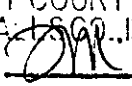


2002 MAY -1 PM 3:07

DISTRICT COURT-SRB
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	)	Subcase 35-02902
	)	(Mickelsen Properties LLC)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

Mickelsen Farms, Partnership, filed a *Notice of Claim to a Water Right* on August 7, 1989, claiming 4.36 cfs from groundwater to irrigate 320 acres from April 1 to November 1 with a priority date of April 19, 1956, based on a license. The Director of the Idaho Department of Water Resources filed his *Corrected Director's Report for Irrigation & Other Uses, Reporting Area 5, Part I, Volume One (IDWR Basin 35)* on July 10, 1998. The Director recommended claim 35-02902 as filed but for irrigation from April 1 to October 31.

The Twin Falls and North Side Canal Companies filed *Objections* on August 24, 1998, and June 2, 1999. However, on August 27, 2001, the Special Master entered an *Order Granting Respondents' Motions for Partial Summary Judgment* in consolidated subcases 35-07200 and 41-02016 dismissing the Canal Company *Objections*.

IDWR filed a *Notice of Completed Administrative Proceeding* on March 25, 2002, for changes in the point of diversion and place of use. IDWR recommended the claimant as Mickelsen Properties LLC, 1050 W. Riverview Drive, Idaho Falls, Idaho 83401.

Conclusions of Law

Mickelsen Properties LLC is entitled to a partial decree adjudicating a water right under claim 35-02902 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 35-02902*.

DATED May 1, 2002.



TERRENCE A. DOLAN
Special Master
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 35-02902

2002 MAY -1 PM 3:07
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 4.36 CFS
1280.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 5428 AF. COMBINED RIGHT NOS.:
35-02090A, 35-02661A, 35-02902, 35-04198, 35-07607, 35-13295.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22.49 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 6001 AF. COMBINED RIGHT NOS.:
35-02090A, 35-02661A, 35-02902, 35-04198, 35-07607, 35-13295,
35-13297.

PRIORITY DATE: 04/19/1956

POINT OF DIVERSION: T03N R36E S29 SENESW Within Bonneville County
S30 SESWSE
S31 SENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.36 CFS 1280.00 AFY

PLACE OF USE:	Irrigation		Within Bonneville County
	T02N R36E S06	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 36.0
		SESE 4.0	
	T03N R36E S28	NESW 40.0	NWSW 39.0
		SWSW 38.0	
	S29	NESW 40.0	NWSW 40.0
		SWSW 39.0	SESW 38.0
		NESE 40.0	NWSE 40.0
		SWSE 33.0	SESE 39.0
	S30	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 35.0
	S31	NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	S32	NENW 40.0	NWNW 37.0
		SWNW 40.0	SENW 40.0
		NESW 9.0	NWSW 9.0
	R38E S28	SESW 39.0	
	1513.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1513 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02090A, 35-02661A,
35-02902, 35-04198, 35-07607, 35-13295, 35-13297.

PLACE OF USE (continued)

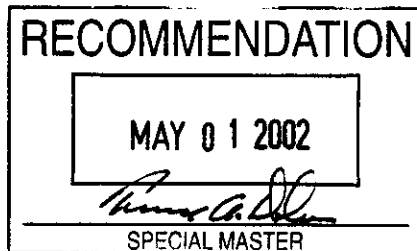
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1357 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02090A, 35-02661A, 35-02902, 35-04198, 35-07607, 35-13295.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY -1 PM 3:07

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

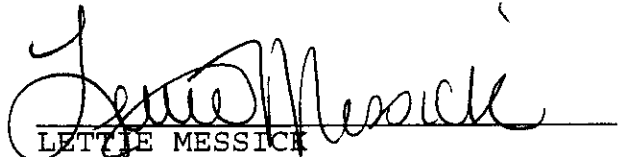
Water Right(s): 35-02902

On May 01, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 01, 2002.


LETTIE MESSICK
Deputy Clerk

2002 MAY -1 PM 3:07

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

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): 35-02902

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 01, 2002, with sufficient first-class postage prepaid to the following:

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

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DIST.
BINGHAM GROUND WATER DISTRICT
MICKELSEN PROPERTIES LLC
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

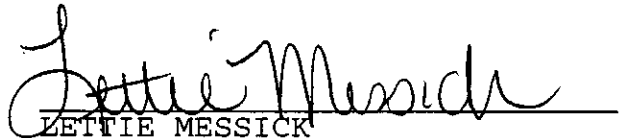
PAGE 1
05/01/02

FREMONT-MADISON IRR DIST

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449


LETTIE MESSICK
Deputy Clerk