

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 75010

This is to certify that: DON MICKELSEN  
1260 TWIN BUTTE RD  
MENAN ID 83434  
(208)754-9323

And

RANDY HARDMAN  
1215 E BUTTE RD  
MENAN ID 83414-5124  
(208)754-0408

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 21-4000      | AJC/Beneficial Use  | 05/07/1959      | 3.76 cfs    | 658 af        | N/A               | 374.0              | GROUND WATER  |

**Associated Water Rights Also Included in Transfer Approval (Update Conditions)**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 21-2166      | WR/Decreed          | 05/07/1951      | 3.76 cfs    | 658 af        | N/A          | 374.0        | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 21-4000               | YES          | NO         | YES        | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 21-4000                | <b>21-13084</b>                  | 0.03 cfs             | 10.5 af                | N/A               | 3.0                | <b>21-13083</b>                    | 3.73 cfs              | 647.5 af                | 185.0                       | 371.0                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.03 cfs</b>      | <b>10.5 af</b>         | <b>N/A</b>        | <b>3.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 27 day of January, 2009

*Ernest Carlson*  
for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 21-4000

**WATER RIGHT NO. 21-13083**  
**As Modified by Transfer No. 75010**

In accordance with the approval of Transfer No. 75010, Water Right No. 21-13083 is now described as follows.

**Right Holder:** DON MICKELSEN  
 1260 TWIN BUTTE RD  
 MENAN ID 83434

**Priority Date:** May 07, 1959

**Source:** GROUND WATER

|                              |                    |                  |                              |                      |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 04/01 to           | 10/31            | 3.73 CFS                     | 647.5 AF             |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |                |
|--------------|--------|-----------------|---------|----------------|
| GROUND WATER | NESENW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | SESENW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | NWSESW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | NESESE | Sec. 34 Twp 06N | Rge 38E | MADISON County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |    |      |      | SW   |      |     |    | SE   |      |    |     | Totals |
|-----|-----|-----|------|------|------|------|------|----|------|------|------|------|-----|----|------|------|----|-----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW   | SE   | NE   | NW   | SW  | SE | NE   | NW   | SW | SE  |        |
| 06N | 38E | 34  | 38.0 | 23.0 | 40.0 | 40.0 | 11.0 |    | 31.0 | 40.0 | 36.0 | 25.0 | 9.1 |    | 40.0 | 31.0 |    | 5.3 | 369.4  |
| 06N | 38E | 35  |      |      |      |      |      | .2 | .8   |      |      | .6   |     |    |      |      |    |     | 1.6    |

Total Acres: 371

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 185 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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 27 day of January, 2009

*Ernest Crulsen*  
 for Chief, Water Allocation Bureau

**WATER RIGHT NO. 21-13084**  
**As Modified by Transfer No. 75010**

In accordance with the approval of Transfer No. 75010, Water Right No. 21-13084 is now described as follows.

**Right Holder:** RANDY HARDMAN  
 1215 E BUTTE RD  
 MENAN ID 83414-5124

**Priority Date:** May 07, 1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 04/01 to 10/31        | 0.03 CFS              | 10.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER              SESE              Sec. 34 Twp 06N    Rge 38E    MADISON County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 06N 38E 34  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0    |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0    |

Total Acres: 3

**CONDITIONS OF APPROVAL**

1. 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.
2. 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. 100.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Prior to the diversion and use of water under Transfer approval 75010, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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. 21-13084**  
**As Modified by Transfer No. 75010**

**CONDITIONS OF APPROVAL**

8. 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 27 day of January, 2009

Ernest Carlson  
for, Chief, Water Allocation Bureau

**WATER RIGHT NO. 21-2166**  
**As Modified by Transfer No. 75010**

In accordance with the approval of Transfer No. 75010, Water Right No. 21-2166 is now described as follows.

**Right Holder:** DON MICKELSEN  
 1260 TWIN BUTTE RD  
 MENAN ID 83434

**Priority Date:** May 07, 1951

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 3.76 CFS              | 647.5 AF      |
| STOCKWATER            | 01/01       | to 12/31  | 0.02 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |                |
|--------------|--------|-----------------|---------|----------------|
| GROUND WATER | NESENW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | SESENW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | NWSESW | Sec. 34 Twp 06N | Rge 38E | MADISON County |
| GROUND WATER | NESESE | Sec. 34 Twp 06N | Rge 38E | MADISON County |

**PLACE OF USE:** IRRIGATION

| 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> |        |
| 06N | 38E | 34  | 38.0      | 23.0      | 40.0      | 40.0      | 11.0      |           | 31.0      | 40.0      | 36.0      | 25.0      | 9.1       |           | 40.0      | 31.0      |           | 5.3       | 369.4  |
| 06N | 38E | 35  |           |           |           |           |           | .2        | .8        |           |           | .6        |           |           |           |           |           |           | 1.6    |

Total Acres: 371

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.
2. 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.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. 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.

**WATER RIGHT NO. 21-2166**  
**As Modified by Transfer No. 75010**

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 27 day of January, 2009

Ernest Carlson  
for Chief, Water Allocation Bureau