

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 25 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Jefferson County Parks and Recreation Phone 208 745 0868

Mailing address 210 Courthouse Way Suite 130 Rigby ID 83442 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 _____ 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

Rebecca Squires, Director Parks & Rec
Print Name and Title if applicable

24 Aug 16
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 Change

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**.

This transfer proposes to update the POD locations of the water rights to reflect current system configuration.

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 ☒ ☐	25-14382	0.04 / 10	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	25-14398	0.04 / 14.4	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	25-14399	0.004 / 1.6	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.084 cfs and/or 26.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.084 cubic feet per second and/or 26.0 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	NE	07	04N	39E	Jefferson	Ground Water	
No			NE	NE	07	04N	39E	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	
Total Acres (for irrigation use)																			

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:

Flow meter installed. Two pumps to irrigation system at Jefferson County Lake.

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

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:

25-14281

- 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:

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

- 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.**

[illegible]

810 42

5/20/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER CO LLC 1135 VALLEY RD S EDEN, ID 83325 (208) 312-1135

Status: Active

Tributary

GROUND WATER	NWSWSW	Sec. 5, Twp 04N, Rge 39E,	JEFFERSON County
GROUND WATER	NENWNW	Sec. 8, Twp 04N, Rge 39E,	JEFFERSON County
GROUND WATER	NENENE	Sec. 7, Twp 04N, Rge 39E,	JEFFERSON County

[illegible]

POU Total Acres: 68.2

3. 201 The combination of changes under:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2016

Transfer approval 78016 as described under right 25-14380
Transfer approval 78017 as described under right 35-14280
Transfer approval 78018 as described under right 25-14381
Transfer approval 78019 as described under right 25-14382

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78019.

4. 214 Prior to the diversion and use of water under Transfer approval 78019, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 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.
6. X27 This right is limited to the irrigation of 2.5 acres within the authorized place of use in a single irrigation season.
7. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
13. 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.

Dates and Other Information

Decreed Date: 6/7/2002

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 120

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2016

Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

5/20/2016

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

Status: Active

1042

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2016

4. 113 Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. 214 Prior to the diversion and use of water under Transfer approval 78938 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. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. 201 The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one 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 and Other Information

Decreed Date: 1/31/2002

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.030

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

5/20/2016

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

Status: Active

SOURCE GROUND WATER

1.6 AF

Sec. 8, Twp 04N, Rge 39E. JEFFERSON County

[illegible]

POU Total Acres: 68.2

1.	X27	This right is limited to the irrigation of 0.40 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 25-14398 and 25-14399 when combined shall not exceed the irrigation of 4.0 acres.
3.	206	Rights 25-14398 and 25-14399 are limited to the irrigation of a specific 4.0 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 4.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4.0 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

IDAHO DEPARTMENT OF WATER RESOURCES

5/20/2016

Proof Report

4. 113 Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. 214 Prior to the diversion and use of water under Transfer approval 78938 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. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. 201 The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one 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 and Other Information

Decreed Date: 1/31/2002

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.030

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

N/A

SPECIAL WARRANTY DEED FOR WATER RIGHT

Idaho Water Company, LLC, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto Jefferson County, an Idaho political subdivision, whose address is Jefferson County Courthouse, 210 Courthouse Way, Rigby, Idaho 83442 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in Water Right No. 25-14382 described in Exhibit A hereto (the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

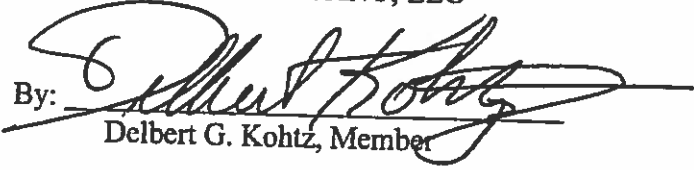
- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 30th day of August, 2013.

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member

Microfilm No. 407210

At 3:43

Jefferson Co. Recorder

Fee \$

Recorded at Request of

8-30-2013
CHRISTINE BOULTER

nc Deputy

Delbert Kohtz

EXHIBIT A

Page 2 of 4

WATER RIGHT NO. 25-14382 As Modified by Transfer No. 78019

In accordance with the approval of Transfer No. 78019, Water Right No. 25-14382 is now described as follows.

Right Holder: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

Priority Date: July 19, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.04 CFS	10.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSW	Sec. 5 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NENENE	Sec. 7 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NENWNW	Sec. 8 Twp 04N Rge 39E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	39E	5									32.5		1.3						33.8
04N	39E	6															8.2		8.2
04N	39E	7				10.1													10.1
04N	39E	8							16.1										16.1

Total Acres: 68.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.5 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 2.5 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 2.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.5 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Microfilm No. 409139
12-19-2013
At 1:50 O'Clock P M
CHRISTINE BOULTER
Jefferson Co. Recorder
Fee \$ 16. Deputy
Recorded at Request of Idaho Water Co. LLC

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Foster Land and Cattle, an Idaho general partnership ("Grantor") does hereby grant, bargain, sell, assign, and convey unto Idaho Water Company LLC, an Idaho limited liability company registered to do business in Idaho as Idaho Water Company LLC, a/k/a Idaho Water Co. LLC, whose address is 1135 Valley Rd. So. Eden, Idaho 83325 ("Grantee") and to Grantees heirs and assigns forever, all of Grantor's right title and interest in the water rights or portions thereof described in Exhibit A hereto (collectively the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

No land is included in or conveyed by this water rights conveyance.

