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In File

Important Information About Your Water Right

August 27, 2001

BRADY JONES
KARI JONES
PO BOX 535
HAGERMAN, ID 83332

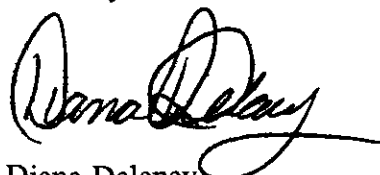
Dear Water Right Claimant(s):

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 36-00108H. 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 04, 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 36-00108H

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 04, 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: 02-15 11-30

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 36-00108H

NOV 20 - 4 11 17 23

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: BRADY JONES
KARI JONES
PO BOX 535
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION Season		0.12 CFS
STOCKWATER	03-15 11-15		0.02 CFS
STOCKWATER	11-16 03-14		0.03 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14
3 ACRES TOTAL SWNW 3

STOCKWATER Within GOODING County
T07S R13E S14 SWNW

STOCKWATER
SAME AS OTHER USE

CONSUMPTIVE USE: 9.0 AFY

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

RULE 54(b) CERTIFICATE

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

TO: File

DATE: September 22, 1997

FROM: Jim Stanton

SUBJECT: Water Right 36-00108H, Resumption of Use

I received a call today from Kari Jones stating that they will resume irrigating with this right tonight. She said that they now have power to the site, so apparently they plan to use a pump to distribute the water. The approved extension of time to avoid forfeiture requires that IDWR be notified when the use resumes, so the owners have complied. I don't know what action, if any, we will take next, so I made no statements on this to Mrs. Jones.

cc: Dan Nelson

H80100-9C



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 9, 1997

Brandi and Kari Jones
P.O. Box 535
Hagerman, ID 83332

RECEIVED

JAN 13 1997

Department of Water Resources
Southern Region

RE: Water Right No. 36-00108H

Dear License Holder:

I have enclosed an approved copy of the Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced license. Please note that resumption of water for a beneficial use shall occur on or before **January 1, 1998**.

Please notify the Department as soon as you resume use. If you have not notified the Department sixty (60) days prior to January 1, 1998, we will notify you by certified mail of the need to do so.

Please be advised that Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions concerning this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

36-00108H

RECEIVED

NOV 29 1996

Water Right No. A36-00108H

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 24 1996 APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

JUL 03 1996

Department of Water Resources

Department of Water Resources
Southern Region

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Brady & Kari Jones
2. Mailing address PO Box 535 Hagerman, ID 83332
3. The right was obtained or is evidenced by:
- a. Decree to _____ in Case of New Int. Mont. Bank Inc. ET
vs. Idaho Power Co, Dated 3/22/1932 in Idaho
(Name of Court)
Court, County of Gooding. Fully describe decree unknown
- b. License No. _____ c. Claim No. A36-00108H
- d. SRBA No. A36-00108H
4. Source of water Billingsley Creek tributary to Snake River
(Name of stream or source)
5. Date of priority of right 9-10-1884
6. Description of Right:
amount 0.120 for Irrigation purposes from 3/15 to 11/15
0.02 (cfs/ac-ft) Stock Water
amount 0.020 for Stock Water purposes from 11/16 to 3/14
3 (cfs/ac-ft) NE
7. Point of Diversion NE 1/4 SE 1/4 of Sec. 11 Twp. 07S Rge. 13E County Gooding

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
07S	13E	14																	

Total Acres

3

9 Give the last date when water was put to beneficial use unknown
Length of extension of time requested 1 years, or until 8/97 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use this land was purchased by (Barly Kari) US in Nov. 1995 - we are not sure when the previous owner stopped using this water. There is some controversy as to whether we still have those water rights or not, this is the reason for filing an extension, to make sure we have the water rights before spending the money involved in burying a pipe from the headgate to our property.
The information contained in this application is true to the best of my knowledge.

Kari Jones
(Signature of Applicant)

Subscribed and sworn to before me this 2/24 day of June, 19 96.

Marian L. Maestas
(Notary Public)

My commission expires 3/27/2001 Residing at Gooding, ID

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVED said application subject to the following conditions or reasons:

Resumption of water for a beneficial use shall occur on or before January 1, 1998.

Signed this 9th day of January, 19 97

R. New Saylor
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 6/24/96 \$100 FEE Receipted by RB Date 6/24/96 Receipt # C035934
Preliminary ☒ by JS Publication prepared by MB Pub. approved by ME Date 10/25/96
Published in Gooding Co. Leader Dates Published 10/9 + 10/16/96
Protests filed by None
Copies of protests forwarded by _____ Hearing held by N/A Date _____
Recommended for - ☒ APPROVAL / DENIAL By AD