

Important Information About Your Water Right

January 3, 2003

Gem Irrigation District
PO Box 67
Homedale, ID 83650

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Department of Water Resources

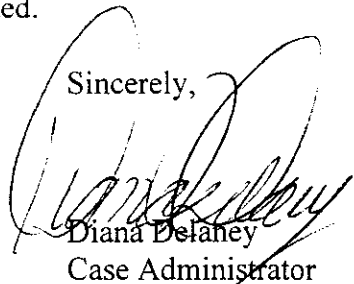
Dear Water Right Claimant(s):

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 57-2118, 57-2177, 57-4104, 57-10912 and 57-10913. 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 December 12, 1996, 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 Decree*** 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

2003 JAN 3 PM 4 42

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 57-4104
	)	
	)	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 December 12, 1996. 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 January 3, 2002.

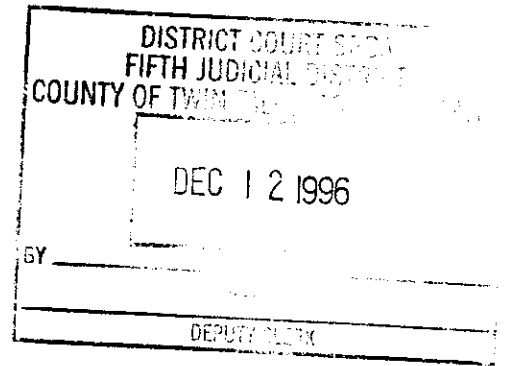


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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DEC 17 1996

Department of Water Resources



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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-04104
_____	)	

On October 16, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-04104 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.

A handwritten signature in black ink, appearing to read "Daniel C. Hurlbutt, Jr.", written over a horizontal line.

DANIEL C. HURLBUTT, JR.
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 57-04104

DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS
DEC 12 1996

NAME & ADDRESS: GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

SOURCE: SAGE CREEK TRIBUTARY: SUCCOR CREEK

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-10913 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20 CFS.

PRIORITY DATE: 06/13/1906

POINT OF DIVERSION: T03N R05W S17 SWNNWN Within OWYHEE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 20.00 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T03N R05W S04	Lot 3	(NWNW)	26.0	SWNW	16.0	NWSW	11.9	SWSW	33.8			
S05	Lot 1	(NENE)	8.7	Lot 2	(NWNE)	32.5	SWNE	13.5	SENE	29.2		
	Lot 3	(NENW)	8.1		NESE	27.1	NWSE	1.8	SWSE	2.6		
		SESE	24.7									
S07		NESE	3.7		SESE	8.2						
S08		NENE	27.4		NWNE	9.5	SWNE	23.0	SENE	31.8		
		SENE	13.4		NESW	18.6	NWSW	21.6	SWSW	4.8		
		NESE	39.5		NWSE	23.6	SWSE	20.5	SESE	38.2		
S09		SWNE	31.8		NENW	20.3	NWNW	25.0	SWNW	38.9		
		SENE	40.2		NESW	39.7	NWSW	38.6	SWSW	32.0		
		SESE	31.5		NESE	37.5	NWSE	39.4	SWSE	36.6		
		SESE	37.4									
S10		NWSW	18.1		SWSW	16.5						
S16		NENE	4.0		NWNE	7.8						
T04N R05W S19		NESW	33.4	Lot 9	(NWSW)	31.5	Lot 10	(SWSW)	35.6	SESE	35.4	
		SWSE	37.4		SESE	32.4						
S29	Lot 8	(NWNW)	3.4	Lot 7	(SWNW)	8.1	Lot 6	(NWSW)	24.6	Lot 5	(SWSW)	33.4
S30		NENE	15.2		NWNE	37.2		SWNE	40.0		SENE	11.3
		NENW	36.9	Lot 1	(NWNW)	34.1	Lot 2	(SWNW)	28.3		SENE	30.1
		NESW	21.1	Lot 3	(NWSW)	2.6		SESE	1.4		NESE	21.6
		NWSE	33.9		SWSE	31.2		SESE	32.1			
S31		NENE	17.0		NWNE	8.5		SENE	7.1			
S32		NESW	12.9		NWSW	13.2		SESE	32.6		SWSE	9.4
R06W S23		SENE	27.8		NESE	21.1						
S24	Lot 6	(SWNE)	13.4	Lot 4	(SWNW)	34.4	Lot 5	(SENE)	23.4		NESW	35.6
		NWSW	31.7		SWSW	24.7		SESE	35.7		NESE	8.1
		NWSE	7.2		SWSE	38.2		SESE	28.1			
S25		NENE	35.5		NWNE	14.4		SENE	3.9		NENW	1.8
2152.9 ACRES TOTAL												

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
2794.1 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 9779.4 AF.

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-04104

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OTHER PROVISIONS: (CONT)

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

DATED: Dec 12 1994


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

RULE 54(b) CERTIFICATE

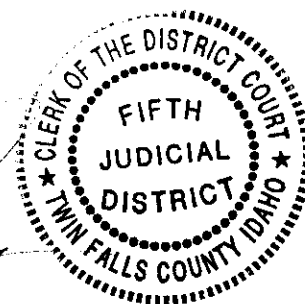
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: Dec 12 1994

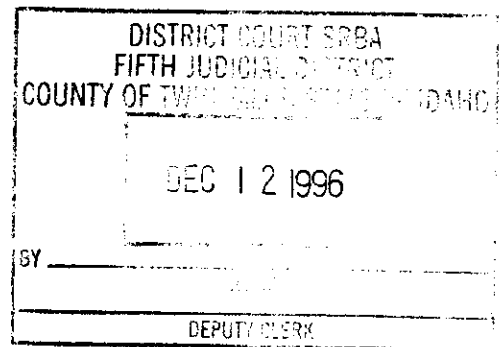

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-04104

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



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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

CERTIFICATE OF MAILING

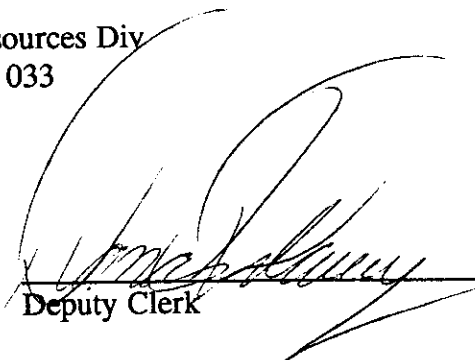
For Water Right 57-04104

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-04104* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-04104* was mailed on December ¹⁵~~12~~, 1996 with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Brad Flinders
PO Box 1565
Nyssa, OR 97913

U.S. Department of Justice
Environment & Natural Resources Div
550 West Fort Street, MSC 033
Boise, ID 83724


Deputy Clerk