

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81206

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
SEP 12 2016
Department of Water Resources
Eastern Region

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.

Name of Applicant(s) Brad and Sharol Foster

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.
- ☒ ☐ #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: Spreadsheet showing change in acres used to calculate filing fee.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

SEP 12 2016

Name of Applicant(s) Brad and Sharol Foster

Phone _____

Mailing address PO Box 40, Ririe, ID 83443

Email _____

Department of Water Resources
Eastern Region

- ☐ 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

Date

09/03/2016

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 for fourteen stacked water rights. The Applicants will dry up a portion of one pivot to cover more productive ground nearby.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

Page

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 ☒ ☐	35-2244	4	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-2358	5	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13682	3.51	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13683	3.43	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13684	0.3	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13685	0.29	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13687	0.75	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13689	0.27	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13774	1.93	Irrigation	04/01 to 10/31	Ground water

Total authorized under rights 25.07 cfs and/or 6854 acre-feet.

2. Total amount of water proposed to be transferred or changed 25.07 cubic feet per second and/or 6854 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	
01S	33E	1			0.3	26.2					20.9	37.3	38	31.6	36.1	1.4	3.3	2.8	197.9
		2			31.2	8.2				14.5	31.3			6.4	29.4	40	38.6	28.5	228.1
		11	38.3	33.7	40	40									39	38.9	35.3	40	305.2
		12	33.8	23.8	36.8	33.8	38.1	37.5	38.6	37.2	38.2	38.6	40	33.7	33.9	36.8	32	32.6	565.4
	34E	6							22.2		38.2	32	2.3	38.7			12.5	32.4	178.3
		7	34.5	21.4	30.8		25.2	31.4	34			33	28.3						238.6
Total Acres (for irrigation use)																			1713.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

Page

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 ☒ ☐	35-2244	4	Irrigation	04/01 to 10/31	Ground water
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☒ ☐	35-13682	3.51	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13683	3.43	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13684	0.3	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13685	0.29	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13687	0.75	Irrigation	04/01 to 10/30	Ground water
☒ ☐	35-13689	0.27	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-13774	1.93	Irrigation	04/01 to 10/31	Ground water

Total authorized under rights 25.07 cfs and/or 6854 acre-feet.

2. Total amount of water proposed to be transferred or changed 25.07 cubic feet per second and/or 6854 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	
01N	33E	2	Lot 2 → 5.7			8.2 ← Lot 1									0.8				14.7
01S	33E	12								0.5	3.8					0.9	3.6		8.8
Total Acres (for irrigation use)																			23.5

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:

The water rights are diverted from five different wells into a pressurized pipe system.

- 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: The Bank of Commerce, c/o Western AgCredit, FLCA, Real Estate Mortgage

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:

It 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

- ☐ ☒ 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:

[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

6/6/2016

WATER RIGHT NO. 35-2244

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	JUDD G CRAMER
Original Owner	PAULINE CRAMER 988 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 09/05/1952

Basis: Decreed

Status: Active

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

81206

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4 CFS	840 AFA
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	NW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE		Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW		Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE		Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW		Sec. 07	Township 01S	Range 34E	BINGHAM County

IRRIGATION Use:
Acre Limit: 210

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

81206

1. X27 This right is limited to the irrigation of 210.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 77960, 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 lands above.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. 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.
11. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

8 1 2 0 6

Generic Max Volume per Acre:

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-2358

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 12/10/1953

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	5 CFS	1000 AFA
Total Diversion			5 CFS	

Location of Point(s) of Diversion:

8 1 2 0 6

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County

GROUND WATER NWNENW Sec. 12 Township 01S Range 33E BINGHAM County
 GROUND WATER SESE Sec. 06 Township 01S Range 34E BINGHAM County
 GROUND WATER NWNWNW Sec. 07 Township 01S Range 34E BINGHAM County

IRRIGATION Use:

Acre Limit: 250

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 250.0 acres within the authorized place of use described above in a single irrigation season.
 2. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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.
- A lockable device subject to the approval of the Department shall be maintained on the diverting works

4. R02 in a manner that will provide the watermaster suitable control of diversion.

5. 214 Prior to the diversion and use of water under Transfer approval 77960, 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 lands above.

