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Important Information About Your Water Right

July 10, 2002

John M Beller
Barbara A Beller
3008 Wild Rose
Idaho Falls, ID 83402

RECEIVED

JUL 12 2002

Department of Water Resources

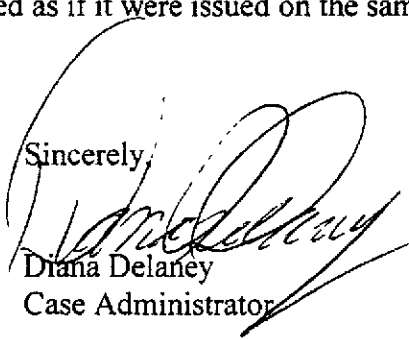
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-856H. 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 10, 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 this 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 on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

APR 10 PM 2:36
DISTRICT COURT-SEBA
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

	)	Water Right 34-856H
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for the above-captioned irrigation water right on December 10, 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, on June 24, 1999, 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 *Supplemental Director's Report*.

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

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

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 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 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 July 10, 2002.



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 34-00856H

DEC 10 PM 3:10
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: JOHN M BELLER
BARBARA A BELLER
3008 WILD ROSE
IDAHO FALLS ID 83402

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/30/1884

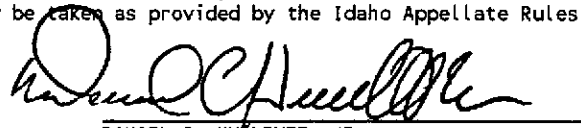
POINT OF DIVERSION: T06N R25E S24 NWNWNE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.8 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER and BUTTE Counties
	T06N R26E S20	SWNW 10 NSW 40
	50 ACRES TOTAL	

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TEMPORARY TRANSFER NO. 4393
WATER RIGHT NO(S). 34-00228B/34-00856H

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDA FMHA
KENT STOKES
3232 ELDER ST
BOISE ID 83705

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 42-222A, 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. 34-00228B :			
IRRIGATION	05/01 to 10/15	0.80 CFS	133.0 AF
Priority: 06/01/1884			
Right No. 34-00856H :			
IRRIGATION	05/01 to 10/15	0.80 CFS	175.0 AF
Priority: 04/30/1884			
	TOTAL:	1.60 CFS	308.0 AF

SOURCE

TRIBUTARY OF

BIG LOST RIVER

SINKS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 26, Township 04N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 27E 10	SWNE 20	NENW 38	NWNW 38	
	SWNW 39	SENW 40	NWSE 39	214
		Total number of acres irrigated:		* 214

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

SEP 07 1994

TEMPORARY TRANSFER NO. 4393
WATER RIGHT NO(S). 34-00228B/34-00856H

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
6. This approval expires November 1, 1994 and thereafter the right reverts to the use existing prior to the temporary change.
- * 7. Right No. 34-00228B is limited to the irrigation of 38 acres in the place of use described above in a single irrigation season.
- * 8. Right No. 34-00856H is limited to the irrigation of 50 acres in the place of use described above in a single irrigation season.

Dated this 4th day of August, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

SEP 07 1994

MEMORANDUM

TO: FILE 34-00856H

FROM: PAM SKAGGS 28

RE: TRANSFER # 4393 (1994 Emergency Transfer)

DATE: 7-20-94

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 34-00228B.

SEP 07 1994