

RECEIVED

JUL 09 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78721

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 <http://www.idwr.idaho.gov/>.

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JUL 22 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 #1-9.

- ☒ ☐ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78721

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

EPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Miracle Mile LLC Phone 208-543-0987

Mailing address 4799 B River Road, Buhl Idaho 83316 Email _____

- ☐ 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 Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

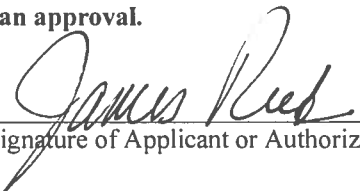
- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- 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**.

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JUL 22 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

JAMES REED, LLC Member 7/8/13
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. 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.2**. Miracle Mile LLC desires to transfer 0.013 cfs of geothermal groundwater from 47-7689 to property owned by Theresa Jensen. Theresa Jensen owns water right 47-10020.
The transfer will enable Theresa to heat a proposed structure on her property.

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
☐ All or Part					
☒	47-7689	0.007/3.6	Heating	1/01 to 12/31	Ground Water
☒	47-7689	0.006/3.1	Recreation	1/01 to 12/31	Ground Water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.3 cfs and/or 155.8 ac-ft

2. Total amount of water proposed to be transferred or changed 0.013 cubic feet per second and/or 6.7 acre-feet per annum.

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	33	08S	14E	Twin Falls	Ground Water	

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	
8S	14E	33										x							

Total Acres (for irrigation use) Heating/Recreation

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. Piping will be installed to a new structure after the transfer is approved.

- b. Who owns the property at the point(s) of diversion? Theresa Jensen
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

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

- e. 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: _____
47-10020

- f. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 47-7689

Current Owner: MIRACLE MILE LLC
Priority Date: 2/2/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.2 CFS	83.4 AF
RECREATION	01/01 to 12/31	0.1 CFS	72.4 AF
	<u>Total Diversion</u>	0.3 CFS	155.8 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SE1/4 Sec. 32, Twp 08S, Rge 14E B.M.
TWIN FALLS County

Place of Use

HEATING Within TWIN FALLS County

T08S R14E S32 NWSE

RECREATION Within TWIN FALLS County

T08S R14E S32 NWSE

Conditions of Approval:

1. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. C18 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. Section 42-1412(6), Idaho Code.
3. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Heating use is for a house, non-commercial greenhouse, and in hot tub.
Recreation use is for fish habitat in two ponds.
5. 09C Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Page 6 of 8

Decreed Date: 3/12/2009

Total Acres (for irrigation use) Heating/Recreation

Transfer contains 08 pages and attachments.
Received by AM Date 7-9-2013 Prelim. Check by Date
Fee Paid \$200- Date 7/22/13 Received by HA Receipt # \$033399
Add'l Fee Paid Date Received by Receipt #



0 125 250 500 Feet

**REED/JENSEN TRANSFER
T.8S., R14E SEC 33 LOT 6
NAIP 2011 AERIAL PHOTOGRAPH**

BROCKWAY ENGINEERING, PLLC.
ALR - JULY 1, 2013

TRANSFER 78721

Legend

-  Proposed POD
-  Proposed POU
-  ladesc
-  Section Lines
-  twnshp



State of Idaho
Department of Water Resources

Water Right
47-7689

RECREATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.0225 0.045 0.09 Miles

TRANSFER 78721



State of Idaho
Department of Water Resources

Water Right
47-7689

HEATING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.0225 0.045 0.09 Miles

TRANSFER 78721



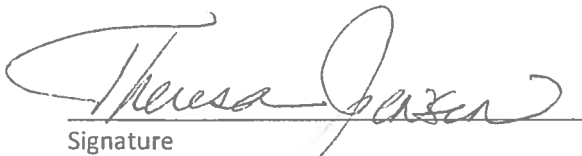
JUL 22 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

To whom it may concern,

I Theresa Jensen, give consent to Miracle Mile, LLC to transfer 0.013 cubic feet per second of water right 47-7689 to property I own. The property is located in Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, Section 33 T090392.

The water to be transferred to my property will be utilized for heating and recreation purposes. The heating water is for heating a structure on the property and the recreation water will be utilized in a hot tub.


