

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 03 2017

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Foster Company Phone 589 1999

Mailing address PO Box 626 Ririe Idaho 83443 Email vistavalleyag@gmail.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.

[Signature]
Signature of Applicant or Authorized Representative

Boyo Foster
Print Name and Title if applicable

3 Feb 17
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 Ownership Split
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.

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 ☒ ☐	35-2794A	0.14	Irrigation	04/01 to 11/01	Groundwater
☒ ☐	35-2633	0.85	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.99 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.99 cubic feet per second and/or 320.0 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 #
No			NE	NW	18	03N	36E	Bonneville	Groundwater	

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	
03N	36E	07									40			40					80
Total Acres (for irrigation use)																			80

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:

- 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:

N/A

- 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:

35-7037

- 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:

2/22/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TORNGREN INVESTMENT LTD C/O NORMA TORNGREN 2910 N 55TH E IDAHO FALLS, ID 83402 (208)522-3517

Status: Active

Tributary

Volume

0.850 CFS

Sec. 7, Twp 03N, Rge 36E, BONNEVILLE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	36E	7									40.0			40.0					80.0

POU Total Acres: 80.0

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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-02794A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 320 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-02794A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		RIGHT NO. 35-02794A, 35-14522 and 35-14523 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2017

Comments:

1. TAYLOR 11/8/1993 COPIED FROM REMARKS
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 479 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE.
2. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.
3. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) H02 H03
4. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
5. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) A07
6. SSHERMAN 2/23/1999 ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.
7. hbohac 12/16/2014 POD
PODID 347601 correlated from SpatialDataID 240273 to SpatialDataID 240273
8. Ownership Change 2/10/2017 Split Right
Split into 35-2633 and 35-14522 due to change in ownership.
9. jhersley 2/10/2017 POU
Updated Shape
10. jhersley 2/15/2017 update rate and acre limit
the rate and acre limits were updated without any rounding up.

Dates and Other Information

Decreed Date: 2/25/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	320.0	80.0
35-2633 ,35-2794A		

SubCase:

SubCaseNumber: 35-2633
Class: 1

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2017

SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 8/24/1998
Objection Status: Active

Water Supply Bank:
N/A

2/22/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TORNGREN INVESTMENT LTD C/O NORMA TORNGREN 2910 N 55TH E IDAHO FALLS, ID 83402 (208)522-3517

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.140 CFS	
	Total Diversion		0.140 CFS	

Sec. 7, Twp 03N, Rge 36E, BONNEVILLE County

IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	36E	7									40.0			40.0					80.0

POU Total Acres: 80.0

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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-02633 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 320 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-02633 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		RIGHT NO. 35-02633, 35-14522 and 35-14523 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2017

Comments:

1. TAYLOR 11/9/1993 COPIED FROM REMARKS
TRANS. 2815. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE.
2. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.
3. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) H02 H03
4. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
5. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) A07
6. SSHERMAN 2/23/1999 ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.
7. pskaggs 10/15/2002 Water Right
This water right record was updated by decree record from old RightID 30539 to new RightID
137186
8. hbohac 12/16/2014 POD
PODID 347873 correlated from SpatialDataID 240273 to SpatialDataID 240273
9. Ownership Change 2/10/2017 Split Right
Split into 35-14523
10. jhersley 2/10/2017 POU
Updated Shape
11. jhersley 2/15/2017 update and acre limit
the rate and acre limits were updated without any rounding up.

Dates and Other Information

Decreed Date: 2/25/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
35-2633 ,35-2794A	320.0	80.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2017

SubCase:

SubCaseNumber: 35-2794A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 11/13/2001

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 6/2/1999

Objection Status: Active

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☐ 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. Label it Attachment #7b.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Blank lined paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

