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FEB 14 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 13 2013	
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

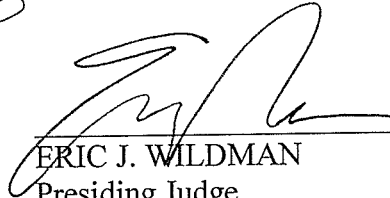
) Water Right No.: 61-07170
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)
)
)
)
)
)
)
)

The above-captioned water right was claimed based on a permit prior to the issuance of the license. On October 26, 2000, a *Partial Decree* was entered for the above-captioned water right. The Director of the Idaho Department of Water Resources ("Department") subsequently issued a license for the water right. On January 30, 2013, the Department filed a *Notice of Completed Administrative Proceeding* in the above-captioned subcase informing the Court of the issuance of the license, as well as an *Amended Director's Report* reflecting the elements of the above-captioned water right claim as licensed. The license supercedes the *Partial Decree*. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* in the above-captioned matter consistent with the *Amended Director's Report* pursuant to Idaho Rule of Civil Procedure 60(a). A copy of the proposed *Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, May 21, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone

participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

Dated: February 13, 2013


ERIC J. WILDMAN
Presiding Judge
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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-07170

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

SOURCE: GROUNDWATER

QUANTITY: 7.00 CFS
87.70 AFY

Rights 61-02162, 61-02163, 61-02164, 61-02165, and 61-07170 when
combined shall not exceed a total diversion rate of 18.22 cfs.

PRIORITY DATE: 10/24/1973

POINT OF DIVERSION: T04S R04E S31 SESE Within Elmore County
T05S R04E S04 NWSW
S05 NWNW
SENE
SENE
NESE
NESE
NESE

PURPOSE AND

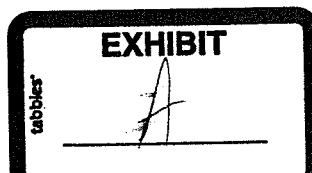
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	7.00 CFS
			60.00 AFY
	Stockwater	01-01 TO 12-31	0.23 CFS
			16.10 AFY
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Stockwater Storage	01-01 TO 12-31	10.40 AFY
	Diversion to Storage	01-01 TO 12-31	7.00 CFS

Domestic use is for 1 home and a shop and does not include lawn,
garden, landscape, or other types of irrigation.

PLACE OF USE: Irrigation Within Elmore County

T04S R04E S31	SWSE 39.0	SESE 40.0
T05S R04E S04	NWSW 40.0	
S05	NWNW 38.0	SWNW 40.0
	SENE 35.0	NESW 39.0
	NWSW 40.0	SWSW 39.0
	SESE 40.0	NESE 40.0
	NWSE 37.0	SWSE 40.0
	SESE 39.0	
S06	NENE 39.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S07	NENE 40.0	SENE 40.0
S08	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0

1265.0 Acres Total



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

PLACE OF USE (continued)

Stockwater		Within Elmore County
T05S R04E S06	NWSE	
S08	NENE	

Stockwater Storage		Within Elmore County
T05S R04E S06	NWSE	
S08	NENE	

Domestic		Within Elmore County
T05S R04E S05	SENE	

Rights 61-02162, 61-01263, 61-02164, 61-02165, and 61-07170 when combined shall not exceed irrigation of a total of 1265 acres in a single irrigation season.
This right is limited to the irrigation of 400 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.

DRAFT

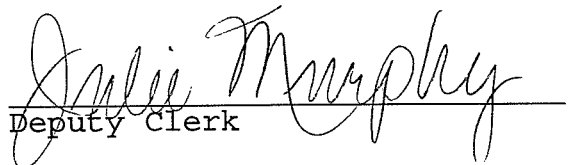
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on February 13, 2013, with sufficient first-class postage to the following:

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

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".