

## Important Information About Your Water Right

September 16, 2002

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

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SEP 17 2002

Department of Water Resources

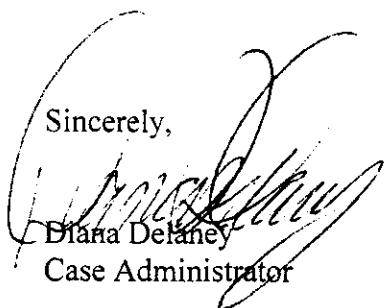
Dear Water Right Claimant(s):

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 57-79. 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

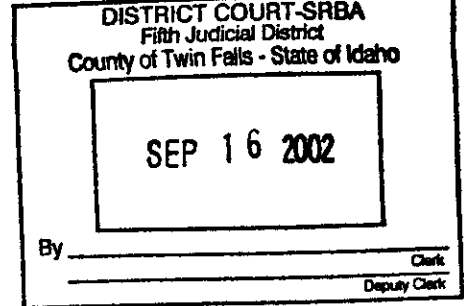
The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 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 June 23, 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



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 57-79                       |
|                | ) |                                         |
|                | ) | ORDER AMENDING IRRIGATION PERIOD OF USE |
|                | ) | ELEMENT IN PARTIAL DECREE and           |
| Case No. 39576 | ) | INCORPORATING INTO PARTIAL DECREES AN   |
|                | ) | EXPRESS STATEMENT REGARDING GENERAL     |
| _____          | ) | PROVISIONS, <i>NUNC PRO TUNC</i>        |

A *Partial Decree* was entered for the above-captioned irrigation water right 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 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:                      03-01 to 11-15

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 September 16, 2002.



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ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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JUN 25 1997

Department of Water Resources  
Adjudication BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 57-00079

1997 JUN 23 AM 11:20

DISTRICT COURT-SRBA  
TWINFALLS CO., IDAHO  
FILED \_\_\_\_\_NAME & ADDRESS: LINDA K FERRIS  
ROBERT A THOMAS  
KELLY A THOMAS  
BEN A THOMAS JR  
HC 79 BOX 2060  
MURPHY ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 1.84 CFS

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055,  
57-00056B, 57-00072, 57-00074 & 57-00081 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 13.16 CFS.

PRIORITY DATE: 03/11/1908

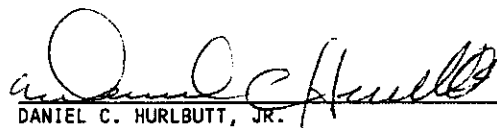
POINT OF DIVERSION: T05S R01W S24 NENWNE Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION Irrigation Season 1.84 CFS

|               |                   |                      |                  |                   |           |           |
|---------------|-------------------|----------------------|------------------|-------------------|-----------|-----------|
| PLACE OF USE: | IRRIGATION        | Within Owyhee County |                  |                   |           |           |
|               | T04S R01E S29     | SWSW 6.0             | SESW 3.0         |                   |           |           |
|               | S31               | NENE 18.0            | SWNE 20.0        | SENE 15.0         | SENE 15.0 | SENE 15.0 |
|               |                   | NESW 27.0            | Lot 3 (NWSW) 2.0 | Lot 4 (SWSW) 25.0 | SENE 15.0 | SENE 15.0 |
|               | S32               | NENW 1.0             | NWNW 23.0        |                   |           |           |
|               | T05S R01W S01     | Lot 1 (NENE) 18.0    | SWNE 4.0         | SENE 7.0          |           |           |
|               | 192.0 ACRES TOTAL |                      |                  |                   |           |           |

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055,  
57-00056B, 57-00072, 57-00074 & 57-00081 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE  
IRRIGATION SEASON.

DATED:

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