

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 77877

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

**AMENDED**

Name of Applicant(s) Don Mickelsen Phone 208-709-7117

Mailing address 1260 Twin Butte Rd, Menan ID 83434 Email spur@bdhsi.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.

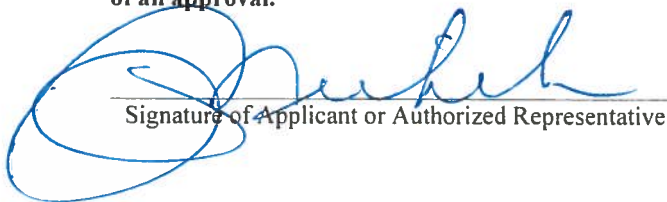
☒ No Representative

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 of Applicant or Authorized Representative

Don Mickelsen owner Aug 29/12  
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**. I want to move water from a roadway and subdivision to an area on my farm that is short of water. I want  
to also re-arrange acres from water right 21-13083 to cover acres that are currently not covered by the  
water right

**AMENDED**

77877

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 21-13135     | 0.02cfs/5.3af         | Irrigation    | 4/1 to 10/31  | Ground Water       |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 21-13137     | 0.01cfs/3.4af         | Irrigation    | 4/1 to 10/31  | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 21-13083     | 3.73cfs/647.5         | Irrigation    | 4/1 to 10/31  | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 21-2166      | 3.76cfs/647.5         | Irrigation    | 4/1 to 10/31  | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 7.52 cfs and/or 1303.7 ac-ft

2. Total amount of water proposed to be transferred or changed 0.21 cubic feet per second and/or 38.6 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 # |
|-------|-----|----|----|----|-----|-----|-----|---------|--------------|---------------------|
|       |     | NE | SE | NW | 34  | 6N  | 38E | MADISON | GROUND WATER | A0008462            |
|       |     | SE | SE | NW | 34  | 6N  | 38E | MADISON | GROUND WATER | A0008461            |
|       |     | NE | SE | SE | 34  | 6N  | 38E | MADISON | GROUND WATER | A0000269            |
|       |     |    |    |    |     |     |     |         |              |                     |
|       |     |    |    |    |     |     |     |         |              |                     |

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  |             |
| 6N  | 28E | 34  | 36.7 | 24 | 40 | 40 | 12.2 | 0.1 | 31.6 | 40 | 38.2 | 22.4 | 9.9 |    | 39.6 | 32.5 |    | 5.3 | 372.5       |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |
|     |     |     |      |    |    |    |      |     |      |    |      |      |     |    |      |      |    |     |             |

Total Acres (for irrigation use) 372.5

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:

System comes from an irrigation well on one are of my farm. Measuring devices can be placed on mainline to calculate usage.

- 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: NONE

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:

Land where the acres are being transferred will be dried up.

- 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:

- 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.: 21-2166**

Current Owner: DON MICKELSEN  
Priority Date: 5/7/1951  
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> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31         | 3.76 CFS              | 647.5 AF             |
| STOCKWATER            | 01/01 to 12/31         | 0.02 CFS              |                      |
|                       | <u>Total Diversion</u> | 3.76 CFS              | 658 AF               |

**Location of Point(s) of Diversion**

|                |                 |          |          |              |
|----------------|-----------------|----------|----------|--------------|
| GROUND WATER   | NE1/4SE1/4SE1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | NE1/4SE1/4NW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | SE1/4SE1/4NW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | NW1/4SE1/4SW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |

**Place of Use**

**IRRIGATION Within MADISON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R38E S34 | NENE | 38.00 | T06N R38E S34 | NWNE | 23.00 |
| T06N R38E S34 | SWNE | 40.00 | T06N R38E S34 | SENE | 40.00 |
| T06N R38E S34 | NENW | 11.00 | T06N R38E S34 | SWNW | 31.00 |
| T06N R38E S34 | SENW | 40.00 | T06N R38E S34 | NESW | 36.00 |
| T06N R38E S34 | NWSW | 25.00 | T06N R38E S34 | SWSW | 9.10  |
| T06N R38E S34 | NESE | 40.00 | T06N R38E S34 | NWSE | 31.00 |
| T06N R38E S34 | SESE | 5.30  | T06N R38E S35 | NWNW | 0.20  |
| T06N R38E S35 | SWNW | 0.80  | T06N R38E S35 | NWSW | 0.60  |

