

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84029**

This is to certify that: **FOSTER LAND AND CATTLE**
PO BOX 40
RIRIE, ID 83443-0040

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-13403	WR/DECREED	4/18/1974	1.550 cfs	308.0 af	77.0	792.0	GROUND WATER
35-13933	WR/DECREED	9/25/1973	4.960 cfs	993.6 af	248.4	792.0	GROUND WATER
35-13935	WR/DECREED	9/25/1973	4.900 cfs	980.8 af	245.2	792.0	GROUND WATER
35-13937	WR/DECREED	4/8/1975	4.960 cfs	993.6 af	248.4	792.0	GROUND WATER
35-13939	WR/DECREED	5/23/1975	2.480 cfs	496.0 af	124.0	792.0	GROUND WATER
35-13941	WR/DECREED	7/27/1976	0.640 cfs	128.0 af	32.0	792.0	GROUND WATER
35-13949	WR/DECREED	5/23/1975	0.540 cfs	107.2 af	26.8	792.0	GROUND WATER
35-13951	WR/DECREED	10/10/1973	0.390 cfs	123.2 af	30.8	792.0	GROUND WATER
35-7192A	WR/DECREED	11/29/1971	4.830 cfs	1901.6 af	475.4	524.8	GROUND WATER
35-9069	WR/DECREED	11/29/1971	0.506 cfs	197.6 af	49.4	524.8	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>
35-13403	NO	NO	YES	NO	NO	NO
35-13933	NO	NO	YES	NO	NO	NO
35-13935	NO	NO	YES	NO	NO	NO
35-13937	NO	NO	YES	NO	NO	NO
35-13939	NO	NO	YES	NO	NO	NO
35-13941	NO	NO	YES	NO	NO	NO
35-13949	NO	NO	YES	NO	NO	NO
35-13951	NO	NO	YES	NO	NO	NO
35-7192A	YES	YES	YES	YES	NO	NO
35-9069	YES	YES	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>
35-13403	35-13403	1.550 cfs	308.0 af	77.0	822.7	N/A	N/A	N/A	N/A	N/A
35-13933	35-13933	4.960 cfs	993.6 af	248.4	822.7	N/A	N/A	N/A	N/A	N/A
35-13935	35-13935	4.900 cfs	980.8 af	245.2	822.7	N/A	N/A	N/A	N/A	N/A
35-13937	35-13937	4.960 cfs	993.6 af	248.4	822.7	N/A	N/A	N/A	N/A	N/A
35-13939	35-13939	2.480 cfs	496.0 af	124.0	822.7	N/A	N/A	N/A	N/A	N/A

Transfer No. 84029

**Support Data
In File # 35-7192A**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84029**

Summary Of Water Rights After the Approved Change

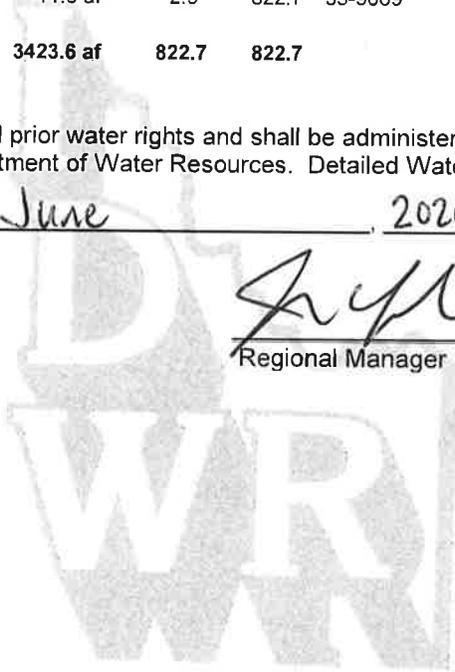
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13941	35-13941	0.640 cfs	128.0 af	32.0	822.7	N/A	N/A	N/A	N/A	N/A
35-13949	35-13949	0.540 cfs	107.2 af	26.8	822.7	N/A	N/A	N/A	N/A	N/A
35-13951	35-13951	0.390 cfs	123.2 af	30.8	822.7	N/A	N/A	N/A	N/A	N/A
35-7192A	35-14681	0.280 cfs	111.2 af	27.8	822.7	35-7192A	4.550 cfs	1790.4 af	447.6	494.1
35-9069	35-14682	0.030 cfs	11.6 af	2.9	822.7	35-9069	0.480 cfs	186.0 af	47.0	494.1
COMBINED TOTALS		8.050 cfs	3423.6 af	822.7	822.7		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 11th day of June, 2020.



