

Important Information About Your Water Right

August 28, 2002

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

RECEIVED

AUG 29 2002

Department of Water Resources

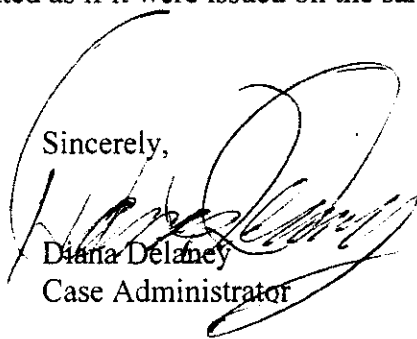
Dear Water Right Claimant(s):

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 57-49. 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

AUG 28 2002

By _____

Clerk

Deputy Clerk

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 57-49
	)	
	)	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 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 August 28, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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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 57-00049

1997 JUN 23 AM 11:20

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

SOURCE: CATHERINE CREEK

TRIBUTARY: CASTLE CREEK

QUANTITY: 2.88 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00055, 57-00056B,
57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.16 CFS.

PRIORITY DATE: 01/14/1879

POINT OF DIVERSION: T04S R01E S30 LOT 3 (NWNWSW)

Within Owyhee County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATION
STOCKWATERPERIOD OF USE
Irrigation Season
01-01 12-31QUANTITY
2.88 CFS
0.24 CFS

PLACE OF USE:

IRRIGATION
T04S R01E S29
S31
S32
46.0 ACRES TOTAL

Within Owyhee County

SWSW 6.0
NENE 13.0
NENW 1.0SESW 3.0
NWNW 23.0USE OF THIS RIGHT WITH RIGHT NOS. 57-00055, 57-00056B,
57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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:

State of Idaho
County of Twin Falls

DANIEL C. HURLBUTT, JR.

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 CLERKPARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00049