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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 25 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 47-02547, 47-
02549, 47-07534, 47-07539, and 47-07541

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 or abstract for the elements of these water rights.

On November 19, 2007, Farmland Reserve, Inc. filed objections to the *Director's Report*, asserting that the point of diversion in the *Director's Report* is incorrect. On October 26, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each subcase 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 47-02547, 47-02549, 47-07534, 47-07539, and 47-07541, be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov 25, 2009



Theodore R. Booth
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
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-02547

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 2.00 CFS
400.00 AFY

Use of this right with rights listed below is limited to a total
combined diversion rate of 7.92 cfs and to a total combined
annual diversion volume of 3848.8 AF. Combined Right Nos.:
47-7541, 47-7539, 47-7534, 47-2549, 47-2547

PRIORITY DATE: 10/16/1951

POINT OF DIVERSION: T11S R19E S08 NWSWSW Within Twin Falls County
SWSWSW
SWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS 400.00 AFY

PLACE OF USE:	Irrigation		Within Twin Falls County
	T11S R19E S08	NENW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S17	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SNNW 40.0	SENN 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	1037.0 Acres Total		

This right is limited to the irrigation of 100 acres within the
place of use described above in a single irrigation season.

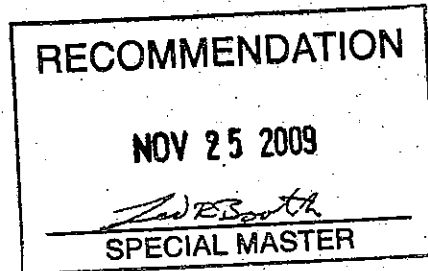
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-02549

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.36 CFS
175.70 AFY

Use of this right with rights listed below is limited to a total
combined diversion rate of 7.92 cfs and to a total combined
annual diversion volume of 3848.8 AF. Combined Right Nos.:
47-2549, 47-2547, 47-7534, 47-7539, 47-7541

PRIORITY DATE: 02/01/1952

POINT OF DIVERSION: T11S R19E S08 NWSWSW Within Twin Falls County
SWSWSW
SWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.36 CFS 175.70 AFY

PLACE OF USE:	Irrigation	Within Twin Falls County
	T11S R19E S08	NENW 40.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SWSW 37.0 SESW 40.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 40.0
	S17	NENE 40.0 NWNE 40.0
		SWNE 40.0 SENE 40.0
		NENW 40.0 NWNW 40.0
		SWNW 40.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SWSW 40.0 SESW 40.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 40.0
	1037.0 Acres Total	

This right is limited to the irrigation of 80 acres within the
place of use described above in a single irrigation season.

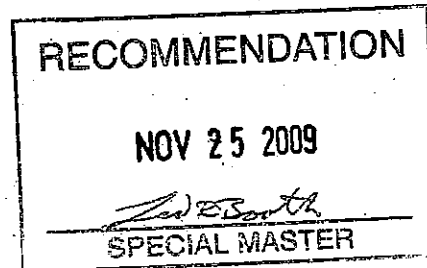
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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 47-07534

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 4.20 CFS
1680.00 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 7.92 cfs and to a total combined annual diversion volume of 3848.8 AF. Combined Right Nos.: 47-7541, 47-7539, 47-7534, 47-2549, 47-2547
Use of this right with Right No. 47-7541 is limited to a total combined diversion rate of 5.47 cfs.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands herein.

PRIORITY DATE: 01/10/1974

POINT OF DIVERSION: T11S R19E S08 NWSWSW Within Twin Falls County
SWSWSW
SWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.20 CFS 1680.00 AFY

PLACE OF USE:	Irrigation		Within Twin Falls County
	T11S R19E S08	NENW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S17	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	1037.0 Acres Total		

This right is limited to the irrigation of 520 acres within the place of use described above in a single irrigation season.
Use of this right with the rights listed below is limited to the irrigation of a combined total of 520 acres in a single irrigation season. Combined Right Nos.: 47-7541

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

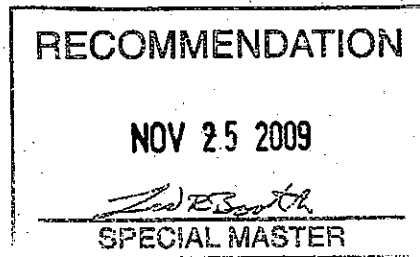
OTHER PROVISIONS (continued)

