

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 84029

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED  
APR 17 2020

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Foster Land & Cattle

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

**Yes N/A** \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Foster Land & Cattle Phone \_\_\_\_\_

Mailing address PO Box 40, Ririe, ID 83443 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Luke H. Marchant Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

  
Signature of Applicant or Authorized Representative

Luke H. Marchant, Attorney  
Print Name and Title if applicable

April 17, 2020  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.  
 The purpose of this application is to rearrange the place of use of Water Right Nos. 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951. This application will also split a portion off of Water Right Nos. 35-7192A, and 35-9069 and combine that portion with the rights listed above to create an 822.7 acre place of use.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				

## See Attached Page

Total authorized under rights 8.05 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.99 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	NE	SW	16	04N	35E	Jefferson	Ground Water	
		NE	NE	SW	20	04N	35E	Jefferson	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre 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
		20	31.3	32.1	32	31.2	31.9	32.1	32	31.6	31.5	31.9	33	31.8	31.3	32	33	31.5	510.2
Total Acres (for irrigation use)																			822.7



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water is diverted from existing wells and pumps.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

This transfer adjusts the place of use of the water rights to accurately reflect what has been irrigated and to move some acres to a new place of use. Some ground that was previously irrigated will no longer be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes No**

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

# **Part 2A**

## **Water Right Reports**



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13403

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 04/18/1974

Basis: Decreed

Status: Active

<b><u>Source</u></b>	<b><u>Tributary</u></b>
GROUND WATER	

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	04/01	11/01	1.55 CFS	308 AFA
Total Diversion			1.55 CFS	308 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 77

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<b><u>Township</u></b>	<b><u>Range</u></b>	<b><u>Section</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. X27 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. X35 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. R05 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.
5. R02 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. 214 Prior to the diversion and use of water under Transfer approval 75094 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. 213 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.
8. R64 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.
9. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. T08 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. T19 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.



**Dates:**

Licensed Date:

Decreed Date: 08/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 2996.8

Combined Rate Limit: 7.06

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13933

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 09/25/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	4.96 CFS	993.6 AFA
Total Diversion			4.96 CFS	993.6 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 248.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. T19 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.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 213 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. R02 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. R05 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.
8. R64 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.
9. X27 This right is limited to the irrigation of 248.4 acres within the place of use described above in a single irrigation season.
10. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
11. 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.
12. X35 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.

**Dates:**

Licensed Date:

Decreed Date: 08/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 2996.8

Combined Rate Limit: 7.06

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13935

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 09/25/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	4.9 CFS	980.8 AFA
Total Diversion			4.9 CFS	980.8 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 245.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
2. R64 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. T19 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.
6. R02 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. X27 This right is limited to the irrigation of 245.2 acres within the place of use described above in a single irrigation season.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 213 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.
10. R05 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.
11. 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.
12. X35 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.

**Dates:**

Licensed Date:

Decreed Date: 08/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 2996.8

Combined Rate Limit: 7.06

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13937

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 04/08/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	4.96 CFS	993.6 AFA
Total Diversion			4.96 CFS	993.6 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 248.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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84029



04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. 213 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.
2. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
3. R02 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T19 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.
7. R05 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.
8. X27 This right is limited to the irrigation of 248.4 acres within the place of use described above in a single irrigation season.
9. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
10. R64 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.
11. 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.
12. X35 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.

Dates:

Licensed Date:

Decreed Date: 08/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 2996.8

Combined Rate Limit: 7.06

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13939

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 05/23/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	2.48 CFS	496 AFA
Total Diversion			2.48 CFS	496 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESE	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 124

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. R05 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.
2. T19 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.
3. R64 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.
4. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. 213 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. X27 This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
11. 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.
12. X35 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.

Dates:

Licensed Date:

Decreed Date: 08/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 2996.8

Combined Rate Limit: 7.06

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13941

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 07/27/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.64 CFS	128 AFA
Total Diversion			0.64 CFS	128 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
			NENW	33	NWNW	33	SWNW	33	SENW	33
	20		NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. R02 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. R64 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.
8. R05 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.
9. 213 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.
10. X27 This right is limited to the irrigation of 32 acres with in the place of use described above in a single irrigation season.
11. X35 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.
12. 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 3300.8

Combined Rate Limit: 7.74

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False





## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13949

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 05/23/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.54 CFS	107.2 AFA
Total Diversion			0.54 CFS	107.2 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 26.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
			NENW	33	NWNW	33	SWNW	33	SENW	33
		20	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. T19 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.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. R64 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.
5. 214 Prior to the diversion and use of water under Transfer approval 75094, 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.
6. X27 This right is limited to the irrigation of 26.8 acres within the place of use described above in a single irrigation season.
7. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. R05 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.
9. 213 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.
10. R02 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.
11. X35 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.
12. 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 3300.8

Combined Rate Limit: 7.74

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13951

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172

Priority Date: 10/10/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.39 CFS	123.2 AFA
Total Diversion			0.39 CFS	123.2 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 30.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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04N	35E	16	NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33
			NENE	33	NWNE	33	SWNE	33	SENE	33
	20		NENW	33	NWNW	33	SWNW	33	SENW	33
			NESW	33	NWSW	33	SWSW	33	SESW	33
			NESE	33	NWSE	33	SWSE	33	SESE	33

Total Acres: 792

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
2. R05 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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.
6. R64 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.
7. 213 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.
8. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. X27 This right is limited to the irrigation of 30.8 acres within the place of use described above in a single irrigation season.
11. X35 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.
12. 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.

