

**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

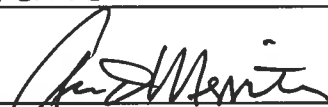
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77523**

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
	<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: 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				

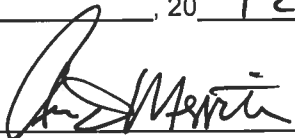
WATER RIGHT NO. 36-16915
As Modified by Transfer No. 77523

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

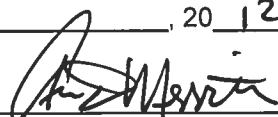
WATER RIGHT NO. 36-14152
As Modified by Transfer No. 77523

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						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. 36-16242
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.

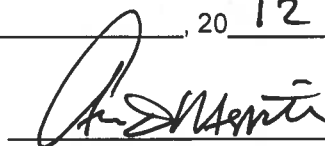
WATER RIGHT NO. 36-16242
As Modified by Transfer No. 77523

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.

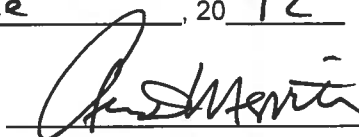
WATER RIGHT NO. 36-16244
As Modified by Transfer No. 77523

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.

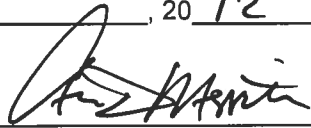
WATER RIGHT NO. 36-4157F
As Modified by Transfer No. 77523

