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Important Information About Your Water Right

August 27, 2001

JOHN PIRES
LUCIA PIRES
1745 E 3100 S
WENDELL, ID 83355

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 36-10664. 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 September 20, 1996, 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)

Water Right 36-10664

Case No. 39576)

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 September 20, 1996. 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: 03-15 11-15

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

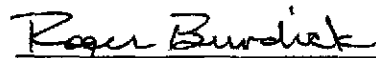
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-10664

WATER RIGHT NUMBER: 36-10664

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LUCIA PIRES 1745 E 3100 S WENDELL, ID 83355 (208)536-4681
Directors Report Owner	PERRY PATTERSON 1745 E 3100 S WENDELL, ID 83355 (208)536-2025
Current Owner	JOHN PIRES 1745 E 3100 S WENDELL, ID 83355 (208)536-4681
Directors Report Owner	MARGARET PATTERSON 1745 E 3100 S WENDELL, ID 83355 (208)536-2025

Priority Date: 06/23/1976

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	6.40 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 7, Twp 08S, Rge 15E, B.M.
GOODING 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	
08S	15E	7		1.6															1.6

Total Acres: 1.6

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-10664

Remarks:

1. Explanatory RIGHT NO. 36-10665 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.05 CFS.
THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS.
36-07409 & 36-07631.

Comments:

1. WORSTELL 12/11/1991 COPIED FROM REMARKS
Comment: PORTION OF EACH WR, SEE TRANSFER #2741. CLAIMANT COMBINED CFS PORTION FROM BOTH 36-07409 & 36-07631 WITH LATER PRIORITY.
2. CHRISTEN 6/12/1992 BASIS FOR DISALLOWAL
Comment: FIELD VERIFICATION CONDUCTED ON 11-30-90 BY NORM BROWN. NO PUMP, WELL, OR POWER CONNECTIONS FOUND AT THE CLAIMED P/D. P/U SHOWS NO SIGN OF IRRIGATION. SEE FILE FOR PICTURES. (COMMENT DATA ENTERED BY KKC)
3. MERRITT 9/25/1992 NOTICE OF ERROR RECEIVED AND RESOLVED.
Comment: ALLOW 1.6 ACRES IRRIGATED FROM THE DOMESTIC WELL FOR LANDS IN THIS TRACT BASED ON UN-RECORDED TRANSFER OF P/D. THE BULK OF THE WATER RIGHT HAS BEEN FORFEITED DUE TO NONE USE.
4. CFRITSCH 9/16/1996 REFORMATTED REMARKS
Comment: REMARKS WERE REFORMATTED AND THE VERIFIED DATE SET.
5. TFAWCETT 5/31/2000 OWNERSHIP CHANGE
Comment: OWNERSHIP CHANGED PATTERSON TO PIRES PER 1409(6) AND WARRANTY DEED REC'D 5/15/2000.

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: S
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.05		
Combined Water Rights: 36-10664 , 36-10665		