

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

OCT - 2 2002

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy Clerk

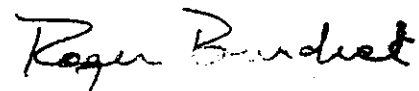
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                                                |                                 |                                                                                                                               |
|------------------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>In Re SRBA</b><br><br><b>Case No. 39576</b> | )<br>)<br>)<br>)<br>)<br>)<br>) | <b>Subcase 35-13295</b><br><br><b>ORDER OF PARTIAL DECREE<br/>       TO CORRECT CLERICAL ERROR; I.R.C.P.<br/>       60(a)</b> |
|------------------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------|

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: Oct 2 2002



\_\_\_\_\_  
 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

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

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

SOURCE: GROUNDWATER

QUANTITY: 4.57 CFS  
1600.00 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<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 4.57 CFS<br>1600.00 AFY |

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

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication