

Important Information About Your Water Right

June 27, 2002

Orville E Smith
Jennie M Smith
3897 W 3700 N
Moore, ID 83255

RECEIVED

JUL - 1 2002

Department of Water Resources

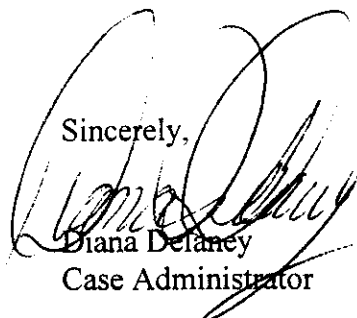
Dear Water Right Claimant(s):

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 34-2477B. 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 February 5, 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

2002 JUN 27 PM 2:09

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	)	Water Right 34-2477B
	)	
	)	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 February 5, 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: 04-01 to 11-01

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 27, 2002.

A handwritten signature in cursive script, reading "Roger Burdick", is written over a horizontal line.

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

1998 FEB 25 AM 8:29

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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 34-02477B
_____	)	

On October 23, 1997, 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 13f, 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 34-02477B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 25, 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 34-02477B

1998 FEB 25 AM 8:29

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ORVILLE E SMITH
JENNIE M SMITH
3897 W 3700 N
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-12363B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.0 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 700.0 AF.

THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.21 CFS.
COMBINED RIGHT NOS.: 34-02455A, 34-12363B, 34-02477C AND
34-12363A.

PRIORITY DATE: 06/13/1966

POINT OF DIVERSION: T06N R24E S02 NENWSE Within CUSTER County
SESWE (INJECTION)
T07N R24E S33 NWSWE (REDIVERSION)

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING
WATER DIVERTED UNDER THIS RIGHT INTO THE BIG LOST RIVER AT THE
POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL
AMOUNT AT THE UPSTREAM POINT OF REDIVERSION DESCRIBED ABOVE.

THE AMOUNT OF WATER DIVERTED FROM THE BIG LOST RIVER SHALL BE
REDUCED WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF
WATER FROM THE BIG LOST RIVER DOWNSTREAM FROM THE POINT OF
REDIVERSION.

TWO POINTS OF DIVERSION LOCATED IN T06N, R24E, S02, NENWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.00 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County		
	T06N R25E S27	SWNW 13	NESW 18	NWSW 36
		SESW 38	SWSE 13	
	S28	SENE 15	NESE 39	SESE 39
	250 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 124 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 34-12363B AND 34-00198B IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 250 ACRES IN A
SINGLE IRRIGATION SEASON.

THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E,
S27, NESW IS LIMITED TO THE SOUTH HALF OF THAT QUARTER-QUARTER
SECTION.

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

1998 FEB 25 PM 02:00
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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 34-02477B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-02477B was mailed
on February 25, 1998, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

USDI BLM
Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
02/25/98

ORVILLE SMITH
JENNIE MARIE SMITH
3897 W 3700 N
MOORE, ID 83255
Phone: 208-588-2552

ORVILLE SMITH
JENNIE MARIE SMITH
3897 W 3700 N
MOORE,, ID 83255

DIANA DELANEY
Chief Deputy Clerk