

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

Important Information About Your Water Right

February 20, 2003

Junayo Ranch Limited Partnership
1087 River St., Ste. 230
Boise, Idaho 83702

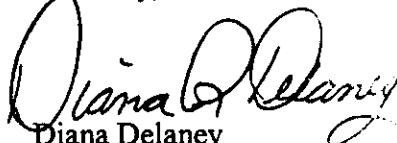
Dear Water Right Claimant(s):

This letter accompanies a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 57-07040. 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 September 9, 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 the ***Order*** and the original of the ***Partial Decree*** for this water right is 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

2003 FEB 20 PM 1 55

**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 57-07040
	)	
	)	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 September 9, 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: 03-15 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:

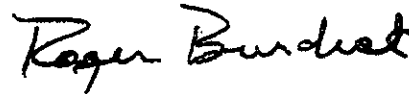
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 February 20, 2003



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 57-07040

1997 SEP -9 AM 10:14
DISTRICT COURT-STBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: JUNAYO RANCH LIMITED PARTNERSHIP
1087 RIVER ST STE 230
BOISE ID 83702

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 4.6 CFS
195.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 57-02325 IS LIMITED TO A
TOTAL ANNUAL COMBINED STORAGE CAPACITY OF 160 AF.

THE TOTAL COMBINED RATE OF DIVERSION OF THIS RIGHT AND RIGHT
NOS. 57-00252, 57-01070 AND 57-02325 IS LIMITED TO 4.6 CFS.

PRIORITY DATE: 02/24/1970

POINT OF DIVERSION: T02S R04W S25 NENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 12-31	60.0 AFY
	IRRIGATION FROM STORAGE	Irrigation Season	195.0 AFY
	DIVERSION TO STORAGE	01-01 12-31	4.6 CFS

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County
T02S R03W S18 Lot 2 (SWNW) 8 Lot 4 (SWSW) 6 Lot 5 (SESW)24
38 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00249, AND 57-01073 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN A
SINGLE IRRIGATION SEASON.

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

THE USE OF WATER ON THE LANDS TO WHICH THIS RIGHT WAS
APPURTENANT HAS BEEN ABANDONED AND FAILURE TO PUT THE WATER TO
BENEFICIAL USE ON THE PLACE OF USE DESCRIBED ABOVE WITHIN FIVE
(5) YEARS OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE
CHANGE IN USE TO THE PLACE OF USE DESCRIBED ABOVE SHALL
CONSTITUTE FORFEITURE OF THIS RIGHT.

THE FOLLOWING LANGUAGE IS FROM THE "STIPULATION BY CERTAIN
DEFENDANTS FOR ENTRY OF DECREE ADJUDICATING WATER RIGHTS",
INCORPORATED IN THE DECREE FILED MARCH 23, 1988 DECREERING THIS
RIGHT. THE LANGUAGE IS A VERBATUM PORTION OF THE STIPULATION.

6. JUNAYO RANCH, FOR ITSELF AND AS SUCCESSOR IN INTEREST TO
C.T. RANCH COMPANY AND JUNAYO RANCH COMPANY, FORMER UPPER
USERS, AGREES THAT ITS WATER RIGHTS OTHER THAN NO. 57-2325 AND
NO. 57-7040 DO NOT ENTITLE IT TO DIVERT WATER TO STORAGE
DURING THE IRRIGATION SEASON, EVEN THOUGH IT MAY BE PHYSICALLY
POSSIBLE TO DIVERT WATER INTO ITS STORAGE FACILITIES DURING THE
IRRIGATION SEASON, AND THAT NO DIVERSION TO STORAGE IS
AUTHORIZED UNDER THEIR RIGHTS NOS. 57-2325 AND 57-7040 DURING
THE IRRIGATION SEASON UNLESS ALL PRIOR WATER RIGHTS ON REYNOLDS
CREEK ARE BEING SATISFIED. JUNAYO RANCH FURTHER AGREES THAT
(1) STORAGE CAPACITY UNDER PERMIT NO. 57-7454 SHALL NOT EXCEED
TWENTY-FIVE ACRE FEET PER ANNUM (25 AFA)[AFY], (2) STORAGE
UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473
SHALL NOT EXCEED FIFTY ACRE FEET PER ANNUM (50 AFA), (3)
STORAGE UNDER PERMIT NO. 57-7454 COMBINED WITH STORAGE UNDER

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MAR 12 1998

OTHER PROVISIONS: (CONT)

ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473 SHALL NOT EXCEED SEVENTY-FIVE ACRE FEET PER ANNUM (75 AFA), AND STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7472 SHALL NOT EXCEED TEN ACRE FEET PER ANNUM (10 AFA) FOR THE STORAGE POND IDENTIFIED IN THAT APPLICATION, AND JUNAYO RANCH FURTHER AGREES THAT THE CONDITION OR CONDITIONS IMPOSED BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES IN ANY WATER PERMIT NOW HELD BY JUNAYO RANCH, OR IN ANY PERMIT ISSUED TO JUNAYO RANCH PURSUANT TO AN APPLICATION IDENTIFIED IN THIS STIPULATION, OR ANY CONDITION WITH RESPECT TO ANY SUCH WATER PERMIT, NOW HELD OR HEREAFTER ISSUED TO JUNAYO RANCH, IMPOSED BY THIS STIPULATION OR BY AN AGREEMENT BETWEEN IT AND ALL OF THE OTHER PARTIES TO THIS STIPULATION, SHALL BE CARRIED FORWARD INTO ANY SUPPLEMENTAL DECREE ENTERED IN THIS ACTION OR ANY DECREE ENTERED IN ANY OTHER ACTION ADJUDICATING THE RIGHTS TO THE USE OF THE WATERS OF REYNOLDS CREEK.

DATED: SEP 09 1997


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

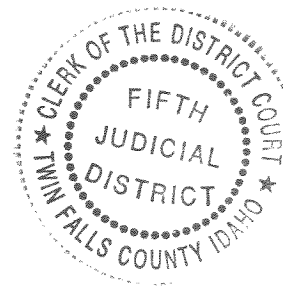
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DATED: SEP 09 1997


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

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



MICROFILMED
MAR 02 1998