

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82559

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
JUL 24 2018

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
JUL 24 2018
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Mickelsen Properties LLC Phone 208-313-1295
Mailing address PO Box 438 Email mickelsenfarms@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 Mark Mickelsen Phone 208-313-1295
Mailing address PO Box 438 Email mickelsenfarms@gmail.com

- ☐ 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 of Applicant or Authorized Representative

Mark Mickelsen
Print Name and Title if applicable

26 July 2018
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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**.
Transferring 16.5 acres from water right #31-2427C that have been dried up from taking the end guns off of the pivots and transferring them to another 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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	31-2427C	0.28/57.8	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	31-4054	0.34/47.6	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.62 cfs and/or 105.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.62 cubic feet per second and/or 105.4 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**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	SW	15	07N	36E	Jefferson	Ground Water	A0000235

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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	36E	15									5.5	10.0	7.2	7.4					30.1
Total Acres (for irrigation use)																			30.1

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:

Groundwater well with a pump

- b. Who owns the property at the point(s) of diversion? Applicant - Mickelsen Properties LLC

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: _____

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:

16.5 acres dried up on other pivots from taking end guns off

- 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:

Irrigation: Water Right # 31-4054 (proposed POU) and Water Right # 31-2427C (existing POU)

- 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
Water Right Report

7/24/2018

WATER RIGHT NO. 31-2427C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICKELSEN PROPERTIES LLC PO BOX 438 RIGBY, ID 83442-0438 2087456626
Original Owner	STEVE M MORTENSEN 3445 TAYLOR VIEW IDAHO FALLS, ID 83406 2083573265
Original Owner	CAL-IDA INC 3445 TAYLOR VIEW NEWDALE, ID 83436
Original Owner	MAX C MORTENSEN 120 N 7 E ST ANTHONY, ID 83445 2086243379
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 03/29/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.46 CFS	910 AFA
Total Diversion			4.46 CFS	

82559

Location of Point(s) of Diversion:

GROUND WATER|NESENE|Sec. 28|Township 08N|Range 37E|FREMONT County
 GROUND WATER|NESESE|Sec. 28|Township 08N|Range 37E|FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	37E	27		NWNW	32.5		SWNW	32.5						
				NWSW	32.5		SWSW	32.5						
		28		NENE	32.5		SENE	32.5						
				NESE	32.5		SESE	32.5						

Total Acres: 260

Conditions of Approval:

1. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 214 Prior to the diversion and use of water under Transfer approval 81473, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 02/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

82559

Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 110

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/30/2018

WATER RIGHT NO. 31-4054

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICKELSEN PROPERTIES LLC PO BOX 438 RIGBY, ID 83442-0438 2087456626
Original Owner	WILMA WADE 2119 OLD BUTTE HWY HAMER, ID 83425 2086625443
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 04/02/1947

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.34 CFS	47.6 AFA
Total Diversion			0.34 CFS	

Location of Point(s) of Diversion:

--	--	--	--	--

82559

GROUND WATER|NENWSW|Sec. 15|Township 07N|Range 36E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	36E	15		NESW	3		NWSW	9.9		SWSW	0.7			

Total Acres: 13.6

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 214 Prior to the diversion and use of water under Transfer approval 76276, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 03/01/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