Regional Manager



Transfer No. 84029

**Support Data
In File # 35-7192A**

WATER RIGHT NO. 35-13403

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13403 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 4/18/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	1.550 cfs	308.0 af
			1.550 cfs	308.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 77.0
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937 and 35-13939 when combined shall not exceed a total diversion rate of 7.06 cfs, a total annual maximum diversion volume of 2996.8 af at the field headgate, and the irrigation of 792 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13403
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

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. 120.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 84029 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.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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.

WATER RIGHT NO. 35-9069
As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-9069 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.480 cfs	186.0 af
			0.480 cfs	186.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 11 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	11	20.6	26.7	36.6	29.8	34.1	32.0	32.6	32.5	33.1	33.4	32.0	31.7	26.1	32.3	33.3	27.3	494.1

Right Acre Limit: 47.0
 POU Total Acres: 494.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 47.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 494.1 acres.
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. 120.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 79423, 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.

Transfer No. 84029

WATER RIGHT NO. 35-9069
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

WATER RIGHT NO. 35-14682
As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-14682 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.030 cfs	11.6 af
			0.030 cfs	11.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESEW	Sec 16 Twp 04N Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec 20 Twp 04N Rge 35E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 2.9
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.
3. 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. 35-14682
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84029, 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.
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 may 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. 120.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13933
As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13933 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 9/25/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	4.960 cfs	993.6 af
			4.960 cfs	993.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 248.4
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 248.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937 and 35-13939 when combined shall not exceed a total diversion rate of 7.06 cfs, a total annual maximum diversion volume of 2996.8 af at the field headgate, and the irrigation of 792 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13933
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13935

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13935 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 9/25/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	4,900 cfs	980.8 af
			4,900 cfs	980.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 245.2
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 245.2 acres within the place of use described above in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937 and 35-13939 when combined shall not exceed a total diversion rate of 7.06 cfs, a total annual maximum diversion volume of 2996.8 af at the field headgate, and the irrigation of 792 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13935
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13937
As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13937 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 4/8/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	4.960 cfs	993.6 af
			4.960 cfs	993.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 248.4
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 248.4 acres within the place of use described above in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937 and 35-13939 when combined shall not exceed a total diversion rate of 7.06 cfs, a total annual maximum diversion volume of 2996.8 af at the field headgate, and the irrigation of 792 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13937
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13939

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13939 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 5/23/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	2.480 cfs	496.0 af
			2.480 cfs	496.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 124.0
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937 and 35-13939 when combined shall not exceed a total diversion rate of 7.06 cfs, a total annual maximum diversion volume of 2996.8 af at the field headgate, and the irrigation of 792 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for he irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13939
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13941

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13941 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 7/27/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.640 cfs

0.640 cfs

Diversion Volume

128.0 af

128.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SENESW
 NENESW

Sec 16 Twp 04N Rge 35E JEFFERSON County
 Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
04N	35E	16					6.8			27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	31.5	510.2

Right Acre Limit: 32.0
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32 acres with in the place of use described above in a single irrigation season.
2. Rights 35-13941, 35-13949 and 35-13951 when combined shall not exceed a total diversion rate of 0.69 cfs, a total annual maximum diversion volume of 293.4 af at the field headgate, and the irrigation of 89.6 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13941
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13949

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13949 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 5/23/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.540 cfs	107.2 af
			0.540 cfs	107.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 26.8
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26.8 acres within the place of use described above in a single irrigation season.
2. Rights 35-13941, 35-13949 and 35-13951 when combined shall not exceed a total diversion rate of 0.69 cfs, a total annual maximum diversion volume of 293.4 af at the field headgate, and the irrigation of 89.6 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13949
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13951

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-13951 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 10/10/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.390 cfs	123.2 af
			0.390 cfs	123.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
 GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
04N	35E	16																		
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2	

Right Acre Limit: 30.8
 POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.8 acres within the place of use described above in a single irrigation season.
2. Rights 35-13941, 35-13949 and 35-13951 when combined shall not exceed a total diversion rate of 0.69 cfs, a total annual maximum diversion volume of 293.4 af at the field headgate, and the irrigation of 89.6 acres.
3. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792.0 acres.
4. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.