Signature


Date

TRANSFER 78721

TWIN FALLS COUNTY

Recorded for:

TITLEFACT

4:19:32 PM 12-31-2012

2012-025625

No. Pages:3 Fee: \$ 16.00

KRISTINA GLASCOCK

County Clerk

Deputy: **JDEDMAN**

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

May, Browning & May
516 Hansen Street East
Twin Falls ID 83301

63063

(Space above reserved for Recorder's Use)

WARRANTY DEED

For the consideration of [REDACTED] and other good and valuable consideration, the receipt of which is hereby acknowledged, JAMES REED aka JAMES C. REED and LESLEE S. REED, Husband and Wife, hereby ("Grantor"), conveys, grants and warrants to MIRACLE MILE, LLC, an Idaho Limited Liability Company, whose address is 4799 B River Road, Buhl, Idaho 83316, ("Grantees"), their successors and assigns forever, the following described real property located in Twin Falls County, Idaho, and more particularly described as follows:

See attached Exhibit "A"

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 6th day
of April, 2012.


JAMES REED, aka JAMES C. REED


LESLEE S. REED

STATE OF IDAHO)
 : ss
County of Twin Falls)

On the 6th day of April, 2012, before me the undersigned a Notary Public in and for said State, personally appeared JAMES REED aka JAMES C. REED and LESLEE S. REED, Husband and Wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons that executed the within instrument and acknowledged to me that they executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



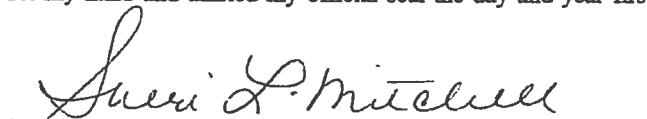

NOTARY PUBLIC FOR IDAHO
Residing at Idaho
My Commission Expires Oct 16, 2017

EXHIBIT A
T070087

Parcel 1:

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 32: A parcel of land located in the NW¼SE¼ and being more particularly described as follows:

COMMENCING at the East one quarter (E¼) corner of said Section 32, from which the Southeast corner of said Section 32 bears South 00°03'00" East 2641.75 feet;
THENCE South 89°53'55" West along the North boundary of the SE¼ of said Section 32 for a distance of 2370.04 feet to the TRUE POINT OF BEGINNING;
THENCE South 00°40'22" East for a distance of 860.20 feet;
THENCE South 34°30'17" West for a distance of 110.00 feet;
THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the SE¼ of said Section 32;
THENCE North 00°07'08" East along the West boundary of the SE¼ of said Section 32 for a distance of 771.97 feet to the Northwest corner of the SE¼ of said Section 32;
THENCE North 89°53'55" East along the North boundary of the SE¼ of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A 25.0 foot wide exclusive easement for ingress, egress and utilities, said easement being on, over, under and across a 25.00 foot strip of land that is centered on the following described line:

COMMENCING at the Southeast corner of said Section 32;
THENCE North 00°03'00" West along the East boundary of the SE¼ of said Section 32 for a distance of 936.65 feet to the TRUE POINT OF BEGINNING;
THENCE South 71°52'12" West for a distance of 41.05 feet;
THENCE South 47°01'16" West for a distance of 60.93 feet;
THENCE South 62°58'19" West for a distance of 54.56 feet;
THENCE South 79°27'41" West for a distance of 47.24 feet;
THENCE North 89°03'00" West for a distance of 952.01 feet;
THENCE North 71°27'49" West for a distance of 256.82 feet;
THENCE North 61°31'17" West for a distance of 95.98 feet to the point of curvature of a curve right;
THENCE Northwesterly along the arc of the curve right for a distance of 112.30 feet, said arc having a radius of 337.00 feet and a chord bearing and distance of North 47°27'36" West 111.78 feet;
THENCE North 37°54'49" West for a distance of 135.89 feet;
THENCE North 41°21'20" West for a distance of 404.39 feet to the point of curvature of a curve left;
THENCE Northwesterly along the arc of the curve left for a distance of 264.29 feet, said arc having a radius of 554.00 feet and a chord bearing and distance of North 55°01'20" West 261.79 feet;
THENCE North 68°41'20" West for a distance of 114.21 feet;
THENCE North 65°08'02" West for a distance of 93.66 feet;
THENCE North 53°08'53" West for a distance of 91.44 feet to a point on the Easterly boundary of the before described parcel and being the terminus point of said easement.

