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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 29 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

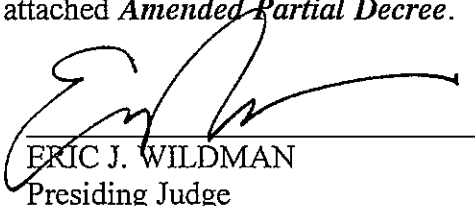
In Re SRBA) ORDER SETTING ASIDE PARTIAL
Case No. 39576) DECREE
)
) ORDER OF AMENDED PARTIAL
) DECREE
)
) Water Right Claim: 37-21724

The Director of the Idaho Department of Water Resources ("IDWR" or the "Department") filed his *Director's Report for Basin 37, Part II, Reporting Area 16, Irrigation and Other Uses* on December 5, 2006. The above-captioned water right was uncontested. A *Partial Decree* for the above-captioned water right was issued on September 24, 2010, consistent with the Department's Recommendation. However via correspondence dated October 7, 2010, the Department informed this Court that in the time span between the issuance of the recommendation for the above-captioned water right and the issuance of the *Partial Decree*, an intervening transfer occurred changing the place of use element of the right. On October 21, 2010, the Department filed a *Notice of Completed Administrative Proceeding* for the above-captioned water right, which *Notice* proceeded on standard Docket Sheet Notice. No objections were filed and the time for filing objections has now expired.

Therefore, IT IS ORDERED that the *Partial Decree* entered for the above-captioned water right is hereby set aside.

IT IS FURTHER ORDERED that the above-captioned water right be decreed with the elements set forth in the attached *Amended Partial Decree*.

Dated November 29, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

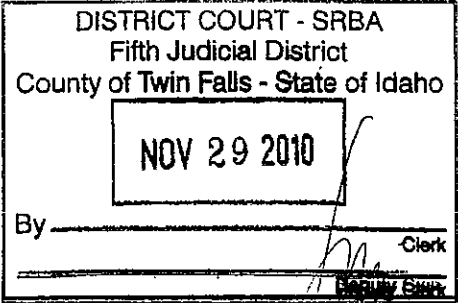
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 37-21724



NAME AND ADDRESS: SIMON FARMS INC
PO BOX 403
FAIRFIELD, ID 83327

SOURCE: GROUND WATER

QUANTITY: 4.36 CFS
1106.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein. Rights 37-21724, 37-22185, 37-22187 and 37-22189 when combined shall not exceed a total diversion rate of 4.99 cfs, a total annual maximum diversion volume of 1385.7 af.

PRIORITY DATE: 06/17/1954

POINT OF DIVERSION: T01S R15E S21 SWSENE Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.36 CFS 1106.00 AFY

PLACE OF USE:	Irrigation	Within Camas County
	T01S R15E S21	NENE 34.0 NWNE 34.0 SWNE 34.0 SENE 34.0 NESE 34.0 SESE 34.0 NENW 34.0 NWNW 34.0 SWNW 34.0 SENW 34.0 NWSW 34.0 S22
	408.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 408 acres in a single irrigation season. Combined Right Nos.: 37-21724, 37-22185, 37-22187 and 37-22189. This right is limited to the irrigation of 316 acres within the place of use described above in a single irrigation season.

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

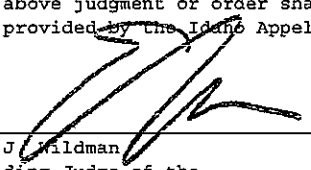
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE AND ORDER OF AMENDED PARTIAL DECREE was
mailed on November 29, 2010, with sufficient first-class postage
to the following:

SIMON FARMS INC
PO BOX 403
FAIRFIELD, ID 83327
Phone: 208-764-2324

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


Deputy Clerk