

(8) Remarks License 35-2090A also on this ground. This system was upgraded and the claim reflects the actual amount of water historically used.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Bonneville ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 15<sup>th</sup> day of June

Rob Muhelner  
(Claimant)

William Wray  
Notary Public  
Residing at Idaho Falls

My commission expires 6-15-85

| FOR DEPARTMENT USE ONLY           |                     |                     |              |
|-----------------------------------|---------------------|---------------------|--------------|
| Received by <u>Harold</u>         | Date <u>6-15-83</u> | Exception filed by: | Forwarded to |
| Prelim. check by <u>S.M.</u>      | Date <u>6-20-83</u> |                     | claimant by: |
| \$30.00 fee received by <u>CW</u> | Date <u>6-15-83</u> |                     |              |
| Published in <u>Post Register</u> | <u>#30868</u>       |                     |              |
| Dates <u>8/11 &amp; 8/18/83</u>   |                     |                     |              |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 68931

This is to certify that: MICKELSEN FARMS PARTNERSHIP  
1050 W RIVERVIEW DR  
IDAHO FALLS ID 83401  
(208)524-1295

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. 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>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 35-2090A     | AJC/License         | 03/17/1948      | 3.28 cfs    |               | 720.0        | 1,357.0      | GROUND WATER  |
| 35-2661A     | AJC/License         | 02/21/1961      | 1.47 cfs    |               | 100.0        | 1,357.0      | GROUND WATER  |
| 35-2902      | AJC/License         | 04/19/1956      | 4.36 cfs    |               | 320.0        | 1,357.0      | GROUND WATER  |
| 35-4198      | AJC/Statutory Claim | 05/01/1954      | 2.44 cfs    |               | 800.0        | 1,357.0      | GROUND WATER  |
| 35-7607      | AJC/License         | 05/03/1976      | 5.02 cfs    |               | 251.0        | 1,357.0      | GROUND WATER  |
| 35-13295     | AJC/License         | 04/12/1957      | 4.57 cfs    | 5428.0 af     | 400.0        | 1,357.0      | GROUND WATER  |
| 35-13297     | AJC/License         | 05/12/1983      | 1.35 cfs    | 578.3 af      | 156.0        | 156.0        | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-2090A              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-2661A              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-2902               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-4198               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-7607               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13295              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13297              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-2090A              | <b>35-2090A</b>                  | 3.28 cfs             | 1392.3 af              | 720.0             | 1,513.0            | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-2661A              | <b>35-2661A</b>                  | 1.47 cfs             | 400 af                 | 100.0             | 1,513.0            | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-2902               | <b>35-2902</b>                   | 4.36 cfs             | 1280 af                | 320.0             | 1,513.0            | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-4198               | <b>35-4198</b>                   | 2.44 cfs             | 1035.7 af              | 800.0             | 1,513.0            | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-7607               | <b>35-7607</b>                   | 5.02 cfs             | 1004 af                | 251.0             | 1,513.0            | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |

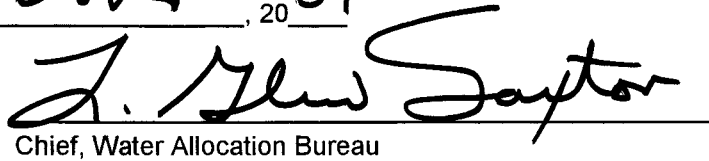
MICROFILMED  
NOV 1 2 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 68931

|               |                 |                  |                |             |             |            |            |            |            |            |
|---------------|-----------------|------------------|----------------|-------------|-------------|------------|------------|------------|------------|------------|
| 35-13295      | <b>35-13295</b> | 4.57 cfs         | 1600 af        | 400.0       | 1,513.0     | N/A        | N/A        | N/A        | N/A        | N/A        |
| 35-13297      | <b>35-13297</b> | 1.35 cfs         | 573 af         | 156.0       | 1,513.0     | N/A        | N/A        | N/A        | N/A        | N/A        |
| <b>TOTALS</b> |                 | <b>22.49 cfs</b> | <b>6001 af</b> | <b>1513</b> | <b>1513</b> | <b>N/A</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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

RECEIVED

2001

**WATER RIGHT NO. 35-2090A**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-2090A is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 03/17/1948

**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  | 3.28 CFS              | 1392.3 AF     |
|                       |             |           | 3.28 CFS              | 1392.3 AF     |

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

|              |         |                         |                   |
|--------------|---------|-------------------------|-------------------|
| GROUND WATER | SENESEW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE  | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SEWNWE  | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-2090A is limited to the irrigation of 720 acres within the place of use described above in a single irrigation season.