AND

A 10.0 foot wide easement for the joint use and maintenance of a buried pipeline that is used to convey water to the before described parcel and adjacent parcels, said easement being on, over, under and across a 10.0 foot wide strip of land that is centered on the following described line:

COMMENCING at the Northeast corner of the before described parcel;
THENCE South 00°40'22" East along the East boundary of the before described parcel for a distance of 141.07 feet to the TRUE POINT OF BEGINNING;
THENCE South 48°41'35" East for a distance of 945.95 feet;
THENCE South 51°59'02" East for a distance of 308.85 feet to the terminus point of said easement.

WARRANTY DEED

For Value Received

EDWARD A. JOHNSON and JANICE M. JOHNSON, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

THERESA JENSEN, an unmarried woman

the grantee(s), whose current address is

PO BOX 3419 , KETCHUM, ID 83340

the following described premises, to-wit:

See Attached Exhibit "A"

TWIN FALLS COUNTY

RECORDED FOR:

TWIN FALLS TITLE

4:14:14 pm 10-13-2009

2009-023122

NO. PAGES: 2

FEE: \$6.00

KRISTINA GLASCOCK

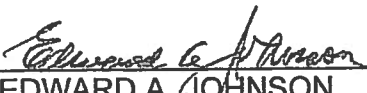
COUNTY CLERK

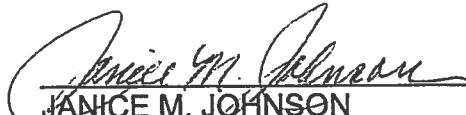
DEPUTY: BHUNTER

Together with 5 shares of Banbury Pipe Company water

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: October 13, 2009

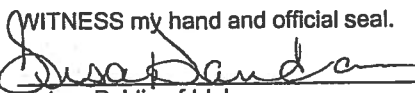

EDWARD A. JOHNSON

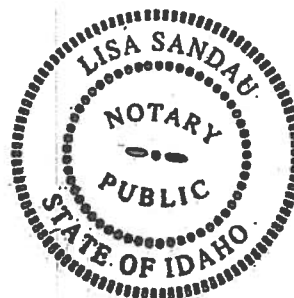

JANICE M. JOHNSON

STATE OF IDAHO
: ss
COUNTY OF TWIN FALLS

On This 13th day of October, in the year 2009, before me, a Notary Public in and for said State, personally appeared **EDWARD A. JOHNSON and JANICE M. JOHNSON**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public of Idaho
Residing at Twin Falls, ID
Commission Expires: ~~January 26, 2010~~ Sept. 21, 2015



TRANSFER 78721

EXHIBIT A
T090392

PARCEL 1

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,
Section 33: A parcel of land located in Government Lot 6, described as follows:

BEGINNING at the Southwest corner of said Section 33;
THENCE North 0°03' West, 2,211.63 feet along the Westerly boundary of said Section 33 to the TRUE POINT OF BEGINNING;
THENCE South 89°45' East, 1240.47 feet;
THENCE North 4°51'30" East, 154.53 feet;
THENCE North 81°34' West, 141.00 feet;
THENCE North 1°34' West, 158.00 feet;
THENCE North 88°00' West 366.00 feet;
THENCE North 70°37' West 153.00 feet;
THENCE North 89°45' West, 600.00 feet to a point on the Westerly boundary of Section 33;
THENCE South 0°03' East, 393.35 feet along the Westerly boundary of Section 33 to the TRUE POINT OF BEGINNING.

EXCEPT a parcel of land located in Government Lot 6, Section 33, Township 8 South, Range 14, East of the Boise Meridian, Twin Falls County, Idaho described as follows:

BEGINNING at the Southwest corner of Section 33;
THENCE North 0°03' West, 2211.63 feet along the Westerly boundary of said Section 33 to the TRUE POINT OF BEGINNING;
THENCE North 0°03' West, 393.35 feet along said Westerly boundary of Section 33;
THENCE South 89°45' East, 553.71 feet to a point marked by a 1½" aluminum survey marker;
THENCE South 0°03' East, 393.35 feet to a point marked by a 1½" aluminum survey marker;
THENCE North 89°45' West, 553.70 feet to the TRUE POINT OF BEGINNING.

