

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84333

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Mickelsen Properties LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- * Completed Application for Transfer of Water Right form, Part 1.
- * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- #3 Documentation of authority to make the change if the applicant is not the water right owner.
- #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 18 2020
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Mickelsen Properties LLC Phone 208-709-1295
Mailing address PO Box 438, Rigby, ID 83442 Email sjwmick@gmail.com

- If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1.**
- Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a.**
- If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b.**
- Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3.**

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- Send all correspondence for this application to the representative and not to the applicant.
OR
- Send original correspondence to the applicant and copies to the representative.
- The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4.**

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature] _____ Stephanie Mickelsen CFO 8/18/20
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- 1. Change point of diversion Add diversion point(s) Change place of use
 Change nature of use Change period of use Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, attach an explanation and any supporting documentation labeled as **Part 1A.2.**

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3.**

We recently moved the pivot stops for a wiper pivot and picked up six additional irrigated acres. This application proposes to transfer in 6 acres of water right 31-12030 and combine the acres with water rights 31-12021, 31-12023, 31-12025, 31-12027, 31-12029 and 31-12031 to create a 78 acre place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
<input type="checkbox"/> All or <input checked="" type="checkbox"/> Part	31-12030	0.06 / 21.0	Irrigation	4/15 to 10/15	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12021	0.13 / 33.0	Irrigation	4/1 to 11/1	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12023	0.17 / 42.0	Irrigation	4/15 to 10/15	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12025	0.14 / 35.0	Irrigation	4/15 to 10/15	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12027	0.18 / 42.0	Irrigation	4/15 to 10/15	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12029	0.21 / 41.3	Irrigation	4/15 to 11/15	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	31-12031	0.23 / 53.2	Irrigation	4/15 to 10/15	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 1.12 cfs and/or 307.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5. *No ESPA analysis required. PODs in same model cell (R44, C177)*

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	2	SE	SW	NW	31	08N	38E	Fremont	Ground Water	WMIS #1000373

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE													
08N	38E	31								32	29	4	13						78
										L2			L3						
Total Acres (for irrigation use)																			78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing well (WMIS #1000373) is already regulated by Water District 110. It is a simple system, measured through PCC method. A flow meter is not required because we have an approved variance from IDWR.

b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water is being moved from a neighboring pivot that is part of the same property.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The north half of the pivot under water right 31-12030 has been dried up entirely (starting in 2020). The six acres being moved in the transfer are taken from the dried up acres. Dried up acres are in the same quarter-quarter as the acres being added in this transfer.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None.

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- undergone a period of five or more consecutive years of non-use,
- currently leased to the Water Supply Bank,
- currently used in a mitigation plan limiting the use of water under the right, or
- currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2020

8. 131 Prior to the diversion and use of water under Transfer approval 74450, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. X35 Rights 31-12021, 31-12023, 31-12025, 31-12027, 31-12029 and 31-12031 when combined shall not exceed the irrigation of 72 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2020

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9. X35 Rights 31-12021, 31-12023, 31-12025, 31-12027, 31-12029 and 31-12031 when combined shall not exceed the irrigation of 72 acres.
10. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2020