**Dates:**

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 792

Combined Volume Limit: 3300.8

Combined Rate Limit: 7.74

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7192A

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172
Security Interest	THE BANK OF COMMERCE C/O WESTERN AGCREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 11/29/1971

Basis: Decreed

Status: Active

<b><u>Source</u></b>	<b><u>Tributary</u></b>
GROUND WATER	

<b><u>Beneficial Use</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	04/01	10/31	4.83 CFS	1901.6 AFA
Total Diversion			4.83 CFS	1901.6 AFA

Location of Point(s) of Diversion:

GROUND WATER | SENW | Sec. 11 | Township 04N | Range 35E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 475.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<b><u>Township</u></b>	<b><u>Range</u></b>	<b><u>Section</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>	<b><u>Lot</u></b>	<b><u>Tract</u></b>	<b><u>Acres</u></b>
------------------------	---------------------	-----------------------	-------------------	---------------------	---------------------	-------------------	---------------------	---------------------	-------------------	---------------------	---------------------	-------------------	---------------------	---------------------

04N	35E	11	NENE	23.7	NWNE	30	SWNE	40	SENE	30
			NENW	34.5	NWNW	35.4	SWNW	33.2	SENW	33
			NESW	35	NWSW	34.3	SWSW	32.9	SESW	32.5
			NESE	27.9	NWSE	40	SWSE	34.4	SESE	28

Total Acres: 524.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 475.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 524.8 acres.
3. R05 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. R02 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. 214 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.
6. 213 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. R64 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 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. T19 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:



Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 592.1

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

3/25/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-9069

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND AND CATTLE PO BOX 40 RIRIE, ID 83443-0040 2085385172
Original Owner	BLAINE L LARSEN
Original Owner	CONNIE L LARSEN PO BOX 188 HAMER, ID 83425-0188 2086625501
Security Interest	THE BANK OF COMMERCE C/O WESTERN AGCREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 11/29/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.506 CFS	197.6 AFA
Total Diversion			0.506 CFS	197.6 AFA

Location of Point(s) of Diversion:

GROUND WATER | SENW | Sec. 11 | Township 04N | Range 35E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 49.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	35E	11		NENE	23.7		NWNE	30		SWNE	40		SENE	30
				NENW	34.5		NWNW	35.4		SWNW	33.2		SENW	33
				NESW	35		NWSW	34.3		SWSW	32.9		SESW	32.5
				NESE	27.9		NWSE	40		SWSE	34.4		SESE	28

Total Acres: 524.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 49.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 524.8 acres.
3. R05 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. R02 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. 214 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.
6. 213 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. R64 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 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. T19 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 592.1

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## 64029

# **Attachment No. 4**

## **Power of Attorney**



[Search again](#)

## Results (as of 5/4/18)

### Luke Hyrum Marchant

**Status**

Active

**ISB Membership Number**

7944

**Admittance Date**

09/30/2008

**Firm**

Holden, Kidwell, Hahn &amp; Crapo, PLLC

**Mailing Address**

PO Box 50130 Idaho Falls, ID 83405

**Phone**

(208) 523-0620

**Phone Ext****Fax**

(208) 523-9518

**Email Address**

lmarchant@holdenlegal.com

**Website Address**

www.holdenlegal.com

### Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your

**Attachment No. 5**  
**ESPA Analysis and Mitigation**  
**Plan**

# **ATTACHMENT 5.1**

## **Water Modeling – Data Entry**

# ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR

1971

SEASON

WINTER

TRANSFER NO:

TRANSFER NAME:

FLC

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	54	54		
COLUMN	153	155		

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1971	0	41	41	0	0	0	0
SPR 1972	0	41	41	0	0	0	0
SUM 1972	0	41	41	0	0	0	0
WIN 1972	0	41	41	0	0	0	0
SPR 1973	0	41	41	0	0	0	0
SUM 1973	0	41	41	0	0	0	0
WIN 1973	0	41	41	0	0	0	0
SPR 1974	0	41	41	0	0	0	0
SUM 1974	0	41	41	0	0	0	0
WIN 1974	0	41	41	0	0	0	0
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WIN 1984	0	41	41	0	0	0	0
SPR 1985	0	41	41	0	0	0	0
SUM 1985	0	41	41	0	0	0	0
WIN 1985	0	41	41	0	0	0	0
SPR 1986	0	41	41	0	0	0	0
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SUM 1992	0	41	41	0	0	0	0
WIN 1992	0	41	41	0	0	0	0
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WIN 1993	0	41	41	0	0	0	0
SPR 1994	0	41	41	0	0	0	0
SUM 1994	0	41	41	0	0	0	0
WIN 1994	0	41	41	0	0	0	0
SPR 1995	0	41	41	0	0	0	0
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WIN 1995	0	41	41	0	0	0	0
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WIN 1996	0	41	41	0	0	0	0
SPR 1997	0	41	41	0	0	0	0
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WIN 1998	0	41	41	0	0	0	0
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WIN 1999	0	41	41	0	0	0	0
SPR 2000	0	41	41	0	0	0	0
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WIN 2001	0	41	41	0	0	0	0
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WIN 2002	0	41	41	0	0	0	0
SPR 2003	0	41	41	0	0	0	0
SUM 2003	0	41	41	0	0	0	0
WIN 2003	0	41	41	0	0	0	0
SPR 2004	0	41	41	0	0	0	0
SUM 2004	0	41	41	0	0	0	0
WIN 2004	0	41	41	0	0	0	0
SPR 2005	0	41	41	0	0	0	0
SUM 2005	0	41	41	0	0	0	0
WIN 2005	0	41	41	0	0	0	0
SPR 2006	0	41	41	0	0	0	0
SUM 2006	0	41	41	0	0	0	0
WIN 2006	0	41	41	0	0	0	0
SPR 2007	0	41	41	0	0	0	0
SUM 2007	0	41	41	0	0	0	0
WIN 2007	0	41	41	0	0	0	0
SPR 2008	0	41	41	0	0	0	0



SUM 2008	0	41	41	0	0	0	0
WIN 2008	0	41	41	0	0	0	0
SPR 2009	0	41	41	0	0	0	0
SUM 2009	0	41	41	0	0	0	0
WIN 2009	0	41	41	0	0	0	0
SPR 2010	0	41	41	0	0	0	0
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WIN 2010	0	41	41	0	0	0	0
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WIN 2012	0	41	41	0	0	0	0
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SPR 2019	0	41	41	0	0	0	0
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WIN 2019	0	41	41	0	0	0	0
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WIN 2020	41	0	41	0	0	0	0
SPR 2021	41	0	41	0	0	0	0
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WIN 2021	41	0	41	0	0	0	0
SPR 2022	41	0	41	0	0	0	0
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WIN 2022	41	0	41	0	0	0	0
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SPR 2030	41	0	41	0	0	0	0
SUM 2030	41	0	41	0	0	0	0
WIN 2030	41	0	41	0	0	0	0
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WIN 2031	41	0	41	0	0	0	0
SPR 2032	41	0	41	0	0	0	0

