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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)
_____)

Water Right 36-02554

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 16, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.***

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

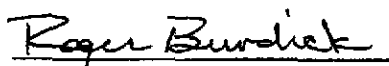
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001



ROGER BURDICK
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 36-02554

1997 DEC 16 AM 11:18

DISTRICT COURT - CRDA
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 NWNWE 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 SWSE 38
	S20	NENE 31 NWNE 32
	S21	NWNE 31 NENW 32
	267 ACRES TOTAL	NWNW 32 SWNW 36

RULE 54(b) CERTIFICATE

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2554A

WATER RIGHT NUMBER: 36-2554A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C JEFFREY BRAGG 550 N 800 E JEROME, ID 83338
Original Owner	ROBERT J DE BERARD 550 N 800 E JEROME, ID 83338 (208)324-4047
Current Owner	SANDRA K BRAGG 550 N 800 E JEROME, ID 83338

Priority Date: 08/31/1962

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.520 CFS	612.00 AF
	<u>Total Diversion:</u>	2.520 CFS	612.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 20, Twp 07S, Rge 18E, B.M.
JEROME County		
GROUND WATER	NE1/4NE1/4NW1/4	Sec. 21, Twp 07S, Rge 18E, B.M.
JEROME County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07S	18E	17																	32.0	32.0
07S	18E	20	25.0	32.0																57.0
07S	18E	21					32.0	32.0												64.0

Total Acres: 153

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2554A

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:

1. Explanatory RIGHT NO. 36-2461A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 1] AND AFTER [NOVEMBER 1] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. jroberts 2/26/2002 Recommendation

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

2. amerritt 9/3/2003 Update PD in SDE

Comment: As part of T70512 review updated shapes using GPS data

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: AND/OR
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:



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

=====

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

FILE # 36-02461