APPROVED

JAN 13 2011

**WATER RIGHT NO. 35-2090A**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

NOTED

10/13/2001

**WATER RIGHT NO. 35-2661A**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-2661A is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 02/21/1961

**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  | 1.47 CFS              | 400 AF        |
|                       |             |           | 1.47 CFS              | 400 AF        |

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

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SENESW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SEWNWE | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-2661A is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

APPROVED  
 10/13/2004

**WATER RIGHT NO. 35-2661A**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-2902**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-2902 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 04/19/1956

**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  | 4.36 CFS              | 1280.0 AF     |
|                       |             |           | 4.36 CFS              | 1280.0 AF     |

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

|              |         |                         |                   |
|--------------|---------|-------------------------|-------------------|
| GROUND WATER | SENESEW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE  | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SENEWNE | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-2902 is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.

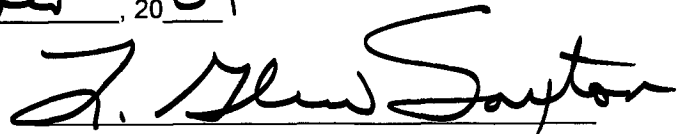
**WATER RIGHT NO. 35-2902**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-4198**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-4198 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 05/01/1954

**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  | 2.44 CFS              | 1035.7 AF     |
|                       |             |           | 2.44 CFS              | 1035.7 AF     |

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

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SENESW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SEWNWE | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-4198 is limited to the irrigation of 800 acres within the place of use described above in a single irrigation season.

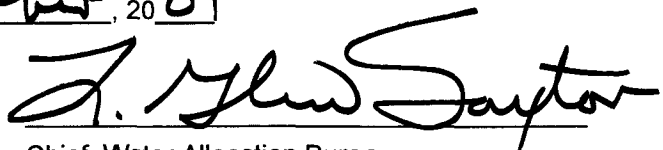
**WATER RIGHT NO. 35-4198**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001



Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-7607**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-7607 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 05/03/1976

**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  | 5.02 CFS              | 1004.0 AF     |
|                       |             |           | 5.02 CFS              | 1004.0 AF     |

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

|              |         |                         |                   |
|--------------|---------|-------------------------|-------------------|
| GROUND WATER | SENESE  | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE  | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SENEWNE | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-7607 is limited to the irrigation of 251 acres within the place of use described above in a single irrigation season.

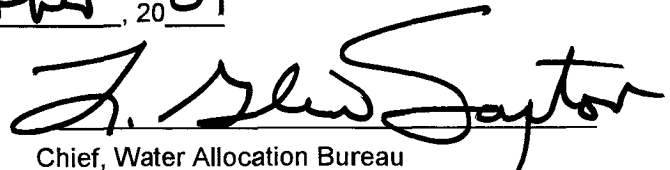
**WATER RIGHT NO. 35-7607**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13295**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-13295 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 04/12/1957

**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  | 4.57 CFS              | 1600.0 AF     |
|                       |             |           | 4.57 CFS              | 1600.0 AF     |

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

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SENESW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWE  | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SENWNE | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-13295 is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.

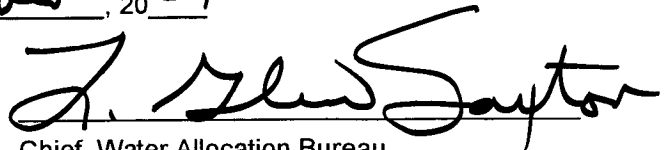
**WATER RIGHT NO. 35-13295**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, and 35-13295 when combined shall not exceed a total annual maximum diversion volume of 5428 af at the field headgate, and the irrigation of 1357 acres.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13297**  
**As Modified by Transfer No. 68931**

In accordance with the approval of Transfer No. 68931, Water Right No. 35-13297 is now described as follows.

**Right Holder:** MICKELSEN PROPERTIES LLC  
 1050 W RIVERVIEW DR  
 IDAHO FALLS ID 83401

**Priority Date:** 05/12/1983

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 1.35 CFS              | 573.0 AF      |
|                       |             |           | 1.35 CFS              | 573.0 AF      |

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

|              |         |                         |                   |
|--------------|---------|-------------------------|-------------------|
| GROUND WATER | SENESEW | Sec. 29 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SESWSE  | Sec. 30 Twp 03N Rge 36E | BONNEVILLE County |
| GROUND WATER | SEWNWE  | Sec. 31 Twp 03N Rge 36E | BONNEVILLE 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   |        |
| 02N 36E 6   | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 36.0 |      | 4.0  | 240.0  |
| 03N 36E 28  |      |      |      |      |      |      |      |      | 40.0 | 39.0 | 38.0 | 39.0 |      |      |      |      | 156.0  |
| 03N 36E 29  |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 39.0 | 38.0 | 40.0 | 40.0 | 33.0 | 39.0 | 309.0  |
| 03N 36E 30  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 35.0 | 315.0  |
| 03N 36E 31  | 39.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 | 40.0 | 39.0 | 318.0  |
| 03N 36E 32  |      |      |      |      | 40.0 | 37.0 | 40.0 | 40.0 | 9.0  | 9.0  |      |      |      |      |      |      | 175.0  |

Total Acres: 1513

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 35-2090A, 35-2661A, 35-2902, 35-4198, 35-7607, 35-13295, and 35-13297 shall not exceed 22.49 cfs, a total combined annual volume of 6001 af, and the irrigation of 1513 acres.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Right 35-13297 is limited to the irrigation of 156 acres within the place of use described above in a single irrigation season.

