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APR 24 2007
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

Case No. 39576

) Subcase No. 21-2166
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)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

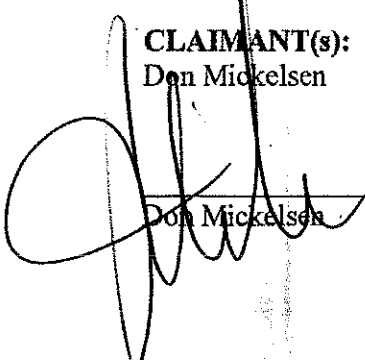
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

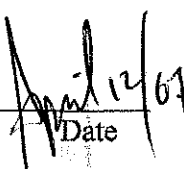
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

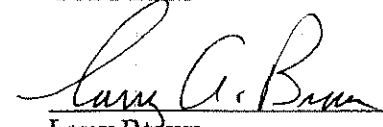
Don Mickelsen


Don Mickelsen


Date

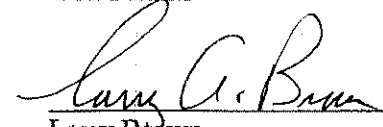
OBJECTOR(s):

USDI-BLM


Larry Brown

Attorney 

United States Dept of Justice


Date

STANDARD FORM 5 - 21-2166

IDWR Concurrence:

Ernie Carlsen 3-29-07
Ernie Carlsen Date
IDWR Adjudication Supervisor

Nicholas B. Spencer 3-30-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

STANDARD FORM 5 - 21-2166

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

RIGHT NUMBER: 21-2166

NAME AND ADDRESS:

DON MICKELSEN
1260 TWIN BUTTE RD
MENAN ID 83434-5118

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

3.760 CFS

658.000 AFY

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

PRIORITY DATE: 05/07/1951

POINT OF DIVERSION:

T06N R38E S34 NESENW
Within MADISON County

T06N R38E S34 SESENW
Within MADISON County

T06N R38E S34 NWSESW
Within MADISON County

T06N R38E S34 NESESE
Within MADISON County

Handwritten: JAS, HMC, TB, NBS, MB

~~T06N R38E S34 NENESW~~
~~Within MADISON County~~
~~T06N R38E S34 NESWGW~~
~~Within MADISON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

3.760 CFS

658.00 AFY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

IRRIGATION

within MADISON County

T06N R38E S34 NENE 38.0

T06N R38E S34 NWNE 25.0

T06N R38E S34 SWNE 40.0

T06N R38E S34 SENE 40.0

T06N R38E S34 NENW 11.0

T06N R38E S34 SWNW 31.0

T06N R38E S34 SENW 40.0

T06N R38E S34 NESW 36.0

T06N R38E S34 NWSW 26.0

T06N R38E S34 SWSW 9.1

~~T06N R38E S34 SESE 2.0~~

T06N R38E S34 NESE 40.0

T06N R38E S34 NWSE 31.0

T06N R38E S34 SESE 5.3

T06N R38E S35 NWNW 0.2

T06N R38E S35 SWNW 0.8

T06N R38E S35 NWSW 0.6

STOCKWATER Same As IRRIGATION

374 ACRES TOTAL ~~376 ACRES TOTAL~~

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

Use of this right with Right No. 21-4000 is limited to the irrigation of a combined total of 374 acres in a single irrigation season.

This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.

~~Use of this right with Right No. 21-4000 is limited to the irrigation of a combined total of 376 acres 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.

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 - License

SF5: 21-2166

[Handwritten signature]
[Handwritten signature]
NBS
MB

I certify that on Apr. 19, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

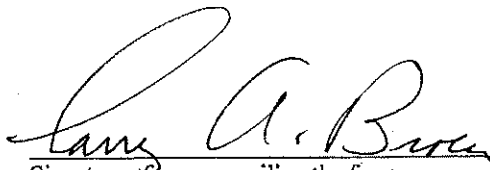
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI- BLM
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Don Mickelsen
1260 Iwin Butte Road
Menan, ID 83434

IDWR Repository
P.O. Box 83720
Boise, ID 83720


Signature of person mailing the form