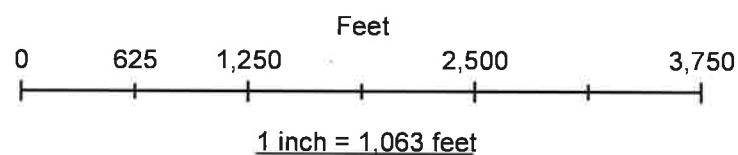
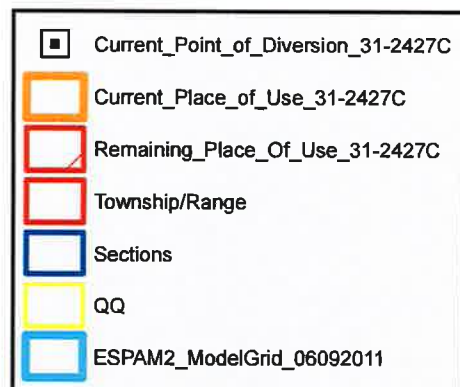
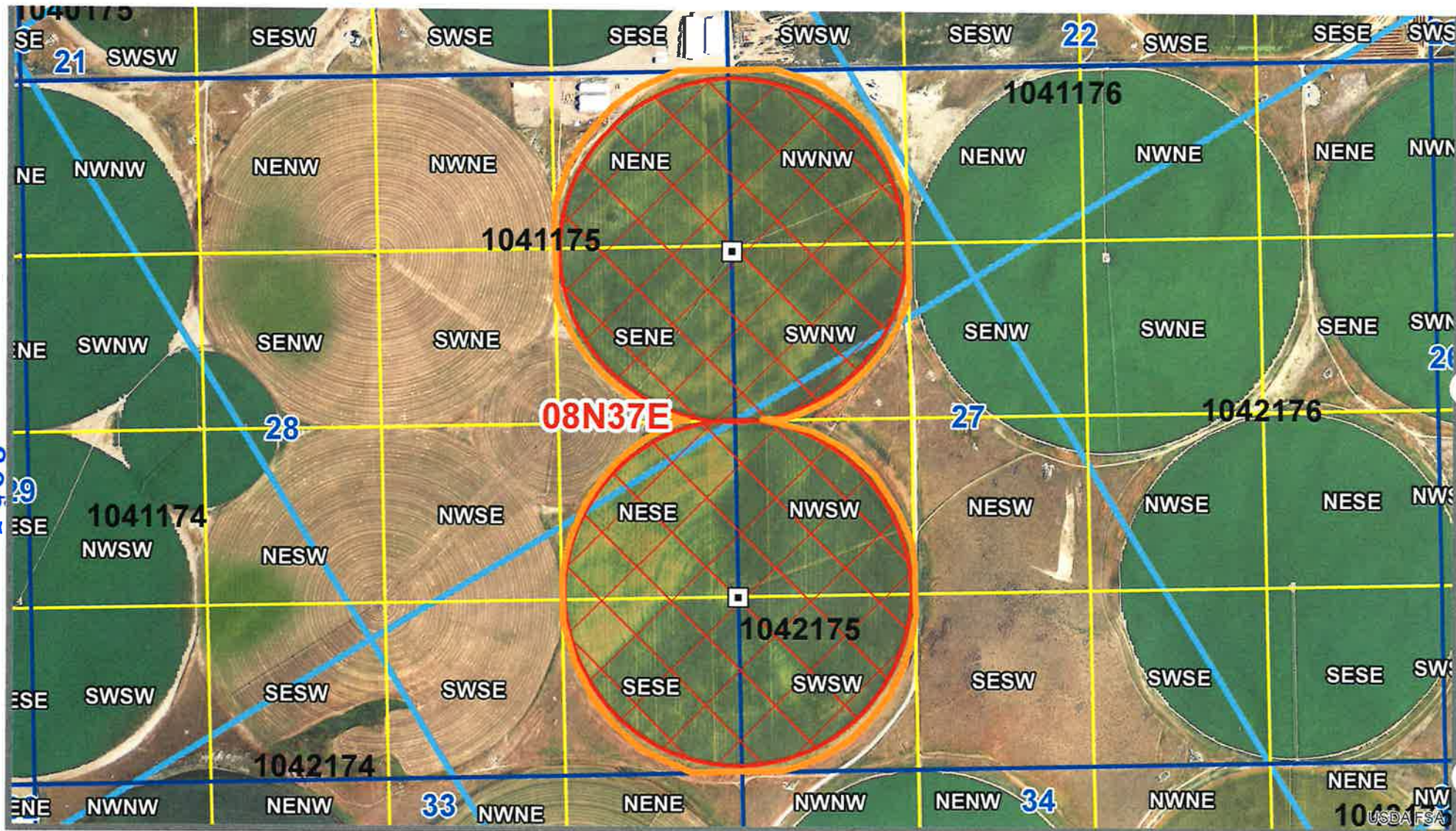
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Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 110
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit: 177.1
Combined Volume Limit: 619.8
Combined Rate Limit: 4.28
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