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed.

DATED this 18th day of December, 2013.

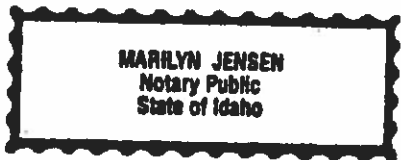
FOSTER LAND AND CATTLE

Foster Land & Cattle
By: Brian Foster
Its: partner

STATE OF IDAHO)
County of Jefferson) ss.

On this 18th day of December, 2013, before me, a Notary Public for said County and State, personally appeared Beard Foster, known or identified to me to be one of the partners of FOSTER LAND AND CATTLE, an Idaho general partnership, the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Marilyn Jensen
NOTARY PUBLIC FOR IDAHO
Residing at: Jefferson
My commission expires: August 13, 2018

EXHIBIT A
(Water Rights Descriptions)

Water rights totaling 0.68 cubic feet per second ("cfs") and 269.2 acre-feet per annum ("afa") appurtenant to 34.2 acres in the NWNE and 33.1 acres in the NENE, all in Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho, for irrigation of a total of 67.3 acres, as follows:

<u>Water Right</u>	<u>Quantity</u>	<u>Acres / Place of Use</u>
35-7192A Priority Date: 11/29/1971	0.62 cfs; 243.8 afa Source: Ground Water	60.9 acres appurtenant to the NWNE and NENE of Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho.
35-9069 Priority Date: 11/29/1971	0.06 cfs; 25.4 afa Source: Ground Water	6.4 acres appurtenant to the NWNE and NENE of Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho.

EXPRESSLY RESERVING UNTO GRANTOR, all remaining portions of water right nos. 35-7192A and 35-9069 and any and all portions of all other water rights that may be appurtenant to the authorized place of use for said Water Rights not expressly conveyed hereby.

Instrument # 410779

RIGBY, JEFFERSON, IDAHO

4-15-2014 08:30:00 No. of Pages: 8

Recorded for : EMILY KRAMER

CHRISTINE BOULTER

Ex-Officio Recorder Deputy

Fee: 0.00

Index to: WARRANTY DEED

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company, LLC, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto Jefferson County, an Idaho political subdivision, whose address is Jefferson County Courthouse, 210 Courthouse Way, Rigby, Idaho 83442 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title and interest in water right nos. 25-14398 and 25-14399 (formerly portions of 35-7192A and 35-9069, respectively) described in Exhibit A hereto (the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

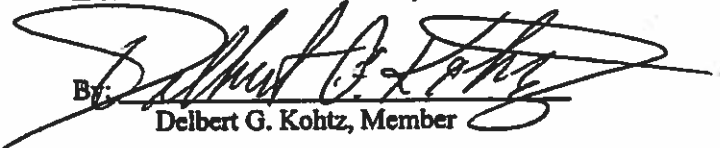
- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 10th day of April, 2014.

IDAHO WATER COMPANY, LLC

By: 

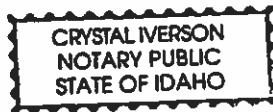
Delbert G. Kohtz, Member

STATE OF IDAHO)

County of Bannock) ss.

On this 10 day of April 2014, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Crystal Iverson
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My commission expires: 4/23/16

EXHIBIT A

Page 4 of 9

WATER RIGHT NO. 25-14398

As Modified by Transfer No. 78938

In accordance with the approval of Transfer No. 78938, Water Right No. 25-14398 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIFLE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.040 cfs 0.040 cfs	14.4 af 14.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 7	Twp 04N Rge 36E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 5	Twp 04N Rge 36E	JEFFERSON County
GROUND WATER	NENWNW	Sec 8	Twp 04N Rge 36E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	6											36.8	1.3					38.1
04N	36E	7	10.1																10.1
04N	36E	8					16.1												16.1

Right Acre Limit: 3.6
POU Total Acres: 68.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.6 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14398 and 25-14399 when combined shall not exceed the irrigation of 4.0 acres.
3. Rights 25-14398 and 25-14399 are limited to the irrigation of a specific 4.0 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 4.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4.0 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78938

WATER RIGHT NO. 25-14398
As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

4. Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. Prior to the diversion and use of water under Transfer approval 78938 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.

9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to 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.

Transfer No. 78938

WATER RIGHT NO. 25-14399
As Modified by Transfer No. 78938

In accordance with the approval of Transfer No. 78938, Water Right No. 25-14399 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 Ririe, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 04/01

To
 to 10/31

Diversion Rate
 0.004 cfs
 0.004 cfs

Diversion Volume
 1.8 af
 1.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 7	Twp 04N Rge 30E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 5	Twp 04N Rge 30E	JEFFERSON County
GROUND WATER	NENWNW	Sec 8	Twp 04N Rge 30E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	30E	5											26.5	1.3					27.8
04N	30E	6																8.3	8.3
04N	30E	7	10.1																10.1
04N	30E	8					18.1												18.1

Right Acre Limit: 0.4
POU Total Acres: 68.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.40 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14398 and 25-14399 when combined shall not exceed the irrigation of 4.0 acres.
3. Rights 25-14398 and 25-14399 are limited to the irrigation of a specific 4.0 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 4.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4.0 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78938

WATER RIGHT NO. 25-14399
As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

4. Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. Prior to the diversion and use of water under Transfer approval 78938 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgates for irrigation of the place of use.
8. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
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Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(8), 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.

Transfer No. 78938