

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

New Fee \$ 580 + 200

RECEIVED

SEP 09 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☒ Ownership split

1. APPLICANT(S) Foster Co. Phone (208) 538-51702. MAILING ADDRESS PO Box 626 City RirieState ID Zip 83443 Email vistavalleyag@gmail.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-2619 & 35-12350

☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 1.49 cubic feet per second and/or 320 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NO		NW	NE	NW	18	03N	36E	Bonneville	Groundwater	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? Foster Co

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

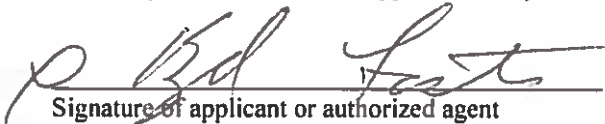
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Boyd Foster, Owner

Print name and title if applicable

9/9/15

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____

Date _____

Fee paid \$1,110.00 Date 7/13/2015

Received by SS

Receipt # 6041246

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/24/2015

5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

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

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1,600.0	400.0
35-2619 ,35-12350		

SubCase:

SubCaseNumber: 35-2619
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/24/2015

Water Right 35-12350

Owner Type **Name and Address**
Current Owner WALKER LAND & CATTLE LLC
 1070 RIVERWALK DR STE 200
 IDAHO FALLS, ID 83402
 (208)932-0738

Priority Date: 8/31/1967

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.060 CFS	
	Total Diversion		1.060 CFS	

Source and Point(s) of Diversion

GROUND WATER NENENE Sec. 19, Twp 03N, Rge 36E, BONNEVILLE County

Place Of Use

IRRIGATION within BONNEVILLE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	36E	17											40.0	40.0					80.0
03N	36E	18											40.0	40.0			40.0	40.0	160.0
03N	36E	19	40.0	40.0															80.0
03N	36E	20					40.0	40.0											80.0

Right Acre Limit: 80.0

POU Total Acres: 400.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02619 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1600 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02619 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 400 ACRES IN A SINGLE IRRIGATION SEASON.
 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02619 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/24/2015

Dates and Other Information

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

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
35-2619 ,35-12350	1,600.0	400.0

SubCase:

SubCaseNumber: 35-12350
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 8/24/1998
Objection Status: Active

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Water Right
35-7037

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.225 0.45 0.9 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

SCANNED
JUL 22 2009

N

80236

State of Idaho
Department of Water Resources

Water Right

35-12350

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.225 0.45 0.9 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

80236



Map produced on March 18, 2015

SCANNED

JUL 22 2015

State of Idaho
Department of Water Resources

Water Right
35-2619

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

80236

SCANNED

JUL 22 2015



241284
Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

WARRANTY DEED

Instr # 1495684
IDAHO COUNTY, BONNEVILLE, IDAHO
2015-04-10 10:05:19 AM No. of Pages: 7
Recorded for: ALLIANCE TITLE - IDAHO FALLS O
RONALD LONGMORE Fee: \$28.00
Ex-Officio Recorder Deputy DWoolf
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

THIS INDENTURE is made this 21st day of April, 2015, by WALKER LAND & CATTLE, LLC, an Idaho limited liability company, the "Grantor", to FOSTER COMPANY, a partnership having as its general partners Boyd S. Foster and Laurie Foster, whose mailing address is P.O. Box 626, Ririe, Idaho 83443, the "Grantee". b7c 270

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described real property in the County of Bonneville, State of Idaho, to-wit:

Tract A:

Section 3, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho:

Lots 2, 3, and 4

South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$)

Southwest Quarter (SW $\frac{1}{4}$)

West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$)

Section 4, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:

Lots 1 and 2

South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)

Southeast Quarter (SE $\frac{1}{4}$)

Section 10, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:
East Half (E $\frac{1}{2}$)

Excepting therefrom: Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho described as follows:

Beginning at the Southeast corner of said Section 10 and running thence N.89°58'59"W. 634.18 feet along the section line; thence N.00°01'01"E. 30.00 feet; thence N.30°26'38"E. 403.70 feet; thence N.51°48'50"E. 35.41 feet; thence S.89°58'59"E. 402.89 feet to the east line of said Section 10; thence S.00°09'24"W. 400.00 feet to the point of beginning.

241281
Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

WARRANTY DEED

Rec	led Electronically
ID	17495684
County	Bonneville
Date	4-22-13 Time 10:05am
Simplifile.com 800.460.5657	

THIS INDENTURE is made this 21st day of April, 2015, by WALKER LAND & CATTLE, LLC, an Idaho limited liability company, the "Grantor", to FOSTER COMPANY, a partnership having as its general partners Boyd S. Foster and Laurie Foster, whose mailing address is P.O. Box 626, Ririe, Idaho 83443, the "Grantee". 6/2/13

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described real property in the County of Bonneville, State of Idaho, to-wit:

Tract A:

Section 3, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho:

Lots 2, 3, and 4

South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$)

Southwest Quarter (SW $\frac{1}{4}$)

West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$)

Section 4, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:

Lots 1 and 2

South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)

Southeast Quarter (SE $\frac{1}{4}$)

Section 10, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:
East Half (E $\frac{1}{2}$)

Excepting therefrom: Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho described as follows:

Beginning at the Southeast corner of said Section 10 and running thence N.89°58'59"W. 634.18 feet along the section line; thence N.00°01'01"E. 30.00 feet; thence N.30°26'38"E. 403.70 feet; thence N.51°48'50"E. 35.41 feet; thence S.89°58'59"E. 402.89 feet to the east line of said Section 10; thence S.00°09'24"W. 400.00 feet to the point of beginning.

