

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 5 PM 1 19

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 DECREE

Water Rights: 43-00099C, *et al.*
See attached Exhibit A
(B43JRSOPD)

On December 22, 2003, a *Special Master's Report and Recommendation* was filed for the above 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 the water rights listed on Exhibit A be **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED February 5, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

43-00099C
43-00100C
43-00101C
43-00102C
43-00104B
43-00105
43-00106
43-00107
43-00275
43-00276
43-00277
43-02536
43-10591
43-10592

(Subcase list: B43JRSOPD)
2/05/04

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on February 05, 2004, with sufficient first-class postage to the following:

J R SIMPLOT CO
J R SIMPLOT COMPANY
Represented by:
GRAY A. YOUNG
JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707
Phone: 208-389-7318

J R SIMPLOT CO
Represented by:
TERRY T. UHLING
JR SIMPLOT COMPANY
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DIRECTOR OF IDWR
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ORDER

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Deputy Clerk

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

2004 FEB 5 PM 12 58

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-00105

NAME AND ADDRESS: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.80 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.66 CFS. COMBINED RIGHT NOS. 43-105, 43-106,
AND 43-107.
WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C,
43-101C, 43-102C, 43-104B, 43-105, 43-106, 43-107, 43-275,
43-276, 43-277, 43-10591, AND 43-10592

PRIORITY DATE: 09/28/1885

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County
SESENW
SWNWSW
S21 SWSENE
S22 NENENW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.80 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R26E S11 NESW 17.0 SESW 26.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 38.0
S12 NWSW 30.0 SWSW 30.0
S13 NWNW 39.0 SWNW 39.0
S14 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 35.0 SWNW 17.0
SENE 40.0 NWSW 36.0
S15 NESE 8.5 SWSE 31.0
SESE 31.0
737.5 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C,
43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591
43-10592.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 133 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-105, 43-106, AND 43-107.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 133 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-105, 43-106, AND 43-107.

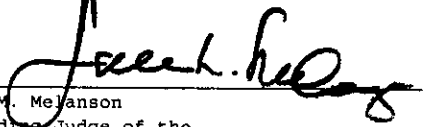
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.

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