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

Important Information About Your Water Right

February 20, 2003

Randy Hipwell
PO Box 212
Grandview, Idaho 83624

Dear Water Right Claimant(s):

This letter accompanies copies of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right numbers 57-07036 and 57-07037. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of these water rights. 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 each of these water rights. As stated in the face of each ***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). The ***Order*** also incorporates into the ***Partial Decrees*** an express statement that each ***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). These ***Orders***, in combination with the ***Partial Decrees*** that were issued for these water rights on June 23, 1997, set forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep these documents in a safe location together with a copy of each ***Partial Decree*** to show evidence of these water rights. The original of these ***Orders*** and the original of each ***Partial Decrees*** for these water rights 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 ***Orders*** are entered ***Nunc Pro Tunc***, meaning that the ***Orders*** will be treated as if they were issued on the same date that the ***Partial Decrees*** were originally issued.

Sincerely,

Diana Delaney
Case Administrator

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
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 57-07036**
Case No. 39576	**ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE and 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 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: 03-15 to 11-15
> The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

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 57-07036

1997 JUN 23 AM 11: 21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RECEIVED

JUN 25 1997

Department of Water Resources
Adjudication Bureau

NAME & ADDRESS: RANDY HIPWELL
PO BOX 212
GRANDVIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 4.3 CFS
967.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 57-07037 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.76 CFS.

PRIORITY DATE: 11/16/1969

POINT OF DIVERSION:

T06S R03E S23	SESESW	Within OWYHEE County
S26	NWNWNW	
S27	SENESE	

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	4.3 CFS
		967.5 AFY

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R03E S22	NESE 25.0	SESE 36.0					
S23	NESW 40.0	NWSW 34.0	SWSW 40.0	SESW 40.0			

215.0 ACRES TOTAL

DATED:

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

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:

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. FOLEY
CLERK OF THE DISTRICT COURT
By _____
DEPUTY CLERK

CLERK OF THE DISTRICT COURT * OHIO * FIFTH JUDICIAL DISTRICT * TWIN FALLS COUNTY