

OCT - 2 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

In Re SRBA

) Subcase 35-13295
)

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**
) **TO CORRECT CLERICAL ERROR; I.R.C.P.**
) **60(a)**
)

On July 12, 2002, a *Partial Decree* was issued for the above-captioned water right. On March 25, 2002, the Idaho Department of Water Resources issued a *Notice of Completed Administrative Proceeding* (NCAP), together with an *Amended Director's Report*, pursuant to a transfer proceeding. No Objections were filed to the *Amended Director's Report*. However, by reason of oversight or omission by Court personnel, the *Special Master's Report*, and subsequently the *Partial Decree*, contains a clerical error in the quantity and purpose of use elements, such error having been made in the process of incorporating the changes made in the *Amended Director's Report*. Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 35-13295 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 35-13295*.

This order is being entered *nunc pro tunc* as of July 12, 2002, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

DATED: October 2, 2002

Roger S. Burdick

ROGER S. BURDICK
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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-13295

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 2 2002

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

SOURCE: GROUNDWATER

QUANTITY: 4.57 CFS
1600.00 AFY

By _____ Clerk

Deputy Clerk

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, 35-07607
35-04198 & 35-13295.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL 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: 04/12/1957

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	4.57 CFS 1600.00 AFY

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

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, 35-07607 35-04198 & 35-13295.

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 400 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. 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.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2002

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

RE: Transfer #68931 for water right(s) 35-2902, 35-13295, 35-13297
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Mickelsen:

On October 23, 2001, the Idaho Department of Water Resources (IDWR) approved Transfer #68931, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

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 Rights: 35-2902, 35-13295,
35-13297

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **68931**

☒ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Feb 26, 2002

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 22, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY FEREDAY
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

JOHN SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701

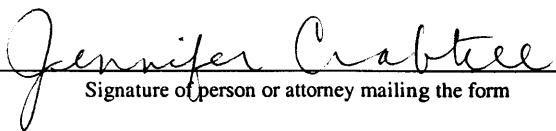
JERRY RIGBY
PO BOX 250
REXBURG ID 83440

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

WATER RIGHT NO. 35-13295
As Modified by Transfer No. 68931

In accordance with the approval of Transfer No. 68931, Water Right No. 35-13295 is now described as follows.

Right Holder: MICKELSEN PROPERTIES LLC
 1050 W RIVERVIEW DR
 IDAHO FALLS ID 83401

Priority Date: 04/12/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.57 CFS	1600.0 AF
			4.57 CFS	1600.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 29	Twp 03N	Rge 36E	BONNEVILLE County
GROUND WATER	SESWSE	Sec. 30	Twp 03N	Rge 36E	BONNEVILLE County
GROUND WATER	SENESE	Sec. 31	Twp 03N	Rge 36E	BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	36E	6	40.0	40.0	40.0	40.0									40.0	36.0		4.0	240.0
03N	36E	28									40.0	39.0	38.0	39.0					156.0
03N	36E	29									40.0	40.0	39.0	38.0	40.0	40.0	33.0	39.0	309.0
03N	36E	30	40.0	40.0	40.0	40.0									40.0	40.0	40.0	35.0	315.0
03N	36E	31	39.0	40.0	40.0	40.0									40.0	40.0	40.0	39.0	318.0
03N	36E	32					40.0	37.0	40.0	40.0	9.0	9.0							175.0

Total Acres: 1513

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-13295 is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 35-13295
As Modified by Transfer No. 68931