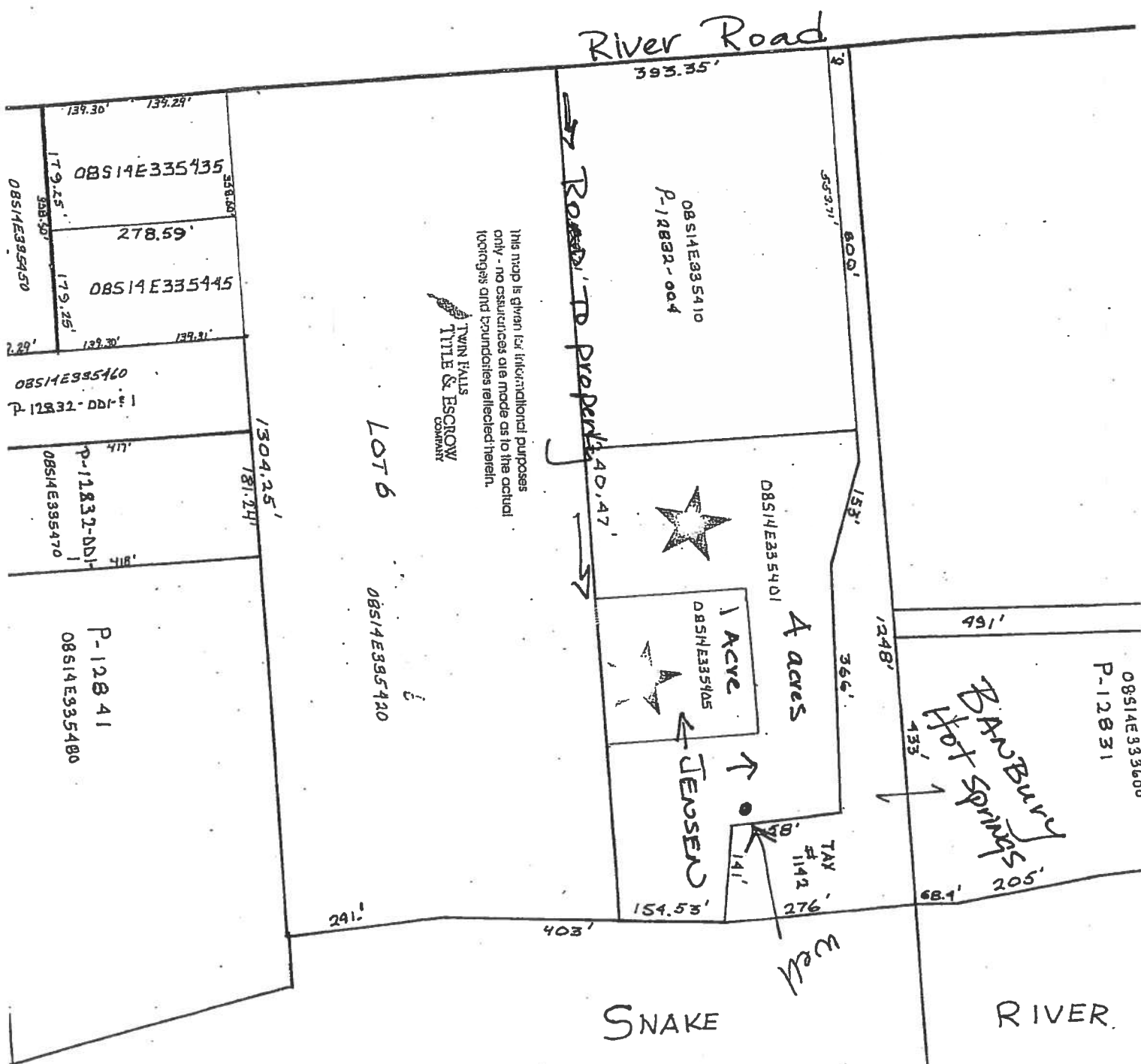
FURTHER EXCEPTING Commencing at the Southwest corner of said Section 33, from which the W¼ corner of said Section 33 Bears North 00°03'00" West, 2641.90 feet;
THENCE North 00°03'00" West along the West boundary of the SW¼ of Section 33 for a distance of 2211.63 feet;
THENCE South 89°45'00" East for a distance of 762.00 feet to THE TRUE POINT OF BEGINNING;
THENCE North 00°15'00" East for a distance of 209.00 feet;
THENCE South 89°45'00" East for a distance of 209.00 feet;
THENCE South 00°15'00" West for a distance of 209.00 feet;
THENCE North 89°45'00" West for a distance of 209.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho
Section 33: That part of Lot 6, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 6;
THENCE South 0° West 433.35 feet;
THENCE North 89° East 762 feet, which is the TRUE POINT OF BEGINNING;
THENCE North 89° East 209 feet;
THENCE North 0° East 209 feet;
THENCE South 89° West 209 feet;
THENCE South 0° West 209 feet to the REAL POINT OF BEGINNING.