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

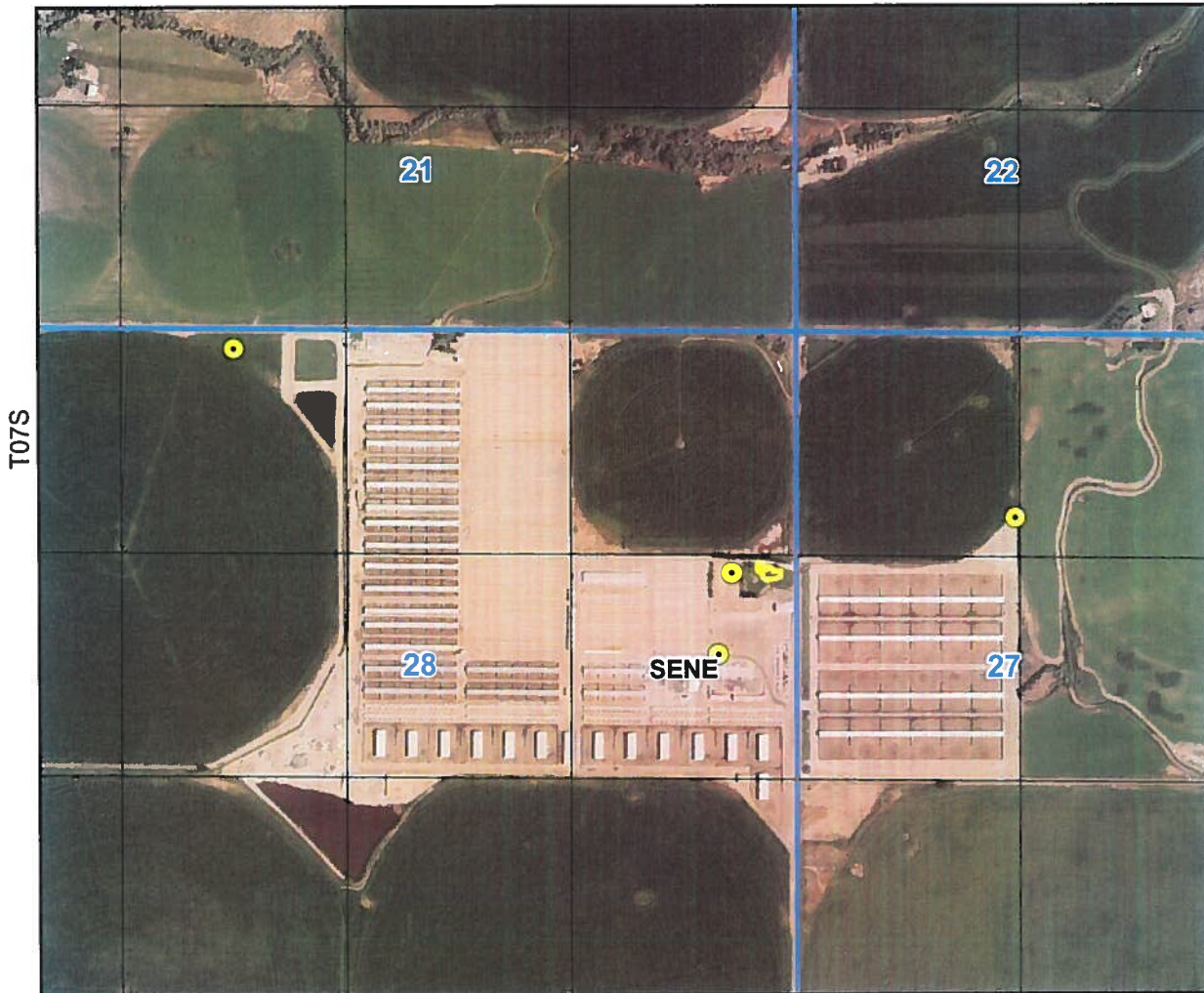
Attachment To Transfer Of Water Right

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

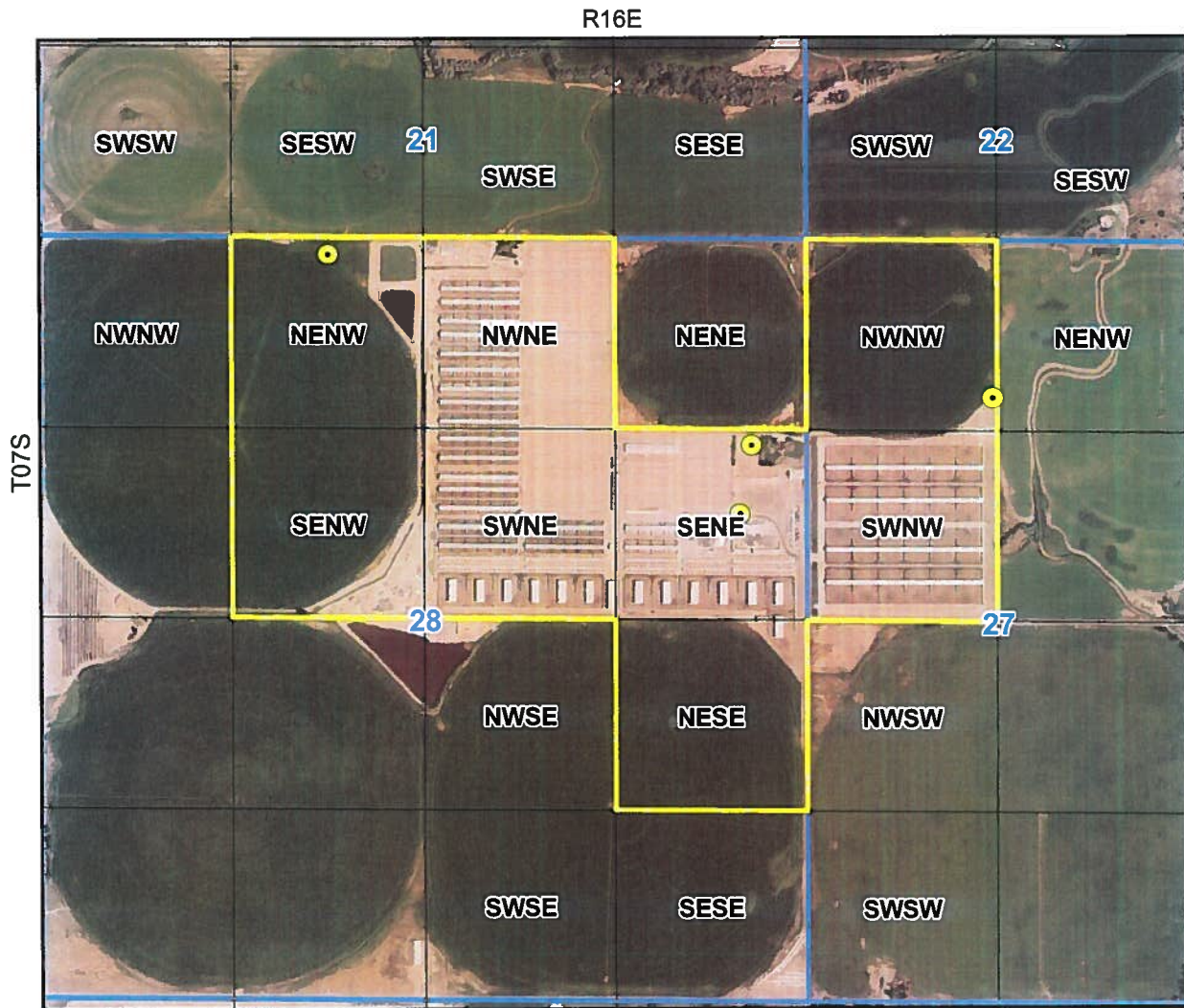
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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.



