

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
2009 JUN 4 AM 9 08

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04968

NAME AND ADDRESS: J R SIMPLOT COMPANY
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.67 CFS
438.60 AFY

The rights listed below are limited to a total combined diversion
rate of 12.48 cfs and a total combined annual diversion volume of
5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038,
63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

PRIORITY DATE: 01/01/1942

POINT OF DIVERSION: T04N R03W S18 LOT 8 (SWSW) Within Canyon County
SESW
NWSE
S19 SENE
NESE
NWSE
S20 NESW
NWSW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	0.67 CFS 438.60 AFY

Industrial use is for food processing plant.

PLACE OF USE:	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 (NWNE)	LOT 4 (NENW)
	LOT 5 (NWNW)	LOT 6 (SWNW)
	SESW	NESW
	NESE	NWSE
	SESE	
	S19 NENE	NWNE
	SWNE	SENE
	NENW	(NWNW)
	LOT 2 (SWNW)	SENW
	NESE	NWSE
	S20 NENW	NWNW
	SWNW	SENW
	NWSW	
	R04W S12 NESE	LOT 10 (NESE)
	SESE	LOT 10 (SESE)
	S13 NENE	NWNE
	SWNE	SENE
	SWNW	SENW
	NESW	NWSW

PLACE OF USE (continued)

	SWSW	SESW
	SWSE	SESE
S24	NENE	NWNE
	SWNE	SENE

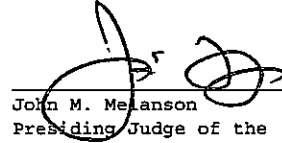
The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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.



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

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED
2009 JUN 4 PM 9 08

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

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(J R Simplot Co)

On March 17, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

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

DATED June 4, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - J R SIMPLOT CO

Subcase Nos:

63-02731
63-04968
63-05038
63-05039
63-21557
63-21598

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 03, 2009, with sufficient first-class postage to the following:

J R SIMPLOT COMPANY

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

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

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098