

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

Important Information About Your Water Right

January 3, 2003

Earle G Foote
Patricia B Foote
HC 79 Box 52
Melba, ID 83641

RECEIVED

JAN - 6 2003

Department of Water Resources

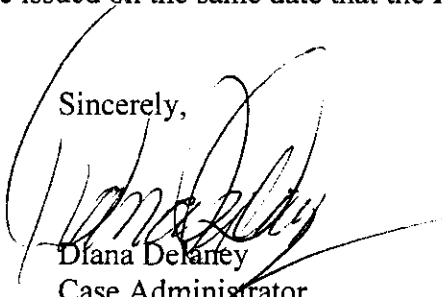
Dear Water Right Claimant(s):

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 57-2169. 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 the **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

2003 JAN 3 PM 4 41

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

	)	Water Right 57-2169	)
In Re SRBA	)		)
	)	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:

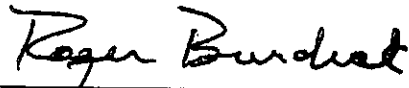
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 January 3, 2002.



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 1997 JUN 23 AM 11:21

Water Right 57-02169
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: EARLE G FOOTE
PATRICIA B FOOTE
HC 79 BOX 52
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS
472.5 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 57-00277, 02-07091, 02-02399
AND 02-02439 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
17.84 CFS.

PRIORITY DATE: 12/20/1939

POINT OF DIVERSION: T01S R02W S07 LOT 6 (SWSW)

Within Owyhee County

FIVE POINTS OF DIVERSION LOCATED IN T01S, R02W, S07, (SWSW)
GOVT LOT 6.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
1.00 CFS
472.5 AFY

PLACE OF USE:

IRRIGATION Within Owyhee County
T01S R02W S07 Lot 6 (SWSW) 10.0 SESW 30.0
S18 NENE 35.0 NWNE 30.0
105.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00277, 02-07091, 02-02399
AND 02-02439 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
892.0 ACRES IN A SINGLE IRRIGATION SEASON.

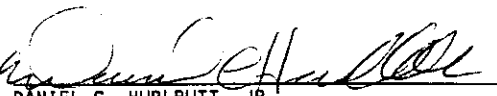
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS, TO THE EXTENT THEY ARE AVAILABLE, IN
CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.

THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE
SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD,
TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT
THE APPROVAL OF THE DEPARTMENT.

DATED:


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

RULE 54(b) CERTIFICATE

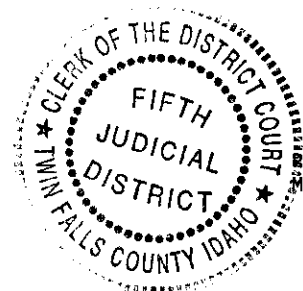
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-02169

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



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MAY-19-1997