8. 004 This right does not grant any right-of-way or easement across the land of another.

9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

10. 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.

11. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13682

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Original Owner	BLACK ROCK PARTNERSHIP PO BOX 244 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 04/03/1967

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	10/30	3.51 CFS	879.2 AFA
Total Diversion			3.51 CFS	

Location of Point(s) of Diversion:

8 1 2 0 6

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

IRRIGATION Use:

Acre Limit: 219.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
		11		NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
				NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
	34E	6		NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
				SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
		7		SWSE	12.5		SESE	32.4						
				NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

- X27 This right is limited to the irrigation of 219.8 acres within the authorized place of use in a single irrigation season.
- X35 Rights 35-13682 and 35-13684 when combined shall not exceed a total diversion rate of 3.51 cfs, a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total

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3. X35 diversion rate of 25.07 cfs a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 77960, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. K01 Right No. 35-13684 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. 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.
14. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

81206

Combined Rate Limit: 25.07

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13683

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 04/03/1967

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	10/30	3.43 CFS	860.8 AFA
Total Diversion			3.43 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

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IRRIGATION Use:
Acre Limit: 215.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 215.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13683 and 35-13685 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 940.0 af at the field headgate, and the irrigation of 235.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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.

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6. 214 Prior to the diversion and use of water under Transfer approval 7100, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. K01 Right No. 35-13685 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. 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.
14. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13684

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Original Owner	BLACK ROCK PARTNERSHIP PO BOX 244 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 04/01/1971

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	0.3 CFS	80.8 AFA
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

3 1 2 0 6 4

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

IRRIGATION Use:

Acre Limit: 20.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. K09 This right is for an enlargement of 20.2 acres within the place of use described for this right.
2. X35 Rights 35-13682 and 35-13684 when combined shall not exceed a total diversion rate of 3.51 cfs, a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total
3. X35 diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate,

- and the irrigation of 171 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 77960, 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. K02 This right is based upon an enlargement of Right No. 35-13682 pursuant to Section 42-1426, Idaho Code.
10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. 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.
14. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13685

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 04/01/1971

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	0.29 CFS	79.2 AFA
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

8 1 2 0 6 1

IRRIGATION Use:
Acre Limit: 19.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. K09 This right is for an enlargement of 19.8 acres within the place of use described for this right.
 2. X35 Rights 35-13683 and 35-13685 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 940.0 af at the field headgate, and the irrigation of 235.0 acres.
 3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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.
- Prior to the diversion and use of water under Transfer approval 77960, the right holder shall install and

6. 214 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to
7. 213 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. K02 This right is based upon an enlargement of Right No. 35-13683 pursuant to Section 42-1426, Idaho Code.
10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. 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.
14. 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: 02/25/2002

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: And/Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13687

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 06/14/1965

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	10/30	0.75 CFS	189.6 AFA
Total Diversion			0.75 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

61206

IRRIGATION Use:
Acre Limit: 47.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
		11		NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
				NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
	34E	6		NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
				SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 47.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13687 and 35-13689 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 244.0 af at the field headgate, and the irrigation of 61.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 7000, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. 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.
13. 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: 02/25/2002

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: And/Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13689

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER
	PO BOX 40
	RIRIE, ID 83443
	(208)538-5172
Security Interest	THE BANK OF COMMERCE
	C/O WESTERN AG CREDIT FLCA
	10980 W SOUTH JORDAN GATEWAY
	PO BOX 95850
	SOUTH JORDAN, UT 84095-0850

Priority Date: 03/06/1953

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	0.27 CFS	54.4 AFA
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

