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Important Information About Your Water Right

December 14, 2001

UNITED STATES OF AMERICA ACTING THROUGH
"USDA FARM SERVICE AGENCY
9173 W BARNES STE B"
BOISE, ID 83709-1555

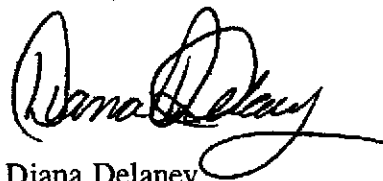
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-12378. 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 March 10, 1998, 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

FEB 10 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 34-12378

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 March 10, 1998. 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 1, IDWR Basin 34, 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

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 December 14, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MINOR, JAMES
FEB 10 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
I.R.C.P. 54(b) FOR
Water Right 34-12378

1998 MAR 10 PM 4:13
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
US DEPT OF AGRICULTURE
FARM SERVICES AGENCY
3232 ELDER ST
BOISE ID 83705

SOURCE: GROUNDWATER

QUANTITY: 1.03 CFS

RECEIVED

MAR 12 1998

Department of Water Resources
Adjudication Bureau

USE OF THIS RIGHT WITH RIGHT NO. 34-04004A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.92 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 931 AF.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.26 CFS.
COMBINED RIGHT NOS.: 34-00028G, 34-00131B, 34-00132B, 34-00191
AND 34-04004A.

PRIORITY DATE: 06/09/1966

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T06N R25E S36 SWNE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.03 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE and CUSTER Counties		
T06N R25E S36	NENE 38	NWNE 38	SWNE 35	SENE 40
	NENW 31	NWNW 1	SENE 8	NESE 20
	NWSE 2			
R26E S31	SWSW 15	SESE 38		
266 ACRES TOTAL				

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 266 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00028G, 34-00131B, 34-00132B, 34-00191
AND 34-04004A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 34-04004A PURSUANT TO SECTION 42-1426, IDAHO CODE.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-12378

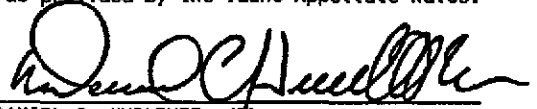
PAGE 1
MAR-5-1998

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FEB 10 2004

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

MEMORANDUM

Date: January 14, 2004

To: Water Right Files 34-28G, 34-131B, 34-132B, 34-191 and 34-12378

From: Jeff Peppersack

Re: Update of Conditions due to Ownership Change Split

Water Right 34-4004A was split by Ownership Change into 34-13829 and 34-13830. The original water right was for 3.92 cfs for 196 acres. The split removed 0.28 cfs for 14 acres.

Right 34-12378 is an enlargement right of 34-4004A. The PPU under the enlargement right was reduced, and the combined rate and acre conditions were reduced on the enlargement right to reflect the split.

Rights 34-28G, 34-131B, 34-132B and 34-191 include combined limits with 34-4004A. The combined limit conditions were also reduced under these rights to reflect the split of 34-4004A.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12378

WATER RIGHT NUMBER 34-12378

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650

Priority Date 06/09/1966

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>
IRRIGATION	4/01 to 10/31	1.030 CFS	
	<u>Total Diversion.</u>	1 030 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec 36, Twp 06N, Rge 25E, B M
BUTTE 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	
06N	25E	36	38.0	38.0	35.0	40.0	18.0				8.0						20.0	2.0	199.0
06N	26E	31										15.0	38.0						53.0

Total Acres. 252

Conditions of Approval

1. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO 34-13829 PURSUANT TO SECTION 42-1426, IDAHO CODE
2. USE OF THIS RIGHT WITH RIGHT NO 34-13829 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 882 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.98 CFS
COMBINED RIGHT NOS 34-00028G, 34-00131B, 34-00132B, 34-00191 AND 34-13829
3. RIGHT NO 34-13829 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE THIS RIGHT IS FOR AN ENLARGEMENT OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT

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FEB 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12378

- 4 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 252 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 34-00028G, 34-00131B, 34-00132B, 34-00191 AND 34-13829
- 5 C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT
- 6 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:Comments

1 COX 5/5/1992 PERIOD OF USE

Comment: 04/01 TO 11/01 CHANGED TO 04/15 TO 10/15

2 KEEN 5/22/1992 IN REMARKS CHANGED COMBINED RIGHT NO IN LAST REMARK TO

Comment: 34-04004A AND CHANGED COMBINED ANNUAL DIVERSION VOLUME FROM 798 AF TO 931 AF.

3 AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10

4. jpeppers 1/13/2004 Owner Change

Comment: POU and condons were updated on this right based on an ownership split of related right 34-4004A

Dates and Other Information

Licensed Date.

Decreed Date 12/14/2001

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 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

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3 64	882	252

Combined Water Rights 34-12378 , 34-13829

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12378

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.98	252	
Combined Water Rights: 34-12378 , 34-28G , 34-13829		

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FEB 10 2004