

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73367

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>
34-10028	WR/Decreed	04/01/1961	4.36 cfs	N/A	218.0	239.0	GROUND WATER
34-10896	WR/Decreed	04/01/1983	0.38 cfs	N/A	N/A	239.0	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>
34-10028	NO	NO	YES	NO	NO	NO
34-10896	NO	NO	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>
34-10028	34-10028	4.36 cfs	763 af	218.0	239.0		N/A	N/A	N/A	N/A
34-10896	34-10896	0.38 cfs	73.5 af	21.0	239.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.36 cfs	836.5 af	239.0	239.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of May, 2007


 Administrator, Water Management Division

SUPPORT DATA

IN FILE # 34-10028

WATER RIGHT NO. 34-10028
As Modified by Transfer No. 73367

In accordance with the approval of Transfer No. 73367, Water Right No. 34-10028 is now described as follows.

Right Holder: MICKELSEN PROPERTIES LLC
 PO BOX 438
 RIGBY ID 83442

Priority Date: April 01, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.36 CFS	763.0 AF
			4.36 CFS	763.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSW Sec. 2 Twp 03N 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	26E	2									9.5	22.1	40.0	34.7					106.3
03N	26E	3													25.3			27.0	52.3
03N	26E	10	14.2																14.2
03N	26E	11					27.1	39.1											66.2

Total Acres: 239

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 218 acres within the place of use described above in a single irrigation season.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Rights 34-10028 and 34-10896 when combined shall not exceed a total diversion rate of 4.36 cfs, a total annual maximum diversion volume of 836.5 af at the field headgate, and the irrigation of 239 acres.
5. 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.

WATER RIGHT NO. 34-10028
As Modified by Transfer No. 73367

CONDITIONS OF APPROVAL

6. 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.
7. Prior to the diversion and use of water under Transfer approval 73367, 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.
8. Right No. 34-10896 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. 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.
10. 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 30th day of May, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 34-10896
As Modified by Transfer No. 73367

In accordance with the approval of Transfer No. 73367, Water Right No. 34-10896 is now described as follows.

Right Holder: MICKELSEN PROPERTIES LLC
 PO BOX 438
 RIGBY ID 83442

Priority Date: April 01, 1983

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	0.38 CFS	73.5 AF
		0.38 CFS	73.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSW Sec. 2 Twp 03N 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	26E	2									9.5	22.1	40.0	34.7					106.3
03N	26E	3													25.3			27.0	52.3
03N	26E	10	14.2																14.2
03N	26E	11					27.1	39.1											66.2

Total Acres: 239

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
4. Rights 34-10028 and 34-10896 when combined shall not exceed a total diversion rate of 4.36 cfs, a total annual maximum diversion volume of 836.5 af at the field headgate, and the irrigation of 239 acres.

WATER RIGHT NO. 34-10896
As Modified by Transfer No. 73367

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 73367, 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. 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.
7. 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.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. This right is based upon an enlargement of Right No. 34-10028 pursuant to Section 42-1426, Idaho Code.
10. This right is for an enlargement of 21 acres within the place of use described for this right.
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.

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 30th day of May, 20 07


Administrator, Water Management Division