81206

IRRIGATION Use:
Acre Limit: 13.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 13.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13687 and 35-13689 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 244.0 af at the field headgate, and the irrigation of 61.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 7100, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. 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.
13. 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: 02/25/2002

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: And/Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13774

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 03/06/1953

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	1.93 CFS	385.6 AFA
Total Diversion			1.93 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County

GROUND WATER NWNENW Sec. 12 Township 01S Range 33E BINGHAM County
 GROUND WATER SESE Sec. 06 Township 01S Range 34E BINGHAM County
 GROUND WATER NWNWNW Sec. 07 Township 01S Range 34E BINGHAM County

IRRIGATION Use:
 Acre Limit: 96.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 96.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13774 and 35-13776 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1732.0 af at the field headgate, and the irrigation of 433.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 77960, 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. 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(s) 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

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

8 1 2 0 6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13775

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	BLACK ROCK PARTNERSHIP PO BOX 244 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 03/06/1953

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	0.32 CFS	64 AFA
Total Diversion			0.32 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County

81206

GROUND WATER NWNENW Sec. 12 Township 01S Range 33E BINGHAM County
 GROUND WATER SESE Sec. 06 Township 01S Range 34E BINGHAM County
 GROUND WATER NWNWNW Sec. 07 Township 01S Range 34E BINGHAM County

IRRIGATION Use:

Acre Limit: 16

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 16.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13775 and 35-13777 when combined shall not exceed a total diversion rate of 0.87 cfs, a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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

8 12 06

- 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 77960, 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. 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(s) 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13776

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 06/14/1965

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	10/30	5.33 CFS	1346.4 AFA
Total Diversion			5.33 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County

GROUND WATER|NWNENW|Sec. 12|Township 01S|Range 33E|BINGHAM County
 GROUND WATER|SESE|Sec. 06|Township 01S|Range 34E|BINGHAM County
 GROUND WATER|NWNWNW|Sec. 07|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 336.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 336.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13774 and 35-13776 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1732.0 af at the field headgate, and the irrigation of 433.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 77960, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. 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.
13. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13777

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	BLACK ROCK PARTNERSHIP PO BOX 244 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 06/14/1965

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	10/30	0.87 CFS	220 AFA
Total Diversion			0.87 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County

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GROUND WATER|NWNENW|Sec. 12|Township 01S|Range 33E|BIN|AM County
 GROUND WATER|SESE|Sec. 06|Township 01S|Range 34E|BINGHAM County
 GROUND WATER|NWNWNW|Sec. 07|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 55

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
				NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
		11		NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
				NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
	34E	6		SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
				SWSE	12.5		SESE	32.4						
		7		NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 55.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13775 and 35-13777 when combined shall not exceed a total diversion rate of 0.87 cfs, a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.
3. X35 Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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

81208

- 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 77960, 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. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. 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.
13. 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: 02/25/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13822

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999
Original Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 05/01/1980

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	1.89 CFS	773.6 AFA
Total Diversion			1.89 CFS	

Location of Point(s) of Diversion:

8 1 2 0 6

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

IRRIGATION Use:

Acre Limit: 193.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
		11		NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
				NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
	34E	6		NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
				SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
		7		SWSE	12.5		SESE	32.4						
				NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 193.4 acres within the place of use described above in a single irrigation season.
2. X35 Rights 35-13953 and 35-13822 when combined shall not exceed a total annual maximum diversion volume of 854.0 af at the field headgate, and the irrigation of 213.5 acres.
Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total

3. X35 diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 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 77960, 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. C06 Priority date changed to prevent injury from change in use.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. 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.
13. 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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/6/2016

WATER RIGHT NO. 35-13953

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999
Original Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT FLCA 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 05/06/1957

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	0.29 CFS	80.4 AFA
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

8 1 2 0 6

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County
GROUND WATER	SESE	Sec. 06	Township 01S	Range 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec. 07	Township 01S	Range 34E	BINGHAM County