MICKELSEN

3/12/2003

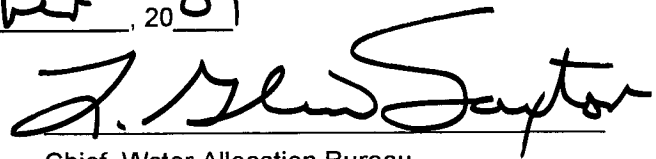
**WATER RIGHT NO. 35-13297**  
**As Modified by Transfer No. 68931**

**CONDITIONS OF APPROVAL**

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

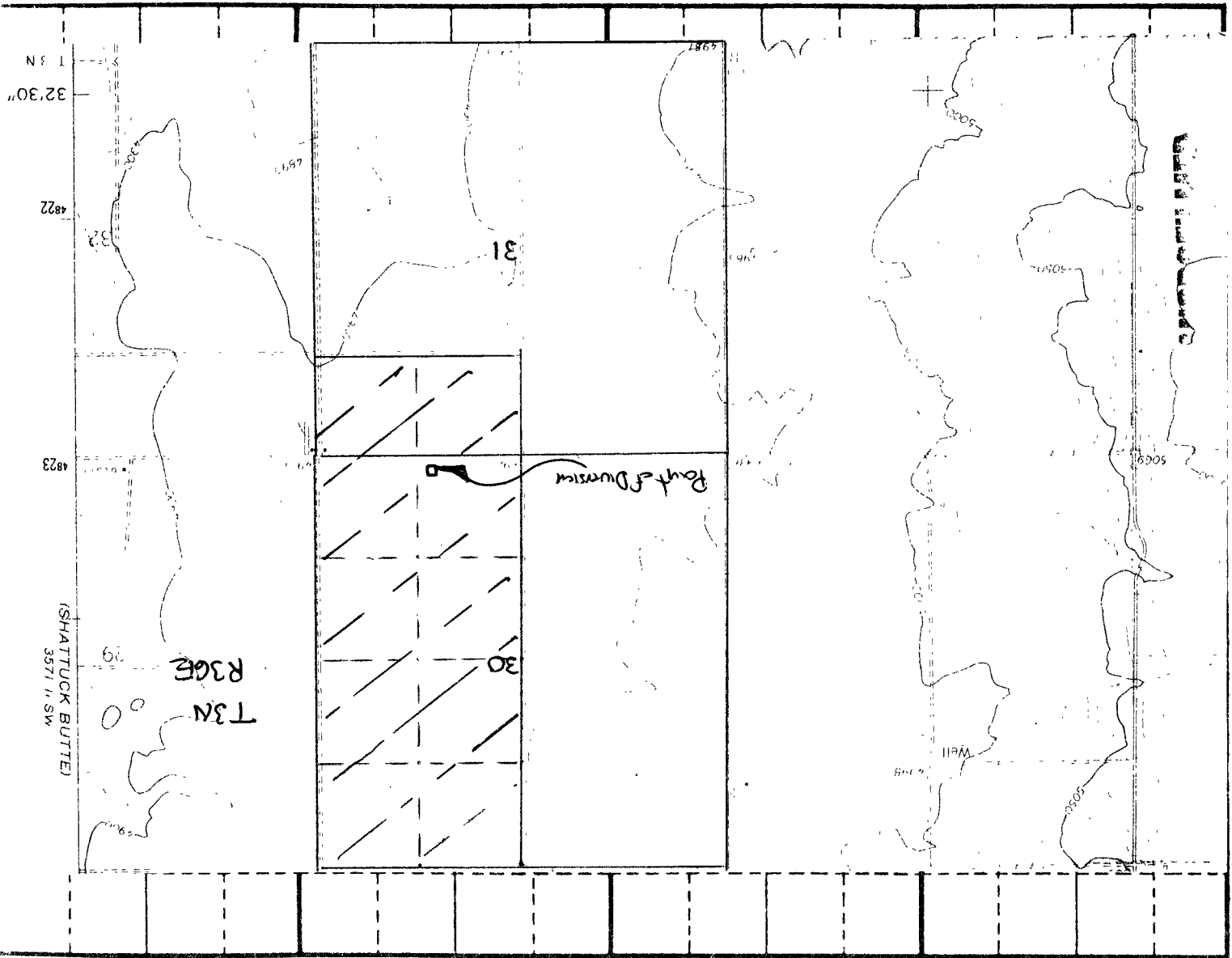
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23<sup>rd</sup> day of October, 2001

