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Documents
In File

Important Information About Your Water Right

April 3, 2002

David Mickelsen
Dixie Mickelsen
Matthew Mickelsen
Ramie Mickelsen
601B N Hwy 24
Rupert, ID 83350

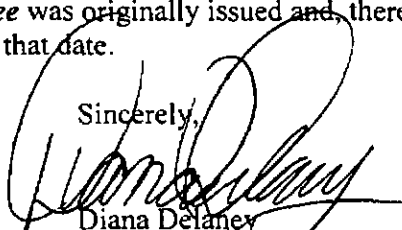
Dear Water Right Claimant(s):

This letter accompanies a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") issued for water right number 36-2109A. Following the issuance of the **Partial Decree** for water right 36-2109A, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owners of water rights 36-2109C, which represents a water right resulting from the split of water right 36-2109A. If you are not the current owners, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for water right 36-2109A. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for water right 36-2109A on March 3, 1998, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-2109A.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of the **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued and, therefore, does not supercede any administrative changes occurring after that date.

Sincerely,



Diana Delaney
Case Administrator

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OCT 07 2003

Important Information About Your Water Right

April 3, 2002

Terry D Miller
Jolene R Miller
1200 E 800 N
Rupert, ID 83350

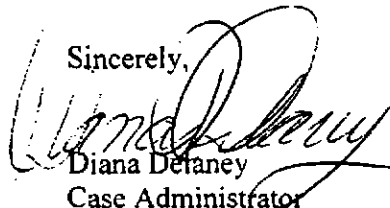
Dear Water Right Claimant(s):

This letter accompanies a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") issued for water right number 36-2109A. Following the issuance of the *Partial Decree* for water right 36-2109A, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water rights 36-2109D, which represents a water right resulting from the split of water right 36-2109A. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for water right 36-2109A. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order*, in combination with the *Partial Decree* that was issued for water right 36-2109A on March 3, 1998, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-2109A.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of this water right. The original of the *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued on the same date that the *Partial Decree* was originally issued and, therefore, does not supercede any administrative changes occurring after that date.

Sincerely,



Diana Defaney
Case Administrator

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OCT 07 2003

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 APR 3 AM 9 52

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	)	For Decreed Water Right 36-2109A
	)	(Split administratively into water rights 36-2109C and
	)	36-2109D)
Case No. 39576	)	
_____	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREE AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for water right 36-2109A ("decreed water right") on March 3, 1998. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR), the decreed water right was split into multiple water rights designated as 36-2109C and 36-2109D ("split water rights"). On August 2, 1999 IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included irrigation period of use recommendations for the split water rights.¹ There are no outstanding objections to IDWR's recommendations. The Court finds that IDWR's recommendations for irrigation period of use for the split water rights are based on the irrigation period of use for the decreed water right.

¹ Some or all of these split water rights may have again been split or affected by administrative proceedings following the issuance of the *Supplemental Director's Report*. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and addresses only those split rights that were contained in the *Supplemental Director's Report*. Administrative changes to the split rights, if any, that occurred following the issuance of the *Supplemental Director's Report* are not affected by this *Order* and are therefore not referenced.

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

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.

DATED: April 3, 2003.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

1998 MAR -2 PM 2: 47
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

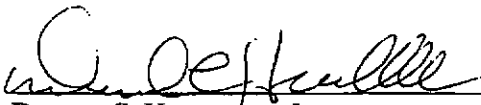
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-02109A
_____	)	

On November 28, 1998, 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 36-02109A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 2, 1998.



DANIEL C. HURLBUTT, JR.
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02109A

1998 MAR -2 PM 2: 47

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: DAVID MICKELSEN
DIXIE MICKELSEN
MATTHEW MICKELSEN
RAMIE MICKELSEN
601B N HWY 24
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.35 CFS

USE OF THIS RIGHT WITH 36-02447A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.36 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 136 AF.

PRIORITY DATE: 02/08/1951

POINT OF DIVERSION: T07S R25E S36 SENWNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.35 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County
	T07S R25E S36	NENW 5 SENW 29
	34 ACRES TOTAL	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 34 ACRES IN A
SINGLE IRRIGATION SEASON WITH COMBINED RIGHT NO. 36-02447A.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1998 MAR 03 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): 36-02109A

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 36-02109A was mailed
on March 03, 1998, with sufficient first-class postage prepaid
to the following:

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

DAVID MICKELSEN
DIXIE MICKELSEN
601B N HWY 24
RUPERT, ID 83350
Phone: 208-531-5597

MATTHEW MICKELSEN
RAMIE MICKELSEN
601B N HWY 24
RUPERT, ID 83350
Phone: 208-531-5597

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/03/98

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OCT 07 2003

MEMO

TO: Files X36-02105/02342/02538/07823, R36-02469C/02109A/02447A

FROM: Pam Skaggs²/State Office

SUBJECT: Transfer 5187

DATE: March 31, 1998

Transfer 5187 changes the point of diversion and place of use under a portion ✓
of Rights 36-02105, 36-02342, 36-02538, 36-07823 (split into Parts A & B),
36-02469C (split into Parts F & G), 36-02109A and 36-02447A (split into
Parts C & D).

These rights already contained limiting combined right conditions that were ✓
considered when the rights were split. Right 36-02447D overlapped with
Right 36-02109D including an additional 1.4 acres that when split for this
transfer provides minimal rate of diversion (0.006 cfs). The database
standard for cfs extends to the hundredths, but in order to record the
associated rate it was extended to the thousandth.

Right 36-02447 was adjusted to current volume standards. Recommended
conditions include drilling permit requirements, annual reporting, irrigation
overlap, permissible place of use, combined right limits and standard transfer
conditions.

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APR 15 1998

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OCT 07 2003