Total Acres: 371

Place of Use: STOCKWATER same as IRRIGATION

**Conditions of Approval:**

1. X35 Rights 21-2166 & 21-13083 when combined shall not exceed a total annual maximum diversion volume of 1298.5 af at the field headgate, and the irrigation of 371 acres.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. 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.
4. X27 This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Decreed Date: 12/12/2007

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 21-13083**

Current Owner: DON MICKELSEN  
Priority Date: 5/7/1959  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 04/01 to 10/31                | 3.73 CFS                     | 647.5 AF                    |
|                              | <b><u>Total Diversion</u></b> | 3.73 CFS                     | 647.5 AF                    |

**Location of Point(s) of Diversion**

|                |                 |          |          |              |
|----------------|-----------------|----------|----------|--------------|
| GROUND WATER   | NE1/4SE1/4NW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | NE1/4SE1/4SE1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | SE1/4SE1/4NW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |
| GROUND WATER   | NW1/4SE1/4SW1/4 | Sec. 34, | Twp 06N, | Rge 38E B.M. |
| MADISON County |                 |          |          |              |

**Place of Use**

**IRRIGATION Within MADISON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R38E S34 | NENE | 38.00 | T06N R38E S34 | NWNE | 23.00 |
| T06N R38E S34 | SWNE | 40.00 | T06N R38E S34 | SENE | 40.00 |
| T06N R38E S34 | NENW | 11.00 | T06N R38E S34 | SWNW | 31.00 |
| T06N R38E S34 | SENW | 40.00 | T06N R38E S34 | NESW | 36.00 |
| T06N R38E S34 | NWSW | 25.00 | T06N R38E S34 | SWSW | 9.10  |
| T06N R38E S34 | NESE | 40.00 | T06N R38E S34 | NWSE | 31.00 |
| T06N R38E S34 | SESE | 5.30  | T06N R38E S35 | NWNW | 0.20  |
| T06N R38E S35 | SWNW | 0.80  | T06N R38E S35 | NWSW | 0.60  |

Total Acres: 371

Page \_\_\_\_\_ of \_\_\_\_\_

**Conditions of Approval:**

1. X35 Rights 21-2166 & 21-13083 when combined shall not exceed a total annual maximum diversion volume of 1298.5 af at the field headgate, and the irrigation of 371 acres.
2. 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.
3. X27 This right is limited to the irrigation of 185 acres within the place of use described above in a single irrigation season.

Decreed Date: 12/12/2007

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.:** 21-13135

**Current Owner:** DON MICKELSEN

**Priority Date:** 4/24/1962

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 04/01 to 10/31                | 0.08 CFS                     | 24.5 AF                     |
|                              | <b><u>Total Diversion</u></b> | 0.08 CFS                     | 24.5 AF                     |

**Location of Point(s) of Diversion**

GROUND WATER  
JEFFERSON County

NW1/4SE1/4SE1/4 Sec. 33, Twp 06N, Rge 38E B.M.

**Place of Use**

IRRIGATION Within JEFFERSON County

|                |      |      |               |      |      |
|----------------|------|------|---------------|------|------|
| T06N R38E S33  | NESE | 4.00 | T06N R38E S33 | SESE | 3.00 |
| Total Acres: 7 |      |      |               |      |      |

**Conditions of Approval:**

1. E54 The rights listed below are limited to a total combined annual diversion volume of 24.5 af. Combined Right Nos.:21-13135 and 21-13137.
2. E56 The rights listed below are limited to the irrigation of a combined total of 7 acres in a single irrigation season. Combined Right Nos.:21-13135 and 21-13137.
3. 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.
4. F05 Right No. 21-13099, 21-13101, 21-13129, 21-13131, 21-13135, 21-13136, 21-13137 and 21-13138 is also diverted through point of diversion described above.

**Decreed Date:** 12/10/2007

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 21-13137**

Current Owner: DON MICKELSEN  
Priority Date: 4/24/1956  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 04/01 to 10/31                | 0.06 CFS                     | 16.2 AF                     |
|                              | <b><u>Total Diversion</u></b> | 0.06 CFS                     | 16.2 AF                     |

**Location of Point(s) of Diversion**

GROUND WATER  
JEFFERSON County  
NW1/4SE1/4SE1/4 Sec. 33, Twp 06N, Rge 38E B.M.

