

RECEIVED

JUL 13

42-222 POD - 09/14

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES\$1060
P.O.D. + \$50

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 P.O. Box 626 City EirieState 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 7.46 cubic feet per second and/or _____ 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	3N	36E	Bonneville	ground well	

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Boyd Foster
Signature of applicant or authorized agent

Boyd Foster, Owner
Print name and title if applicable

10 July 2015
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 \$ 110.00 Date 7-13-2015 Received by AS Receipt # E041246

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)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/10/2015

WATER RIGHT NO. 35-2619

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALKER LAND & CATTLE LLC 1070 RIVERWALK DR STE 200 IDAHO FALLS, ID 83402 (208)932-0738
Original Owner	ROLAND L WALKER 1070 RIVERWALK DR STE 252 IDAHO FALLS, ID 83402 (208)932-0737
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141
Security Interest	WELLS FARGO BANK MAC U1228-062 299 S MAIN ST 6TH FLOOR SALT LAKE CITY, UT 84111

Priority Date: 11/28/1960

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	4/01	10/31	6.4 CFS	
Total Diversion			6.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENENE|Sec. 19|Township 03N|Range 36E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 320

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	36E	17		SWSW	40		SESW	40						
		18		SWSW	40		SESW	40						
				SWSE	40		SESE	40						
		19		NENE	40		NWNE	40						
		20		NENW	40		NWNW	40						

Total Acres: 400

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. 35-12350 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1600 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-12350 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 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-12350 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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:
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 400
Combined Volume Limit: 1600
Combined Rate Limit:
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](#)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/10/2015

WATER RIGHT NO. 35-12350

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALKER LAND & CATTLE LLC 1070 RIVERWALK DR STE 200 IDAHO FALLS, ID 83402 (208)932-0738
Original Owner	ROLAND L WALKER 1070 RIVERWALK DR STE 252 IDAHO FALLS, ID 83402 (208)932-0737
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141
Security Interest	WELLS FARGO BANK MAC U1228-062 299 S MAIN ST 6TH FLOOR SALT LAKE CITY, UT 84111

Priority Date: 08/31/1967

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	4/01	10/31	1.06 CFS	
Total Diversion			1.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NENENE | Sec. 19 | Township 03N | Range 36E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>
03N	36E	17		SWSW	40		SESW	40						
		18		SWSW	40		SESW	40						
				SWSE	40		SESE	40						
		19		NENE	40		NWNE	40						
		20		NENW	40		NWNW	40						

Total Acres: 400

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.

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:
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 400
Combined Volume Limit: 1600
Combined Rate Limit:
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](#)

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

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



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.



0 0.225 0.45 0.9 Miles

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

80236



24128
Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

WARRANTY DEED

Instrument # 1495684
IDAHO FALLS, BONNEVILLE, IDAHO
2015-04-22 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".

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 (W½SW¼)

Section 18, Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho:
Northwest Quarter (NW¼)

North Half of the Southwest Quarter (N½SW¼)

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

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CANCELLATION OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly. Instructions are included on the back of the application.)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice
of the action(s) indicated below:

1. The assumed business name is: Foster Company
2. The assumed business name was filed with the Secretary of State's Office
on Feb 12, 1998 as file number D12066
3. ☐ Cancellation. The persons who filed the certificate no longer claim an interest in
the above assumed business name and cancel the certificate in its entirety.
4. ☐ The assumed business name is amended to: _____
5. ☒ The true names and business addresses of the entity or individuals doing
business under the assumed business name are amended as follow:

Add:	Delete:	Name:	Address:
☐	☒	<u>Brad Foster</u>	<u>P. O. Box 308, Rigby, Idaho, 83442</u>
☒	☐	<u>Laurie Foster</u>	<u>P. O. Box 626, Ririe, Idaho, 83443</u>
☐	☐	_____	_____

6. ☐ The type of business is amended to read:
- | | | |
|--|--|--|
| ☐ Retail Trade | ☐ Manufacturing | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Agriculture | ☐ Finance, Insurance, and Real Estate |
| ☐ Services | ☐ Construction | ☐ Mining |
7. ☒ The name and address to which future correspondence should be addressed
is changed to read:
P. O. Box 626, Ririe, Idaho, 83443

8. Name and address for this acknowledgment copy is:

Gary MeikleP. O. Box 50130Idaho Falls, Idaho 83405

Signature: _____

Printed Name: Brad FosterCapacity: Former Partner

Signature: _____

Printed Name: Boyd FosterCapacity: Partner

Secretary of State use only

IDAHO SECRETARY OF STATE
08/15/2012 05:00
CK: NONE CT: 12945 BH: 1336042
1 @ 18.00 = 18.00 ASSUM AMEN # 2

abr_amend.pmd Rev 07/2010

80236

D12066