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2020

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

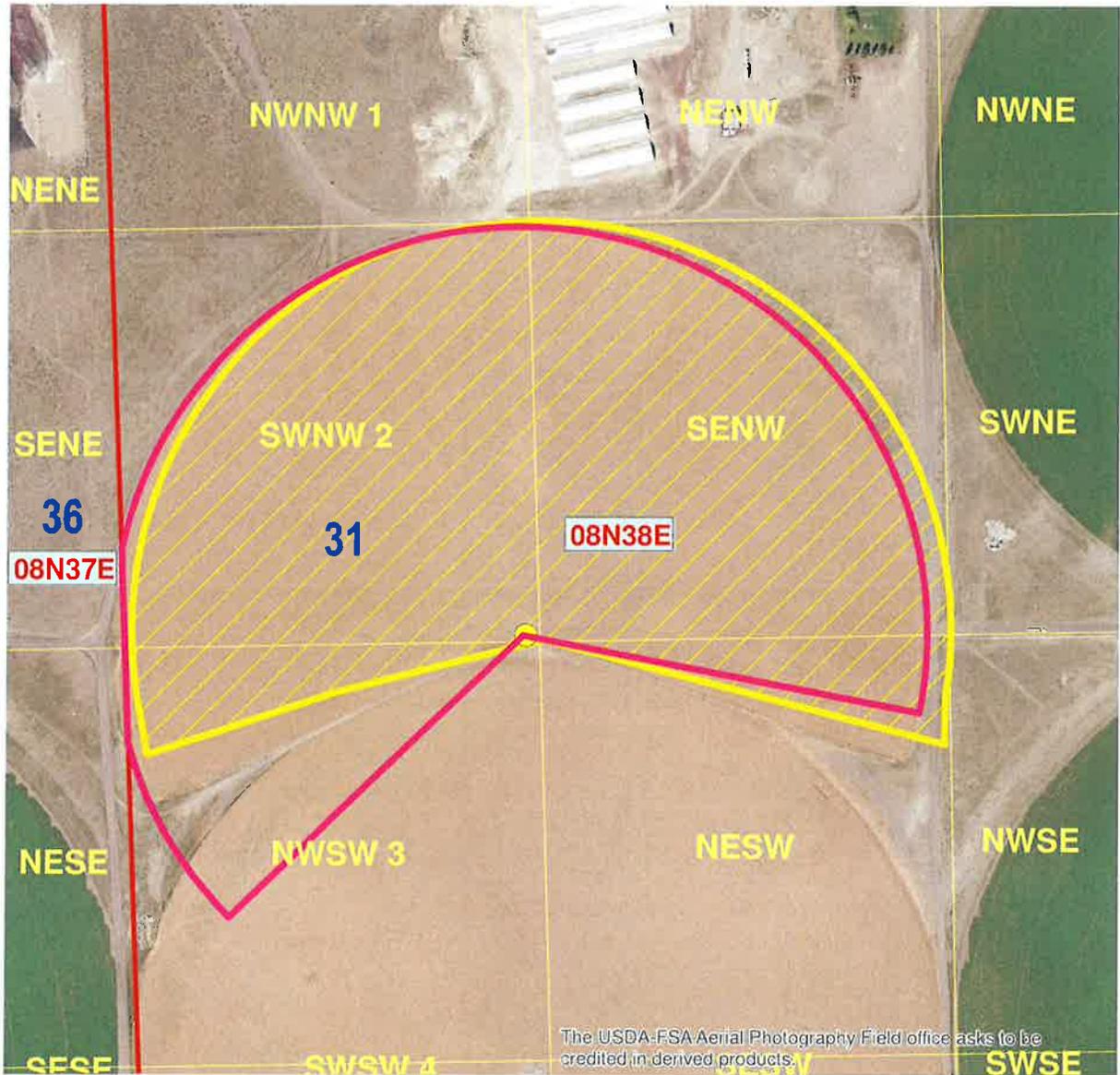
8/12/2020

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9. X35 Rights 31-12021, 31-12023, 31-12025, 31-12027, 31-12029 and 31-12031 when combined shall not exceed the irrigation of 72 acres.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/22/2002