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 47-07539

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 7.00 CFS
2064.00 AFY

Use of this right with rights listed below is limited to a total
combined diversion rate of 7.92 cfs and to a total combined
annual diversion volume of 3848.8 AF. Combined Right Nos.:
47-7539, 47-7534, 47-7541, 47-2547, 47-2549

PRIORITY DATE: 01/06/1975

POINT OF DIVERSION: T11S R19E S08 NWSWSW Within Twin Falls County
SWSWSW
SWSWSW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 7.00 CFS
2064.00 AFY

PLACE OF USE: Irrigation Within Twin Falls County
T11S R19E S08 NENW 40.0 SENW 40.0
NESW 40.0 NWSW 40.0
SWSW 37.0 SESW 40.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 40.0
S17 NENE 40.0 NWNW 40.0
SWNE 40.0 SENE 40.0
NENW 40.0 NWNW 40.0
SWNW 40.0 SENW 40.0
NESW 40.0 NWSW 40.0
SWSW 40.0 SESW 40.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 40.0
1037.0 Acres Total

This right is limited to the irrigation of 516 acres within the
place of use described above in a single irrigation season.

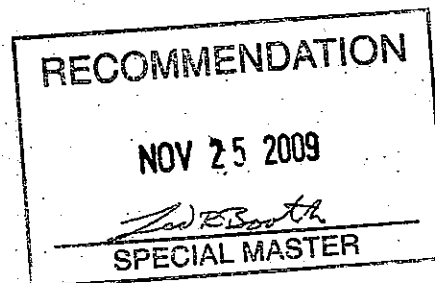
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-07541

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 1.27 CFS
617.20 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands herein.
Use of this right with rights listed below is limited to a total combined diversion rate of 7.92 cfs and to a total combined annual diversion volume of 3848.8 AF. Combined Right Nos.: 47-7541, 47-7539, 47-7534, 47-2549, 47-2547
Use of this right with Right No. 47-7534 is limited to a total combined diversion rate of 5.47 cfs.

PRIORITY DATE: 07/07/1976

POINT OF DIVERSION: T11S R19E S08 SWSWSW Within Twin Falls County
NWSWSW
SWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.27 CFS 617.20 AFY

PLACE OF USE:	Irrigation		Within Twin Falls County
	T11S R19E S08	NENW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S17	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SNNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	1037.0 Acres Total		

Use of this right with the rights listed below is limited to the irrigation of a combined total of 520 acres in a single irrigation season. Combined Right Nos.: 47-7534
This right is limited to the irrigation of 157 acres within the place of use described above 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

RECOMMENDATION

NOV 25 2009

J. B. Barth
SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 25 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

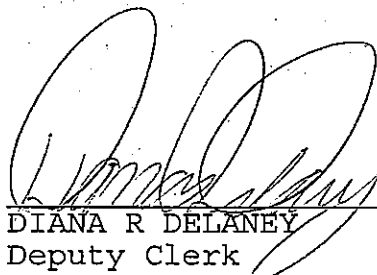
Water Right(s) : 47-02547
47-02549 47-07534 47-07539
47-07541

On November 25, 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.

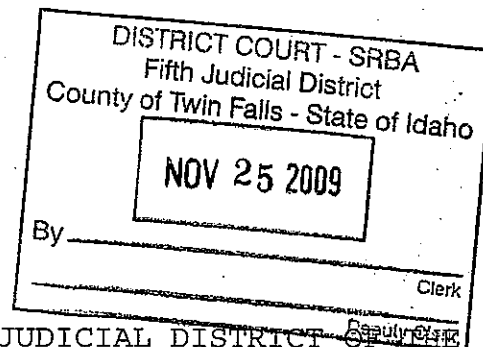
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 November 25, 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): 47-02547
47-02549 47-07534 47-07539
47-07541

CERTIFICATE OF MAILING

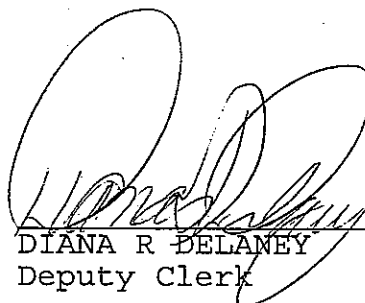
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 25, 2009, with sufficient first-class postage prepaid to the following:

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

FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

FARMLAND RESERVE INC
139 SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111
Phone: 801-715-9195

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
11/25/09