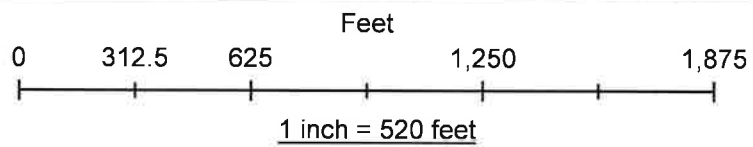
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-  Current_Point_of_Diversion_31-4054
-  Proposed Place of Use 31-2427C 31-4054
-  Current_Place_of_Use_31-4054
-  Township/Range
-  Sections
-  QQ
-  ESPAM2_ModelGrid_06092011



ENHANCED GROUND-WATER RIGHTS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

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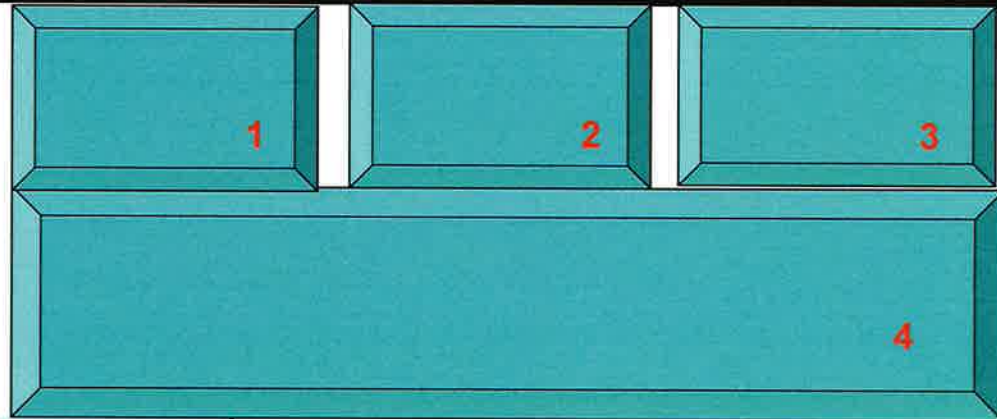
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SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

YEAR 1966
SEASON SPRING ▼

TRANSFER NO:

TRANSFER NAME:

Mickelsen



ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	42	41		
COLUMN	168	175		

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 W
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER
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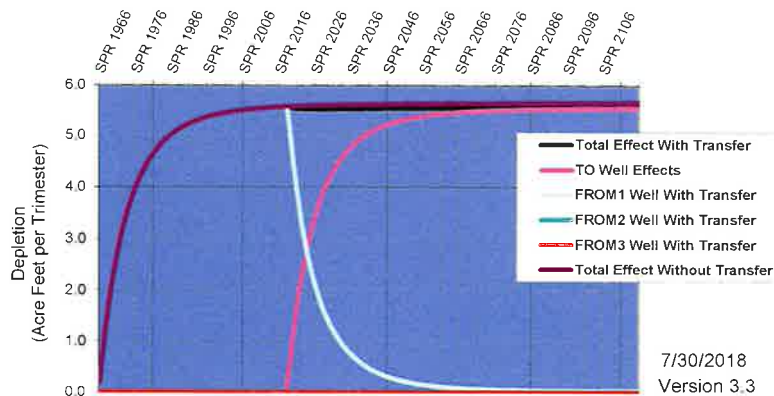
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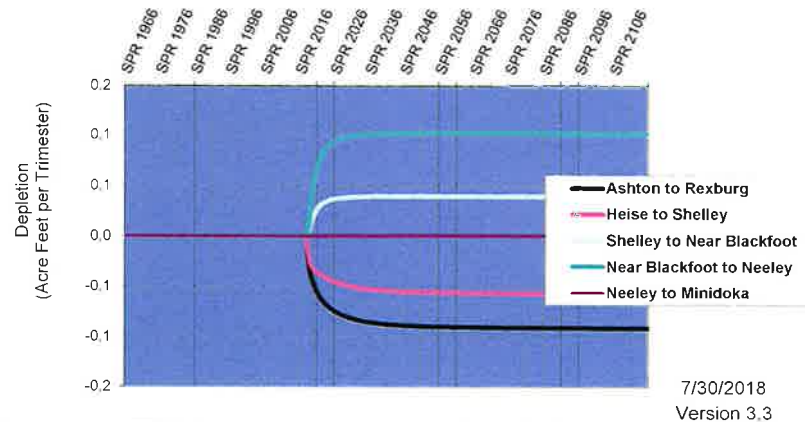
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WIN 1999	0	17	17	0	0	0
SPR 2000	0	17	17	0	0	0
SUM 2000	0	17	17	0	0	0
WIN 2000	0	17	17	0	0	0
SPR 2001	0	17	17	0	0	0

