

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77523**

This is to certify that: MILLENKAMP PROPERTIES, LLC
471 N 300 W
JEROME ID 83338
(208) 731-5518

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-14152	WR/Decreed	12/31/1933	0.04 cfs	N/A	N/A	N/A	GROUND WATER
36-16915	WR/License	04/24/1990	1.36 cfs	272 af	68.0	217.8	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16242	WR/Decreed	06/11/1957	0.08 cfs	N/A	N/A	N/A	GROUND WATER
36-16244	WR/Decreed	05/11/1957	0.24 cfs	59 af	N/A	N/A	GROUND WATER
36-4157F	WR/Decreed	06/01/1956	0.33 cfs	49.2 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-14152	NO	YES	YES	NO	NO	NO
36-16915	NO	YES	YES	NO	YES	YES

SUPPORT DATA

IN FILE # 36-4157F

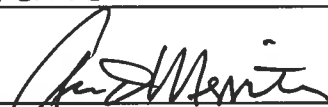
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77523**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-14152	36-14152	0.04 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16915	36-16915	1.36 cfs	153.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.4 cfs	168.3 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of June, 2012



Southern Region Manager

WATER RIGHT NO. 36-16915
As Modified by Transfer No. 77523

In accordance with the approval of Transfer No. 77523, Water Right No. 36-16915 is now described as follows.

Right Holder: MILLENKAMP PROPERTIES, LLC
 471 N 300 W
 JEROME ID 83338

Priority Date: April 24, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	1.36 CFS	153.7 AF
COMMERCIAL	01/01	to 12/31	1.36 CFS	153.7 AF
			1.36 CFS	153.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWNW	Sec. 27 Twp 07S	Rge 16E	JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S	Rge 16E	JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S	Rge 16E	JEROME County
GROUND WATER	NENW	Sec. 28 Twp 07S	Rge 16E	JEROME County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 16E 27						X	X										
07S 16E 28		X	X	X	X			X					X				

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 16E 27						X	X										
07S 16E 28		X	X	X	X			X					X				

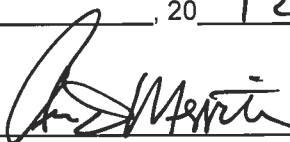
WATER RIGHT NO. 36-16915
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

1. Rights 36-14152, and 36-16915 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 168.3 af.
2. Rights 36-14152, 36-16915, and 36-4157F when combined shall not exceed a total diversion rate of 1.73 cfs, a total annual maximum diversion volume of 217.5 af.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. The following rights are diverted through point(s) of diversion described above: 36-14152, 36-16242, 36-16244, 36-16915, 36-4157F and 36-16914.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77523, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2012



Southern Region Manager

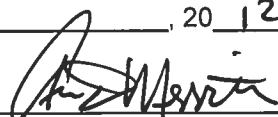
WATER RIGHT NO. 36-14152
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

1. Rights 36-14152, and 36-16915 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 168.3 af.
2. Rights 36-14152, 36-16915, and 36-4157F when combined shall not exceed a total diversion rate of 1.73 cfs, a total annual maximum diversion volume of 217.5 af.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. The following rights are diverted through point(s) of diversion described above: 36-14152, 36-16242, 36-16244, 36-16915, 36-4157F and 36-16914.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77523, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
11. The quantity of water under this right shall not exceed 13,000 gallons per day.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2012


Southern Region Manager

WATER RIGHT NO. 36-16242
As Modified by Transfer No. 77523

In accordance with the approval of Transfer No. 77523, Water Right No. 36-16242 is now described as follows.

Right Holder: MILLENKAMP PROPERTIES, LLC
 471 N 300 W
 JEROME ID 83338

Priority Date: June 11, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01	to 12/31	0.08 CFS
COMMERCIAL	01/01	to 12/31	0.08 CFS
			0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWNW	Sec. 27 Twp 07S	Rge 16E	JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S	Rge 16E	JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S	Rge 16E	JEROME County
GROUND WATER	NENW	Sec. 28 Twp 07S	Rge 16E	JEROME County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	16E	27						X	X										
07S	16E	28		X	X	X	X										X		

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	16E	27						X	X										
07S	16E	28		X	X	X	X										X		

WATER RIGHT NO. 36-16242
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

1. Rights 36-16242 and 36-16244 when combined shall not exceed a total diversion rate of 0.32 cfs.
2. Beginning on the date of approval of Transfer 71604 Rights 36-16242 and 36-16244 when combined are limited to the following schedule of allowed diversion volume from all points of diversion. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual volume each time an increase according to the schedule is sought.