1.1.0W



TRANSFER 78721



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

1. The name of the limited liability company is:

Miracle Mile, LLC

2. The complete street and mailing addresses of the initial designated office:

4799 B River Road, Buhl, Idaho 83316

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

James Reed

(Name)

4799 B River Road, Buhl, Idaho 83316

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

James Reed

4799 B River Road, Buhl, Idaho 83316

Jay c. Hormel Living Trust (3/24/11)

6020 Jay Road, Boulder, Colorado 80301

5. Mailing address for future correspondence (annual report notices):

4799 B River Road, Buhl, Idaho 83316

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Typed Name: James Reed

Signature

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
04/11/2012 05:00
CK: 16823 CT: 106291 BH: 1319247
1 @ 100.00 = 100.00 ORGAN LLC # 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 25, 2013

MIRACLE MILE LLC
4799B RIVER RD
BUHL, ID 83316

RE: Transfer No. 78721
Water Right No(s). 47-7689

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 8/1/2013 and 8/8/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 19, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application 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 application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 25, 2013 3:52 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on August 1st & 8th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

July 25, 2013

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78551
Water Right No(s): 45-14376, 45-2625, 45-7021

RE: Transfer No. 78721
Water Right No(s): 47-7689

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 August 19, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78551**

SIX S RANCH LLC, 1354 E SIX S RANCH RD, DECLO, ID 83323; has filed Application No. 78551 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14376, 45-2625, 45-7021. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a new point of diversion consisting of a new well for three groundwater rights that currently allow for the diversion of up to 7.33 cfs for irrigation of up to 770.8 acres within a 2,620.6 acre permissible place of use on property located approximately 4.0 - 6.25 miles east and 1.5 miles north - 2.0 miles south of Declo. The new well will be located approximately 6.0 miles east and 0.1 mile south of Declo. The application proposes allowing for the pumping of water from the new well and injecting it into Marsh Creek and then rediverting water from two existing diversions located downstream on Marsh Creek for irrigation of the property.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78721**

MIRACLE MILE LLC, 4799B RIVER RD, BUHL, ID 83316; has filed Application No. 78721 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7689. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a portion (0.013 cfs and 6.7 afa) of a low temperature geothermal heating and recreation ground water right from a parcel located 8.9 miles south and 2.7 miles east of Hagerman to an existing well and a new place of use approximately 0.6 miles east of the original point of diversion. The new place of use and point of diversion are located approximately 8.8 miles south and 3.6 miles east of the intersection of Main St. and Hwy 30 in Hagerman.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 19, 2013. The protestant must also send a copy of the protest to the applicant.

MEMORANDUM

Date: July 23, 2013
To: Transfer 78721 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 0.013 cfs portion of a heating (0.007 cfs) and recreation (0.006 cfs) low temperature geothermal ground water right, 47-7689, to an existing well on a parcel owned by a separate party. Both PODs and POUs are located in the Banbury GWMA. The proposed transfer will move the child portion of the right approximately 0.66 miles to the east of the original POD. The owner of the property where the child portion is proposed to be moved has provided a written statement agreeing to the transfer of that portion of the right to her property. A statement in the cover letter included with the application for transfer indicated the property owner receiving the child portion of the right will submit a change of ownership after the transfer is approved. The new POD also provides water for water right 47-10020, a domestic ground water right from the same low temperature geothermal water source. New POD and POU are located approximately 8.8 miles south and 3.6 miles east of the intersection of Main St. and Hwy 30 in Hagerman.

