

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 09 2020

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Boyd Foster Phone 208-768-2300
Mailing address PO Box 118, Leadore, ID 83464 Email boydnjill@msn.com

- ☐ 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

Boyd Foster
Signature of Applicant or Authorized Representative

Boyd Foster
Print Name and Title if applicable

1/9/2020
Date

Bo
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.
Place of use for water right 74-51 will be rearranged to reflect a change in ownership of the previous place of use. Water Right 74-51 was reserved from the sale of the land as shown in the provided warranty deed.

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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 ☐ ☐	74-51	6.4 cfs	Irrigation	3/15 to 11/15	Big Timber Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.4 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.8 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 #

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	
16N	26E	33			27.4										38	34		37	136.4
16N	26E	34											40	40					80
Total Acres (for irrigation use)																			216.4

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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:

Existing head gate on Big Timber Creek that diverts water through ditch to pivots and flood irrigated ground.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Easement for head gate and ditch.

- 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: N/A

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:

Land that was sold will not be irrigated and water will be applied to another piece of land.

- 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

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO Department of Water Resources



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

1/9/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 74-51

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOYD D FOSTER
Current Owner	RICHARD E FOSTER PO BOX 55 LEADORE, ID 83464 2087682406
Original Owner	BILLIE PETERSON
Original Owner	DONALD O PETERSON PO BOX 144 LEADORE, ID 83464

Priority Date: 06/07/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	6.4 CFS	
Total Diversion			6.4 CFS	

Location of Point(s) of Diversion:

BIG TIMBER CREEK | SENE | Sec. 05 | Township 15N | Range 26E | LEMHI County

IRRIGATION Use:

Acre Limit: 216

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI 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>
16N	26E	33		NESW	21									
				NESE	40		NWSE	38.2		SESE	40			

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	34		SWSW	40		SESW	37.2						
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Total Acres: 216.4

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 03/10/2008

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: AND

Water District Number: 74W

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

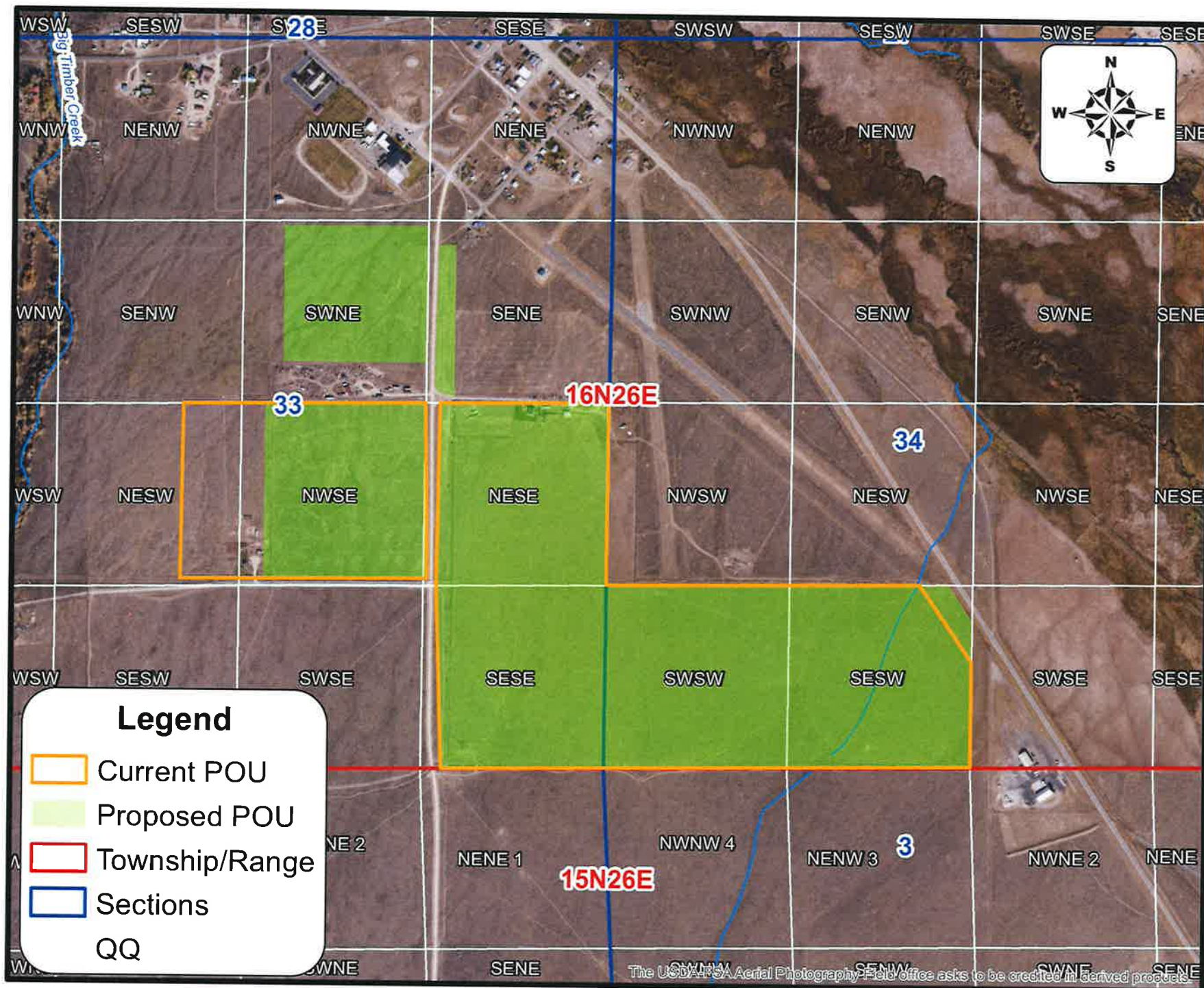
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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WARRANTY DEED

