 13.0
	42.0 Acres Total	

Use of this right with Right Nos. 2-2139 and 2-2118 is limited
to the irrigation of a combined total of 64 acres 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
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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

RECOMMENDATION
AUG 17 2009
<i>Thomas A. Olson</i>
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)
_____)

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

Water Right 02-02139

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

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.12 CFS

THIS RT. WHEN COMBINED WITH RTS. 02-2053, 02-2118 & 02-0076
SHALL NOT EXCEED 4.94 CFS.

PRIORITY DATE: 03/05/1957

POINT OF DIVERSION: T04S R02E S36 LOT 1 (NENENE) Within Elmore County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.12 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R02E S25 NWSW 6.0
6.0 Acres Total

Use of this right with Right No. 2-2118 is limited to the
irrigation of a combined total of 64 acres in a single
irrigation season.
Place of use does not include federal public lands.

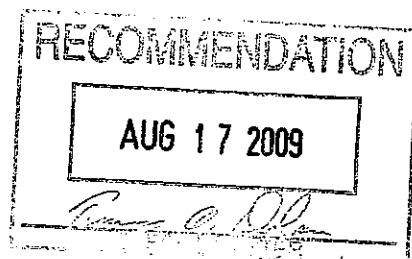
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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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

AUG 17 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-02437

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707-0027

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.84 CFS

PRIORITY DATE: 01/23/1948

POINT OF DIVERSION: T04S R02E S06 LOT 6 (SENESE) Within Elmore County
S08 LOT 1 (NWNENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.84 CFS

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

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R02E S05	SWNE 40.0 SWNW 40.0
		SENW 40.0 NESW 40.0
	LOT 5	(NWSW) 40.0 LOT 7 (SESW) 12.0
	S06 LOT 1	(NENE) 32.0 SENE 40.0
	284.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 560 acres in a single irrigation season.
Combined Right Nos.: 2-2353, 2-2437.

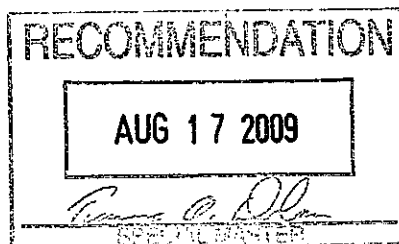
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

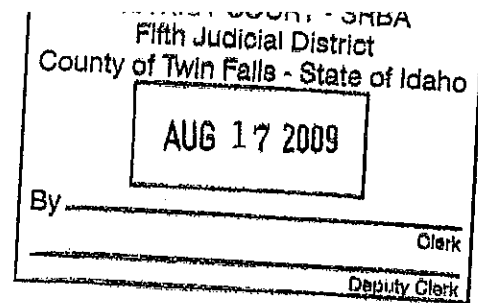
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

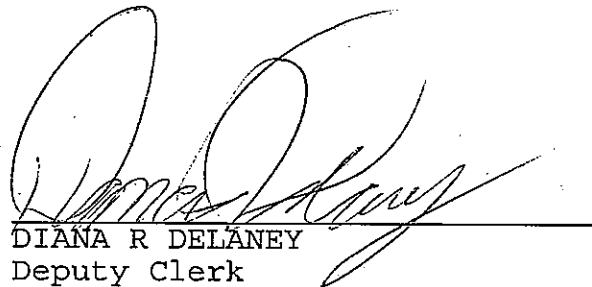
Water Right(s): 02-00006
02-02118 02-02139 02-02437
02-10140

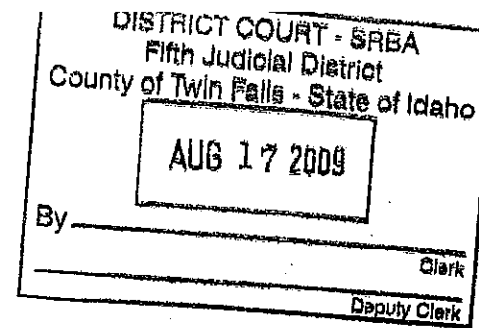
On August 17, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 August 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): 02-00006
02-02118 02-02139 02-02437
02-10140

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

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

J R SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110

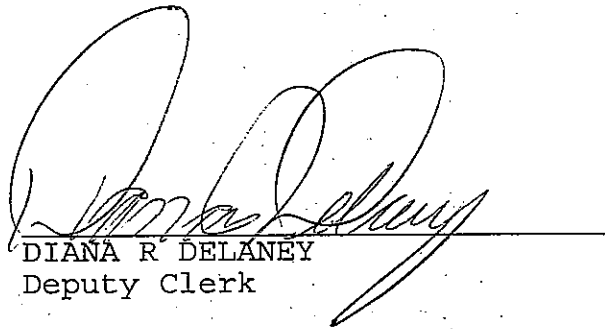
J.R. SIMPLOT SELF-DECLARATION
Represented by:
RONALD N. GRAVES
PO BOX 27
BOISE, ID 83707
Phone: 208-389-7312

CERTIFICATE OF MAILING

PAGE 1
08/17/09

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

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



DIANA R DELANEY
Deputy Clerk