

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 73320**

This is to certify that: MICKELSEN PROPERTIES LLC  
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC  
PO BOX 50130  
IDAHO FALLS ID 83405  
(208)523-0620

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>  |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|----------------|
| 34-618       | WR/Decreed          | 09/01/1884      | 3.2 cfs     | N/A           | N/A               | 139.0              | BIG LOST RIVER |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-618                | NO           | YES        | YES        | NO             | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-618                 | <b>34-618</b>                    | 3.2 cfs              | N/A                    | N/A               | 2,124.0            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.2 cfs</b>       | <b>N/A</b>             | <b>N/A</b>        | <b>2124.0</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 22<sup>nd</sup> day of November, 20 07

\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 34-618**  
**As Modified by Transfer No. 73320**

In accordance with the approval of Transfer No. 73320, Water Right No. 34-618 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 C/O HOLDEN KIDWELL HAHN & CRAPO PLLC  
 PO BOX 50130  
 IDAHO FALLS ID 83405

**Priority Date:** September 01, 1884

**Source:** BIG LOST RIVER      **Tributary:** SINKS

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 05/01 to    | 10/15     | 3.20 CFS              |
|                       |             |           | 3.20 CFS              |

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

BIG LOST RIVER      NWSESE      Sec. 4   Twp 05N   Rge 26E   BUTTE 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   |        |
| 03N | 25E | 12  | 39.0 | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 31.0 | 32.0 | 31.0 | 32.0 | 39.0 | 40.0 | 36.0 | 36.0 | 595.0  |
| 03N | 26E | 17  | 11.0 | 25.0 |      |      | 37.0 | 39.0 | 13.0 | 5.0  |      |      |      |      |      |      |      |      | 130.0  |
| 03N | 26E | 18  | 35.0 | 39.0 | 36.0 | 25.0 | 38.0 | 26.0 | 37.0 | 40.0 | 17.0 | 10.0 |      |      | 2.0  |      |      |      | 305.0  |
| 04N | 25E | 35  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 40.0 | 320.0  |
| 04N | 25E | 36  | 38.0 | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 635.0  |
| 04N | 26E | 4   | 35.0 | 36.0 | 36.0 | 32.0 |      |      |      |      |      |      |      |      |      |      |      |      | 139.0  |

Total Acres: 2124

**CONDITIONS OF APPROVAL**

- 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 delivered through the Moore Diversion.
- 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.
- Rights 34-618 and that portion of ground water right no. 34-7179 associated with water right no. 34-618, when combined, shall not exceed a total diversion rate of 0.02 cfs per acre, and shall not exceed a total annual maximum diversion volume of 486.5 af at the field headgate.

**WATER RIGHT NO. 34-618**  
**As Modified by Transfer No. 73320**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. The right holder shall maintain a measuring device, or other suitable method of measurement, and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. 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. 34.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right prior to or in conjunction with beneficial use of associated ground water rights.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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.

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 22<sup>nd</sup> day of November, 20 07

  
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Chief, Water Allocation Bureau