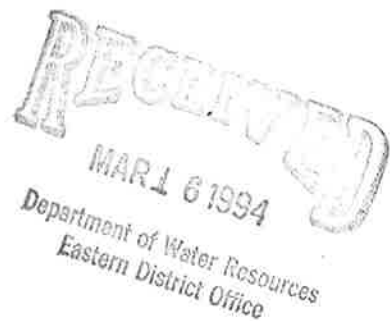


4262

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4262
WATER RIGHT NO. 35-07629B



This is to certify that: **BRUCE FOSTER**
MARC FOSTER
2084 S 2900 W
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.55 CFS	180.0 AF

SOURCE

GROUNDWATER

Priority: 07/27/1976

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 23, Township 05S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	30E	23	SENE 31			31
		24	SWNW 7	SENW 7		14
Total number of acres irrigated:						45

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 4262
WATER RIGHT NO. 35-07629B

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. The total combined rate of diversion under this right and Right Nos. 35-07629A, 35-07335A and 35-07335B shall not exceed 8.79 cfs.

Dated this 3rd day of March, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4262

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruce or Marc Foster Phone 397-5632
Post Office address 2084 S 2900 W Aberdeen Id 83210

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 the reason for the proposed changes To cover acreage to be irrigated by
changed irrigation system

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 35-7629 Priority 27 July 1976 Amount (cfs/ac-ft) * 0.41 cfs Nature of Use IRRIGATION Period of Use 4/1 to 10/31
2. Total amount of water being transferred 0.41 * cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	23	5S	30E	Bingham	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	30E	23				31													31
		24						7	7										14

Total acres 45

PART 1

6. General Information:

a. Description of diversion system Well pump mainline to standard 1/4 mile center pivot, a
small 1/8 mile center pivot, and laterals with sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

*See attached calculation page for reduction in cfs.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07629 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Bill of Sale

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 27 July 1976

5. Water is used for the following purpose:

amount 1.6 cfs* for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 1.60 * cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	34	4N	3SE	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	3SE	33														40	40		80

* SEE ATTACHED CALCULATION PAGE

Total acres 80

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.41 cfs* for IRRIGATION purposes from 4/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	34	4N	35E	Jefferson	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	33														40	5		45

Total acres 45

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.31 cfs* for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	34	4N	35E	Jefferson	

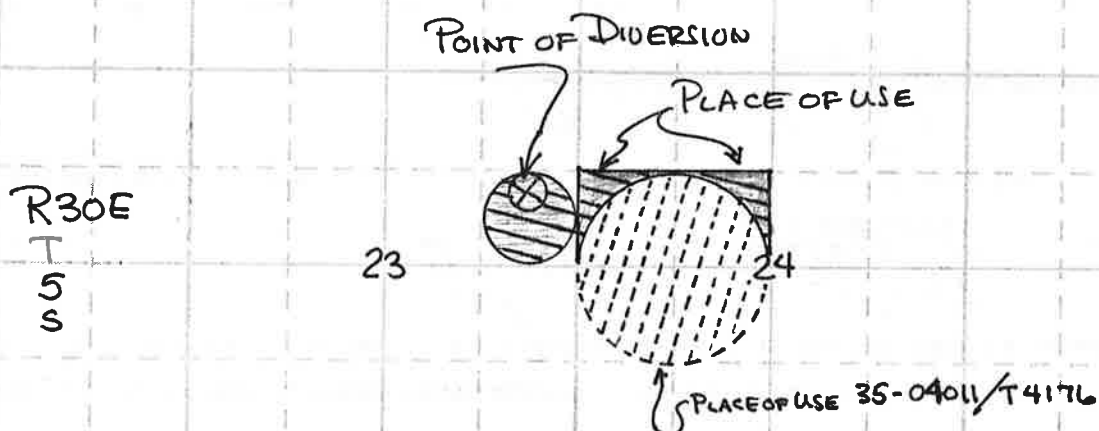
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	33															35		35

* SEE ATTACHED CALCULATION ON PAGE FOR REDUCTION IN MOUNTS Total acres 35

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Bruce C. Foster
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of December, 19 93.