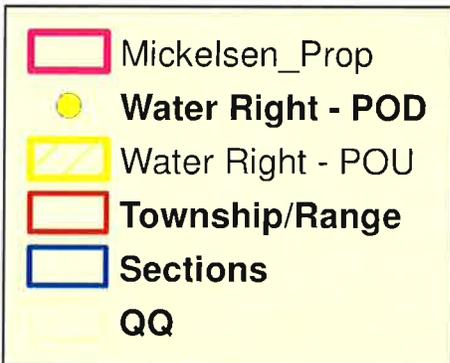
Proof Report

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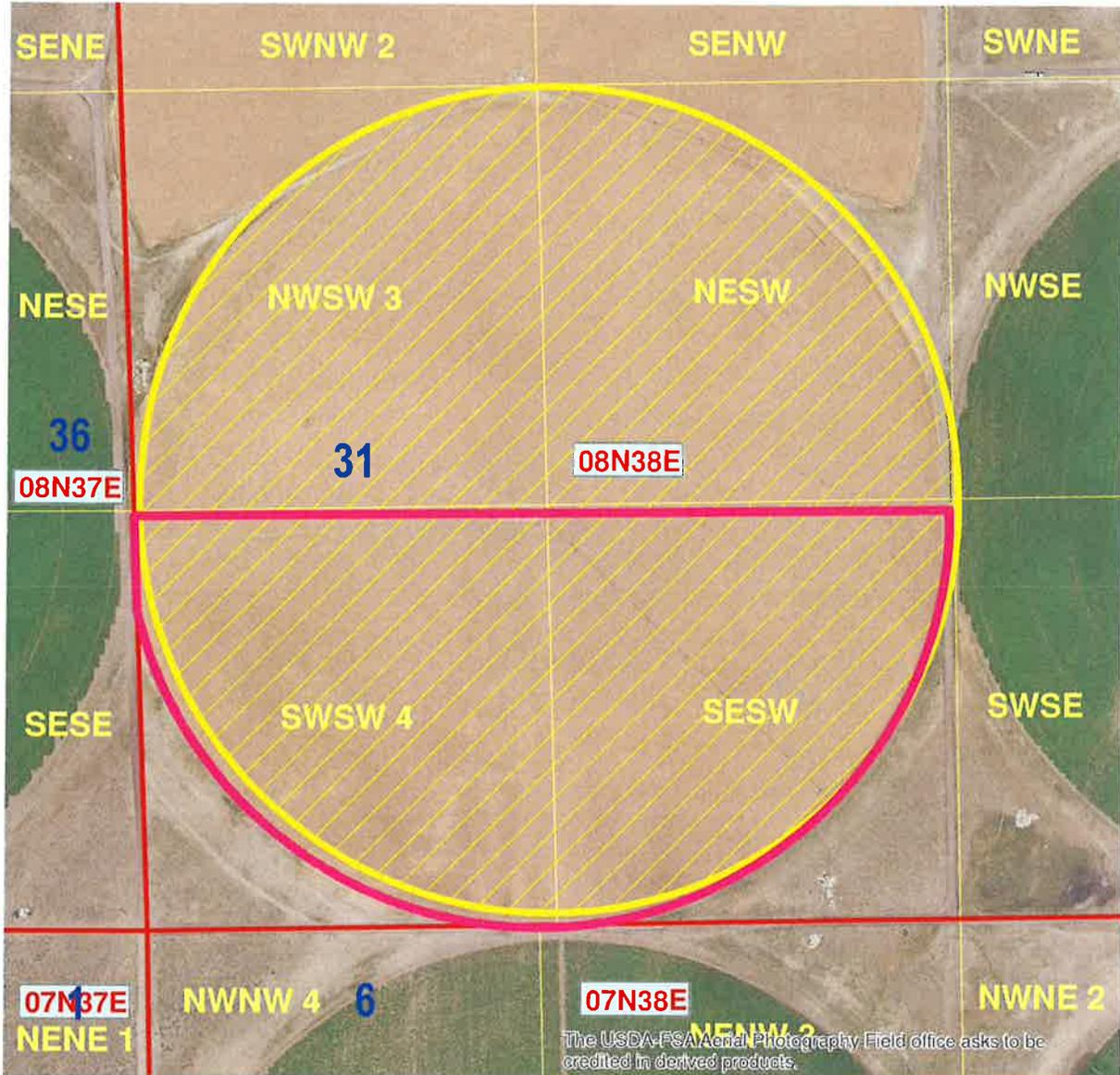
Application for Transfer - Mickelsen Properties Proposed Place of Use - 78 Acres



2013 Aerial Photo



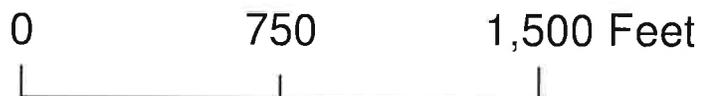
Application for Transfer - Mickelsen Properties WR 31-12030 Acres Remaining after Transfers



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2013 Aerial Photo

- Mickelsen_Prop
- Water Right - POU
- Township/Range
- Sections
- QQ





0003891147



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only
-FILED-
 File #: 0003891147
 Date Filed: 6/3/2020 12:44:06 PM

