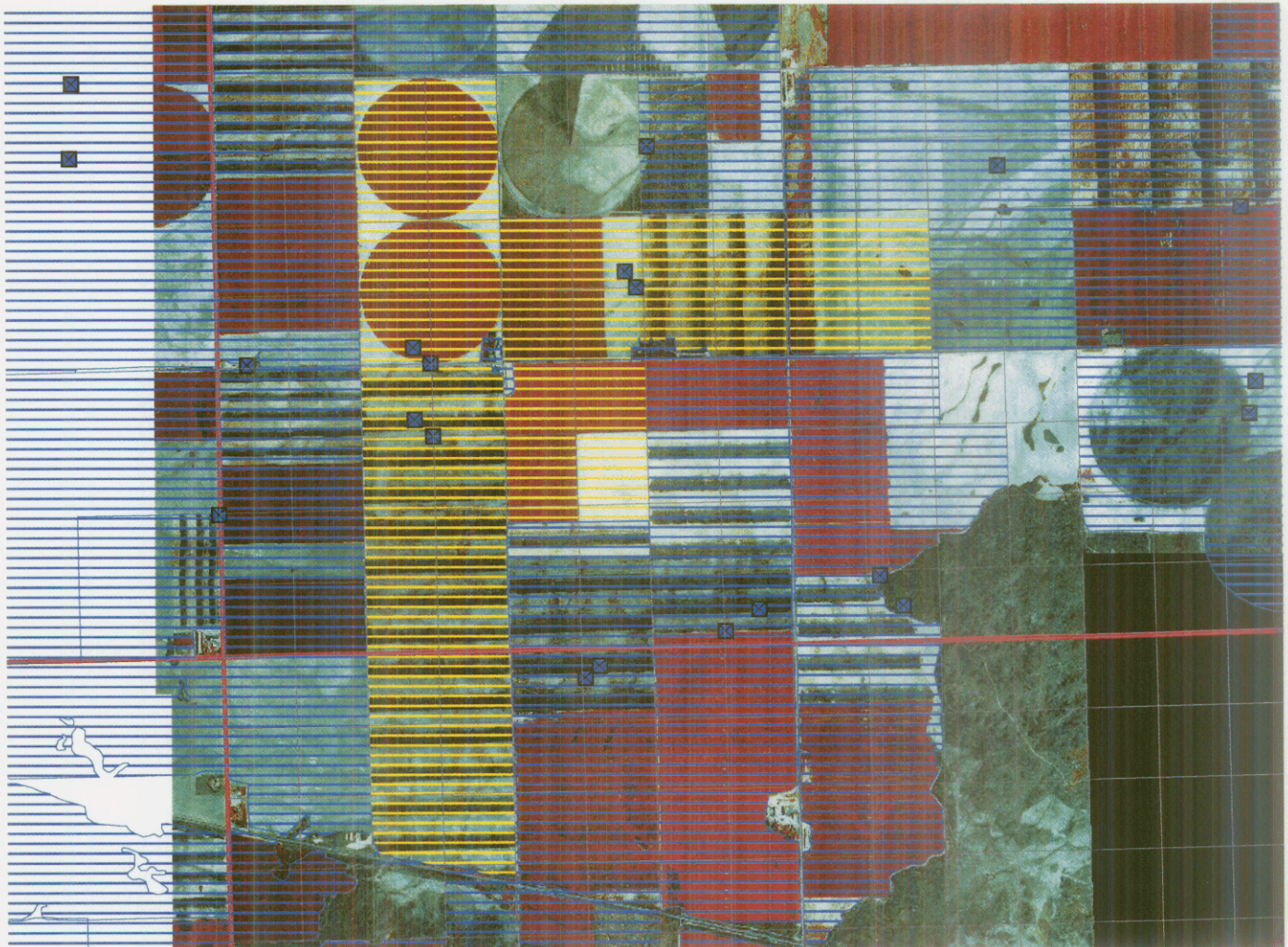


35-13295



0.5 0 0.5 1 Miles

-  GCDBT03N36E.shp
-  GCDBT02N36E.shp
-  POD - AJ RecRecommendation POD
-  POU-RecRecommendation POU
-  Townships



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13295

2002 JUL 12 PM 4: 17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 4.57 CFS
5428.00 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, 35-07607
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 5428.00 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		SESW 39.0
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
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
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 12 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-13295

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 35-13295 was mailed
on July 12, 2002, with sufficient first-class postage prepaid
to the following:

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

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS, ID 83401

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/12/02

RECEIVED

JUL 16 2002

Department of Water Resources

2002 JUL 12 PM 4:17

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

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 35-13295
)

On May 20, 2002, 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 35-13295 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 12, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

02/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13295 MODIFIED PER TRANSFER 68931
NAME AND ADDRESS: MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

A3513295



SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.570 CFS
1,600.00 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, 31-13295.
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: 04/12/1957

POINT OF
DIVERSION:

T03N R36E S29 SENESW Within BONNEVILLE County
T03N R36E S30 SESWSE Within BONNEVILLE County
T03N R36E S31 SENWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.570 CFS <u>1,600.00 AFY</u>

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R36E S06	NENE	40.0	T02N R36E S06	NWNE	40.0
T02N R36E S06	SWNE	40.0	T02N R36E S06	SENE	40.0
T02N R36E S06	NESE	40.0	T02N R36E S06	NWSE	36.0
T02N R36E S06	SESE	4.0	T03N R36E S28	NESW	40.0
T03N R36E S28	NWSW	39.0	T03N R36E S28	SWSW	38.0
T03N R36E S28	SESW	39.0	T03N R36E S29	NESW	40.0
T03N R36E S29	NWSW	40.0	T03N R36E S29	SWSW	39.0
T03N R36E S29	SESW	38.0	T03N R36E S29	NESE	40.0
T03N R36E S29	NWSE	40.0	T03N R36E S29	SWSE	33.0
T03N R36E S29	SESE	39.0	T03N R36E S30	NENE	40.0
T03N R36E S30	NWNE	40.0	T03N R36E S30	SWNE	40.0
T03N R36E S30	SENE	40.0	T03N R36E S30	NESE	40.0
T03N R36E S30	NWSE	40.0	T03N R36E S30	SWSE	40.0
T03N R36E S30	SESE	35.0	T03N R36E S31	NENE	39.0
T03N R36E S31	NWNE	40.0	T03N R36E S31	SWNE	40.0
T03N R36E S31	SENE	40.0	T03N R36E S31	NESE	40.0
T03N R36E S31	NWSE	40.0	T03N R36E S31	SWSE	40.0
T03N R36E S31	SESE	39.0	T03N R36E S32	NENW	40.0
T03N R36E S32	NWNW	37.0	T03N R36E S32	SWNW	40.0
T03N R36E S32	SENW	40.0	T03N R36E S32	NESW	9.0
T03N R36E S32	NWSW	9.0			

02/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

1513 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, 35-7607, 35-13295, 35-13297

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, 35-4198, 35-07607, 35-13295

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 400 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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-02090A, 35-02661A, 35-02902, 35-07607, 35-04198, 35-13295, 35-13296, 35-13297

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-02500B.

The right holder shall accomplish the change authorized by transfer 68931 by Oct 23, 2002.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.