

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

2004 MAR 3 PM 12 34

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 57-72 and 57-74
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREES and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

Partial Decrees were entered for the above-captioned irrigation water rights on June 23, 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 July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for these water rights. No objections were filed to the *Supplemental Director's Report*

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

PERIOD OF USE: 03-01 to 11-15

IT IS FURTHER ORDERED that the *Partial Decrees* for the above-captioned water rights are hereby amended and decreed to contain the following:

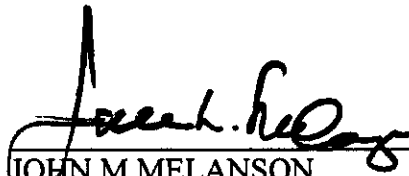
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decrees* were issued and is not intended to modify subsequent administrative changes for the water rights, if any, which occurred following entry of the *Partial Decrees*.

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 March 2, 2004.


JOHN M MELANSON
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

January 9, 2004

Linda K Ferris
Kelly A Thomas
Robert A Thomas
Ben A Thomas Jr
HC 79 Box 2060
Murphy, ID 83650

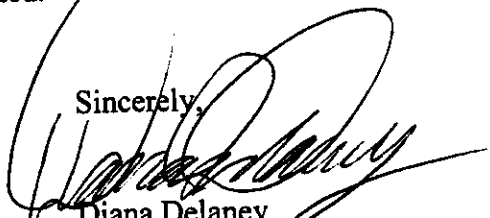
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Orders Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Orders**") for water right numbers 57-72 and 57-74. According to Idaho Department of Water Resources (IDWR) records, you are the current owners of these water rights. If you are not the current owners, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of this **Order** is to set forth beginning and ending dates for the irrigation periods of use for these water rights. 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 Decrees** an express statement that the **Partial Decrees** are subject to such general provisions necessary for the definition or for the efficient administration of the water rights. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decrees** that were issued for these water rights on November 25, 1997, sets forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with copies of the **Partial Decrees** to show evidence of these water rights. The original of this **Order** and the originals of the **Partial Decrees** for these water rights are on file with SRBA Court. If you do not have copies of the original **Partial Decrees**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that this **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 Decrees** were originally issued.

Sincerely,



Diana Delaney
Case Administrator