0 0.15 0.3 0.6 Miles

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



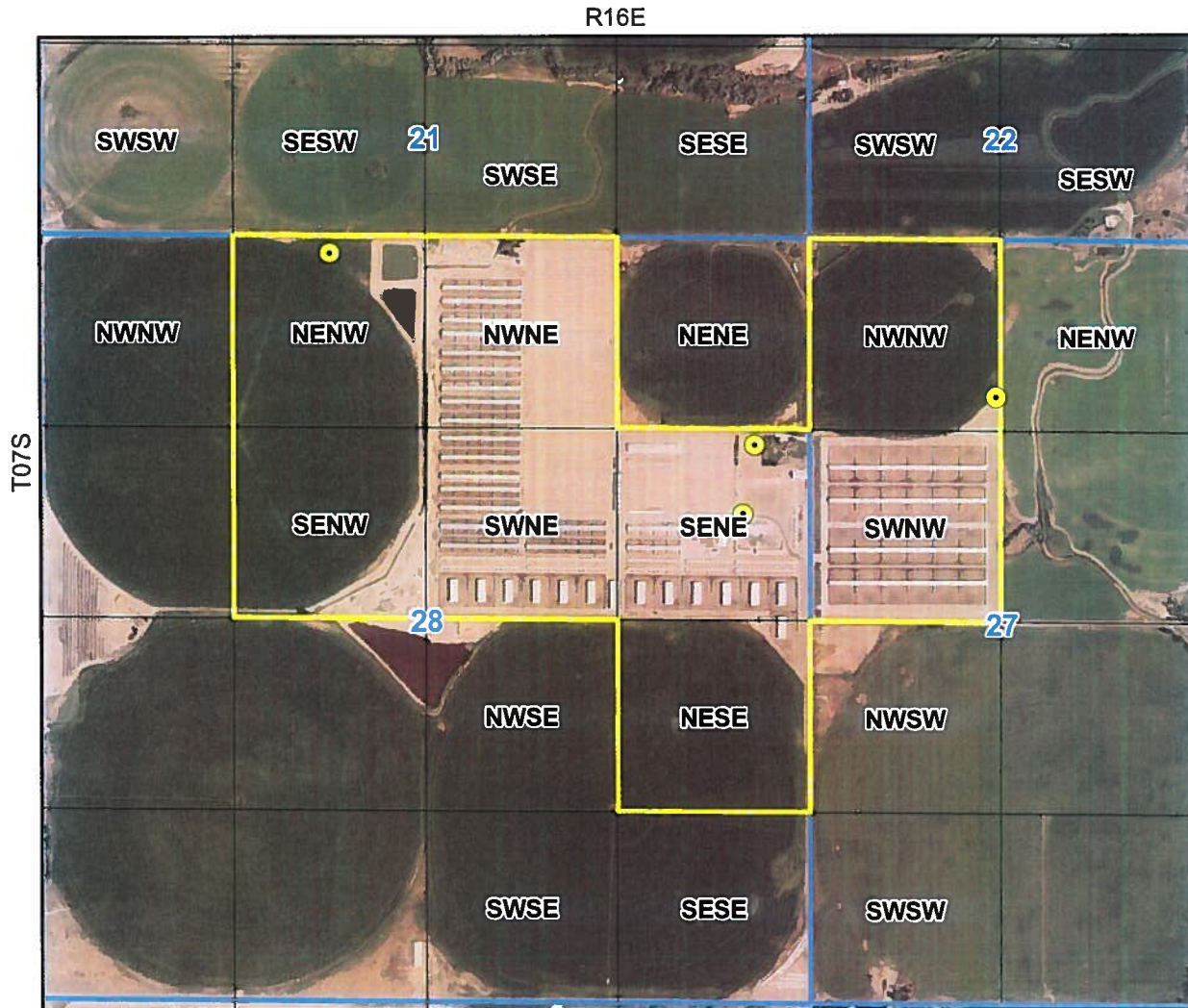
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77523

Rights: 36-16242, 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





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

June 12, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MILLENKAMP PROPERTIES, LLC
471 N 300 W
JEROME ID 83338

RE: Transfer No.: 77523
Water Right No(s): 36-16915 36-14152 36-16242 36-16244 36-4157F

RE: Transfer No.: 77522
Water Right No(s): 36-16914

RE: Transfer No.: 77425
Water Right No(s): 36-7507 36-16916

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: TSK ENTERPRISES

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

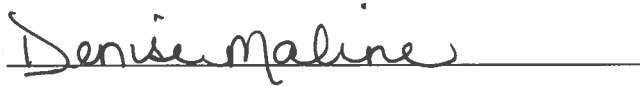
RE: Transfer No.: 77523
 Water Right No(s): 36-16915 36-14152 36-16242 36-16244 36-4157F

RE: Transfer No.: 77522
 Water Right No(s): 36-16914

RE: Transfer No.: 77425
 Water Right No(s): 36-7507 36-16916

MILLENKAMP PROPERTIES, LLC
471 N 300 W
JEROME ID 83338

TSK ENTERPRISES
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS ID 83301

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 12, 2012

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand Delivered

RE: APPROVED Transfer No(s). 77425 (Millenkamp Properties)
APPROVED Transfer No(s). 77522 (Millenkamp Properties)
APPROVED Transfer No(s). 77523 (Millenkamp Properties)

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) within your district.