IRRIGATION Use:
Acre Limit: 20.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		SWNE	0.3		SENE	26.2						
				NESW	20.9		NWSW	37.3		SWSW	38		SESW	31.6
				NESE	36.1		NWSE	1.4		SWSE	3.3		SESE	2.8
		2	2	SWNE	25.5									
			3	SENE	14.5									
				NESW	31.3		SESW	6.4						
		11		NESE	28.6		NWSE	40		SWSE	38.6		SESE	28.5
				NENE	38.3		NWNE	33.7		SWNE	40		SENE	40
				NESE	39		NWSE	38.9		SWSE	35.3		SESE	40
		12		NENE	33.8		NWNE	23.8		SWNE	36.8		SENE	33.8
				NENW	38.1		NWNW	37.5		SWNW	38.6		SENE	36.6
				NESW	34.4		NWSW	38.6		SWSW	40		SESW	33.7
	34E	6		NESE	33.9		NWSE	35.9		SWSE	28.5		SESE	32.6
				SWNW	22.2									
				NESW	38.2		NWSW	32		SWSW	2.3		SESW	38.7
		7		SWSE	12.5		SESE	32.4						
				NENE	34.5		NWNE	21.4		SWNE	30.8		SENE	23.5
				NENW	25.2		NWNW	31.4		SWNW	34			
				NWSW	33		SWSW	28.3						

Total Acres: 1713.5

Conditions of Approval:

- X27 This right is limited to the irrigation of 20.1 acres within the authorized place of use in a single irrigation season.
- X35 Rights 35-13953 and 35-13822 when combined shall not exceed a total annual maximum diversion volume of 584.0 af at the field headgate, and the irrigation of 213.5 acres.
Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total

3. X35 diversion rate of 25.07 cfs a total annual maximum diversion volume of 6854.0 af at the field headgate, and the irrigation of 1713.5 acres.
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. R05
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.
Prior to the diversion and use of water under Transfer approval 77960, 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. 214 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. 213
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. 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(s) 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.
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.
12. T19

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1713.5

Combined Volume Limit: 6854

Combined Rate Limit: 25.07

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

81206

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by Sc Date Preliminary check by Date

Fee paid 500 - Date 9/12/16 Received by SL Receipt # E042448

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)

Attachment No. 6
Lien Holder Authorization



2195 North Main Street
Logan, Utah 84341
435.752.2146
800.748.5071 Toll Free
435.752.9180 Fax

June 22, 2016

To: Idaho Department of Water Resources C/O Blake Jordan

From: Western AgCredit C/O Garn Lovell

Re: Transfer of Water Rights in the name of Brad Foster and Sharol Foster

Brad & Sharol Foster has requested that, as a secured lender, Western AgCredit acknowledge their water transfer between several Bingham County properties.

Currently, Western AgCredit has a security interest in the following water rights:

Water Right No(s): 35-13547, 35-13549, 35-13551, 35-13954; a portion of 35-2244 consisting of 840.00 acre-feet for the irrigation of 210 acres, a portion of 35-2358 consisting of 1000.00 acre-feet for the irrigation of 250 acres, a portion of 35-13682 consisting of 879.20 acre-feet for the irrigation of 219.8 acres, a portion of 35-13683 consisting of 860.80 acre-feet for the irrigation of 215.2 acres, a portion of 35-13684 consisting of 80.80 acre-feet for the irrigation of 20.2 acres, a portion of 35-13685 consisting of 79.20 acre-feet for the irrigation of 19.8 acres, a portion of 35-13687 consisting of 189.60 acre-feet for the irrigation of 47.4 acres, a portion of 35-13689 consisting of 54.40 acre-feet for the irrigation of 13.6 acres, a portion of 35-13774 consisting of 385.60 acre-feet for the irrigation of 96.4 acres, a portion of 35-13775 consisting of 64.00 acre-feet for the irrigation of 16 acres, a portion of 35-13776 consisting of 1346.40 acre-feet for the irrigation of 336.6 acres, a portion of 35-13777 consisting of 220.00 acre-feet for the irrigation of 55 acres, a portion of 35-13822 consisting of 773.60 acre-feet for the irrigation of 193.4 acres, a portion of 35-13953 consisting of 80.40 acre-feet for the irrigation of 20.1 acres, a portion of 35-14270 consisting of 310.40 acre-feet for the irrigation of 77.6 acres, a portion of 35-14271 consisting of 32.40 acre-feet for the irrigation of 8.1 acres

