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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 1 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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 63-10034
	)	(J. R. Simplot Company)
_____	)	

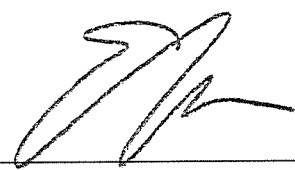
On April 6, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

June 1, 2012


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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 63-10034

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

JUN - 1 2012

By _____

Clerk

Deputy Clerk

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.

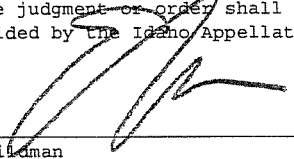
This right is limited to the irrigation of 532 acres within the place of use described above in a single irrigation season.

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

2012 JUN 01 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 63-10034

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-10034 was mailed
on June 01, 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

JULIE MURPHY
Chief Deputy Clerk