SUM 2001	0	17	17	0	0	0
WIN 2001	0	17	17	0	0	0
SPR 2002	0	17	17	0	0	0
SUM 2002	0	17	17	0	0	0
WIN 2002	0	17	17	0	0	0
SPR 2003	0	17	17	0	0	0
SUM 2003	0	17	17	0	0	0
WIN 2003	0	17	17	0	0	0
SPR 2004	0	17	17	0	0	0
SUM 2004	0	17	17	0	0	0
WIN 2004	0	17	17	0	0	0
SPR 2005	0	17	17	0	0	0
SUM 2005	0	17	17	0	0	0
WIN 2005	0	17	17	0	0	0
SPR 2006	0	17	17	0	0	0
SUM 2006	0	17	17	0	0	0
WIN 2006	0	17	17	0	0	0
SPR 2007	0	17	17	0	0	0
SUM 2007	0	17	17	0	0	0
WIN 2007	0	17	17	0	0	0
SPR 2008	0	17	17	0	0	0
SUM 2008	0	17	17	0	0	0
WIN 2008	0	17	17	0	0	0
SPR 2009	0	17	17	0	0	0
SUM 2009	0	17	17	0	0	0
WIN 2009	0	17	17	0	0	0
SPR 2010	0	17	17	0	0	0
SUM 2010	0	17	17	0	0	0
WIN 2010	0	17	17	0	0	0
SPR 2011	0	17	17	0	0	0
SUM 2011	0	17	17	0	0	0
WIN 2011	0	17	17	0	0	0
SPR 2012	0	17	17	0	0	0
SUM 2012	0	17	17	0	0	0
WIN 2012	0	17	17	0	0	0

Hydrologic Response--Ashton to Rexburg
Customer Name: **Mickelsen** Transfer No:



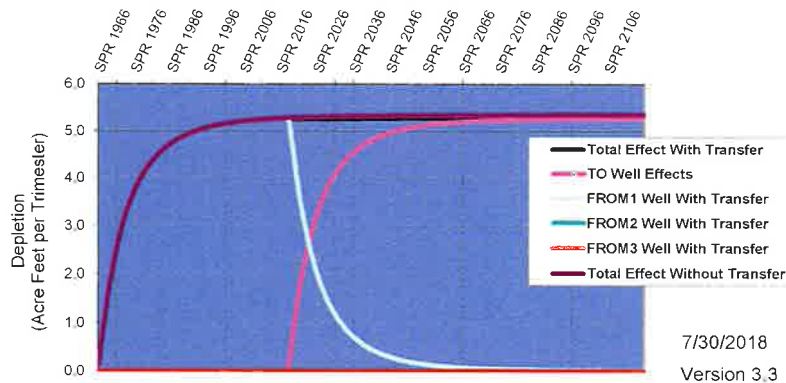
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