SUM 2032	41	0	41	0	0	0	0
WIN 2032	41	0	41	0	0	0	0
SPR 2033	41	0	41	0	0	0	0
SUM 2033	41	0	41	0	0	0	0
WIN 2033	41	0	41	0	0	0	0
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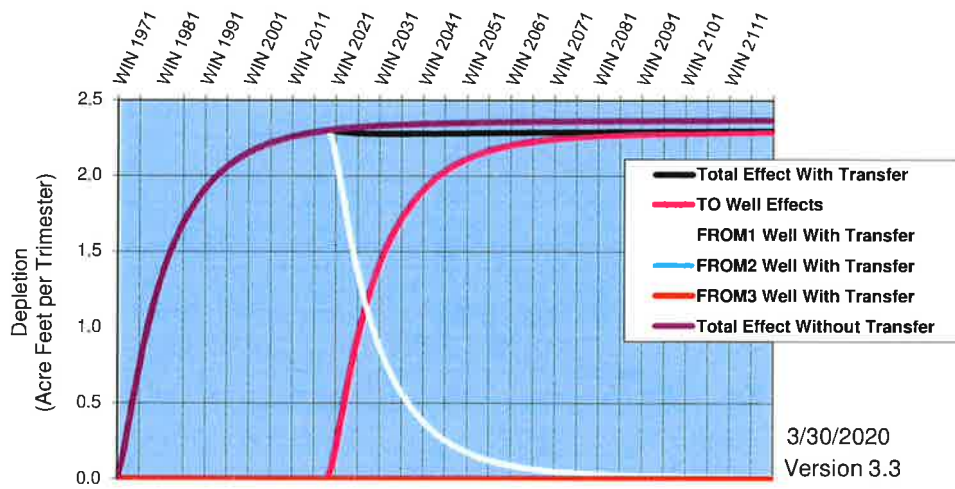
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# **ATTACHMENT 5.2**

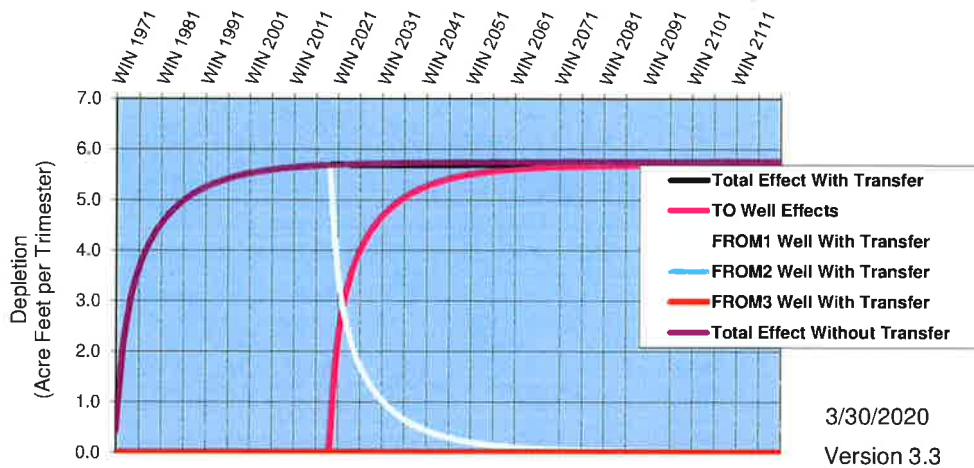
## **Water Modeling – Graphs above Milner**



**Hydrologic Response--Ashton to Rexburg**  
**Customer Name: FLC** **Transfer No:**



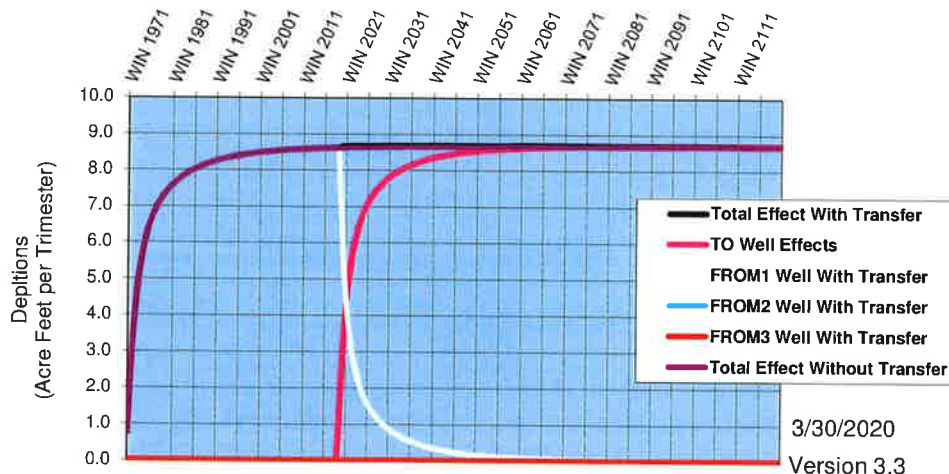
**Hydrologic Response--Heise to Shelley**  
**Customer Name: FLC** **Transfer No:**



### Hydrologic Response--Shelley to Near Blackfoot

Customer Name: FLC

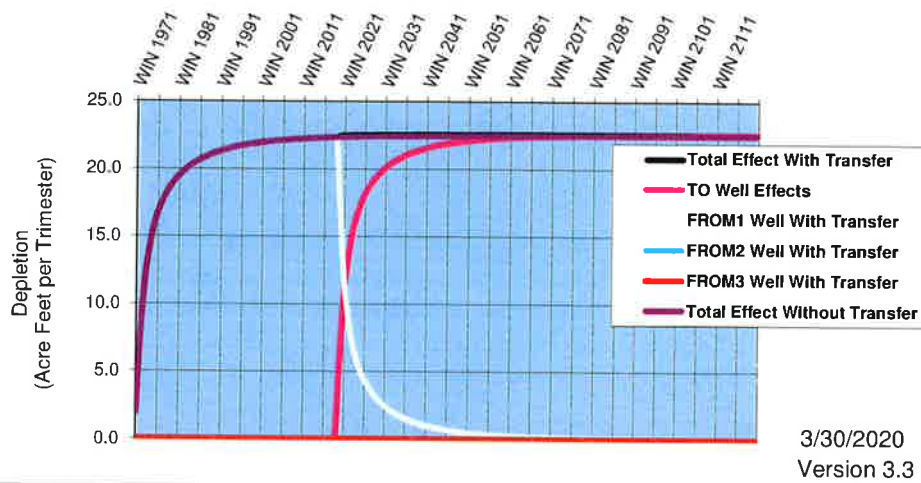
Transfer No:



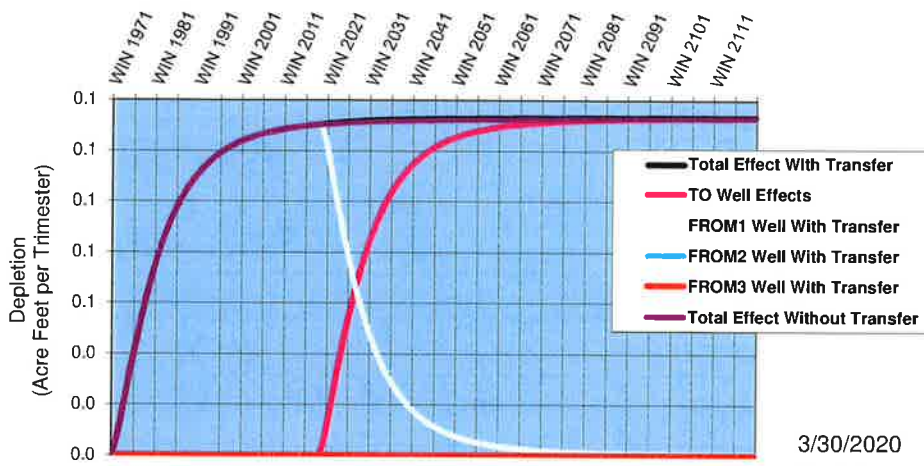
### Hydrologic Response-- Near Blackfoot to Neeley

Customer Name: FLC

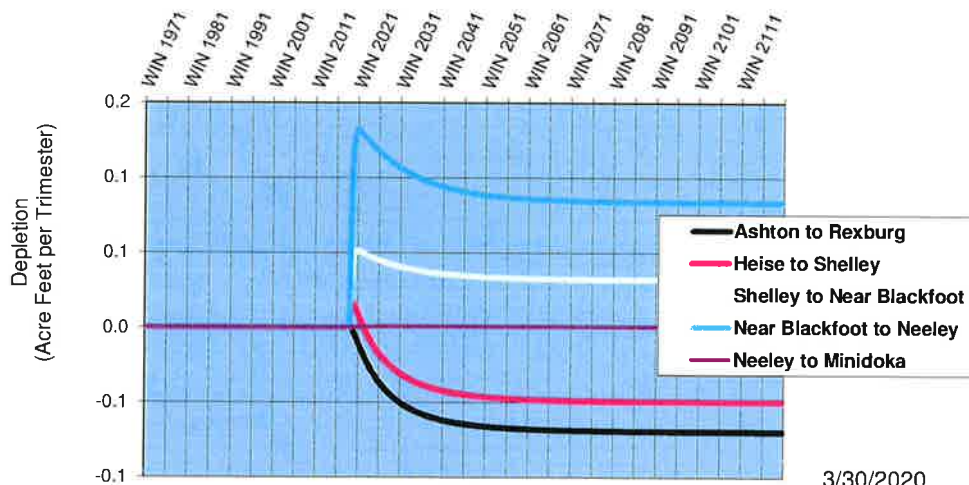
Transfer No:



**Hydrologic Response-- Neeley to Minidoka**  
**Customer Name: FLC**      **Transfer No:**



**Net Transfer Effect Above Milner**  
**(Total Effect With Transfer - Total Effect Without Transfer)**

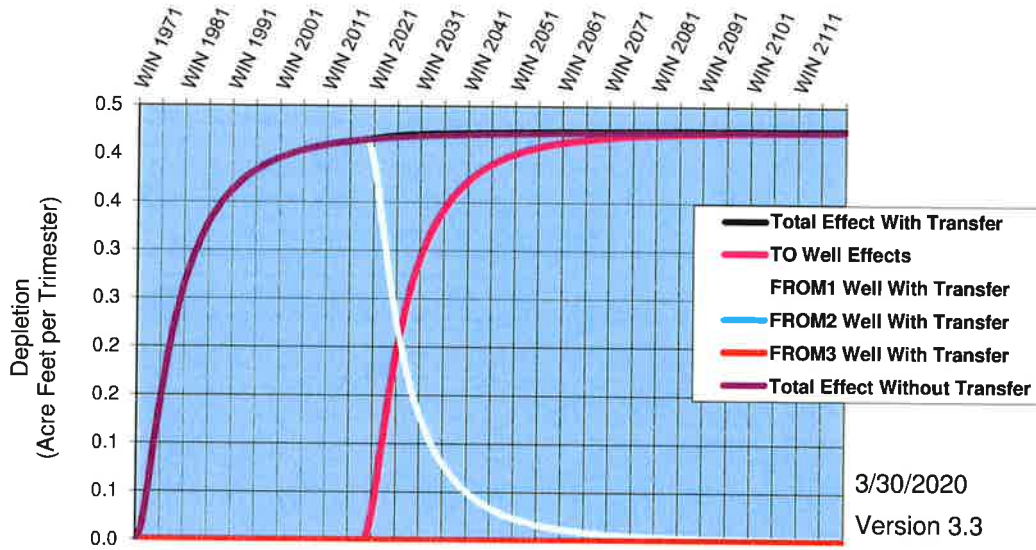


**Customer Name: FLC**

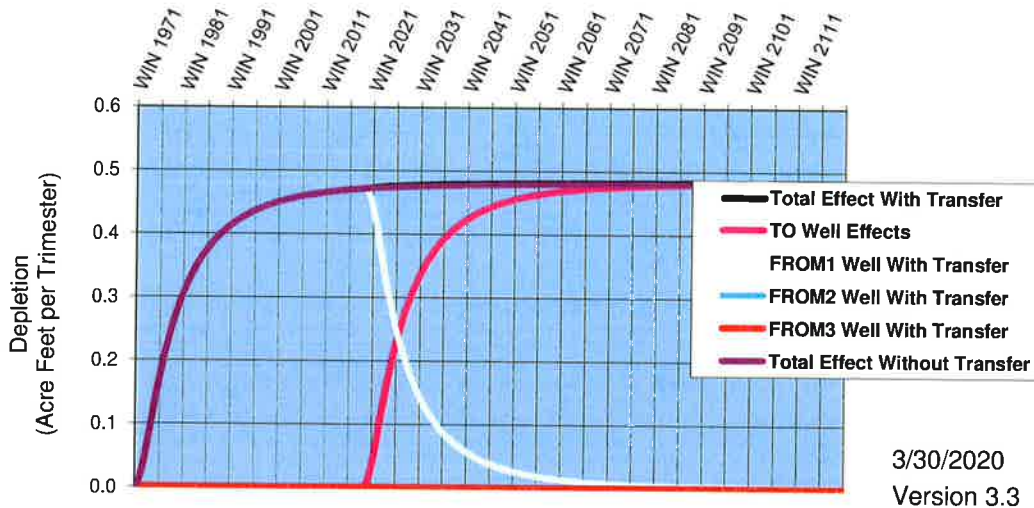
**Transfer No:**

**ATTACHMENT 5.3**  
**Water Modeling – Graphs**  
**below Milner**

**Hydrologic Response--Devil's Washbowl to Buhl**  
**Customer Name: FLC** **Transfer No:**

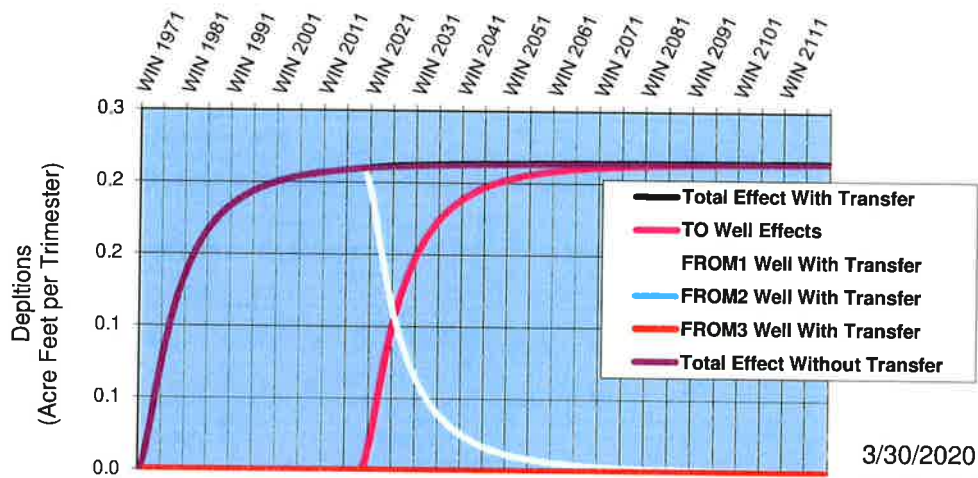


**Hydrologic Response--Buhl to Thousand Springs**  
**Customer Name: FLC** **Transfer No:**

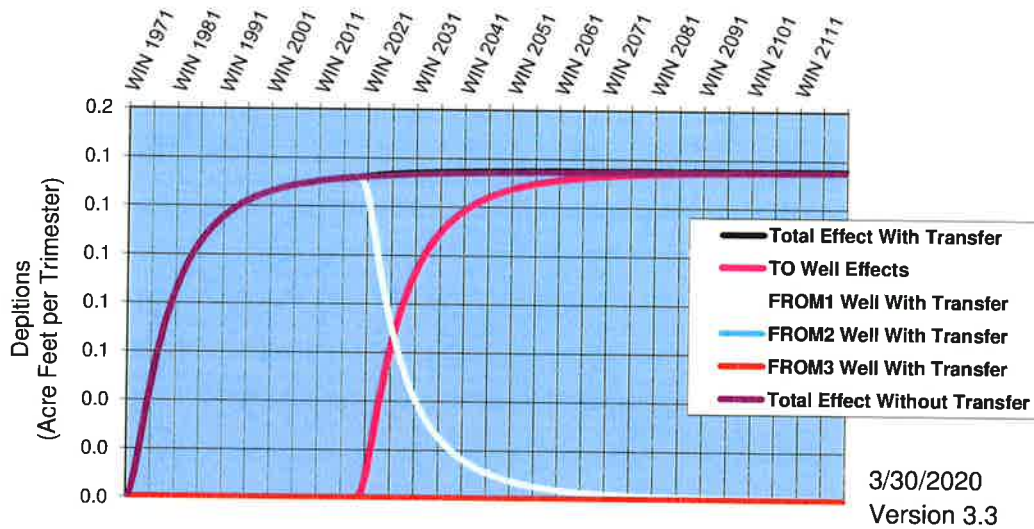




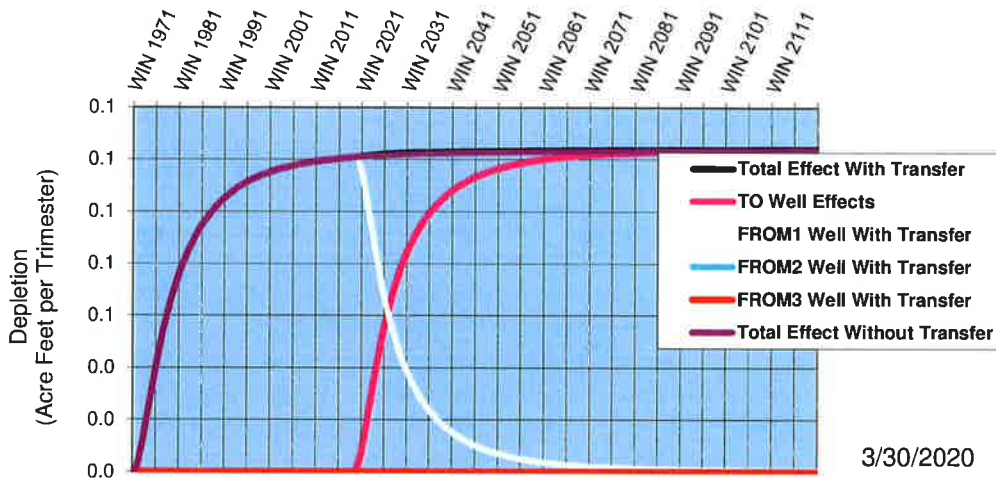
# Hydrologic Response--Thousand Springs Customer Name: FLC Transfer No:



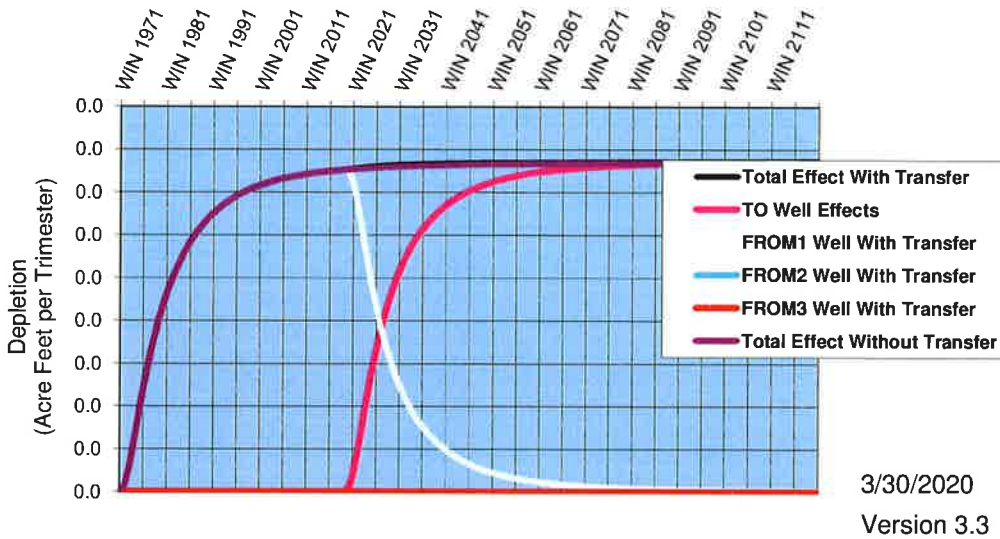
# Hydrologic Response--Thousand Springs to Malad Customer Name: FLC Transfer No:



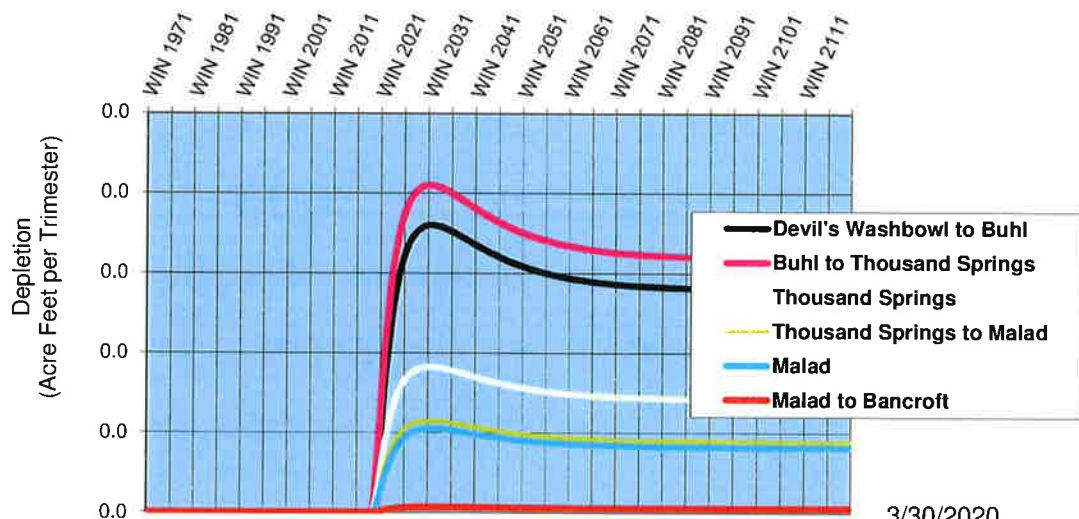
**Hydrologic Response-- Malad**  
**Customer Name: FLC**      **Transfer No:**



**Hydrologic Response-- Malad to Bancroft**  
**Customer Name: FLC**      **Transfer No:**



**Net Transfer Effect Below Milner**  
**(Total Effect With Transfer - Total Effect Without Transfer)**



Customer Name: **FLC**

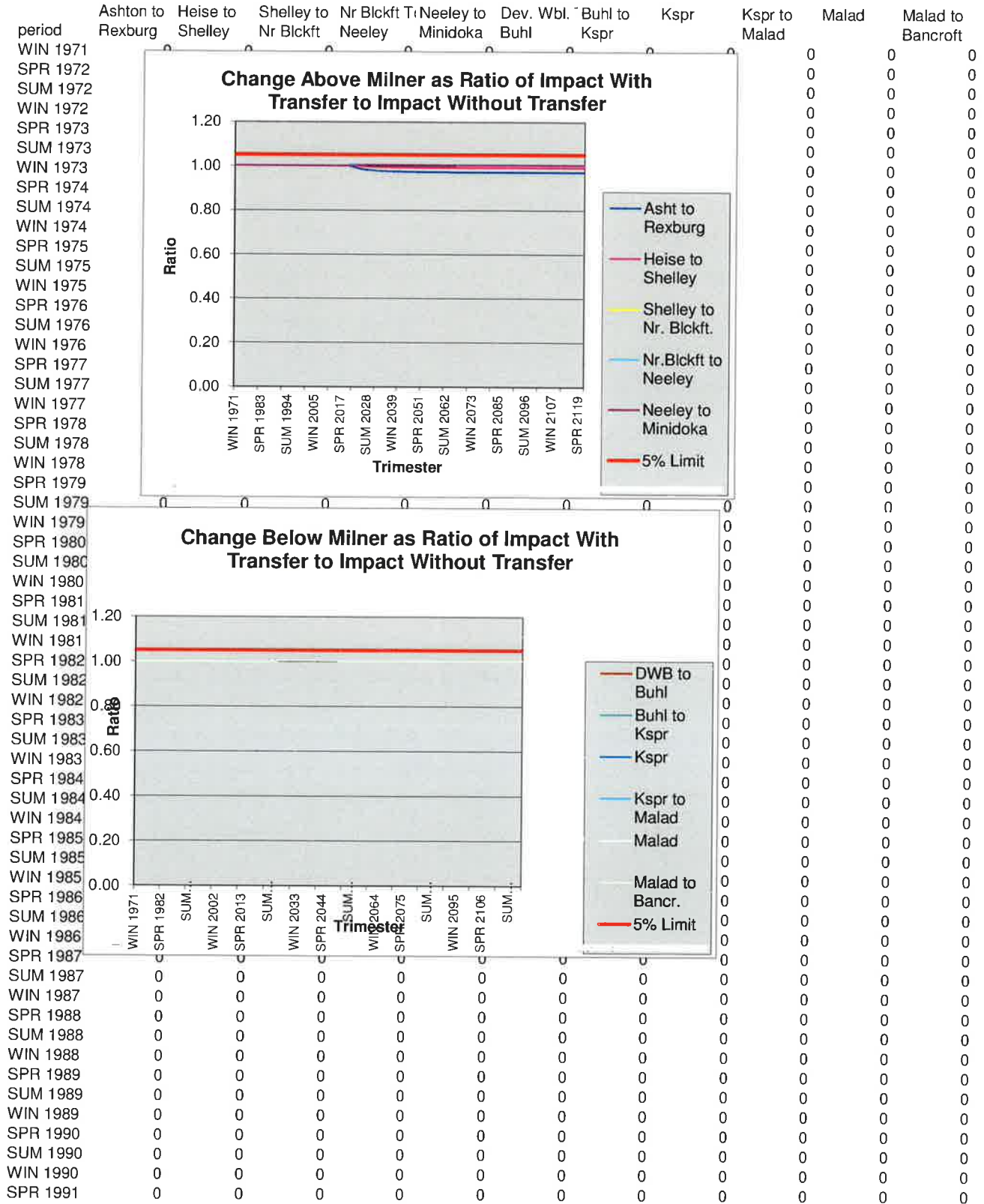
Transfer No:

3/30/2020  
Version 3.3

# **ATTACHMENT 5.4**

## **Water Modeling – Change Ratio**

Net effect of transfer, acre feet



# **ATTACHMENT 5.5**

## **Water Modeling – Calculated Effects**

Enter First Time Step of Transfer: SPR 2020

Match: 146 Match: 456

	AtR	HtS	StNB	NBin	NiM	DWtB	BitS	TS	TStM	M	MtB	Total
Preexisting Effects @ SS (Last Time Step):	2.37	5.76	8.67	22.50	0.13	0.42	0.48	0.21	0.14	0.12	0.01	40.81
Steady State - Value of Dep. @ Last Time Step:	2.30	5.71	8.70	22.58	0.13	0.43	0.48	0.21	0.14	0.12	0.01	40.82
Preexisting Effects @ Transient State (Max Value Timestep):	2.37	5.76	8.67	22.50	0.13	0.42	0.48	0.21	0.14	0.12	0.01	40.81
Transient State - Max. Value of Dep. After Transfer:	2.30	5.71	8.70	22.58	0.13	0.43	0.48	0.21	0.14	0.12	0.01	40.82

# **ATTACHMENT 5.6**

## **Water Modeling – Mitigation Analysis**



WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
<b>Transfer 1: Proposed Steady State Impacts following Transfer</b>							
35-7192A	0.28		30.7	1/1/1960		122.8 40.9	54,153
35-9069	0.03	0	30.7	1/1/1960	0	40.9	
<b>Transfer 1: Worst Case Transient State Impacts following Transfer</b>							
35-7192A	0.28	0	30.7	1/1/1960	0	122.8 40.9	54153
35-9069	0.03	0	30.7	1/1/1960	0	40.9	

## Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
2.37	5.76	8.67	22.50	0.13	0.42	0.48	0.21	0.14	0.12	0.01
2.30	5.71	8.70	22.58	0.13	0.43	0.48	0.21	0.14	0.12	0.01
2.37	5.76	8.67	22.50	0.13	0.42	0.48	0.21	0.14	0.12	0.01
2.30	5.71	8.70	22.58	0.13	0.43	0.48	0.21	0.14	0.12	0.01

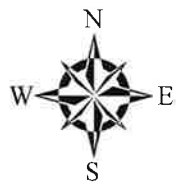
Steady State Analysis	Mitigation Check 1 - >10% of Historical:	-2.9%	-0.9%	0.4%	0.4%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
	Mitigation Check 2: > 2 AF/T:	-0.1	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total:	5.6%	14.0%	21.3%	55.3%	0.3%	1.0%	1.2%	0.5%	0.3%	0.3%	0.0%
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	-0.1	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis	Mitigation Check 1 - >10% of Historical:	-2.8%	-0.9%	0.4%	0.4%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
	Mitigation Check 2: > 2.01 AF/T:	-0.1	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	-0.1	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0

# **Attachment No. 7a**

## **GIS Maps**



# FLC APPLICATION FOR TRANSFER



## Legend

- To Well
- From Well
- Remaining POU
- Transfer POU
- modelgrid
- TR Lines
- Section Lines
- Quarter Quarters



