

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *MM*  
2009 JUN 10 PM 1 41

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 63-02657

NAME AND ADDRESS: SIMPLOT LIVESTOCK CO  
PO BOX 27  
BOISE, ID 83707

SOURCE: SOUTH DRAIN TRIBUTARY: DIXIE SLOUGH

QUANTITY: 2.00 CFS

This right when combined with all other rights shall not exceed  
0.02 cfs per acre at the field headgate for the lands listed  
herein.

PRIORITY DATE: 01/05/1961

POINT OF DIVERSION: T04N R03W S20 NWNW Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.00 CFS |

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  
irrigation use and a priority date earlier than the date a  
partial decree is entered for this right.

| PLACE OF USE: | Irrigation              | Within Canyon County |
|---------------|-------------------------|----------------------|
|               | T04N R03W S17 SWSW 20.0 |                      |
|               | S20 NWNW 40.0           | SWNW 40.0            |
|               | 100.0 Acres Total       |                      |

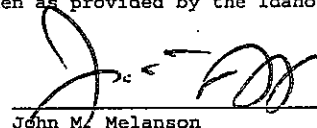
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original  
appropriator, in good faith and in compliance with state laws  
governing changes in use and/or expansion of water rights, to  
cease wasting water, to change the place or manner of wasting  
it, or to recapture it.

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.

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

2009 JUN 10 PM 1 40

JUN 11 2009

## ORDER OF PARTIAL DECREES

EXHIBIT A - SIMPLOT LIVESTOCK CO

Subcase Nos:

63-02239  
63-02240  
63-02386  
63-02425  
63-02657  
63-07678  
63-21537  
63-21541  
63-21559  
63-21561  
63-22210

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 10, 2009, with sufficient first-class postage to the following:

J R SIMPLOT COMPANY  
SIMPLOT LIVESTOCK CO  
Represented by:  
GRAY A YOUNG  
J R SIMPLOT COMPANY  
999 MAIN ST STE 1300  
PO BOX 27  
BOISE, ID 83707-0027  
Phone: 208-336-2110

SIMPLOT LIVESTOCK CO  
Represented by:  
NORMAN S JENSEN  
805 W FRANKLIN  
BOISE, ID 83702  
Phone: 208-338-7204

J R SIMPLOT COMPANY  
SIMPLOT LIVESTOCK CO  
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

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized.