

## Important Information About Your Water Right

June 7, 2002

RECEIVED

JUN 11 2002

Allan H Banta  
Roberta Banta  
O box 491  
Arco, ID 83133

Department of Water Resources

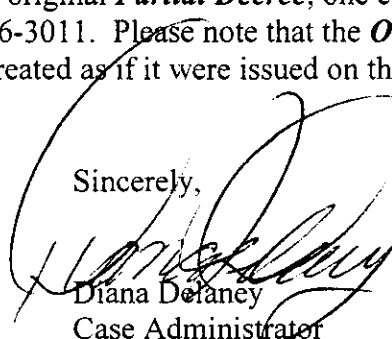
Dear Water Right Claimant(s):

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 34-424C. 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 March 30, 1998, 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

County of Twin Falls - State of Idaho

**JUN - 7 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**

|                       |   |                                                |
|-----------------------|---|------------------------------------------------|
|                       | ) | <b>Water Right 34-424C</b>                     |
| <b>In Re SRBA</b>     | ) |                                                |
|                       | ) |                                                |
|                       | ) | <b>ORDER AMENDING IRRIGATION PERIOD OF USE</b> |
|                       | ) | <b>ELEMENT IN PARTIAL DECREE and</b>           |
| <b>Case No. 39576</b> | ) | <b>INCORPORATING INTO PARTIAL DECREES AN</b>   |
|                       | ) | <b>EXPRESS STATEMENT REGARDING GENERAL</b>     |
|                       | ) | <b>PROVISIONS, <i>NUNC PRO TUNC</i></b>        |

A ***Partial Decree*** was entered for the above-captioned irrigation water right on March 30, 1998. 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 June 24, 1999, IDWR filed a *Supplemental Director’s Report, Reporting Area 1, IDWR Basin 34, 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: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

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 June 7, 2002.



\_\_\_\_\_  
ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

RECEIVED

APR - 1 1998

Department of Water Resources  
Adjudication Bureau

1998 MAR 30 PM 5:12

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 34-00424C and 34-00424D

)

On November 10, 1997, an *Amended Director's Report* was filed for water right 34-00424A recommending that it be split and decreed as water rights 34-00424C and 34-00424D.

Therefore, IT IS ORDERED that water rights 34-00424C and 34-00424D are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED March 30, 1998.



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 34-00424C

1998 MAR 30 PM 5:12  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME & ADDRESS: ALLAN H BANTA  
ROBERTA BANTA  
PO BOX 491  
ARCO ID 83213

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.51 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.95 CFS. COMBINED RIGHT NOS.:  
34-00790C, 34-00791C, 34-07045C, 34-10471C, 34-00235C

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T06N R26E S32

NWSENW

Within BUTTE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
Irrigation Season

QUANTITY  
0.51 CFS

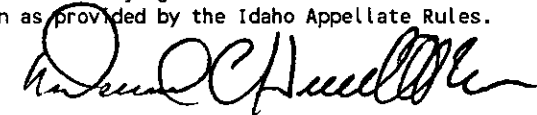
PLACE OF USE:

IRRIGATION Within BUTTE County  
T05N R26E S04 Lot 3 (NENW)35 Lot 4 (NWNW)49  
S05 Lot 1 (NENE) 5  
89 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25.5 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 89 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00790C, 34-00791C,  
34-07045C, 34-10471C AND 34-00235C.

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.



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