  
Chief, Water Allocation Bureau

(7) If you are claiming water as a member of an organization, list name of organization

(8) Remarks License 35-2090 A also on this ground. This system was upgraded and the claim reflects the actual amount of water historically used.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho  
County of *Benewah*  
) ss.  
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this *13th* day of *June*

(Claimant)  
*19 83*

Notary Public  
Residing at *Shattuck Butte*

My commission expires *6-15-85*

FOR DEPARTMENT USE ONLY

Received by *W. J. Smith* Date *6-15-83* Exception filed by: Forwarded to Date  
Prelim. check by *SM* Date *6-20-83* claimant by:  
\$30.00 fee received by *W. J. Smith* Date *6-15-83*  
Published in *Boz Register* *8/11 8/18/83* # *30868* Dates

Proof of Publication  
**The Post-Register**

RECEIVED

AUG 22 1983

Department of Water Resources  
Eastern District Office

State of Idaho, {  
County of Bonneville { ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the  
Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville  
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,  
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls  
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho  
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,  
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-  
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-  
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-  
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-  
lished in said Post-Register for two consecutive weeks, first publication having been made  
on the 11th day of August, 1983, last publication  
having been made on the 18th day of August, 1983, and that the  
said notice was published in the regular and entire issue of said paper on the respective dates of  
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 18th day of August, 1983

[Signature]  
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF CLAIMS  
TO WATER RIGHTS

The following claim(s) have been filed on water  
right(s) created by diversion and beneficial use:

35-4198

MICKELSEN, LYNN &/or DALE  
BOX 628, RIGBY, ID 83442  
Source: GROUNDWATER  
Priority Date: 06/01/1960  
Diversion Pt: SWSE Sec 30 T 03N R 36E  
Use: IRRIGATION (6.24 CFS)  
In: NENE NWNE SWNE SENE NESE NWSE  
SWSE SESE Sec. 30 T 03N R 36E NENE NWNE  
Sec 31 T 03N R 36E FOR 400 ACRES

35-4202

SNARR, ROBERT B. &/or LINDA  
RT. 5, BOX 187, IDAHO FALLS, ID 83402  
Source: GROUNDWATER  
Priority Date: 08/01/1937  
Diversion Pt: SESW Sec. 03 T 02N R 37E  
Use: STOCKWATER (0.09 CFS); DOMESTIC  
(0.11 CFS)  
In: SESW SWSE Sec 03 T 02N R 37E NWNE  
NENW Sec 10 T 02N R 37E  
Exceptions to a claim may be filed with the  
Director, Dept. of Water Resources, 150 Shoup  
Ave., Suite 15, Idaho falls, Idaho 83402.

KEN DUNN  
Director

Published: August 11 and 18, 1983.

**MEMORANDUM**

**TO:** FILE 35-4198

**FROM:** VAULT

**RE:** TRANSFER # 68931

**DATE:** 3-23-01

=====

**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 35-2090

**MICROFILMED**

**NOV 13 2001**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 29, 1983

RECEIVED

LYNN MICKELSEN  
DALE MICKELSEN  
BOX 628  
RIGBY

ID 83442

RE: Claim No. 35-4198

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

RECEIVED  
SEP 06 1983  
Department of Water Resources

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY *STEVE McCLERMICK*

Right Number

*35 4138*

Applicant

*LYNN MICKELSON*

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER

CHECK:

- ☒ Name and address.
- ☒ Date of priority (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

*Aug. 29, 1983*

FINAL REGIONAL PROCESSING REVIEW.

- ☒ Affidavit of publication received
- ☒ Claim published correctly.
- ☒ Exceptions processed

By

*Ernest Carlson.*

Date

*Aug. 30, 1983.*

STATE OFFICE PROCESSING

- ☒ Claim review complete.

By

*KW*

Date

*9/7/83*

*CW*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 3, 1983

The Post Register  
P. O. Box 1800  
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 29, 1983.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

100  
101  
102

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 8/11 & 8/18/83.

35-4198

MICKELSEN, LYNN &/or DALE

BOX 628, RIGBY, ID 83442

Source: GROUNDWATER

Priority Date: 06/01/1960

Diversion Pt: SWSE Sec 30 T 03N R 36E

Use: IRRIGATION (6.24 CFS)

In: NENE NWNE SWNE SENE NESE NWSE SWSE SESE Sec 30 T 03N R 36E NENE NWNE  
Sec 31 T 03N R 36E FOR 400 ACRES