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JUN 19 2000

Department of Water Resources

JUN 16 AM 8:57

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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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)
)
)

ORDER OF PARTIAL DECREE

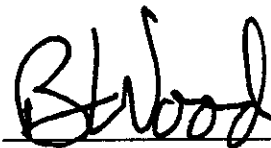
For Water Right 51-02123

On April 11, 2000, a *Special Master's Report and Recommendation* was filed for the above 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 with the exception of the connectivity and conjunctive management language contained in the *Recommendation* under the "Other Provisions Necessary for Definition of Administration of This Water Right," which inclusion this Court has found to be unnecessary at this time, the Court adopts the elements listed in the Special Master's *Recommendation*.

Therefore, IT IS ORDERED that water right 51-02123 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 16 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2000 JUN 16 AM 8:57
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-02123

NAME AND ADDRESS: SIMPLOT SELF DECLARATION REVOC
J R SIMPLOT AS TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE, ID 83707

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 13.58 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3201.6 AF. COMBINED RIGHT
NOS.: 51-07082A, 51-02089B, 51-02091, 51-02120, 51-02127,
51-02150, 51-02165, 51-02169, 51-02170, 51-02213B, 51-07047 AND
51-07058.

PRIORITY DATE: 07/05/1951

POINT OF DIVERSION: T07S R06E S22 NENENE Within Owyhee County
S23 NWNWNW
S26 NESWSW
NESENE
NENENW

TWO POINTS OF DIVERSION ARE LOCATED WITHIN NENENW, S26, T07S,
R06E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-30	0.06 CFS
	Stockwater	10-15 TO 04-15	0.04 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
T07S R06E S14	SWNW 40.0	NWSW 40.0
	SWSW 40.0	
S15	NWNE 40.0	SWNE 40.0
	SENE 40.0	SENE 29.0
	NESE 40.0	NWSE 38.0
	SWSE 16.0	SESE 40.0
S22	NENE 24.0	
S23	NWNW 34.0	NESW 27.0
	NWSW 29.0	SWSW 34.0
	SESW 40.0	
S26	SWNE 39.0	SENE 38.0
	NENW 38.0	NWNW 29.0
	SWNW 12.0	SENE 40.0
	NESW 13.0	NWSW 0.4
800.4 Acres Total		

Stockwater	Within Owyhee County
T07S R06E S14	NWSW
S15	SWNE
	SENE
	NWSE
	SWSE
S22	NENE

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

PLACE OF USE (continued)

S23	NWNW	NESW
	NWSW	SWSW
	SESW	
S26	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW

THE IRRIGATION OF A COMBINED TOTAL OF 800.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-07082A, 51-02089B, 51-02091, 51-02120, 51-02127, 51-02150, 51-02165, 51-02169, 51-02170, 51-02213B, 51-07047 AND 51-07058.

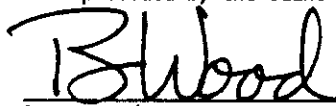
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-02123

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 51-02123 was mailed
on June 16, 2000, with sufficient first-class postage prepaid
to the following:

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

J.R. SIMPLOT SELF-DECLARATION

Represented by:
RONALD N. GRAVES
PO BOX 27
BOISE, ID 83707
Phone: 208-389-7312

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
06/16/00

SIMPLOT SELF DECLARATION REVOC
J R SIMPLOT AS TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

DIANA DELANEY
Chief Deputy Clerk