It is my understanding that Brad & Sharol Foster are moving water from Section 2 and Section 12, Township 01S., Range 33E.B.M. as shown on the map attached hereto as Exhibit B. The Bank of Commerce, c/o Western AgCredit, FLCA has no objection to the Fosters' application for water right transfer, and I have the authority on behalf of The Bank of Commerce, c/o Western-AgCredit, FLCA to consent to the transfer.

Western AgCredit does not oppose this water transfer as long as Western AgCredit's security interest in the above water rights remains in force through and after the water transfer.

If you would like to discuss this approval, I can be reached at 208.317.8119

Sincerely,



Garn A. Lovell

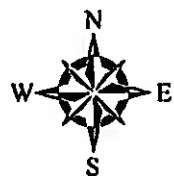
Western AgCredit

Regional Vice President – Correspondent Lending



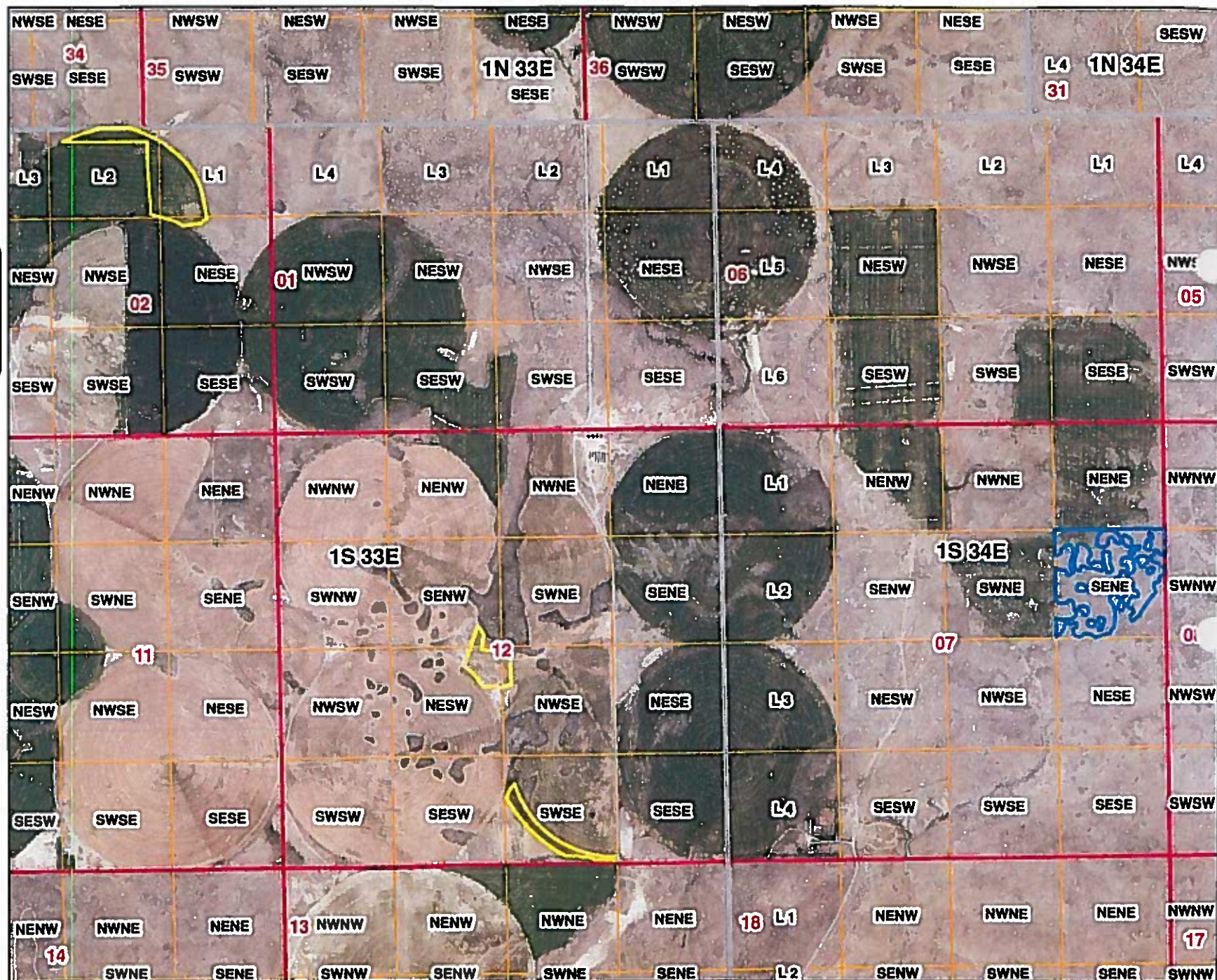
81206

FOSTER APPLICATION FOR TRANSFER - Exhibit B



Legend

- Transfer From Acres
- Transfer To Acres
- TR Lines
- Section Lines
- Quarter Quarter Lines



81206

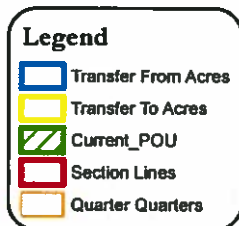
2015 NAIP Photo



Prepared by:
Luke H. Marchant
06/08/2016

Attachment No. 7a

GIS Map



81206



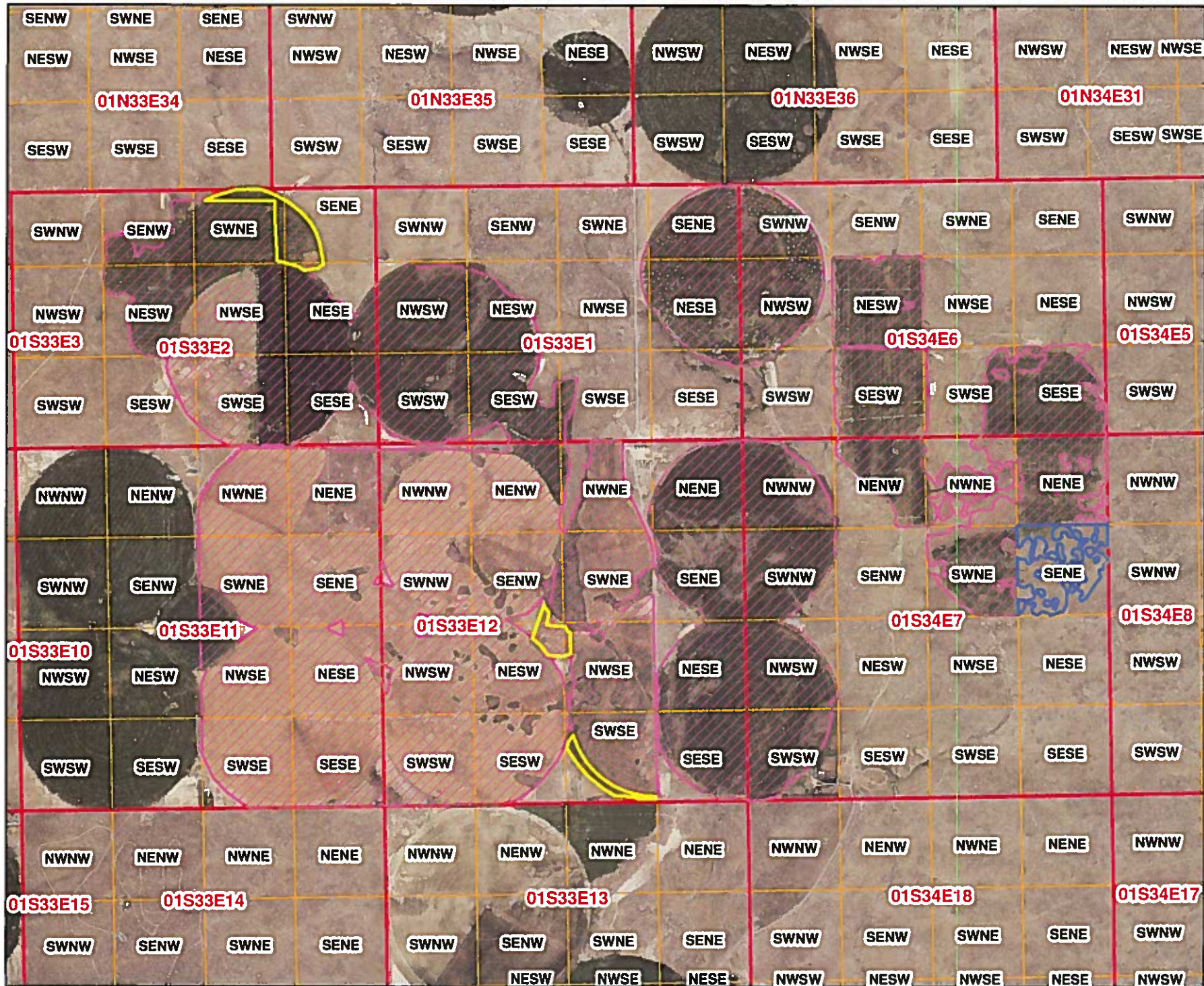
Prepared by:
Luke H. Marchant
09/03/2016

