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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 30 2009	
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: 63-07531

ORDER OF PARTIAL DECREE

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, For Irrigation and Other Water Rights, Part 3*, which included a recommendation for the above-listed water right. No objections were filed and the time period for filing objections has expired.

On September 23, 2008, the Idaho Department of Water Resources filed an *Amended Director's Report*, correcting an error in the description of the place of use for the stockwater portion of this water right. No objections were filed to this *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that water right 63-07531 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November July 30, 2008.


JOHN M. MELANSON
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 63-07531

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

JUL 30 2009

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS: TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049

SOURCE: GROUND WATER

QUANTITY: 3.60 CFS
744.60 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.

PRIORITY DATE: 12/10/1971

POINT OF DIVERSION: T01N R02E S06 LOT 3 (NENW) Within Ada County
LOT 2 (NWNE)
S07 LOT 3 (NWSW)
SWSE
S18 LOT 2 (SWNW)
T02N R02E S31 SWSE

Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E B.M.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	3.20 CFS 720.00 AFY
Stockwater	01-01 TO 12-31	0.20 CFS 13.40 AFY
Commercial	01-01 TO 12-31	3.20 CFS 720.00 AFY
Domestic	01-01 TO 12-31	0.20 CFS 11.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation	Within Ada County
T01N R02E S06 LOT 1 (NENE) 35.0	LOT 2 (NWNE) 40.0
SWNE 40.0	SENE 40.0
LOT 3 (NENW) 40.0	SENE 40.0
NESW 40.0	SESW 40.0
NWSE 40.0	SWSE 39.0
S07 NENW 40.0	LOT 1 (NWNW) 40.0
LOT 2 (SWNW) 40.0	NESW 40.0
LOT 4 (SWSW) 36.0	SESW 32.0

PLACE OF USE (continued)

	SWSE 32.0		
S18	NENE 32.0	NWNE 40.0	
	SENE 40.0	NENW 40.0	
LOT 1	(NWNW) 40.0	LOT 2 (SWNW) 40.0	
	SENW 40.0	NESW 40.0	
LOT 3	(NWSW) 40.0	LOT 4 (SWSW) 40.0	
	SESW 40.0		
T02N R02E S31	NESW 40.0	LOT 3 (NWSW) 40.0	
LOT 4	(SWSW) 40.0	SESW 40.0	
	SWSE 40.0		
1286.0 Acres Total			
Stockwater		Within Ada County	
Same as Irrigation			
Commercial		Within Ada County	
Same as Irrigation			
Domestic		Within Ada County	
T01N R02E S07 LOT 3 (NWSW)			

Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

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

The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E, B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

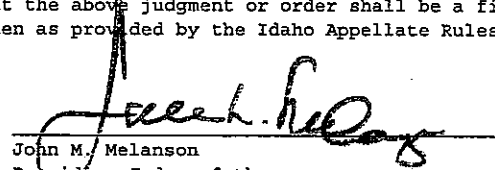
The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water right(s).

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 JUL 30 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

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 63-07531

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 63-07531 was mailed
on July 30, 2009, with sufficient first-class postage prepaid
to the following:

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

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049
Phone: 605-235-3865

JULIE MURPHY
Chief Deputy Clerk