For Value Received

RICHARD E. FOSTER
a single man,

the grantor do hereby grant, bargain, sell and convey unto

ESTHER M. DeVAULT, a single woman

whose current address is PO Box 24, Leadore, ID 83464

the grantee, the following described premises, in Lemhi County Idaho, to wit:

SE1/4NW1/4, NE1/4SW1/4, in Section 33, Township 16 North, Range 26 E.B.M.,

There are no water rights being transferred with this property.

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservations in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 24 1993

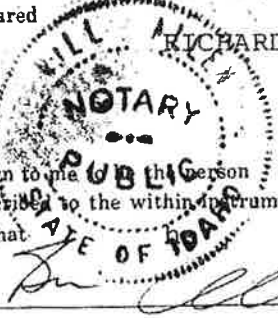
Richard E. Foster

RICHARD E. FOSTER

STATE OF IDAHO, COUNTY OF Lemhi--ss
On this 27th day of Dec, 19 93,
before me, a notary public in and for said State, personally
appeared

RICHARD E. FOSTER

known to me this person whose name is
subscribed to the within instrument, and acknowledged to
me that executed the same.



Notary Public
, Idaho

Residing at Salmon
Comm. Expires 2/19/97

State of Idaho) as No. 221161
County of Lemhi

This instrument was filed for record at
the request of *American Land Title*
at 3:22 o'clock PM Dec 29 1993
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By *Theresa Stevens* Deputy

Fees: 3.00

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Information pertaining To water Right: 74-51
Case# 39576

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STATE OF IDAHO
CERTIFICATION OF VITAL RECORDSTATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

CERTIFICATE OF DEATH

Date Filed **MARCH 08, 2010**State File No. **2010-01889**

DECEDENT - LEGAL NAME RICHARD E. FOSTER AKA: DICK FOSTER			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 78 YEARS	DATE OF BIRTH MAY 12, 1931
BIRTHPLACE IDAHO FALLS, IDAHO		PLACE OF RESIDENCE LEADORE, IDAHO	
MARRITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) LAURA JOINER	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME HEBER FOSTER			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME ELLEN STAPLES			BIRTHPLACE IDAHO
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE SHAUN O'REILLY	
NAME AND ADDRESS OF FUNERAL FACILITY SALMON RIVER FUNERAL CHAPEL, SALMON, IDAHO			
DATE OF DEATH MAR. 01, 2010	TIME OF DEATH 11:35 P.M.	CITY, TOWN OR LOCATION OF DEATH LEADORE, IDAHO	COUNTY OF DEATH LEMHI
CAUSE OF DEATH (underlying cause last) CHRONIC OBSTRUCTIVE PULMONARY DISEASE			Approximate Interval Between Onset and Death 30 YEARS
DUE TO (or as a consequence of) a.			
DUE TO (or as a consequence of) b.			
DUE TO (or as a consequence of) c.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER SAMUEL D. GARDNER, D.O.	TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

MARCH 09, 2010

DATE ISSUED:

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

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