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In File

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

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

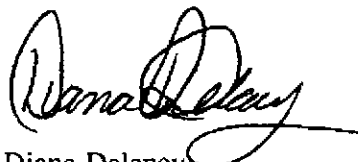
Dear Water Right Claimant(s):

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 34-00191. 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

WILSON
DEC 14 2001

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 34-00191

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: 05-01 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 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
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-00191

MAR 10 10 PM 3:56

DISTRICT COURT-SNDA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: UNITED STATES OF AMERICA, ACTING THROUGH
USDA, FMHA
3232 ELDER ST.
BOISE ID 83705

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS
QUANTITY: 0.24 CFS

RECEIVED

MAR 12 1998

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, 34-04004A
AND 34-12378.

Department of Water Resources
Adjudication Bureau

PRIORITY DATE: 05/10/1897

POINT OF DIVERSION: T06N R25E S14 SENWSE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.24 CFS

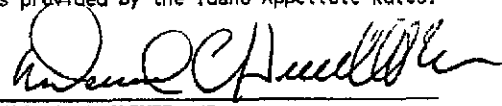
PLACE OF USE: IRRIGATION Within BUTTE County
T06N R25E S36 NENE 38 NWNE 38
76 ACRES TOTAL

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, 34-04004A
AND 34-12378.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

1/14/04

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-191

WATER RIGHT NUMBER 34-191

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	PETER C MONSON US DEPT OF JUSTICE INDIAN RES SEC LND & NAT RES 999 18TH ST STE 945 DENVER, CO 80202 (303)294-1950
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	DARLINGTON LAND & IRRIGATION CO LTD , ID

Priority Date 05/10/1897
Basis Decreed
Status Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	to 10/15	0 240 CFS	
	<u>Total Diversion</u>		0 240 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4SE1/4	Sec 14, Twp 06N, Rge 25E, B M
CUSTER 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															76 0

Total Acres 76

Conditions of Approval

1 WATER IS DELIVERED THROUGH 3 IN 1 DITCH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-191

- 2 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, 34-13829 AND 34-12378
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
- 3 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, 34-13829 AND 34-12378
- 4 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
- 5 S34 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

RemarksComments

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

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

2 jpeppers 1/14/2004 Ownership Change

Comment Conditions were updated on this right based on ownership split of associated 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
Water District Number 34
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