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DEPARTMENT OF
WATER RESOURCES

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 No. 21-04094
)
) Standard Form 5
Case No. 39576)
)
) STIPULATED ELEMENTS
) OF A WATER RIGHT

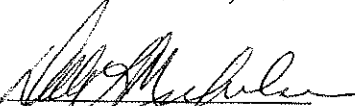
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

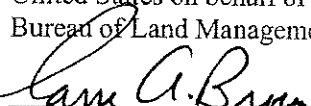
Mickelsen 7 Ranch, LLP


Dale L. Mickelsen
Partner

10-26-06
Date

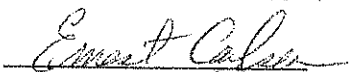
OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown *Fwp*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

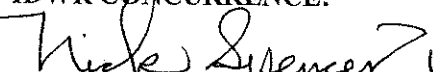
10/31/06
Date

IDWR CONCURRENCE:


Ernest Carlson
Water Resource Program Manager

10-18-06
Date

IDWR CONCURRENCE:


Nicholas B. Spencer (as to form)
Deputy Attorney General

10-19-06
Date

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

RIGHT NUMBER: 21-4094

NAME AND ADDRESS: MICKELSEN 7 RANCH
5057 N 5TH W
IDAHO FALLS ID 83401

SOURCE: BOOTJACK CREEK TRIBUTARY: SAWTELL CREEK

QUANTITY: 8.460 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/21/1925

POINT OF DIVERSION: T14N R43E S2 NWNWNW Lot 4 Within FREMONT County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	5/01 10/01	8.460 CFS
STOCKWATER	5/01 11/01	0.130 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

~~T14N~~	~~R43E~~	~~S02~~	~~Lot 3~~	~~NENW~~	~~1.10~~
T14N	R43E	S02	Lot 4	NWNW	20.00
T14N	R43E	S02		SWNW	15.00
T14N	R43E	S02		SENW	17.00
T14N	R43E	S02		NESW	40.00
T14N	R43E	S02		NWSW	15.00
T14N	R43E	S02		SWSW	15.00
T14N	R43E	S02		SESW	40.00
T14N	R43E	S02		NESE	4.80
T14N	R43E	S02		NWSE	31.00
T14N	R43E	S02		SWSE	40.00
T14N	R43E	S02		SESE	37.00
T14N	R43E	S11		NENE	40.00
T14N	R43E	S11		NWNE	40.00
T14N	R43E	S11		SWNE	26.00
T14N	R43E	S11		SENE	34.00
T14N	R43E	S11		NENW	36.00
T14N	R43E	S11		NWNW	6.80
T14N	R43E	S11		SENW	3.70

STOCKWATER same as IRRIGATION

~~462.4~~ 461.3 ACRES TOTAL

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FWP
DM

gmc
NBS

LAB

CERTIFICATE OF MAILING

I certify that on Oct. 31, 2006 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Mickelsen 7 Ranch, LLP
c/o Dale L. Mickelsen
5249 N Fifth W
Idaho Falls, Idaho 83401-5639


Signature of person or attorney mailing the form