**Place of Use**

**IRRIGATION Within JEFFERSON County**

|                |      |      |               |      |      |
|----------------|------|------|---------------|------|------|
| T06N R38E S33  | NESE | 4.00 | T06N R38E S33 | SESE | 3.00 |
| Total Acres: 7 |      |      |               |      |      |

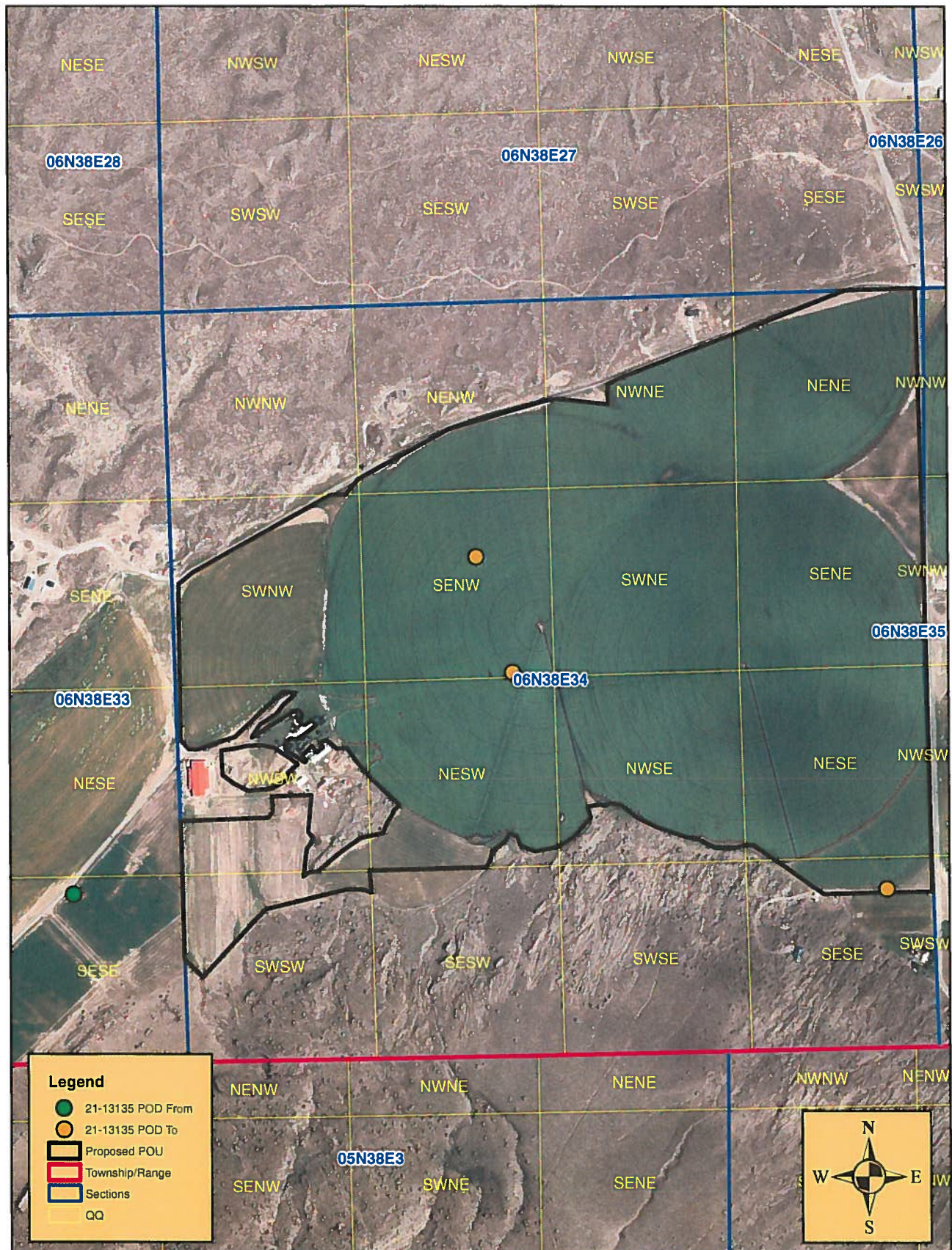
**Conditions of Approval:**

1. E56 The rights listed below are limited to the irrigation of a combined total of 7 acres in a single irrigation season. Combined Right Nos.: 21-13135 and 21-13137.
2. E54 The rights listed below are limited to a total combined annual diversion volume of 24.5 af. Combined Right Nos.: 21-13135 and 21-13137.
3. K06 This right is limited to the irrigation of 4.7 acres within the place of use described above in a single irrigation season.
4. 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.
5. F05 Right No. 21-13099, 21-13101, 21-13129, 21-13131, 21-13135, 21-13136, 21-13137 and 21-13138 is also diverted through point of diversion described above.

