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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 6 2012	
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 RIGHT 63-10034

I. FINDINGS OF FACT

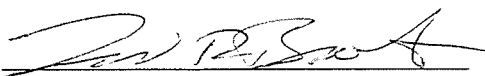
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

No objections were filed to the *Director's Report* for this claim. However, the claim was identified as an uncontested claim that may be affected by the outcome of a contested matter. On February 13, 2012, IDWR filed a *Notice of Completed Administrative Proceeding* (NCAP) pursuant to the issuance of a license for the right. Notice of the filing of the NCAP and corresponding *Amended Director's Report* appeared on the docket sheet, and no objections were filed thereto.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-10034 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 6, 2012


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 63-10034

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

SOURCE: GROUND WATER
WASTE WATER

The right holder shall make full beneficial use of surface water rights 63-137A, 63-222C, 63-222M, 63-222N, 63-233C, 63-233L, 63-290, 63-374, 63-2239, 63-2241, 63-2386, 63-2425, and 63-2657 for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the direct diversion of ground water for irrigation purposes under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 8.83 CFS

The use of water for industrial purposes pursuant to this right shall not exceed a total annual diversion volume of 1839 af. Rights 63-2731, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7678, 63-10034, 63-21537, and 63-21541 when combined shall not exceed a total diversion rate of 12.48 cfs and a total annual maximum diversion volume of 8080 af. This right when combined with all other rights shall provide no more than 0.02 cfs per acre. Rights 63-2239, 63-2731, 63-4968, 63-5036, 63-5038, 63-5039, and 63-10034 when combined shall not exceed a total diversion rate of 9.63 cfs and a total annual maximum diversion volume of 4477 af for industrial purposes. Rights 63-290, 63-2239, 63-2241, 63-2386, 63-2425, 63-2657, 63-5036, 63-5037, 63-5038, 63-5039, and 63-10034 when combined shall not exceed the irrigation of 1299 acres. The diversion and use of water under this right for irrigation purposes shall not exceed the volume necessary to provide the difference between the surface water supply and 4.5 af per acre at the field headgate, up to a maximum total of 2300 af if no surface water is available. Rights 63-5036, 63-5037, 63-5038, 63-5039 and 63-10034 when combined shall not exceed the irrigation of 933 acres.

PRIORITY DATE: 03/17/1983

POINT OF DIVERSION: T04N R03W S18 NWSE Within Canyon County
S19 SENE
NESE
NWSE
S20 NENW
NESW
NWSW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	4.46 CFS
	Industrial	11-16 TO 02-28	8.83 CFS

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

PLACE OF USE:

Irrigation			Within Canyon County		
T04N R03W S07	LOT 6	(SWSW) 5.6	LOT 7	(SESW) 2.0	
	S17 LOT 7	(NESW) 8.5	LOT 6	(NWSW) 4.5	
		SWSW 21.0		SESW 35.0	
	S18 LOT 3	(SWNE) 14.0	LOT 4	(NENW) 32.0	
	LOT 5	(NWNW) 37.0	LOT 6	(SWNW) 29.0	
		SESW 33.0		NESW 4.1	
		NESE 1.1		NWSE 12.0	
		SESE 26.0			
	S19	NENE 30.0		NENW 24.0	
	LOT 1	(NWNW) 24.0	LOT 2	(SWNW) 31.0	
		SESW 25.0			
	S20	NENW 35.0		NWNW 20.0	
		SWNW 26.0		SESW 33.0	
R04W S12	LOT 10	(NESE) 2.2	LOT 10	(SESE) 31.0	
	S13	NENE 34.0		NWNE 35.0	
		SWNE 31.0		SENE 33.0	
		SWNW 30.0		SESW 26.0	
		NESW 34.0		NWSW 28.0	
		SWSW 27.0		SESW 30.0	
		SWSE 33.0		SESE 30.0	
	S24	NENE 7.0		SENE 9.0	
933.0 Acres Total					

Industrial			Within Canyon County		
T04N R03W S07	LOT 6	(SWSW)	LOT 7	(SESW)	
	S17 LOT 7	(NESW)	LOT 6	(NWSW)	
		SWSW		SESW	
	S18 LOT 3	(SWNE)	LOT 4	(NENW)	
	LOT 5	(NWNW)	LOT 6	(SWNW)	
		SESW		NESW	
		NESE		NWSE	
		SESE			
	S19	NENE		NENW	
	LOT 1	(NWNW)	LOT 2	(SWNW)	
		SESW			
	S20	NENW		NWNW	
		SWNW		SESW	
R04W S12		NESE	LOT 10	(NESE)	
		SESE	LOT 10	(SESE)	
	S13	NENE		NWNE	
		SWNE		SENE	
		SWNW		SESW	
		NESW		NWSW	
		SWSW		SESW	
		SWSE		SESE	
	S24	NENE			
T40N R04W S24		SENE			

The place of industrial use authorized by this approval includes land upon which wastewater may be applied to satisfy water quality requirements.

This right is limited to the irrigation of 532 acres within the place of use described above in a single irrigation season.

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

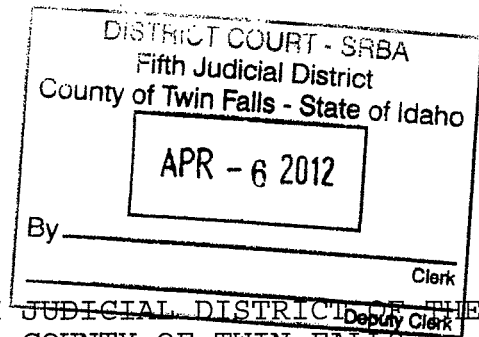
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

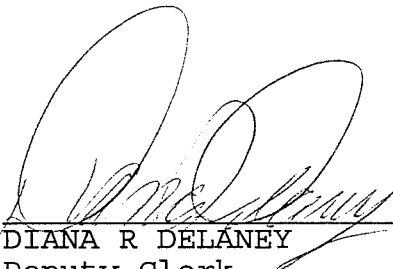
Water Right(s): 63-10034

On April 06, 2012, 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.

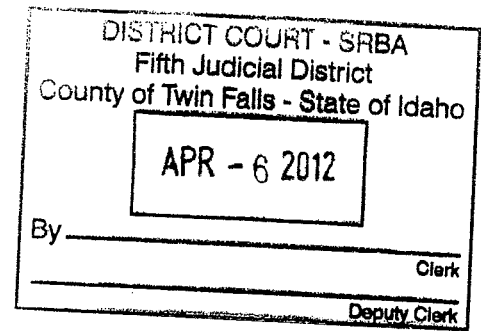
Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

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 April 06, 2012.



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

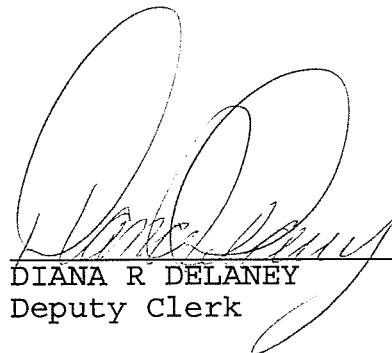
Water Right(s): 63-10034

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 April 06, 2012, 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



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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04/06/12