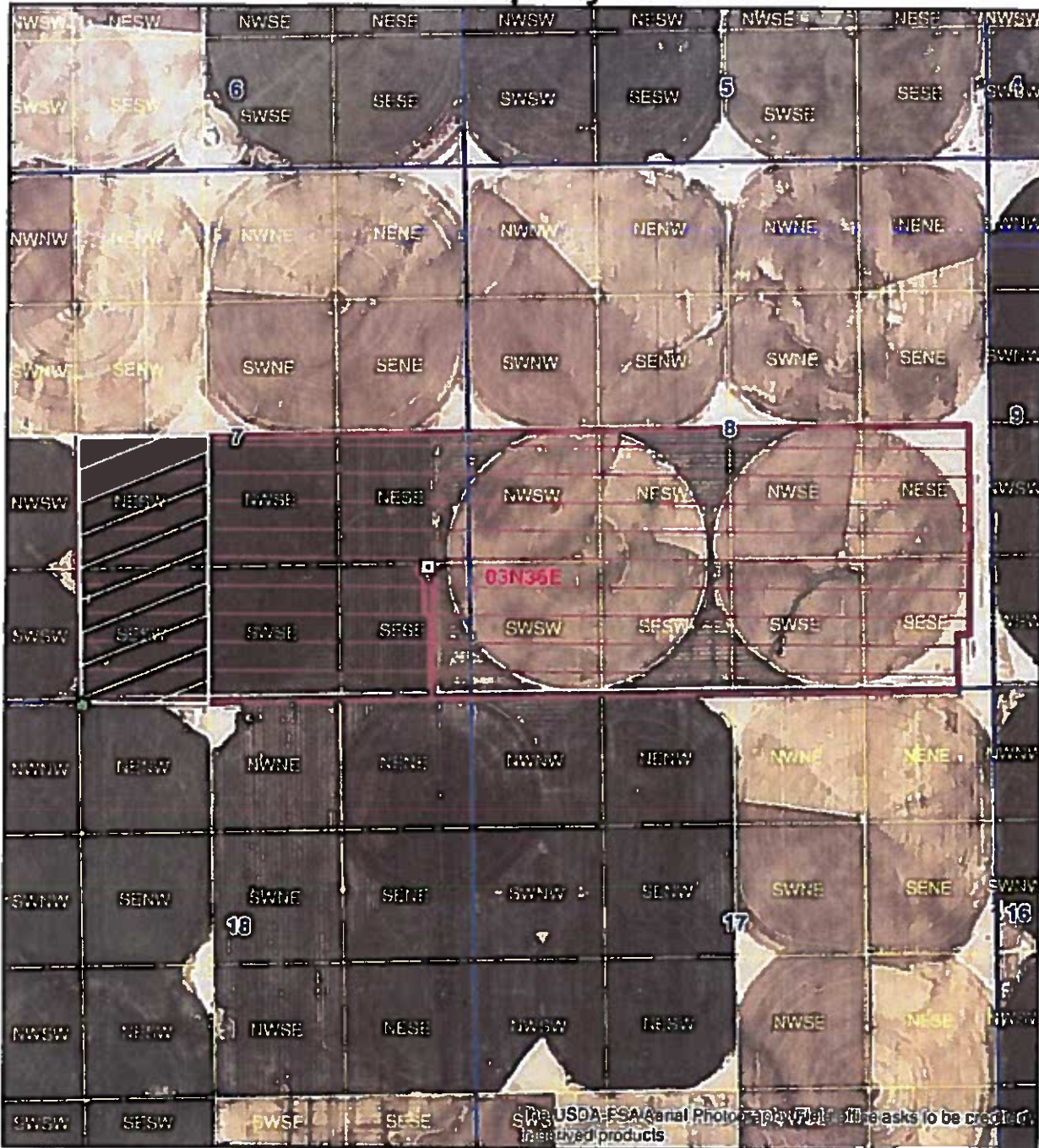
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$700 Date 2/3/17 Received by _____ Receipt # E042732

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

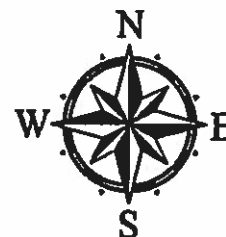
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Foster Company Transfer



Legend

- Pre-Transfer Point of Diversion
- Split Portion Post-Transfer POD
- Pre-Transfer 35-2794A and 35-2633 POU
- Portion for Split
- Township/Range
- Sections
- QQ

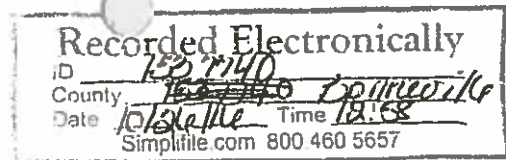


0 0.175 0.35 0.7 Miles

81469



TitleOne
a title & escrow co.



Order Number: 16279480

WARRANTY DEED

For Value Received,

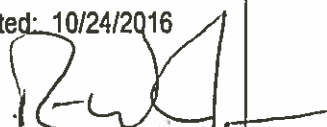
Brett W Jensen and Kristy L Jensen, husband and wife and ~~Foster Company, a General Partnership,~~
the Grantor, does hereby grant, bargain sell and convey unto, Foster Company, a General Partnership,
whose current address is PO Box 626 Ririe, ID 83443

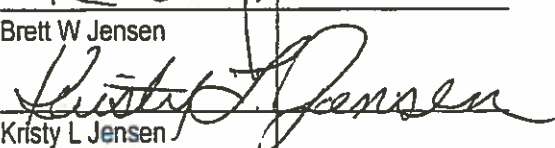
the Grantee, the following described premises, in Bonneville County, Idaho, To Wit:

Tract I: Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho.
~~Quarter (W1/2SW1/4)~~ Section 7: E1/2SW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 10/24/2016


Brett W Jensen


Kristy L Jensen

State of IDAHO, County of Bonneville, ss.

On this 25th day of Oct in the year of 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Brett W Jensen and Kristy L Jensen known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Shelly D

Notary Public

Residing In:

My Commission Expires:
(seal)

06/29/18