Decreed Date: 12/10/2007

77 87 7

# Proposed Transfer- Don Mickelsen WR's 21-2166, 21-13083, 21-13135 and 21-13137





STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 77877

**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/>.

**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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.) 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 Other. Please describe: \_\_\_\_\_

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 77877

**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/>.

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

- |                                     |                          |                                                                                                                                                                                                                                                          |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes                                 | N/A                      | * Means the item is <u>always required</u> and must be included with the application.                                                                                                                                                                    |
| <input checked="" type="checkbox"/> |                          | * Completed Application for Transfer of Water Right form, Part I.                                                                                                                                                                                        |
| <input checked="" type="checkbox"/> |                          | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.                                                    |
| <input checked="" type="checkbox"/> |                          | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.                                                                                                                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application.                                                                         |
| <input checked="" type="checkbox"/> |                          | * 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). |
| <input checked="" type="checkbox"/> |                          | * Correct fee submitted with transfer application form. ( <u>Fee schedule</u> 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.**

- |                                     |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> 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 I.)                                                                                                                                                                                                                                                                                                                             |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.                                                                                                                                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #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.                                                                                                                                                                                                                                                         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #3 Documentation of authority to make the change if the applicant is not the water right owner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part I.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #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 <a href="http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm">http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm</a> . |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each <u>adjacent cells - From (Row 56, Col 173) To Row 56, Col 174</u> holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)                                                                                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | * #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.)                                                                                                                                                                                                                         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #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.                                                                                                                                                                                                                                                                                                        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #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.                                                                                                                                                                                                                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | #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 of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)                                                                                                                                                                                                                                                                                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | #9 Other. Please describe: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

MAR 29 2012

Department of Water Resources  
Eastern Region

77877

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) DON MICKELSEN Phone 208 709 7117  
Mailing address 1260 TWIN BUTTE RD, MENAN, ID 83434 Email spur@bdhsi.co

- ☒ 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 of Applicant or Authorized Representative

DON MICKELSEN Owner  
Print Name and Title if applicable

MAR 29/12  
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. I want to move water from a Road way and Subdivision to an area on my farm that is short of water. This will require a change of Point of diversion and will combine the water right being changed with an existing right that I own.

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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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|--------------------------|----------------------------------------------|-----------------------|---------------|---------------|--------------------|
| All or Part              |                                              |                       |               |               |                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> 21-13135 | .04cfs/12.3af         | IRRIGATION    | 4/1 to 10/31  | GROUND WATER       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> 21-13137 | .03cfs/8.4af          | IRRIGATION    | 4/1 to 10/31  | GROUND WATER       |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |
| <input type="checkbox"/> | <input type="checkbox"/>                     |                       |               | to            |                    |

Total authorized under rights 0.04 cfs and/or 12.3 ac-ft

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or 12.3 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 # |
|-------|-----|----|----|----|-----|-----|-----|---------|--------------|---------------------|
|       |     | NE | SE | NW | 34  | 6N  | 38E | MADISON | GROUND WATER | A0008462            |
|       |     | SE | SE | NW | 34  | 6N  | 38E | MADISON | GROUND WATER | A0008461            |
|       |     | NE | SE | SE | 34  | 6N  | 38E | MADISON | GROUND WATER | A0000269            |
|       |     |    |    |    |     |     |     |         |              |                     |
|       |     |    |    |    |     |     |     |         |              |                     |

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 |             |
| 6N  | 38E | 34  |      | 0.7 |    |    |      |    |    |    | 1.8  |    |    |    |      | 1  |    |    | 3.5         |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |     |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres (for irrigation use) 3.5

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: System comes from a well (irrigation) on one area of my farm. Measuring devices can be placed on mainlines to calculate usage.

- b. Who owns the property at the point(s) of diversion? Don Michelsen  
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: NONE

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:  
one area is a new paved road no longer needs irrigation, the other is a subdivision lot that doesn't need the total allotted water. Same lot 3 acres irrigated
- 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:

- 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid \$ 200 Date 3-29-12 Received by DK Receipt # E037457

Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

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# Proposed Transfer- 21-13135 and 21-13137

## Don Mickelsen

