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Department of Water Resources

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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

)
) For Water Right 51-02089B
)

On March 3, 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 51-02089B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 23 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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 51-02089B

200 MAY 23 AM 9:58

TWIN FALLS, IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 1.20 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, 51-02091, 51-02120, 51-02123, 51-02127,
51-02150, 51-02165, 51-02169, 51-02170, 51-02213B, 51-07047 AND
51-07058.

PRIORITY DATE: 11/05/1925

POINT OF DIVERSION: T07S R06E S22 NENENE Within Owyhee County
S23 NWNWNW
NESWSW
S26 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	1.16 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	SENW 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	SENW 40.0
		NESW 13.0	NWSW 0.4

800.4 Acres Total

Stockwater		Within Owyhee County
T07S R06E S14	SWNW	NWSW
	SWSW	
S15	NWNE	SWNE
	SENE	SENW
	NESE	NWSE
	SWSE	SESE
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
	SNNW	SENW
	NESW	NWSW

THE IRRIGATION OF A COMBINED TOTAL OF 800.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-07082A, 51-02091, 51-02120, 51-02123, 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

2000 MAY 23 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): 51-02089B

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 51-02089B was mailed
on May 23, 2000, with sufficient first-class postage prepaid
to the following:

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

JR SIMPLOT SELF DECLARATION OF
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

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

DIANA DELANEY
Chief Deputy Clerk