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Important Information About Your Water Right

August 27, 2001

C JEFFREY BRAGG
550 N 800 E
JEROME, ID 83338

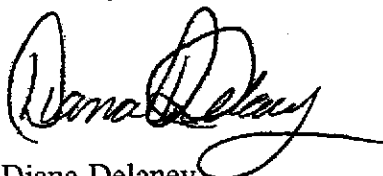
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02554. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 16, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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 36-02554

1997 DEC 16 AM 11:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: C JEFFREY BRAGG
550 N 800 E
JEROME ID 83338

SANDRA K BRAGG
550 NORTH 800 EAST
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.4 CFS
1068.0 AFY

PRIORITY DATE: 08/31/1962

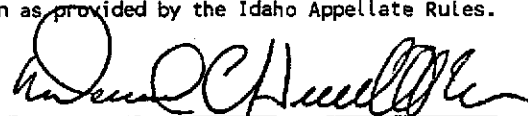
POINT OF DIVERSION: T07S R18E S20 NWNWNE Within JEROME County
S21 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	4.4 CFS 1068.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County
	T07S R18E S17	SESW 35
	S20	NENE 31
	S21	NWNE 31
		NENW 32
	267 ACRES TOTAL	NWNW 32
		SWNW 36

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2554B

WATER RIGHT NUMBER: 36-2554B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEROME CHEESE CO 47 W 100 S PO BOX 485 JEROME, ID 83338 (208)324-8006
Original Owner	ROBERT J DE BERARD 550 N 800 E JEROME, ID 83338 (208)324-4047

Priority Date: 08/31/1962

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	1.880 CFS	342.00 AF
	<u>Total Diversion:</u>	1.880 CFS	342.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 25, Twp 08S, Rge 16E, B.M.
JEROME County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	16E	25	X	X															

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2554B

1. Explanatory Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and the total volume of water diverted under the transfer.
The right holder shall measure and annually report to the West Water Measurement District of the Eastern Snake Plain Aquifer the annual volume of water diverted under this approval and the maximum rate of diversion.
The total instantaneous rate diversion of water from all points of diversion under this transfer shall not exceed 2.70 cfs, nor a total annual volume of 516.0 af.
Two points of diversion are located within NWNE, S25, T08S, R16E. The right holder shall provide to the Department satisfactory evidence to show that the sellers of the water rights have been notified that the application for transfer has been approved and that the obligation to dry up 172 acres by the sellers is in effect.
2. Purpose of Use COMMERCIAL USE IS FOR A CHEESE FACTORY.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 36-2461B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 516 AF.
4. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T08S, R16E, S25, NWNE.

Comments:

1. jroberts 2/26/2002 Recommendation

Comment: This recommendation is based on approved transfer #5691, which dried up 114 acres and changed this part of the right to year round commercial use, splitting the original right into parts A & B.

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/27/2001
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2554B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 2000

CHRISTOPHER MEYER
GIVENS PURSLEY & HUNTLEY
277 N 6TH ST, SUITE 200
PO BOX 2720
BOISE ID 83701

RE: APPLICATIONS TO THE WATER SUPPLY BANK

Dear Mr. Meyer:

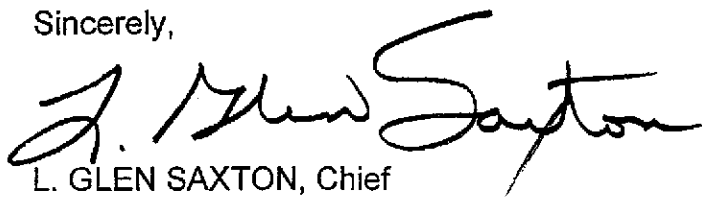
Returned are the following applications and documents which you submitted to the Department on February 23, 2000:

- Application to Sell or Lease a Water Right To the Water Supply Bank filed in the name of Jeffrey & Sandra Bragg in connection with Water Right No. 36-02461
- Application to Sell or Lease a Water Right To the Water Supply Bank filed in the name of Jeffrey & Sandra Bragg in connection with Water Right No. 36-02554
- Application to Rent Water From the Water Supply Bank submitted in the name of Davisco Foods International, Inc.
- Agreement For Purchase, Sale, Lease and Rental of Water Rights with
Exhibit A - Copy of Partial Decree for Water Right No. 63-02461, Exhibit B
- Copy of Partial Decree for Water Right No. 63-02554, Exhibit C - Form of Deed and Assignment Conveying Interest in Water Rights to Buyer

I am returning the applications and documents, since it is my understanding that the Director and the Idaho Water Resource Board are not willing to agree to the lease and rental arrangement which you have proposed.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 4

c: IDWR - Region
Norman C. Young

MEMORANDUM

TO: FILE 36-02554

FROM: VAULT

RE: TRANSFER # 5691

DATE: 3/23/00

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-02461