Tract B:

Section 7, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:
West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$)

Section 18, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:
Northwest Quarter (NW $\frac{1}{4}$)

North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$)

South Half of the Southwest Quarter

TRACT A AND TRACT B SHALL INCLUDE AND BE TRANSFERRED WITH:
All Water Rights, appurtenant to the above-described Tract A and Tract B, including but not limited to the following Water Rights: 35-2619, 35-2905, 35-7025, 35-7037, 35-7062, 35-7289, 35-8849, 35-12350, 35-12442 and 35-13802.

All irrigation equipment, pumps, wells, electrical panels and equipment associated therewith located on the above-described Tract A and Tract B, including but not limited to the following:

Pumps and Wells

(1)-600 H.P. (Serial#5K6528XC195B) Motor w/Turbine Pump Booster 250, Steele Hill 850 total HP, Slow Start, VFD. RMP Site#728030853
(1)-#400 H.P. (Serial#1405834) Motor w/Turbine Booster Pump 125, Steele 11&12 525 total HP. RMP Site#677428043
(1)-400 H.P. (Serial#1280573) Motor w/ Turbine Pump, Steele 1,2,3,4 400 total HP, VFD. RMP Site#711716873

Irrigation Equipment

2-9 Tower Valley Pivots with Reinke Corner Catchers listed below Steele 1&2
Reinke Corner System 0408-01512-2060 – Steele 1
Reinke Corner System 0408-01511-2060 – Steele 2

2-6 Tower Mini Pivots Steele 3&4

2-9 Tower Valley Pivots with Reinke Corner Catchers listed below Steele 7&8:
Reinke Corner System 0408-01514-2060 – Steele 7
Reinke Corner System 0408-01513-2060 – Steele 8

2-9 Tower Valley Pivots Steele 9&10

2-9 Tower Valley Pivots with Valley Corner Catchers 1320 feet long Steele 11&12

Reinke 2060 Center Pivot 1-933 Feet 6 Towers 0408-40413-2060 – Mini Pivot Steele 13

Reinke 2060 Center Pivot 1-952 Feet 6 Towers 0408-40414-2060 – Mini Pivot Steele 14

Reinke 2060 Center Pivot 1-749 Feet 6 Towers 0408-40482-2060 – Mini Pivot Steele 15

Buried Mainline

Solid Set hand lines

SUBJECT TO the following:

1. All real property taxes and assessments; all existing patent reservations, easements, rights of way, and restrictive covenants of record; all applicable zoning ordinances, building codes, laws and regulations; and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

2. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: August 25, 1916.

Book: 9 at Page: 417

Official Records: Bonneville County.

3. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: September 16, 1916.

Book: 9 at Page: 431

Official Records: Bonneville County.

4. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: January 4, 1917.

Book: 9 at Page: 511

Official Records: Bonneville County.

5. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: July 16, 1917.

Book: 13 at Page: 61

Official Records: Bonneville County.

6. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: January 24, 1952.

Book: 80 at Page: 449

Official Records: Bonneville County.

7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: February 21, 1953.

Book: 85 at Page: 587

Official Records: Bonneville County.

8. The provisions contained in Deed,

Recorded: April 11, 1960,

In Book 127 of Deeds at Page 99.

As follows: "Reserving unto the Grantor its successors and assigns, one-half of all the oil, gas and minerals and/or the rights thereto, in, on and under the above Described lands."

9. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light Company

Purpose: Public Utilities

Recorded: September 29, 1961

Book: 21, of Leases & Contract at Page: 369

10. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light Company

Purpose: Public Utilities

Recorded: November 1, 1961

Book: 21 of Leases & Contracts on, Page: 415

11. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light

Purpose: Public Utilities

Recorded: November 1, 1961

Book: 21, of Leases & Contract on Page: 416

12. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: December 15, 1965.

Instrument No 355436

Official Records: Bonneville County.

13. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light Company

Purpose: Public Utilities

Recorded: May 10, 1966

Instrument No.: 360693

14. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light

Purpose: Public Utilities

Recorded: October 27, 1969

Instrument No.: 401518

15. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Utah Power & Light Company

Purpose: Public Utilities

Recorded: October 27, 1969

Instrument No.: 401519

16. Rights of the public in and to that portion of the premises lying within 9th West.

17. Rights of the public in and to that portion of the premises lying within 125th West (Moeller Rd).

18. Rights of the public in and to that portion of the premises lying within 113th North.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining (including but not limited the aforementioned water rights), and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

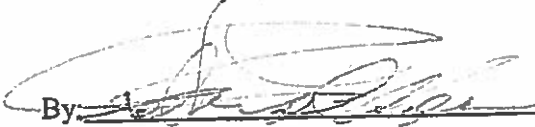
TO HAVE AND TO HOLD the property and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors shall warrant and defend the property in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the property as of the date hereof, subject to the matters set forth above.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GRANTOR:

WALKER LAND & CATTLE, LLC,
an Idaho limited liability company

By:  _____

Name: Roland N. Walker

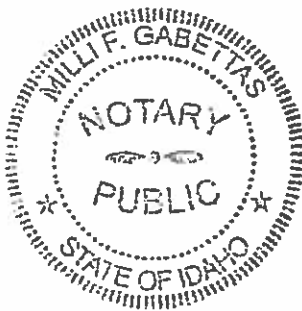
Title: Managing Member

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 21st day of April, 2015, before me, the undersigned, a notary public in and for said State, personally appeared Robert N. Walker, known or identified to me to be a Managing Member of Walker Land & Cattle, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

(SEAL)



Millie F. Gabettas
Notary Public for Idaho
Residing at: _____ Residing in Idaho Falls, Idaho
My Commission Expires: _____ Commission Expires 3/19/2016

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