Transfer No. 84029

WATER RIGHT NO. 35-13951
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 84029, 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.
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. Use of water under this right may 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. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-7192A
As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-7192A is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	4.550 cfs	1790.4 af
			4.550 cfs	1790.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 11 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
04N	35E	11	20.6	26.7	36.6	29.8	34.1	32.0	32.6	32.5	33.1	33.4	32.0	31.7	26.1	32.3	33.3	27.3	494.1

Right Acre Limit: 447.6
 POU Total Acres: 494.1

CONDITIONS OF APPROVAL

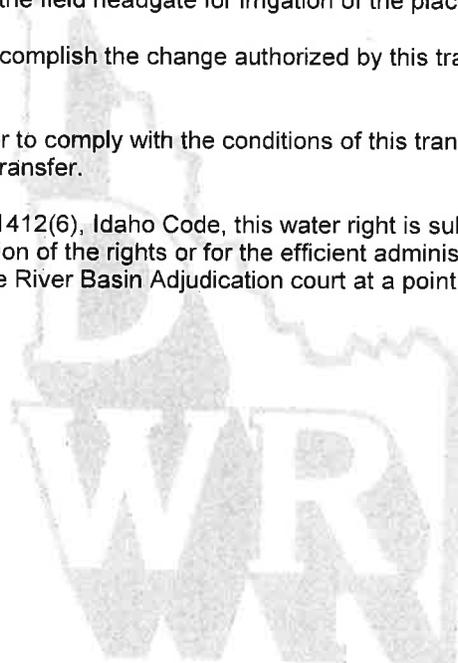
1. This right is limited to the irrigation of 447.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 494.1 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility 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. 120.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 79423, 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.

Transfer No. 84029

WATER RIGHT NO. 35-7192A
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.



WATER RIGHT NO. 35-14681

As Modified by Transfer No. 84029

In accordance with the approval of Transfer No. 84029, Water Right No. 35-14681 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.280 cfs	111.2 af
			0.280 cfs	111.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESW Sec 16 Twp 04N Rge 35E JEFFERSON County
GROUND WATER NENESW Sec 20 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	16					6.8		27.3	29.1	24.1	29.6	33.3	27.2	35.3	34.2	33.3	32.3	312.5
04N	35E	20	31.3	32.1	32.0	31.2	31.9	32.1	32.0	31.6	31.5	31.9	33.0	31.8	31.3	32.0	33.0	31.5	510.2

Right Acre Limit: 27.8
POU Total Acres: 822.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 27.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-14681, and 35-14682 when combined shall not exceed a total diversion rate of 8.05 cfs, a total annual maximum diversion volume of 3,423.6 af at the field headgate, and the irrigation of 822.7 acres.
3. 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.