Year 2005 the rights are limited to 42.6 afa.
Years 2006 through 2008 the rights are limited to 49.2 afa.
Years 2009 through 2019 the rights are limited to 52.5 afa.
Years 2020 through 2039 the rights are limited to 55.8 afa.
Year 2040 and beyond the rights are limited to 59.0 afa.
3. All annual diversions shall be reported to IDWR through Water District 130. At the discretion of the WD130 Watermaster, annual diversions may be reported to WD130 through the North Snake Ground Water District.
4. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71604. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

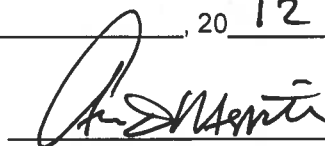
WATER RIGHT NO. 36-16242
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

11. 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.
12. The following rights are diverted through point(s) of diversion described above: 36-4157F, 36-14152, 36-16242, 36-16244, 36-16915 and 36-16914.
13. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
14. Prior to the diversion and use of water under Transfer approval 77523, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
15. Commercial use is for a feedlot operation.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2012



Southern Region Manager

WATER RIGHT NO. 36-16244**As Modified by Transfer No. 77523**

In accordance with the approval of Transfer No. 77523, Water Right No. 36-16244 is now described as follows.

Right Holder: MILLENKAMP PROPERTIES, LLC
471 N 300 W
JEROME ID 83338

Priority Date: May 11, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.24 CFS	59.0 AF
STOCKWATER	01/01	to 12/31	0.24 CFS	59.0 AF
			0.24 CFS	59.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWNW	Sec. 27 Twp 07S Rge 16E JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S Rge 16E JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S Rge 16E JEROME County
GROUND WATER	NENW	Sec. 28 Twp 07S Rge 16E JEROME County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S 16E 27						X	X										
07S 16E 28		X	X	X	X			X					X				

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S 16E 27						X	X										
07S 16E 28		X	X	X	X			X					X				

WATER RIGHT NO. 36-16244
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

1. Rights 36-16242 and 36-16244 when combined shall not exceed a total diversion rate of 0.32 cfs.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. Beginning on the date of approval of Transfer 71604 Rights 36-16242 and 36-16244 when combined are limited to the following schedule of allowed diversion volume from all points of diversion. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual volume each time an increase according to the schedule is sought.

Year 2005 the rights are limited to 42.6 afa.

Years 2006 through 2008 the rights are limited to 49.2 afa.

Years 2009 through 2019 the rights are limited to 52.5 afa.

Years 2020 through 2039 the rights are limited to 55.8 afa.

Year 2040 and beyond the rights are limited to 59.0 afa.

5. All annual diversions shall be reported to IDWR through Water District 130. At the discretion of the WD130 Watermaster, annual diversions may be reported to WD130 through the North Snake Ground Water District.
6. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71604. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. The following rights are diverted through point(s) of diversion described above: 36-4157F, 36-14152, 36-16242, 36-16244, 36-16915 and 36-16914.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

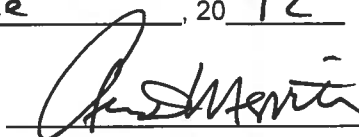
WATER RIGHT NO. 36-16244
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

11. Prior to the diversion and use of water under Transfer approval 77523, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.
15. Commercial use is for a feedlot operation

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 20 12



Southern Region Manager

WATER RIGHT NO. 36-4157F
As Modified by Transfer No. 77523

In accordance with the approval of Transfer No. 77523, Water Right No. 36-4157F is now described as follows.

