

OCT 05 2010

DEPARTMENT OF
WATER RESOURCES

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

OCT - 1 2010

DISTRICT OF THE

TWIN FALLS

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

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**WATER RIGHT NOS.: 37-141, 37-142,
37-143, and 37-692A**

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

No objections were filed for these water rights. These water rights, however, are used in combination with water right 37-939 which was identified by the Idaho Department of Water Resources as potentially raising the issue of developed water. IDWR asked this court to schedule these rights to address issues relating to the description of the priority dates for these types of rights. Hearings were held on November 17, 2008, May 13, 2009, October 14, 2009 and May 19, 2010. At the hearing on May 19, 2010, IDWR informed the court that the issue of developed water has been resolved for water right 37-939. These water rights will be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on June 25, 2009.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: September 30, 2010.

Brigitte Bil Yeu
BRIGITTE BIL YEU, 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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT - 1 2010
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00141

RECEIVED
OCT 05 2010
DEPARTMENT OF
WATER RESOURCES

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.20 CFS

PRIORITY DATE: 11/01/1885

POINT OF DIVERSION: T02S R20E S01 NWSWNE Within Blaine County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.20 CFS

PLACE OF USE: Irrigation Within Blaine County
T02S R20E S01 SWNE 27.0 SENE 40.0
LOT 3 (NENW) 1.7 SENW 5.8
NESE 40.0 NWSE 34.0
SWSE 34.0 SESE 40.0
222.5 Acres Total

This right is limited to the irrigation of 64 acres within the
place of use described above in a single irrigation season.
Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined
shall not exceed the irrigation of 64 acres.

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.

RECOMMENDATION
OCT - 1 2010
<i>Bugello Librey</i> SPECIAL MASTER

Eric J. Wildman
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

OCT - 1 2010

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00142

By _____ Clerk
Deputy Clerk

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OCT 05 2010

DEPARTMENT OF
WATER RESOURCES

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION: T02S R20E S01 NWSWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T02S R20E S01	SENE 40.0
	LOT 3	(NENW) 1.7
		SENE 5.8
		NESE 40.0
		NWSE 34.0
		SESE 40.0
	222.5 Acres Total	

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

OCT - 1 2010

Bridgette Lilley
SPECIAL MASTER

Eric J. Wildman
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

OCT - 1 2010

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00143

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

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OCT 05 2010

DEPARTMENT OF
WATER RESOURCES

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T02S R20E S01 NWSWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T02S R20E S01	SENE 40.0
	LOT 3 (NENW) 1.7	SENE 54.8
	NESE 40.0	NWSE 34.0
	SWSE 34.0	SESE 40.0
	222.5 Acres Total	

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

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RULE 54(b) CERTIFICATE

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RECOMMENDATION

OCT - 1 2010

Bridgette Silvey
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

OCT - 1 2010

In Re SRBA

Case No. 39576

By _____ Clerk

Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 1 2010	
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

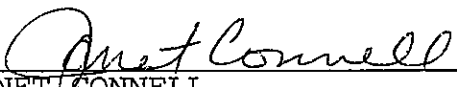
Water Right(s): 37-00141
37-00142 37-00143 37-00692A

On October 01, 2010, Special Master BRIGETTE BILYEU
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 October 01, 2010.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 1 2010	
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

CERTIFICATE OF MAILING

Water Right(s): 37-00141
37-00142 37-00143 37-00692A

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 October 01, 2010, 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


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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10/01/10