84029

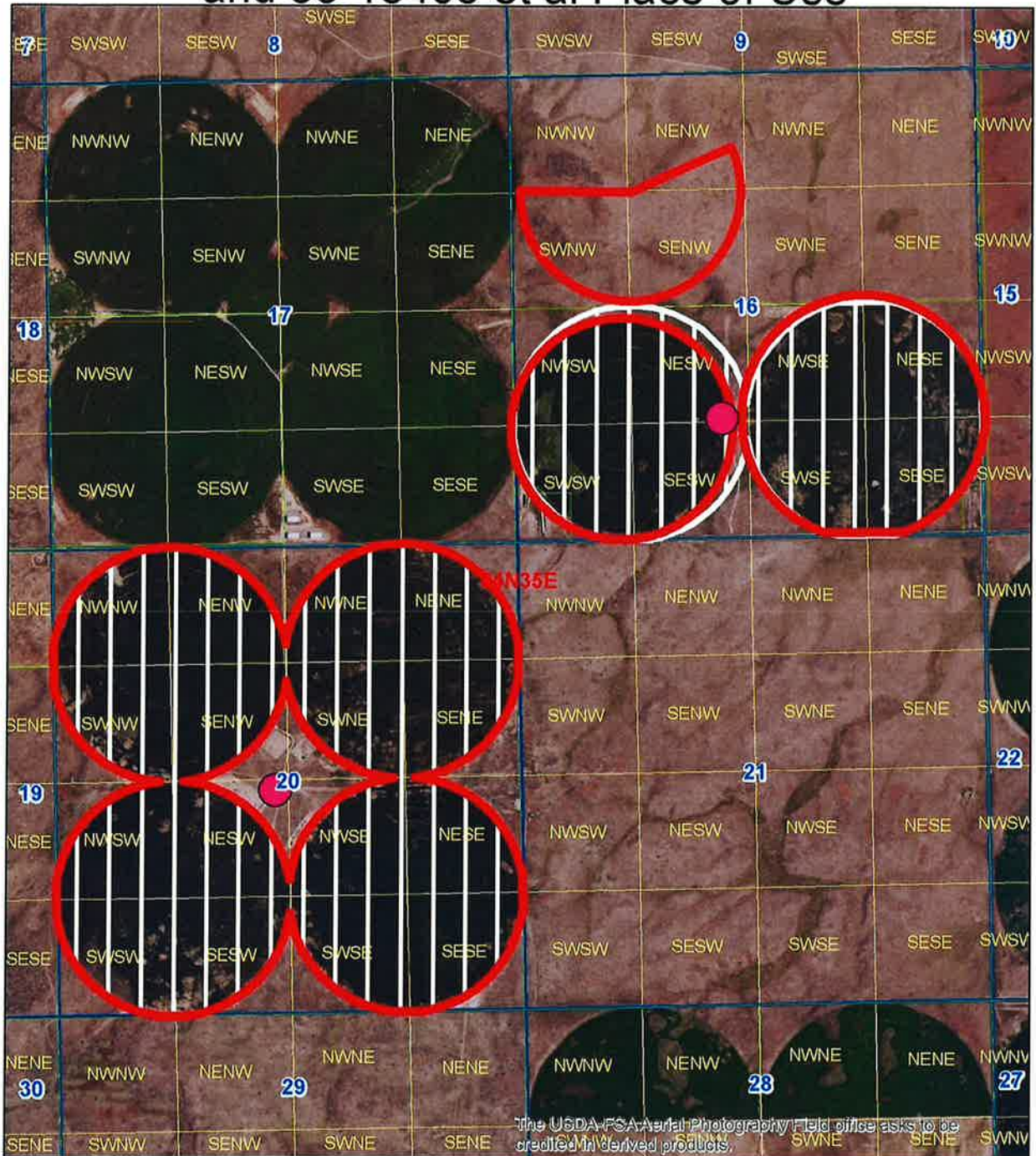
2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
03/30/2020

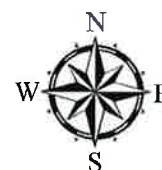
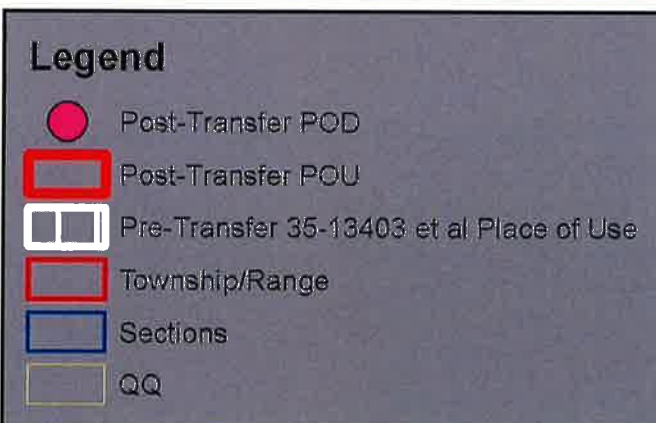


# Post-Transfer Points of Diversion, Place of Use, and 35-13403 et al Place of Use



The USDA-FSA Aerial Photography Field Office asks to be credited in derived products.

2017 Imagery



0 0.225 0.45 0.9 Miles



SESE SWSW SESW 2 SWSE SESE SWSE

NENE NWNW NENW NWNE NENE NWNW

SENE SENE SENE SENE SENE SENE

10 11 04W35E

NESE NWSW NESW NWSE NESE NWSW






SESE SWSW SESW SWSE SESE SWSW

15 14 12 13

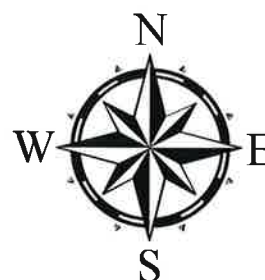
NWNW NENW NENE NENE

The USDA-PSA Aerial Photography Field office asks to be credited in derived products.

**Legend**

-  Post-Transfer 35-7192A and 35-9069 Place of Use
-  Pre-Transfer 35-7192A and 35-9069 Place of Use
-  Township/Range
-  Sections
-  QQ

0 0.1 0.2 0.4 Miles



84029

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## **Attachment No. 7b GIS Shapefile**

**(Will be sent via email upon  
request from IDWR)**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

April 29, 2020

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

RE: Transfer No. 84029

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 5/6/2020 and 5/13/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman  
Administrative Assistant

CC:

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

**Henman, Christina**

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**From:** Henman, Christina  
**Sent:** Wednesday, April 29, 2020 4:06 PM  
**To:** JEFFERSON STAR (info@jeffersonstarnews.com)  
**Subject:** Legal Ad for Jefferson Star  
**Attachments:** 84029 Jefferson Star.doc

Hello,

Please see attached document regarding legal notices for your paper.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793



**CAN CONTAIN MORE THAN 1 (ONE) PAGE**

April 29, 2020

**Legal Notice Department**  
JEFFERSON COUNTY STAR  
PO BOX 37  
RIGBY ID 83442

**RE:** Transfer No. 84029

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

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before **5/26/2020**. Your cooperation is appreciated.

Sincerely

Christina Henman  
Administrative Assistant

**PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.**

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 84029**

FOSTER LAND AND CATTLE, PO BOX 40, RIRIE, ID 83443-0040 has filed Application No. 84029 for changes to the following water rights within JEFFERSON County(s): Right No(s). 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949, 35-13951, 35-7192A, 35-9069; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

change point of diversion, add point of diversion, and change place of use. The points of diversion will be in SENESW Sec 16 and NENESW Sec 20, T4N R35E for 8.05 cfs from ground water. The place of use will be in Sec 16 and 20, T4N R35E for 822.7 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/6/2020 and 5/13/2020