

## Important Information About Your Water Right

June 27, 2002

Phillip D Scott  
Sandra K Scott  
7244 Portneuf  
Pocatello, ID 83204

RECEIVED

JUL - 1 2002

Department of Water Resources

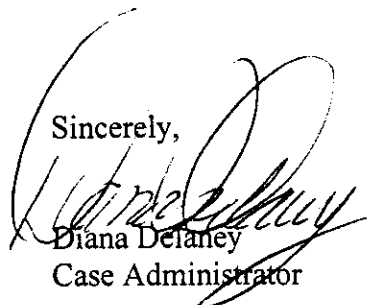
Dear Water Right Claimant(s):

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 34-10292. 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

272 JUN 27 PM 2:09

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
CLERK

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

|                       |   |                                                |
|-----------------------|---|------------------------------------------------|
| <b>In Re SRBA</b>     | ) | <b>Water Right 34-10292</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 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:                      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 27, 2002.



ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

1998 FEB -5 AM 9:00  
DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO  
CLERK

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

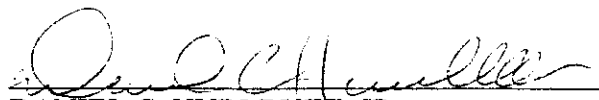
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE  |
|                | ) |                          |
| Case No. 39576 | ) | For Water Right 34-10292 |
| _____          | ) |                          |

On December 19, 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 34-10292 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 5, 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 34-10292

FILED - 5 11 9 23  
DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

NAME & ADDRESS: PHILLIP D SCOTT  
SANDRA K SCOTT  
7244 PORTNEUF  
POCATELLO ID 83204

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 4.8 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 13.71 CFS.  
COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414,  
34-02503, 34-07027 AND 34-12053.

PRIORITY DATE: 06/10/1895

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE<br>IRRIGATION | PERIOD OF USE<br>Irrigation Season | QUANTITY<br>4.8 CFS |
|-------------------------------|------------------------------|------------------------------------|---------------------|
|-------------------------------|------------------------------|------------------------------------|---------------------|

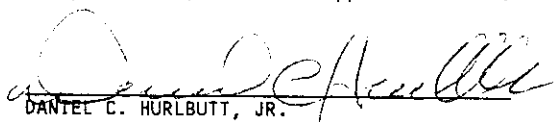
| PLACE OF USE: | IRRIGATION      | Within BUTTE County |           |         |
|---------------|-----------------|---------------------|-----------|---------|
|               | T05N R26E S07   | NESE 25             | SESE 6    |         |
|               | S08             | NWNW 10             | SWNW 37   | NESW 18 |
|               |                 | SWSW 40             | SESW 35   | NWSW 40 |
|               | S17             | NWNE 12             | SWNE 27   | NENW 40 |
|               |                 | SWNW 47             | SENW 28   | NWNW 44 |
|               |                 | NESE 5              | NWSE 40   | SESW 5  |
|               | S18             | NENE 32.4           | SENE 29.6 | SESE 20 |
|               | 588 ACRES TOTAL |                     |           |         |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 588 ACRES IN A SINGLE  
IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414,  
34-02503, 34-07027 AND 34-12053.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 05 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): 34-10292 |

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 34-10292 was mailed  
on February 05, 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  
02/05/98

PHILLIP D SCOTT  
SANDRA K SCOTT  
7244 PORTNEUF  
POCATELLO, ID 83204  
Phone: 208-235-1832

DIANA DELANEY  
Chief Deputy Clerk