- **Authority to File:**
IDWR records indicate the applicants currently own the water right involved in the transfer. Copies of warranty deeds were provided by both property owners. A letter of consent was provided allowing the child water right to be transferred to the new point of diversion and place of use.
- **Water Right Validity:**
Water right 47-7689 was decreed in the SRBA on 3/12/2009. Home site and pond are visible in ESRI 2012 World Imagery.
- **Injury to Other Water Rights:**
None Anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Application proposes moving a portion (0.013 cfs and 6.7 afa) of a low temperature geothermal heating and recreation ground water right from a parcel located 8.9 miles south and 2.7 miles east of Hagerman to an existing well and a new place of use approximately 0.6 miles from the original point of diversion. The new place of use and point of diversion are located approximately 8.8 miles south and 3.6 miles east of the intersection of Main St. and Hwy 30 in Hagerman.



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 10, 2013

James Reed
4799 B River Road
Buhl, ID 83316

RE: Transfer Application for Water Right 47-7689

Dear Mr. Reed:

The Department of Water Resources recently received a transfer application that you submitted in the name of Miracle Mile LLC along with a \$200.00 filing fee. Preliminary review of the application indicates that it requires additional documentation before it can be accepted for processing. We are returning the application and the filing fee to you, to allow you or your representative to provide the required additional documentation.

For applications that propose changing the place of use of a water right, the applicant not only needs to show that they own the right involved with the transfer &/or the land to which it is appurtenant, but they must also show that they own the land where they are proposing to move the water right to. If the land is owned by a party other than the applicant, then the applicant must have some sort of documentation from the current owner of the land allowing the applicant to move the water right(s) to their land. In addition, documentation must be included that addresses the ownership of the right(s) on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right(s) on someone else's land, or whether the land owner will own the right(s) once the transfer is approved.

There was no documentation provided with the application from the owner of the property where the portion of the right is being transferred to that indicates they are allowing the applicant to move the water right to their land. Documentation also needs to be provided indicating who will own the portion of the water right transferred once the transfer is approved.

Additionally, there is no indication of how the recreation portion of the right being transferred will be utilized. The proposal narrative only indicates that "the transfer will enable Theresa to heat a proposed structure on her property." Is this a change in the nature of use from recreation to heating on that portion of the right, and if not what is the proposed recreational use? If it is a change in nature of use, additional documentation is required showing the portion of the right to be changed will not be enlarged in rate, volume or consumptive use through the proposed change.

The transfer application indicated that original correspondence should be sent to the applicant and copies sent to the representative. Therefore, this original correspondence is being returned to you, the applicant, and a copy of this letter will be sent to your representative.

Please feel free to contact me at (208) 736-3033 or by email at william.mills@idwr.idaho.gov if you have any questions concerning the transfer application.

Sincerely,

A handwritten signature in black ink that reads "Bill Mills". The signature is written in a cursive, flowing style.

Bill Mills
Water Resource Agent
Southern Regional Office



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 09 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 2, 2013

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Miracle Mile Transfer

Dear Mr. Merritt:

It is the desire of Miracle Mile to transfer 0.013 cfs and 6.7 afa of geothermal water from water right 47-7689. Theresa Jensen owns the property in which the proposed place of use is located. There is an existing geothermal well on Theresa Jensen's property that will be new point of diversion for the 0.013 cfs portion of water to be transferred. Water right 47-10020 is currently diverted from the existing well.

The ownership of the 0.013 cfs will remain in the name of Miracle Mile until the transfer is processed and approved by IDWR. At that time, the ownership of the 0.013 cfs portion will be changed to Theresa Jensen.

The beneficial use of the 0.013 cfs will be for heating and recreation from January 1 until December 31 of each year.

The proposed point of diversion is within the ESPA Model area, but water right 47-7689 diverts geothermal aquifer and is not considered to draw water from the cold water irrigation aquifer in which the ESPA Model is applicable.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S.

Cc: James Reed

Enc: Transfer Application, Aerial Maps, Annual Report, Warranty Deeds, Check # _____
for \$200.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506