Right Holder: MILLENKAMP PROPERTIES, LLC
 471 N 300 W
 JEROME ID 83338

Priority Date: June 01, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.33 CFS	49.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWNW	Sec. 27 Twp 07S Rge 16E JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S Rge 16E JEROME County
GROUND WATER	SENE	Sec. 28 Twp 07S Rge 16E JEROME County
GROUND WATER	NENW	Sec. 28 Twp 07S Rge 16E JEROME County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	16E	27						X	X										
07S	16E	28		X	X	X	X										X		

CONDITIONS OF APPROVAL

1. Rights 36-4157F, 36-14152, and 36-16915 when combined shall not exceed a total diversion rate of 1.73 cfs, a total annual maximum diversion volume of 217.5 af.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

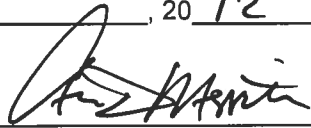
WATER RIGHT NO. 36-4157F
As Modified by Transfer No. 77523

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. All annual diversions shall be reported to IDWR through Water District 130. At the discretion of the WD130 Watermaster, annual diversions may be reported to WD130 through the North Snake Ground Water District.
6. The following rights are diverted through point(s) of diversion described above: 36-4157F, 36-14152, 36-16242, 36-16244, 36-16915 and 36-16914.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Use of water under this right may be affected by an agreement between the parties in connection with prior Transfer 68529 that created water right 36-4157F.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 77523, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2012