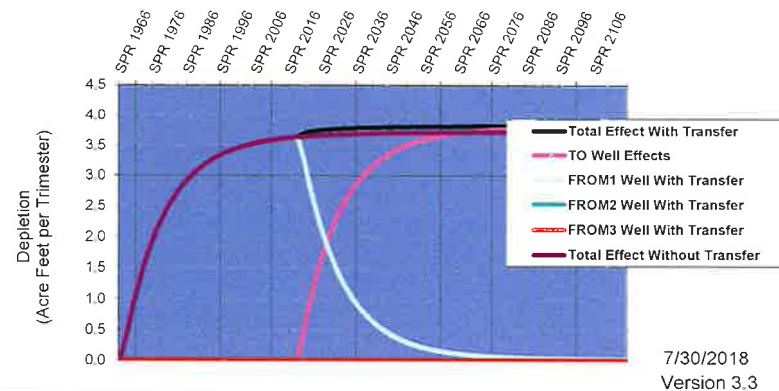
Customer Name: **Mickelsen**

Transfer No:

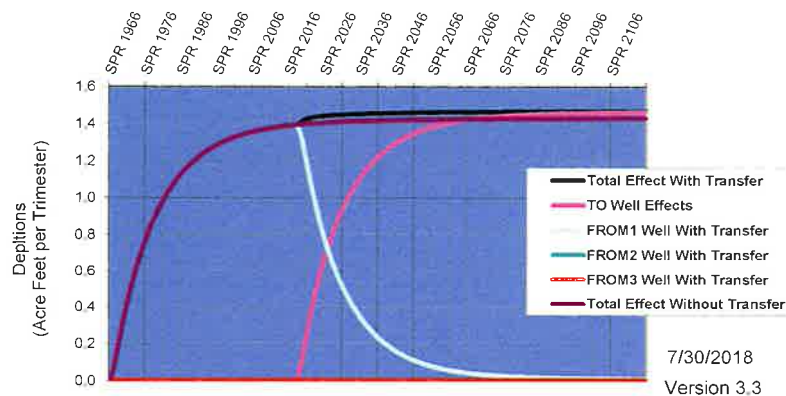
Hydrologic Response--Heise to Shelley
Customer Name: **Mickelsen** Transfer No:



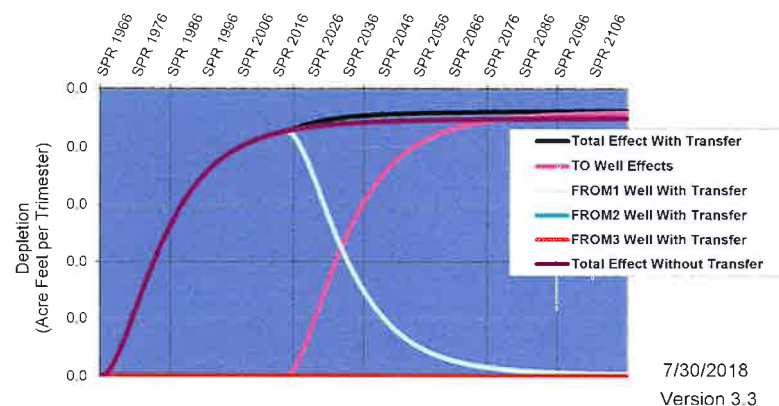
Hydrologic Response-- Near Blackfoot to Neeley
Customer Name: **Mickelsen** Transfer No:



Hydrologic Response--Shelley to Near Blackfoot
Customer Name: **Mickelsen** Transfer No:



Hydrologic Response-- Neeley to Minidoka
Customer Name: **Mickelsen** Transfer No:

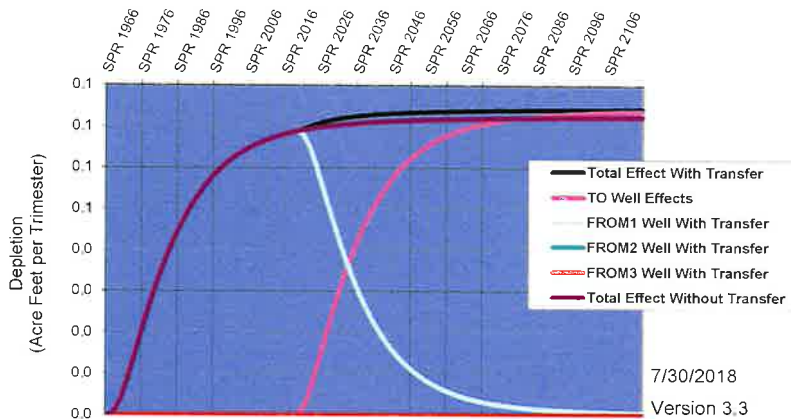


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Customer Name: **Mickelsen** Transfer No:

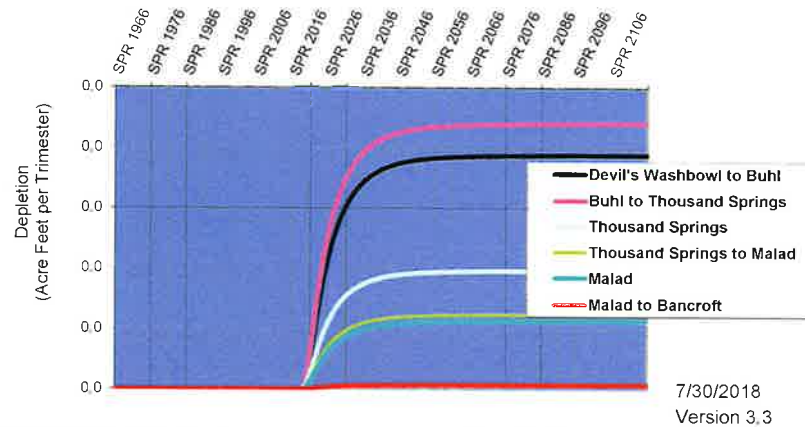


7/30/2018
Version 3.3

Customer Name: **Mickelsen**

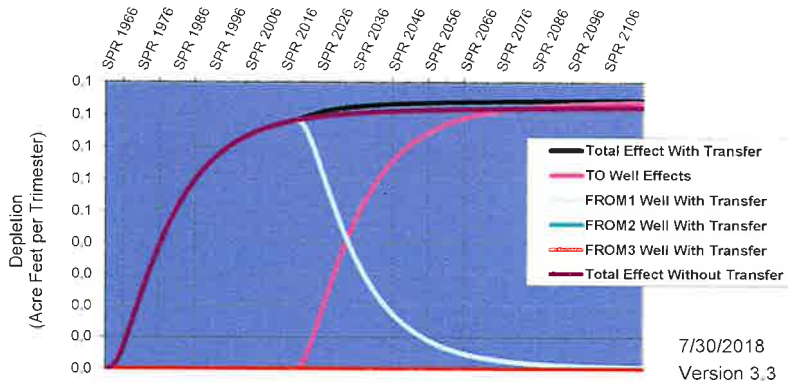
Transfer No:

Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



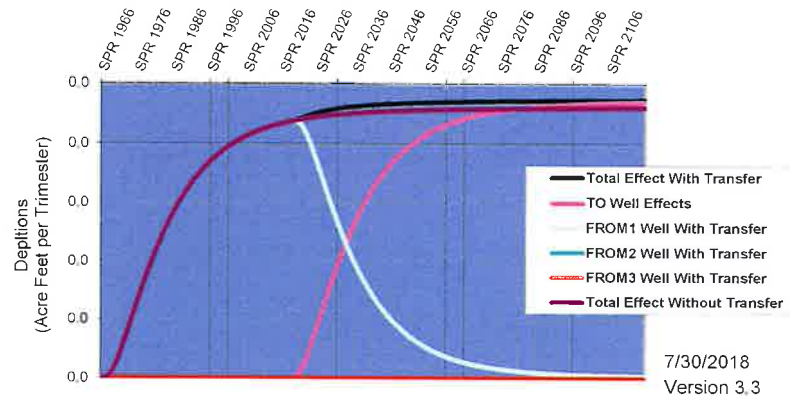
7/30/2018
Version 3.3

Hydrologic Response--Buhl to Thousand Springs
Customer Name: Mickelsen Transfer No:



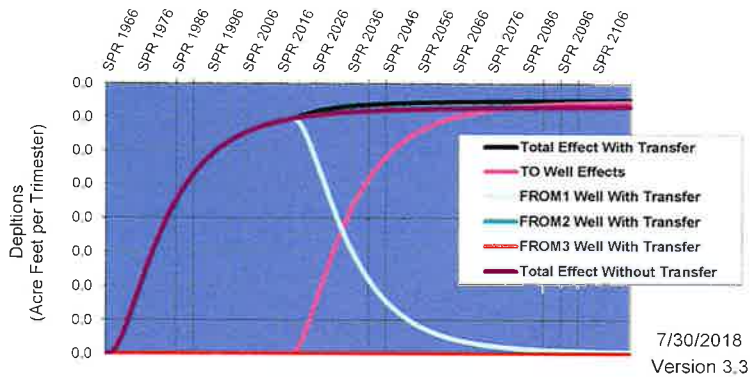
7/30/2018
Version 3.3

Hydrologic Response--Thousand Springs to Malad
Customer Name: **Mickelsen** Transfer No:



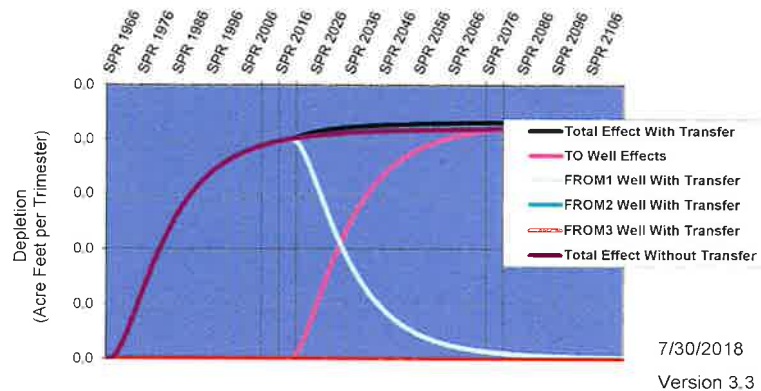
7/30/2018
Version 3.3

Hydrologic Response--Thousand Springs
Customer Name: **Mickelsen** Transfer No:



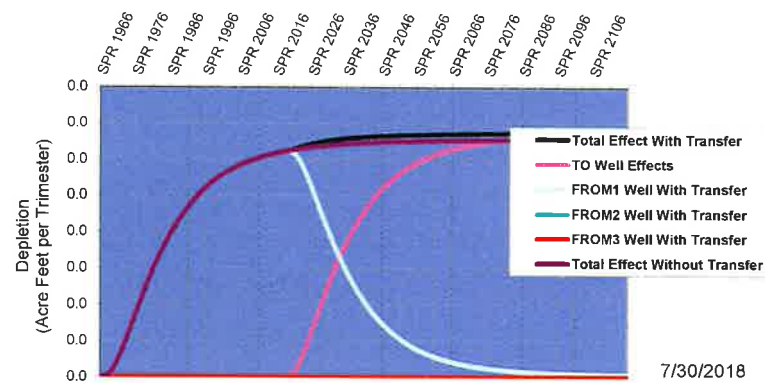
7/30/2018
Version 3.3

Hydrologic Response-- Malad
Customer Name: **Mickelsen** Transfer No:



7/30/2018
Version 3.3

Hydrologic Response-- Malad to Bancroft Customer Name: **Mickelsen** Transfer No:



7/30/2018
Version 3.3