CONDITIONS OF APPROVAL

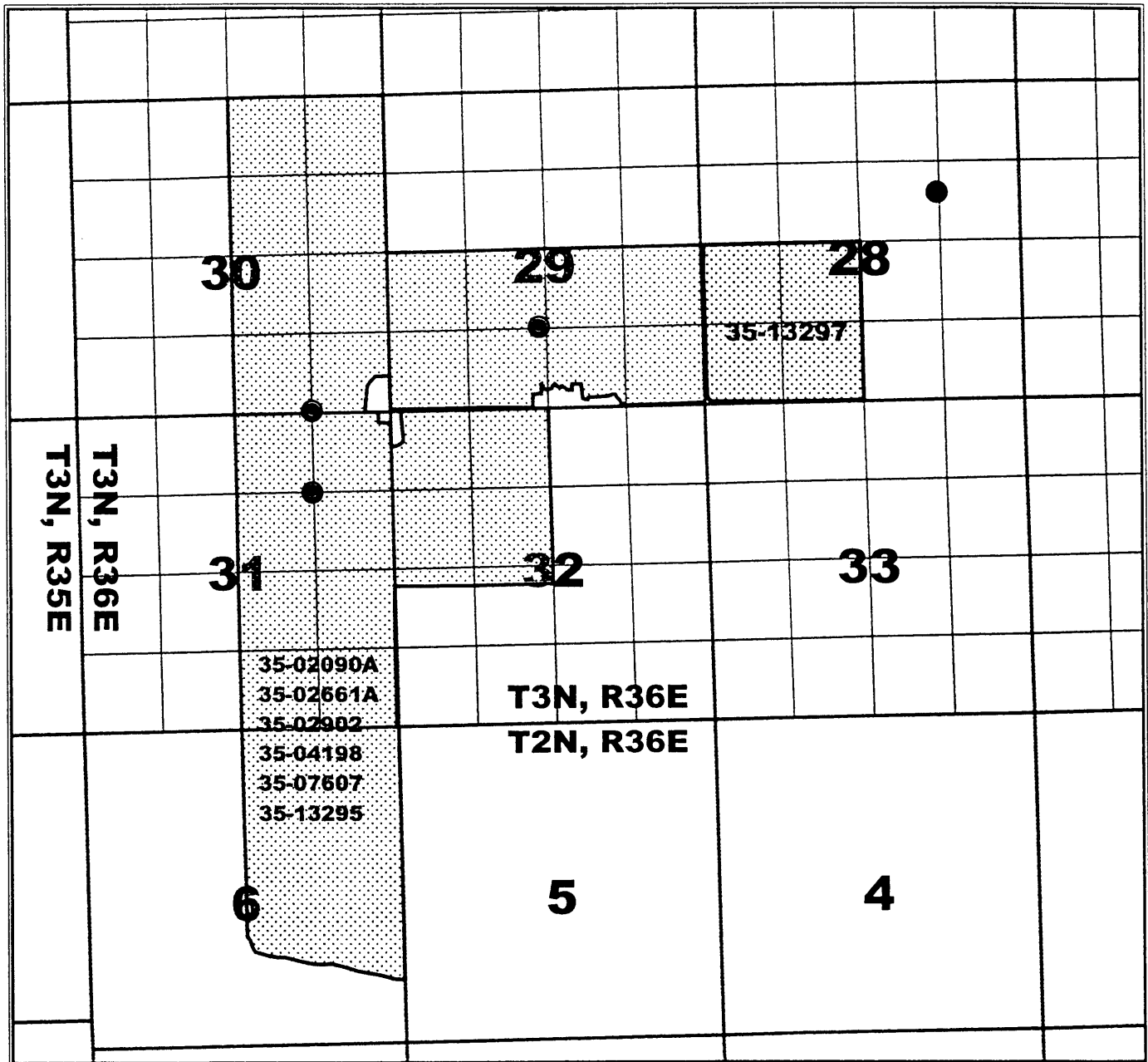
4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of October, 2001