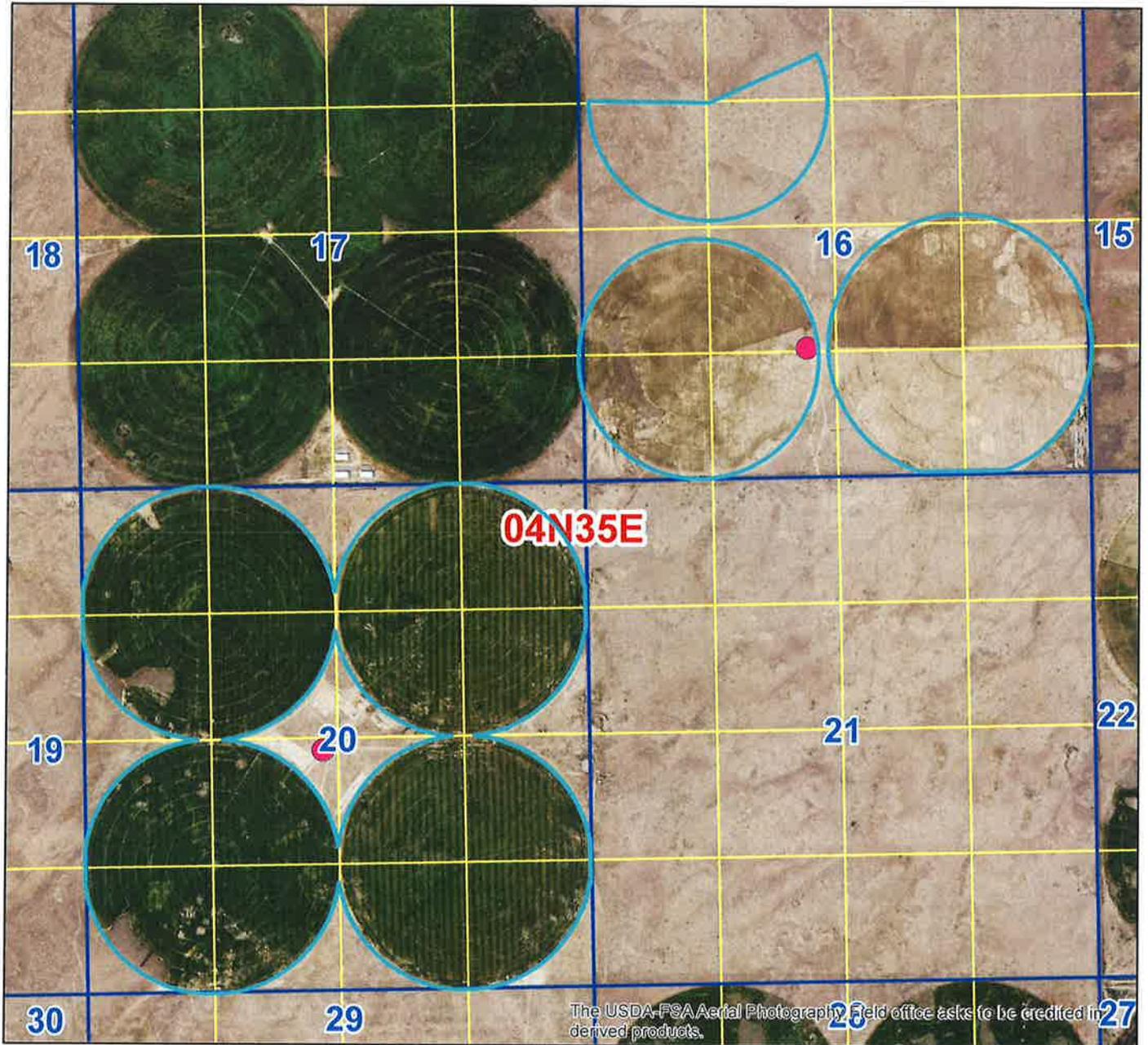
WATER RIGHT NO. 35-14681
As Modified by Transfer No. 84029

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84029, 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.
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 may 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. 120.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

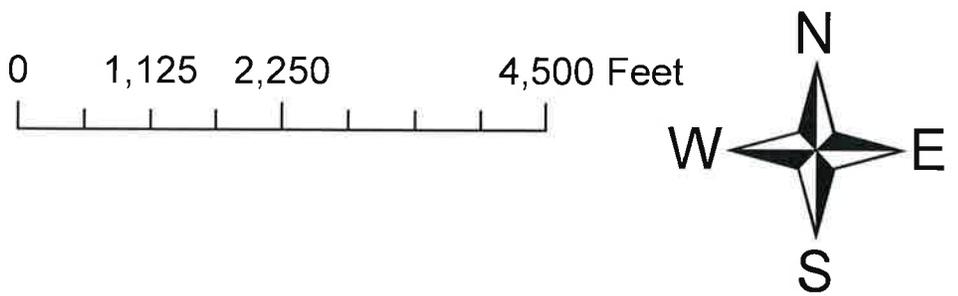
Attachment to Transfer Approval 84029

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ



Date: 6/11/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 15, 2020

FOSTER LAND AND CATTLE
PO BOX 40
RIRIE ID 83443-0040

Re: Transfer No: 84029

Water Right No(s): 35-7192A , 35-9069, 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951

Transfer Approval Notice

Dear Water Right Holder:

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 home page 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) 525-7161.

Sincerely,

Handwritten signature of Christina Henman in black ink.

Christina Henman
Administrative Assistant

Enclosure

CC:

LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095-0850

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.

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

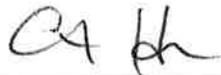
Re: Transfer No.: 84029

Water Right No(s): 35-7192A , 35-9069, 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951

**FOSTER LAND AND CATTLE
PO BOX 40
RIRIE ID 83443-0040**

**LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405**

**THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095-0850**



**Christina Henman
Administrative Assistant**