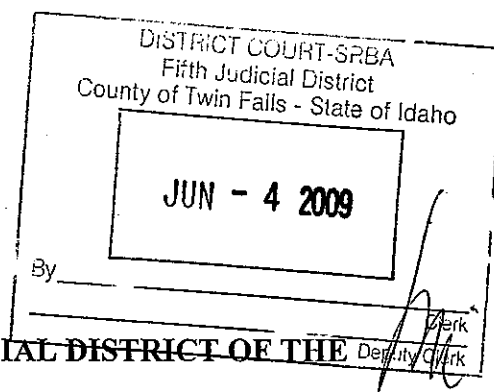




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

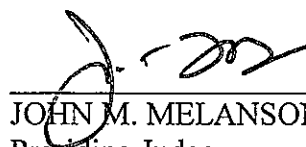
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 63-05036
	)	(J R Simplot Co)
_____	)	

On March 27, 2009, an *Amended 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 4, 2009

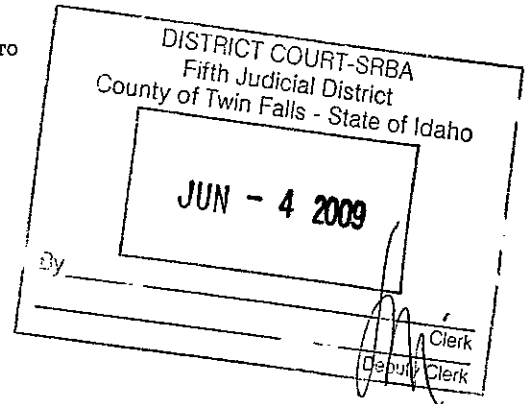


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 63-05036



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: 2.67 CFS
1747.70 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 herein. 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: 03/10/1943

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
Irrigation		03-01 TO 11-15	2.67 CFS 600.80 AFY
Industrial		01-01 TO 12-31	2.67 CFS 1146.90 AFY

Industrial use is for food processing plant.

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R03W S07 LOT 6 (SWSW) 7.0	LOT 7 (SESW) 3.0
	S17 LOT 7 (NESW) 9.0	LOT 6 (NWSW) 5.0
	SWSW 21.0	SESW 34.0
	S18 LOT 3 (NWNE) 14.0	LOT 4 (NENW) 31.0
	LOT 5 (NWNW) 35.0	LOT 6 (SWNW) 29.0
	SESW 33.0	NESW 3.0
	NESE 1.0	NWSE 12.0
	SESE 26.0	
	S19 NENE 30.0	NENW 24.0
	LOT 1 (NWNW) 25.0	LOT 2 (SWNW) 31.0
	SESW 25.0	
	S20 NENW 36.0	NWNW 20.0
	SWNW 25.0	SESW 32.0
	R04W S12 LOT 10 (NESE) 2.0	NESE 1.0
	SESE 1.0	LOT 10 (SESE) 31.0
	S13 NENE 34.0	NWNE 35.0
	SWNE 31.0	SESE 33.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		SNNW 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	(NWNW)	LOT 4	(NENW)
LOT 5	(NWNW)	LOT 6	(SNNW)
	SESW		NESW
	NESE		NWSE
	SESE		
S19	NENE		NWNE
	SWNE		SENE
	NENW	LOT 1	(NWNW)
LOT 2	(SNNW)		SESW
	NESE		NWSE
S20	NENW		NWNW
	SNNW		SESW
	NWSW		
R04W S12	NESE	LOT 10	(NESE)
	SESE	LOT 10	(SESE)
S13	NENE		NWNE
	SWNE		SENE
	SNNW		SESW
	NESW		NWSW
	SWSW		SESW
	SWSE		SESE
S24	NENE		NWNE
	SWNE		SENE

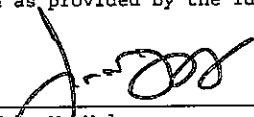
This right is limited to the irrigation of 133.5 acres within the place of use described above in a single irrigation season. The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted 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

2009 JUN 04 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): 63-05036

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 63-05036 was mailed
on June 04, 2009, 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:
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

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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06/04/09