Entity Name and Mailing Address:
 Entity Name: MICKELSEN PROPERTIES, L.L.C.
 The file number of this entity on the records of the Idaho Secretary of State is: 0000051541
 Address: PO BOX 438
 RIGBY, ID 83442-0438

Entity Details:
 Entity Status: Active - Existing
 This entity is organized under the laws of: IDAHO
 If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W12414

The registered agent on record is:
 Registered Agent: MARK MICKELSEN
 Registered Agent
 Physical Address: 9088 N RIVER RD
 IDAHO FALLS, ID 83402
 Mailing Address:

Limited Liability Company Managers and Members

Name	Title	Business Address
Mickelsen, LLC	Manager	PO BOX 438 RIGBY, ID 83442

The annual report must be signed by an authorized signer of the entity.

Mark Mickelsen _____ 06/03/2020
 Sign Here _____ Date _____

Job Title: Managing Member

2020-06-03 12:44 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



0003928014



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only
-FILED-
 File #: 0003928014
 Date Filed: 7/3/2020 8:24:14 AM

Entity Name and Mailing Address:
 Entity Name: MICKELSEN LLC
 The file number of this entity on the records of the Idaho Secretary of State is: 0000622815
 Address: 9088 N RIVER RD
 IDAHO FALLS, ID 83402-5231

Entity Details:
 Entity Status: Active - Existing
 This entity is organized under the laws of: IDAHO
 If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W207177

The registered agent on record is:
 Registered Agent: STEPHANIE MICKELSEN
 Registered Agent
 Physical Address: 9088 N RIVER ROAD
 IDAHO FALLS, ID 83402
 Mailing Address

Agent or Address Change
 Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
Mark A Mickelsen	Manager	9088 N RIVER RD IDAHO FALLS, ID 83402

The annual report must be signed by an authorized signer of the entity.

Stephanie Mickelsen _____ *07/03/2020*
 Sign Here Date
 Job Title: CFO

DU022-1040 01/03/2020 0:24 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 9, 2020

MICKELSEN PROPERTIES LLC
PO BOX 438
RIGBY, ID 83442-0438

RE: Transfer No. 84332, 84333

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding this transfer.

A legal notice of the applications has been prepared and is scheduled for publication in the REXBURG STANDARD JOURNAL on 9/18/2020 and 9/25/2020. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

Please contact this office if you have any questions regarding the applications.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH Henman'.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 09, 2020 4:17 PM
To: STANDARD JOURNAL (legalnotices@postregister.com)
Subject: Legal Notices for Standard Journal
Attachments: 84332, 84333 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Transfer No. 84332, 84333
Water Right No(s). 31-11975, 31-12028, 31-12021, 31-12023, 31-12025, 31-12027, 31-12029, 31-12030, 31-12031

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/5/2020. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84332**

MICKELSEN PROPERTIES LLC, PO BOX 438, RIGBY, ID 83442-0438 has filed Application No. 84332 for changes to the following water rights within FREMONT County(s): Right No(s). 31-11975, 31-12028; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SESENW Sec 31 T8N R37E for 4.86 cfs from ground water. The proposed place of use is within Sec 6 T7N R37E and Sec 31 T8N R37E for 277.8 acres.

TRANSFER NO. 84333

MICKELSEN PROPERTIES LLC, PO BOX 438, RIGBY, ID 83442-0438 has filed Application No. 84333 for changes to the following water rights within FREMONT County(s): Right No(s). 31-12021, 31-12023, 31-12025, 31-12027, 31-12029, 31-12030, 31-12031; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in Lot 2 (SESWNW) Sec 31 T8N R38E for 1.12 cfs from ground water. The proposed place of use is within Sec 31 T8N R38E for 78 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 10/5/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/18/2020 and 9/25/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 09, 2020 10:33 AM
To: Jordan, Blake
Subject: Application for Transfer No. 84329, 84331, 84332, 84333
Attachments: RecommendationForm Transfer27.docx; RecommendationForm Transfer28.docx;
RecommendationForm Transfer29.docx; RecommendationForm Transfer30.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 DAYS of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 DAYS from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.