Chief, Water Allocation Bureau

Mickelsen Farms Partnership Transfer Before Change



● ● POD Associated with each POU



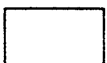
POU for original PPU



Section Lines



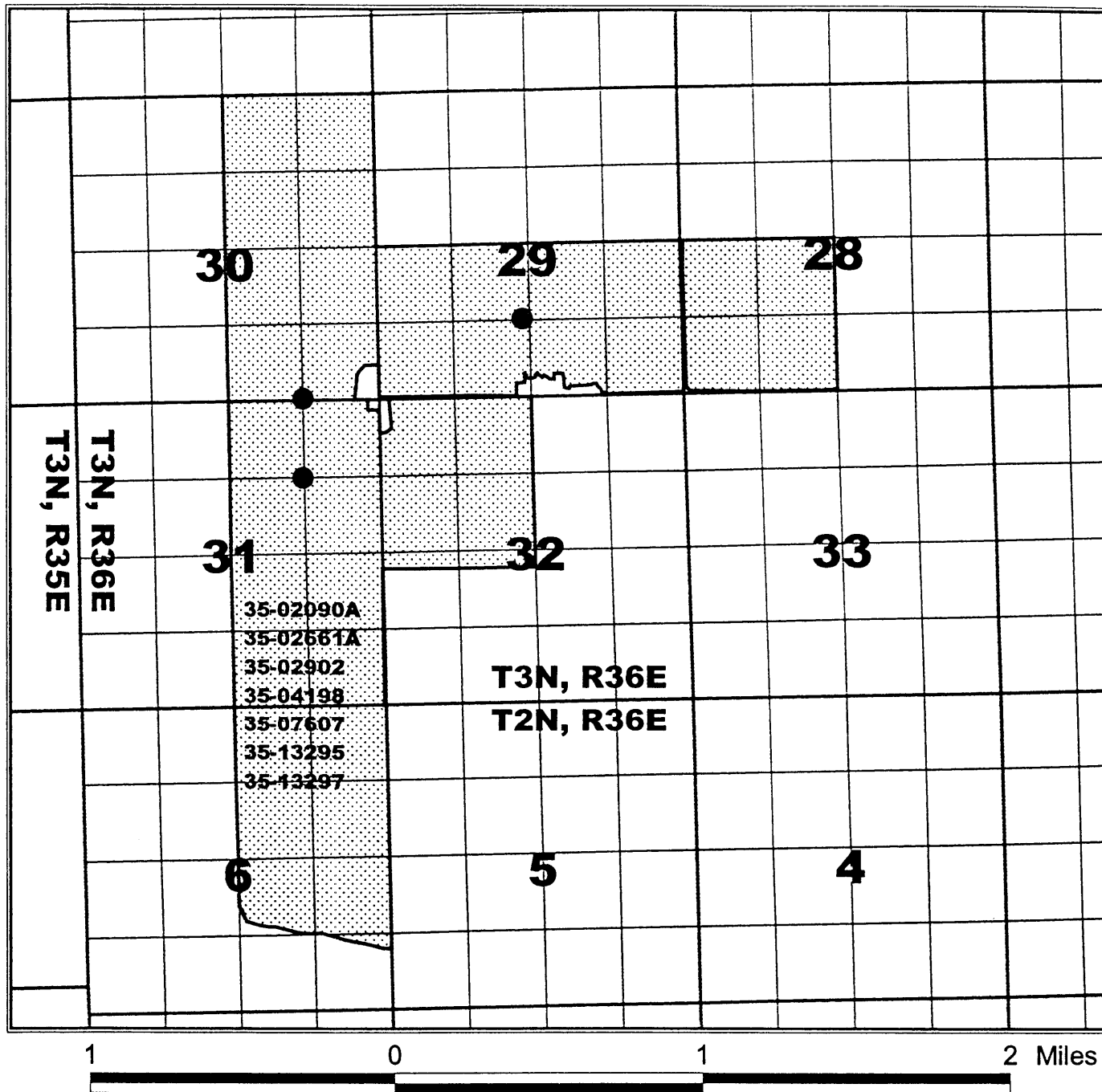
POU for Right to be Transferred



Quarter Quarter Lines

1987 NAAP Photography

Mickelsen Farms Partnership Transfer After Change



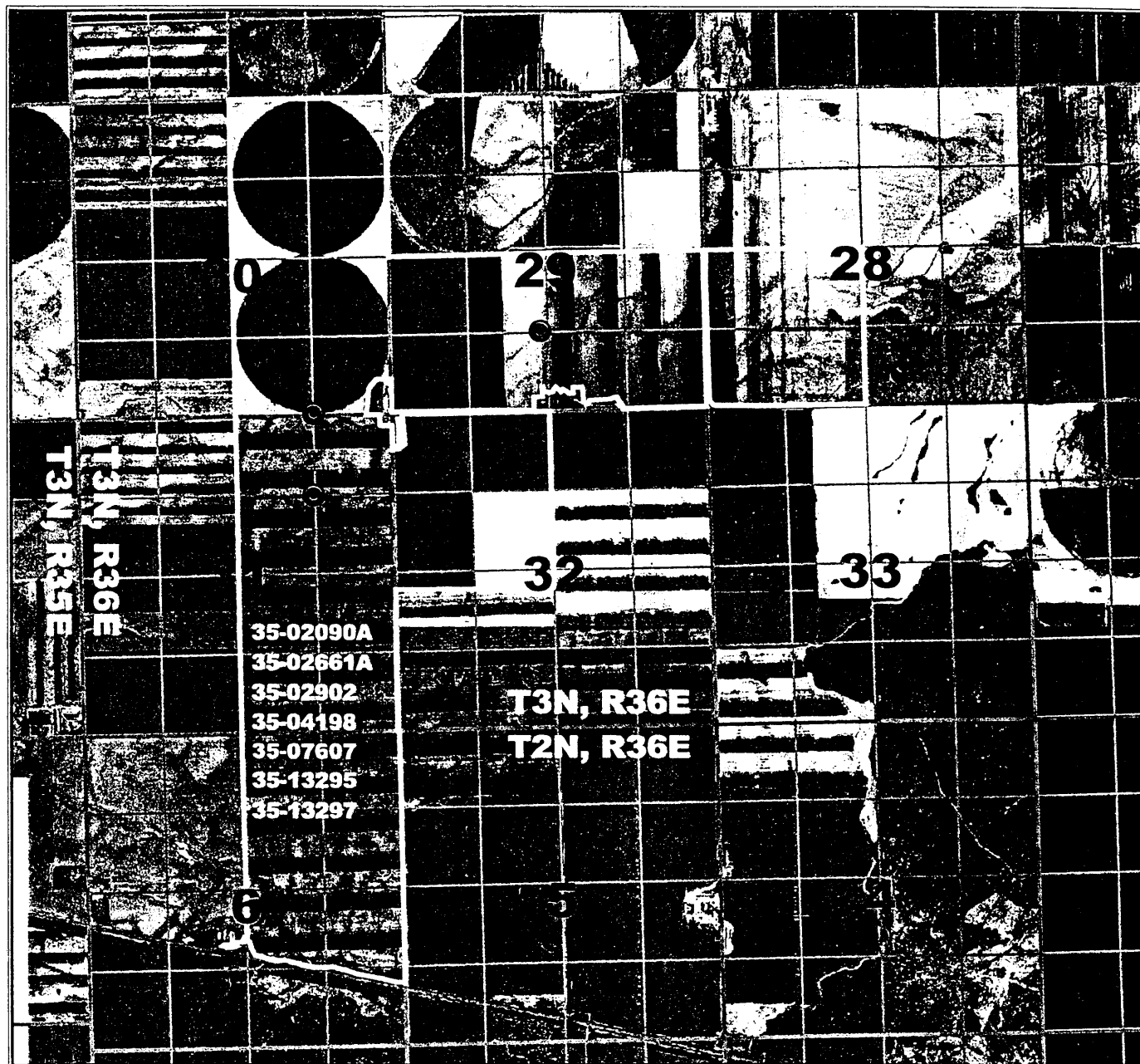
Total Irrigated Acres: 1513

Permissible Place of Use

- Point of Diversion
- Section Lines
- Quarter Quarter Lines
- ▨ Place of Use

1987 NAAP Photography

Mickelsen Farms Partnership Transfer After Change



1 0 1 2 Miles

Total Irrigated Acres: 1513

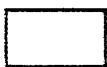
Permissible Place of Use



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 NAAP Photography