Betty J. Thompson
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by KCW
Received by _____

Date 12-9-1993

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰ E019365

Received by KCW Date 9 Dec 1993

Published in Morning News

Copies of protest forwarded by _____

Pub. dates Dec 16 1993 - 1993

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by RDC

Copy of transfer sent to lien holder _____

R35E

T
4
N

28

33

34

35-7335B
0.98 cfs / 7.7 ac35-7335A
7.09 cfs / 55.6 ac35-7629
1.6 cfs / 80 ac
CONDITIONED NOT
TO EXCEED 8.79 cfs
WHEN COMBINED WITH

35-7335

R30E

T
5
S

23

24

PROPOSED PLACE OF USE 35-7629B

35-04011 / 4176 PLACE OF USE

PROPOSED POINT OF DIVERSION 35-7629B

PROPOSED TRANSFER 35-07629 -----

1. ON 27 FEBRUARY 1981

LICENSE 35-07335: $8.07 \text{ CFS}/633 \text{ ACRES} = 0.012748815 \text{ CFS/AC} = 0.6374 \text{ IN/AC}$

2. ON 30 NOVEMBER 1982

LICENSE 35-07629: $1.60 \text{ CFS}/80 \text{ ACRES} = 0.02 \text{ CFS/AC} = 1.0 \text{ IN/AC}$
CONDITIONED THAT IN COMBINATION WITH 35-07335 SHALL NOT EXCEED 8.79 CFS

3. ON 20 NOVEMBER 1987

TRANSFER 3343:

35-07335A - $7.09 \text{ CFS}/556 \text{ AC} = 0.01275 \text{ CFS/AC} = 0.637 \text{ IN/AC}$

35-07335B - $0.98 \text{ CFS}/77 \text{ AC} = 0.01272 \text{ CFS/AC} = 0.636 \text{ IN/AC}$

$8.07 \text{ CFS}/633 \text{ AC}$

CONDITIONED

A & B IN COMBINATION SHALL NOT EXCEED 8.07 CFS NOR 2215.5 AFA

4. CONCLUSION:

OWNERS OF ORIGINAL PLACE OF USE WANT TO REMOVE THE CONDITION ON LICENSE 35-07629 THAT "THIS RIGHT IN COMBINATION WITH 35-07555 SHALL NOT TO EXCEED 8.79 CFS". THEY RECOGNIZE THAT LICENSE 35-07629 IS ACTUALLY ONLY 0.72 CFS, THE DIFFERENCE BETWEEN THE SYSTEM CAPACITY (8.79 CFS) AND 8.07 CFS THE AMOUNT LICENSED UNDER 35-07335 ($8.79 - 8.07 = 0.72 \text{ CFS}$).

35-07629 --(Becomes)-- $0.72 \text{ CFS}/80 \text{ AC}$
 $1.60 \text{ CFS}/80 \text{ AC}$ (NO CONDITIONS)
(CONDITIONED)

35-07629A
 $0.31 \text{ CFS}/35 \text{ AC}$
(NO CONDITIONS)

35-07629B
 $0.41 \text{ CFS}/45 \text{ AC}$
(NO CONDITIONS)

Water Right Number - R35-07629

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BUTIKOFER

MERLE W

1 - 424 N 3900 E

2 -

3 -

City- RIGBY

State- ID Zip- 83442

Phone - 208-745-8338

BUTIKOFER

ULENE

1 - 424 N 3900 E

2 -

3 -

City- RIGBY

State- ID Zip- 83442

Phone - 208-745-8338

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
07/27/1976 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
04N 35E 34 NW NW SW (51) JEFFERSON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.300 260.00
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.300 260.00 195.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
04N 35E 33 NW SE 25.0 01 IRRIGATION (51) JEFFERSON
04N 35E 33 SW SE 40.0 01 IRRIGATION (51) JEFFERSON

Total Acres: 65.0

+ - - Diversion Means - WELL, PUMP & SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
RIGHT NO. 35-07335A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 7.81 CFS.

Water right number - R35-07629

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/03/92 DCARLSON 02/19/92 DCARLSON 05/27/93 THOMPSON 11/30/93 CARLSEN 01/18/94 DCARLSON
01/24/94 DCARLSON

+ - - - - Comments - - - - - +
Date: 02/19/1992 User Id: DCARLSON Subject: COPIED FROM REMARKS
THIS RT. WHEN COMBINED WITH RT A35-07335A SHALL NOT EXCEED 8.79 CFS.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000	Field Inspection Made - 02/19/1992	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 01/24/1994	Old Judicial District -
Claim Received Date - 11/29/1988	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - E004544	Federal/State Indicator - S
Claims Tape Error Flg -	POU Ownership Flag - Y	Presumption Flag -
Fee Exempt Flag -	Name Connector - OR	Notice of Error Flag -

