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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

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

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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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	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