

No Color
Documents
In File

Important Information About Your Water Right

August 27, 2001

GRANT 4D FARMS
600 N 707 E
RUPERT, ID 83350

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 36-07850A. 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 July 15, 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

MICROFILMED

JUN 02 2004

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 36-07850A

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 July 15, 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: 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
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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JUN 02 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5282
WATER RIGHT NO(S). 36-02101/36-02261/36-02560/36-02130D
36-07850D/36-08106D

This is to certify that: GRANT 4-D FARMS
ROY T HONSINGER
600 N 707 E
RUPERT ID 83350

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02261 :			
Priority: 05/26/1954			
IRRIGATION	04/01 to 10/31	2.40 CFS	1014.0 AF
Right No. 36-02560 :			
Priority: 12/26/1962			
IRRIGATION	04/01 to 10/31	0.72 CFS	304.2 AF
	SUBTOTAL:		1020.0 AF *
Right No. 36-02101 :			
Priority: 11/15/1950			
IRRIGATION	04/01 to 10/31	4.18 CFS	1196.0 AF
	SUBTOTAL:		2216.0 AF **
Right No. 36-02130D :			
Priority: 06/07/1951			
IRRIGATION	04/01 to 10/31	0.39 CFS	120.0 AF
Right No. 36-07850D :			
Priority: 03/30/1979			
IRRIGATION	04/01 to 10/31	0.04 CFS	19.4 AF
Right No. 36-08106D :			
Priority: 08/10/1982			
IRRIGATION	04/01 to 10/31	0.13 CFS	63.2 AF
	SUBTOTAL:		120.0 AF ***
	TOTAL:	7.86 CFS ***	2336.0 AF ***

2336.0 AF ***
MICROFILMED
JUN 02 2004
APR 25 2000

TRANSFER NO. 5282
 WATER RIGHT NO(S). 36-02101/36-02261/36-02560/36-02130D
 36-07850D/36-08106D

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 1, Township 08S, Range 25E
 MINIDOKA County
 Lot 2 (NWNE), Sec. 6, Township 08S, Range 26E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	26E	31	NESW 32	NWSW 32	Lot 4 (SWSW) 32	
			SESW 32	NESE 32	NWSE 33	
			SWSE 32	SESE 32		257
08S	25E	1	SENE 17	NESE 32	SESE 1	50
	26E	6	Lot 2 (NWNE) 27	SWNE 16	Lot 3 (NENW) 49	
			Lot 4 (NWNW) 11	Lot 5 (SWNW) 37	SENE 32	
			NESW 32	Lot 6 (NWSW) 26	SESW 12	
			NWSE 32	SWSE 10		284
			Total number of acres irrigated:			591 *****

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- **** 6. The total instantaneous diversion of water from all points of diversion under Transfer 5282 shall not exceed 7.86 cfs, nor a total combined annual volume of 2336.0 af for the irrigation of 584.0 total acres.
- ***** 7. Right 36-02101 is limited to the irrigation of 299.0 acres in the place of use described above in a single irrigation season.

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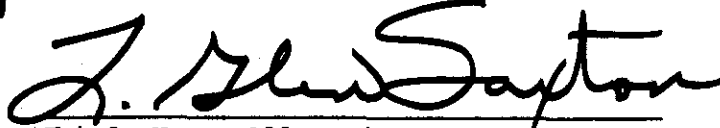
JUN 02 2001

TRANSFER NO. 5282
WATER RIGHT NO(S). 36-02101/36-02261/36-02560/36-02130D
36-07850D/36-08106D

CONDITIONS OF APPROVAL AND REMARKS

- * 8. Rights 36-02261 and 36-02560 when combined shall not exceed a total annual maximum diversion volume of 1020.0 af at the field headgate and the irrigation of 255.0 acres.
- ** 9. Rights 36-02101, 36-02261, and 36-02560 when combined shall not exceed a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554.0 acres.
- *** 10. Rights 36-02130D, 36-07850D and 36-08106D when combined shall not exceed the total annual maximum diversion volume of 120.0 af at the field headgate and the irrigation of 30.0 acres.
- 11. The period of use for the irrigation described in this approval may be extended under Rights 36-02101, 36-02261 and 36-02560 to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 14th day of April, 2000.


Chief, Water Allocation Bureau

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MAY 02 2000
APR 25 2000

RECEIVED

JUL 17 1997

Department of Water Resources
Adjudication Bureau

1997 JUL 15 PM 12:13

DISTRICT COURT-S
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

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right 36-07850A

On May 15, 1997, 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 14a, 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 36-07850A be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

JUN 02 2004

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 JUL 15 PM 12:13
I.R.C.P. 54(b) FOR

Water Right 36-07850A
DISTRICT COURT - 5th
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: GRANT 4D FARMS
RT 4 BOX 250
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.43 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.97 CFS, AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1280 AF. COMBINED RIGHTS: 36-08106A &
36-02130A.

PRIORITY DATE: 03/30/1979

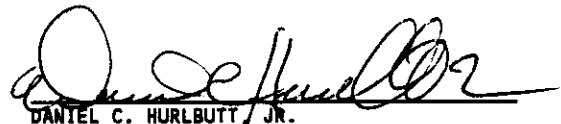
POINT OF DIVERSION: T07S R24E S15 SWSNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.43 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County				
	T07S R24E S15	MENW 40.0	NWNW 40.0	SWNW 40.0	SENW 40.0	
		NESW 40.0	NWSW 40.0	SWSW 40.0	SESW 40.0	
	320.0 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHTS: 36-08106A & 36-02130A.

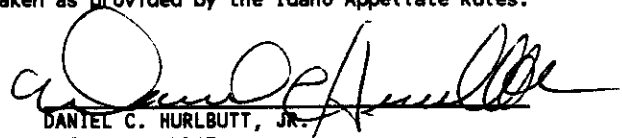
DATED: JUL 15 1997


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

RULE 54(b) CERTIFICATE

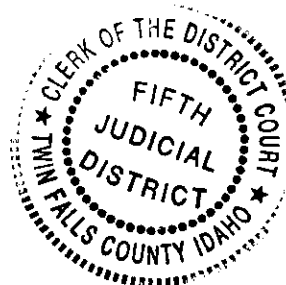
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment 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: JUL 15 1997


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07850A

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
BY 
DEPUTY CLERK



PAGE 1
JUN-10-1997
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JUN 02 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7850A

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS: 36-08106A & 36-02130A.
2. Explanatory RIGHT NO. 36-08106A & 36-02130A ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.97 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1280 AF. COMBINED RIGHTS: 36-08106A & 36-02130A.

Comments:

1. WELLS 7/26/1991 COPIED FROM REMARKS

Comment: 320/480 PORTION OF ORIGINAL LICENSE. ABANDONMENT COMMENT THE COMBINED A AND B SEGMENTS, IN TOTAL, CLAIM 2 ACRES FEWER THAN ORIGINALLY LICENSED. ALSO, 0.03 CFS WAS NOT CLAIMED BETWEEN THE TWO RIGHTS. THEREFORE, THE 2 ACRES AND 0.03 CFS ARE CONSIDERED FORFEITED/ABANDONED.

2. WORSTELL 8/13/1992 SPLIT FROM 36-08750

Comment: SEE REMARKS 36-08750.

3. SCHULTZ 9/28/1992 NOTICE OF ERROR (NOE)

Comment: NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/13/92. DID NOT REVERIFY ANY PART OF CLAIM.

4. MERRITT 10/8/1992 RESPONDED TO NOE

Comment: MET WITH SPECK 10/7. NO CHANGE.

5. ROBERTSO 10/8/1992 ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED

Comment:

6. JROBERTS 5/16/1996 OWNERSHIP CHANGE

Comment: FORM RECEIVED 5/2/96, COPY OF WARRANTY DEED SUBMITTED WITH FORM, ORIGINAL OWNER ACEQUIA-NEW OWNER GRANT 4D FARMS. A36-07850A ALSO CHANGED. jr

7. SSHERMAN 2/21/1997 NOTICE OF APPEARANCE

Comment: NOA FROM JIM SPECK REPRESENTING GRANT 4D FARMS.

8. TFAWCETT 3/3/1997 ATTORNEY ADDED

Comment: NOA REC'D 3/3/97; JAMES SPECK ADDED AS ATTORNEY.

9. VHANCOCK 6/11/1998 ADDRESS CHANGE

Comment: TO GRID ADDRESS PER NOTICE REC'D 2-11-98

10. kwalker 4/11/2002 9:09:10 AM Water Right

Comment: Water Right No(s) 36 7850A superseded by Decree No(s) 36 7850C , 36 7850D ,

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JUN 02 2004