FOSTER APPLICATION FOR TRANSFER



Legend

- Transfer From Acres
- Transfer To Acres
- Proposed POU
- Section Lines
- Quarter Quarters



2015 NAIP Photo



Prepared by:
Luke H. Marchant
09/12/2016

Attachment No. 7b
GIS Shapefile

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

Attachment No. 10

Other

8 12 06

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.3	38	31.6	36.1	1.4	3.3	2.8	197.9
		2			31.2	8.2				14.5	31.3			6.4	29.4	40	38.6	28.5	228.1
		11	38.3	33.7	40	40									39	38.9	35.3	40	305.2
		12	33.8	23.8	36.8	33.8	38.1	37.5	38.6	37.2	38.2	38.6	40	33.7	33.9	36.8	32	32.6	565.4
	34E	6							22.2		38.2	32	2.3	38.7			12.5	32.4	178.3
		7	34.5	21.4	30.8		25.2	31.4	34			33	28.3						238.6
TOTAL																			1713.5

PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.3	38	31.6	36.1	1.4	3.3	2.8	197.9
		2			25.5					14.5	31.3			6.4	28.6	40	38.6	28.5	213.4
		11	38.3	33.7	40	40									39	38.9	35.3	40	305.2
		12	33.8	23.8	36.8	33.8	38.1	37.5	38.6	36.6	34.4	38.6	40	33.7	33.9	35.9	28.5	32.6	556.6
	34E	6							22.2		38.2	32	2.3	38.7			12.5	32.4	178.3
		7	34.5	21.4	30.8	23.5	25.2	31.4	34			33	28.3						262.1
TOTAL																			1713.5

CHANGE IN ACRES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1																	
		2			5.7	8.2									0.8				14.7
		11																	
		12								0.6	3.8					0.9	3.5		8.8
	34E	6																	
		7				-23.5													-23.5
TOTAL																			0
Total positive change in acres																			29.5
Total negative change in acres																			-23.5

Used for calculating
filing fee

81206