Southern Region Manager

State of Idaho
Department of Water Resources

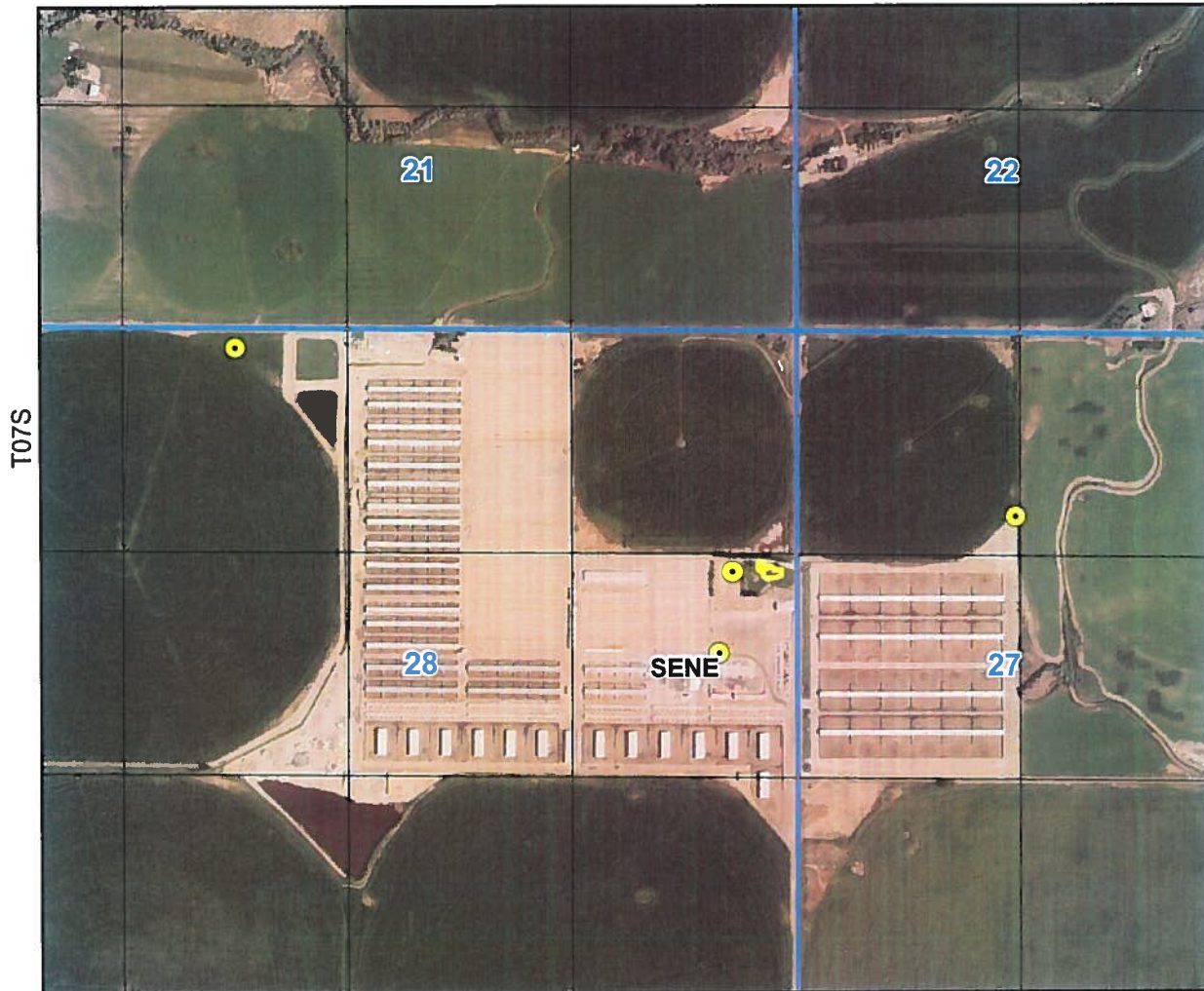
Attachment To Transfer Of Water Right

Transfer No. 77523

Rights: 36-14152

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R16E



0 0.125 0.25 0.5 Miles

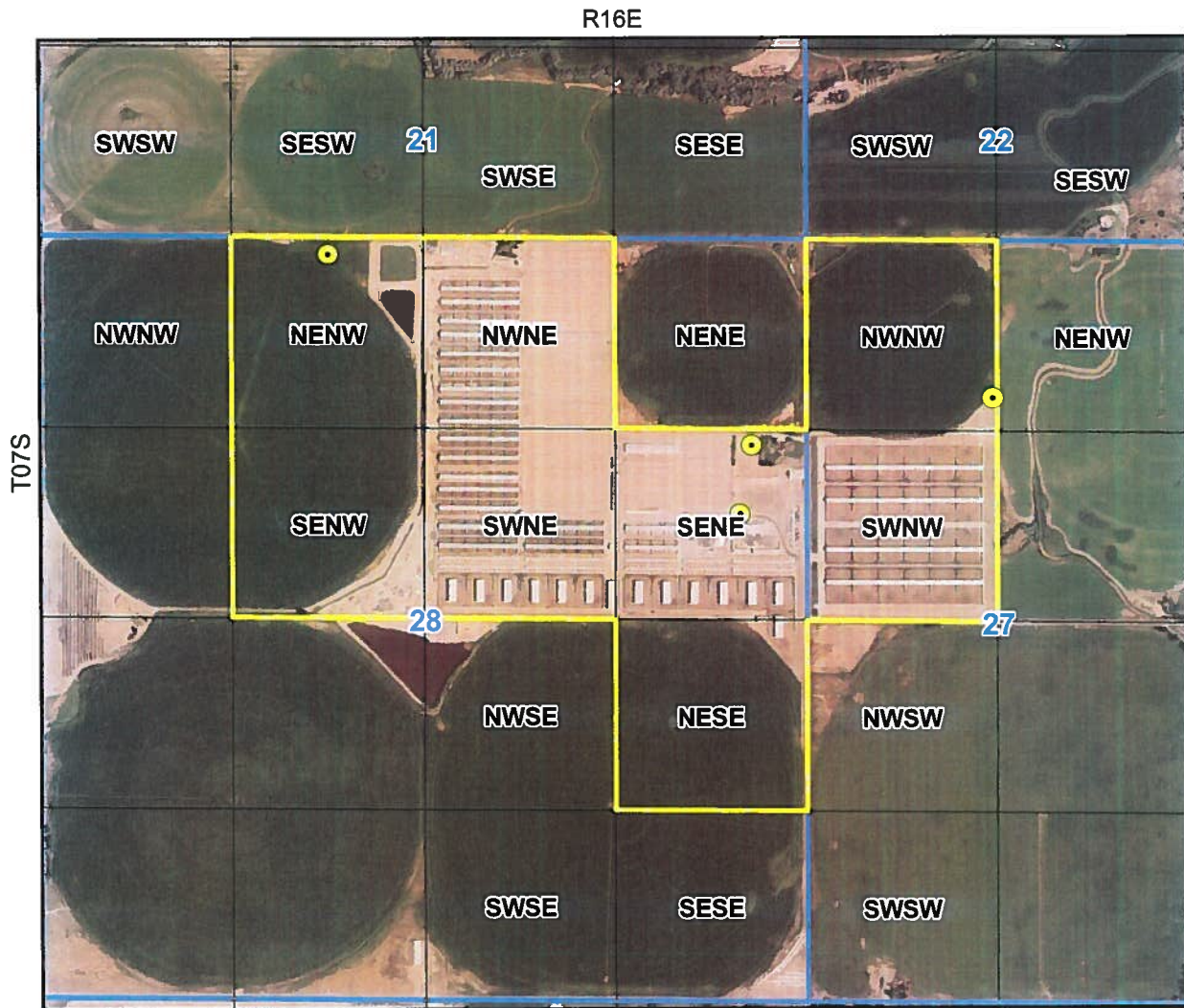
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 77523