If you have any questions, please feel free to contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant
Southern Region

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 77523
Water Right No: 36-4157F
Applicant Name: Millenkamp

Watermaster's Recommendation:

- a) X I do not oppose approval of this application
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application(s) for the following reasons:
- d) Additional comment:

Dated: May 23, 2012

Water District 130



Cindy Yenter, Watermaster

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
APR 27 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 19th day of April, 2012 and ending with the issue dated 26th day of April, 2012

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

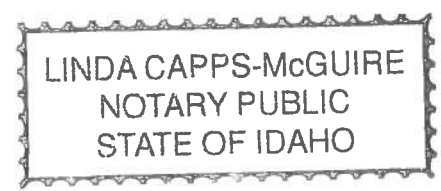
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 26th day of April, 2012, before me,

a Notary Public, personally appeared Ruby Aufderheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



✓ OK

Pg. 2

RECEIVED
APR 27 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-16936

✓ **IGNACIO NICK ZABALA**

CARMEN M ZABALA

PO BOX 262

HAGERMAN, ID 83332

Point of Diversion SENESE S2 T07S R13E GOODING County

Source SPRING Tributary SNAKE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/9/2012

Place Of Use: DOMESTIC

T07S R13E S2 NWSE

Application proposes to divert up to 0.04 CFS from an unnamed spring for in-house domestic use for a home located approximately 1.4 miles N of Hagerman. The unnamed spring is located approximately 700 ft due east of the proposed place of use and is proposed to be delivered through an existing pipeline.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77851**

✓ **GW FINANCE CO LLC**, 22 N YALE RD, DECLO, ID 83323 has filed Application No. 77851 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13640, 43-13642. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a new well to be drilled on a farm located approximately 14.0-14.8 mi. east and 2.2-2.7 mi. south of Declo. The new well and an existing well will be used to divert 4.75 cfs and 976 AF for the irrigation of 244 acres on the farm.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77425**

✓ **MILLENKAMP PROPERTIES**, 471 N 300 W, JEROME, ID 83338 has filed Application No. 77425 for changes to the following water rights within JEROME County(s): Right No(s). 36-7507, 36-16916. The purpose of the transfer is to change a portion of the above rights as follows: Application 77425 proposes changing the point of diversion (POD) and the recorded place of use (POU) for a 1.06 CFS (71 acres, 284 AFA) portion associated with an irrigation groundwater right (36-7507) currently appurtenant to property located approximately 3.5 to 4.0 mi. W & 4.5 to 5.0 mi. N of Jerome. Applicant proposes to move this portion to an adjacent farm and well, located SE of the, current authorized place of use, to cover 71 acres proposed to be dried up under right 36-8054 involved in companion transfers 77522 & 77523.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77522**

✓ **MILLENKAMP PROPERTIES, LLC**, 471 N 300 W, JEROME, ID 83338 has filed Application No. 77522 for changes to the following water rights within JEROME County(s): Right No(s). 36-16914. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 3 acre portion (0.06 cfs) of an irrigation groundwater right from a farm located approximately 4.0 - 4.5 miles north and 3.0 - 3.5 miles west of the center of Jerome to 3 acres of irrigation associated with a home and landscaping at a CAFO facility located adjacent to the farm. The transferred portion of this right (0.06 cfs) will be diverted from three existing wells and a new well to be drilled at the CAFO site.

✓ OK
DM 5/9/2012

→
OVER

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77523**

✓
MILLENKAMP PROPERTIES, LLC, 471 N 300 W, JEROME, ID 83338 has filed Application No. 77523 for changes to the following water rights within JEROME County(s): Right No(s). 36-14152, 36-16242, 36-16244, 36-4157F, 36-16915. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 68 acre portion (1.36 cfs) of an irrigation groundwater right from a farm located approximately 4.0 - 4.5 miles north and 3.0 - 3.5 miles west of the center of Jerome to commercial and stockwater use to a CAFO located adjacent to the farm at approximately 4.5 - 5.0 miles north and 2.75 - 3.75 miles west of the center of Jerome. The transferred portion of this right (1.36 cfs) and an additional existing domestic and stockwater right (0.04 cfs) will be added to three existing commercial and stockwater rights for the CAFO. These five water rights will be diverted from three existing wells and a new well to be drilled at the CAFO site.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 May 7, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

PUBLISH: April 19th & 26th, 2012

✓ OK DM
5.9.2012