

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80656

This is to certify that: MARC B FOSTER AND
TERRI L FOSTER
3018 W 1700 S
ABERDEEN, ID 83210

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
35-2758A	WR/DECREED	1/28/1965	1.260 cfs	256.0 af	64.0	118.0	GROUND WATER
35-7445	WR/DECREED	10/3/1974	2.340 cfs	624.0 af	N/A	156.0	GROUND WATER
35-8370A	WR/LICENSE	4/29/1985	0.700 cfs	216.0 af	54.0	118.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2758A	NO	NO	YES	YES	NO	NO
35-7445	YES	YES	YES	YES	NO	NO
35-8370A	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2758A	35-2758A	1.260 cfs	256.0 af	64.0	143.0	N/A	N/A	N/A	N/A	N/A
35-7445	35-14444	0.380 cfs	100.0 af	25.0	143.0	35-7445	1.960 cfs	524.0 af	N/A	131.0
35-8370A	35-8370A	0.700 cfs	216.0 af	54.0	143.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.860 cfs	572.0 af	N/A	143.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of March, 2016.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 80656

IN FILE # 35-2758A

WATER RIGHT NO. 35-8370A**As Modified by Transfer No. 80656**

In accordance with the approval of Transfer No. 80656, Water Right No. 35-8370A is now described as follows:

Right Holder: FOSTER FAMILY FARMS INC
PO BOX 844
ABERDEEN, ID 83210

Priority Date: 4/29/1985

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

0.700 cfs

0.700 cfs

Diversion Volume

216.0 af

216.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NENE
NWNW

Sec 27 Twp 05S Rge 30E BINGHAM County
Sec 27 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	27	13.3	4.4	4.9		37.1	24.3	22.7	36.3									143.0

Right Acre Limit: 54.0

POU Total Acres: 143.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 54 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2758A and 35-8370A when combined shall not exceed a total diversion rate of 1.48 cfs and the irrigation of 118.0 acres.
3. Rights 35-2758A, 35-8370A, and 35-14444 when combined shall not exceed a total diversion rate of 1.86 cfs and the irrigation of 143.0 acres.
4. 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.

WATER RIGHT NO. 35-8370A

As Modified by Transfer No. 80656

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 80656, 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. 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.
7. 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. This right is for the use of trust water, and it is subject to review 20 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 35-2758A**As Modified by Transfer No. 80656**

In accordance with the approval of Transfer No. 80656, Water Right No. 35-2758A is now described as follows:

Right Holder: FOSTER FAMILY FARMS INC
PO BOX 844
ABERDEEN, ID 83210

Priority Date: 1/28/1965

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 11/01

Diversion Rate
1.260 cfs
1.260 cfs

Diversion Volume
256.0 af
256.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NENE
NWNW

Sec 27 Twp 05S Rge 30E BINGHAM County
Sec 27 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	27		13.3	4.4	4.9		137.1	24.3	22.7	36.3									143.0

Right Acre Limit:

64.0

POU Total Acres:

143.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2758A and 35-8370A when combined shall not exceed a total diversion rate of 1.48 cfs and the irrigation of 118.0 acres.
3. Rights 35-2758A, 35-8370A, and 34-14444 when combined shall not exceed a total diversion rate of 1.86 cfs and the irrigation of 143.0 acres.
4. 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.

WATER RIGHT NO. 35-2758A
As Modified by Transfer No. 80656

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 80656, 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. 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.
7. 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-7445
As Modified by Transfer No. 80656

In accordance with the approval of Transfer No. 80656, Water Right No. 35-7445 is now described as follows:

Right Holder: TERRI L FOSTER
 MARC B FOSTER
 3018 W 1700 S
 ABERDEEN, ID 83210

Priority Date: 10/3/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	1.960 cfs	524.0 af
			1.960 cfs	524.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSNE Sec 26 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	26	32.4	33.7	32.8	32.1													131.0

POU Total Acres: 131.0

CONDITIONS OF APPROVAL

- 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-14444
As Modified by Transfer No. 80656

In accordance with the approval of Transfer No. 80656, Water Right No. 35-14444 is now described as follows:

Right Holder: TERRI L FOSTER
 MARC B FOSTER
 3018 W 1700 S
 ABERDEEN, ID 83210

Priority Date: 10/3/1974

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 4/01 **To** 11/01

Diversion Rate
 0.380 cfs
 0.380 cfs

Diversion Volume
 100.0 af
 100.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE
 GROUND WATER NWNW

Sec 27 Twp 05S Rge 30E BINGHAM County
 Sec 27 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	27	13.3	4.4	4.9		37.1	24.3	22.7	36.3									143.0
Right Acre Limit:			25.0																
POU Total Acres:			143.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2758A, 35-8370A, and 35-14444 when combined shall not exceed a total diversion rate of 1.86 cfs and the irrigation of 143.0 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 80656, 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.

WATER RIGHT NO. 35-14444

As Modified by Transfer No. 80656

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.