Rights: 36-4157F, 36-14152, 36-16242, 36-16244, 36-16915

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



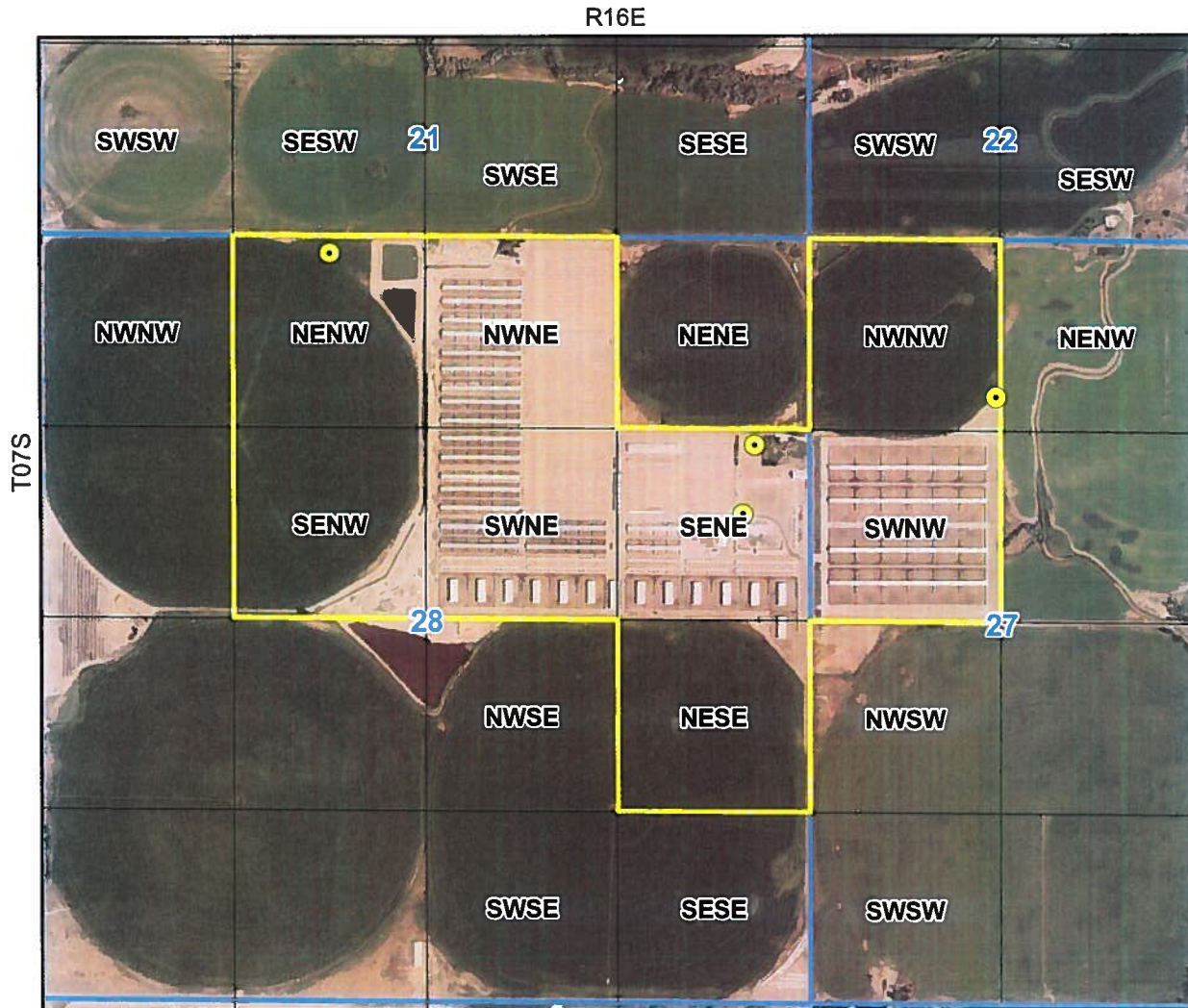
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77523

Rights: 36-16242, 36-16244, 36-16915

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.15 0.3 0.6 Miles

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

