

Important Information About Your Water Right

January 3, 2003

Gem Irrigation District
PO Box 67
Homedale, ID 83650

RECEIVED

JAN - 8 2003

Department of Water Resources

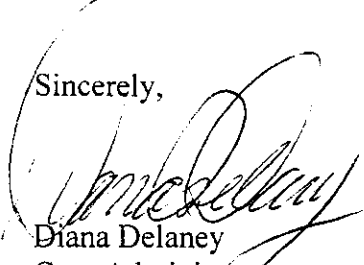
Dear Water Right Claimant(s):

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 57-10854. 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 November 18, 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

RECEIVED

JAN - 8 2003

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 3 PM 4 43

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 57-10854
	)	
	)	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 November 18, 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 at 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

RECEIVED

NOV 25 1997

Department of Water Resources
Adjudication Bureau

11-18
1997 NOV 18 AM 9:27

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

) ORDER MODIFYING SPECIAL
) MASTER'S REPORT AND ISSUING
) PARTIAL DECREE

) For Water Right 57-10854

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 I*, Section 13f, this court has reviewed the *Special Master's Report* and modifies them as follows:

The remark "Use of this right with right nos. 57-02118, 57-02177 & 57-04104 is limited to a total combined annual consumptive use volume of 9779.4 AF" is deleted.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, Section 13f, the court wholly **adopts** the remaining Findings of Fact and Conclusions of Law contained in the *Special Master's Report*.

Therefore, IT IS ORDERED that water right 57-10854 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 18, 1997.



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 18 AM 9:27
I.R.C.P. 54(b) FOR

Water Right 57-10854

DISTRICT COURT-S
TWIN FALLS, IDAHO
FILED

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

SOURCE: SUCCOR CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 30.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-10912 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 30 CFS.

PRIORITY DATE: 06/13/1906

POINT OF DIVERSION: T03N R05W S07 LOT 3 (SENWSW) Within Owyhee County

TWO POINTS OF DIVERSION LOCATED IN NWSW, LOT 3, S07, T03N,
R05W.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 30.00 CFS
-------------------------------	------------------------------	------------------------------------	-----------------------

PLACE OF USE:	IRRIGATION	Within Owyhee County
T03N R05W S04	Lot 3 (NWNW) 26.0	SWNW 16.0
S05	Lot 1 (NENE) 8.7	Lot 2 (NWNE) 32.5
	Lot 3 (NENW) 8.1	NESE 27.1
	SESE 24.7	
S07	NESE 3.7	SESE 8.2
S08	NENE 27.4	NWNE 9.5
	SENE 13.4	NESW 18.6
	NESE 39.5	NWSE 23.6
S09	SWNE 31.8	NENW 20.3
	SENE 40.2	NESW 39.7
	SESE 31.5	NESE 37.5
	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
	SWSE 37.4	SESE 32.4
S29	Lot 8 (NWNW) 3.4	Lot 7 (SWNW) 8.1
S30	NENE 15.2	NWNE 37.2
	NENW 36.9	Lot 1 (NWNW) 34.1
	NESW 21.1	Lot 2 (SWNW) 28.3
	NWSE 33.9	Lot 3 (NWSW) 2.6
S31	NENE 17.0	SWSE 31.2
S32	NESW 12.9	NWNE 8.5
R06W S23	SENE 27.8	NWSW 13.2
S24	Lot 6 (SWNE) 13.4	NESE 21.1
	NWSW 31.7	Lot 4 (SWNW) 34.4
	NWSE 7.2	SWSE 24.7
S25	NENE 35.5	SWSE 38.2
		NESE 28.1
		SENE 3.9
		NENW 1.8
	2152.9 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-04104 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
2794.1 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-10854

PAGE 1
DEC-5-1996

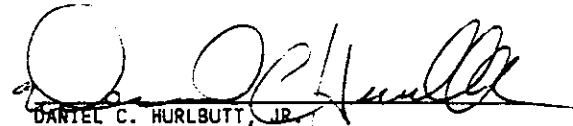
CONSUMPTIVE USE: (CONT)

~~USE OF THIS RIGHT WITH RIGHT NOS. 57-02418, 57-02177 &
57-04104 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:

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.

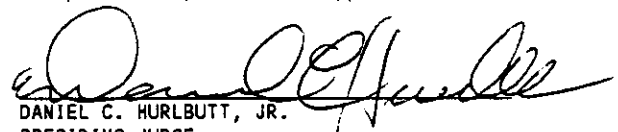
DATED: November 18, 1997


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: November 18, 1997


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