

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78985

RECEIVED

NOV 26 2013

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Foster Co. Phone (208) 538-5170Mailing address PO Box 626 Ririe, ID 83443 Email vistavalleyag@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Bryl Lutz
Signature of Applicant or Authorized Representative

Bryl Foster
Print Name and Title if applicable

26 Nov 13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.

Applicant proposes to make each of the four pivots smaller by taking away approximately 7 acres from each one. Then the applicant proposes to add a small pivot to water 28 acres to a pivot in the center of the four larger pivots. The applicant will not add end guns to the pivots to save the acres.

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STATE OF IDAHO
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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					
☒ ☐	35-14112	3.31/662.4	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14114	3.27/653.6	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14116	3.31/662.4	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14118	1.66/330.8	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14120	0.42/85.2	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14122	0.35/71.2	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	35-14124	0.26/82.0	Irrigation	4/01 to 11/01	Groundwater
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.12 cfs and/or 1757 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 93.2 acre-feet per annum.

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	
04N	35E	28	31.3	31.3	38.1	31.3	31.3	31.3	31.3	38.1	38.1	31.3	31.3	31.3	31.3	38.1	31.3	31.3	528
Total Acres (for irrigation use)																			528

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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:

AT THE PUMP WE WILL HAVE CHEMIGATED CHECK VALVE. EACH PIVOT WILL HAVE AN ELECTRONIC AND MANUAL WATER VALVE. THE ELECTRONIC MANUAL FOR THE PUMP WILL HAVE A LOCK DOWN.

- 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: No lien.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land has not yet been irrigated. The land will continue to be dry. The land is currently enrolled in the CRP program.

- e. 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:
N/A

- f. 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:

Land is currently enrolled in the CRP program, supporting documents attached with transfer.

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Water Right 35-14112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 9/25/1973

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	3.310 CFS	662.4 AF
	<u>Total Diversion</u>		3.310 CFS	662.4 AF

Source and Point(s) of Diversion

GROUND WATER	SENESEW	Sec. 16, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 20, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 21, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWSW	Sec. 29, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESE	Sec. 31, Twp 04N, Rge 35E,	JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0

Right Acre Limit: 165.6

POU Total Acres: 528.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 165.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14112, 35-14114, 35-14116 and 35-14118, when combined shall not exceed 3.66 cfs, nor total combined annual volume of 1552.5 af for the irrigation of a total of 528.0 acres.
3. X35 Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

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- diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 75094 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. bjordan 4/22/2011 POD
Updated Shape
2. bjordan 4/22/2011 POU
Updated Shape
3. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
4. jbitzenburg 12/15/2011 POD
PODID 798684 correlated from SpatialDataID 235911 to SpatialDataID 235911
5. jbitzenburg 12/15/2011 POD
PODID 798685 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 8/2/2002
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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4.120			1,757.0		528.0
35-14112	,35-14114	,35-14116	,35-14118	,35-14120	,35-14122 ,35-14124
<u>Rate</u>			<u>Volume</u>		<u>Acres</u>
3.660			552.5		528.0
35-14112	,35-14114	,35-14116	,35-14118		

SubCase:
N/A

Water Supply Bank:
N/A

11/6/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Status: Active

Tributary

653.6 AF

Sec. 16, Twp 04N, Rge 35E, JEFFERSON County
 Sec. 20, Twp 04N, Rge 35E, JEFFERSON County
 Sec. 21, Twp 04N, Rge 35E, JEFFERSON County
 Sec. 28, Twp 04N, Rge 35E, JEFFERSON County
 Sec. 29, Twp 04N, Rge 35E, JEFFERSON County
 Sec. 31, Twp 04N, Rge 35E, JEFFERSON County

[illegible]

POU Total Acres: 528.0

1.	X27	This right is limited to the irrigation of 163.4 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14112, 35-14114, 35-14116 and 35-14118, when combined shall not exceed 3.66 cfs, nor total combined annual volume of 1552.5 af for the irrigation of a total of 528.0 acres.
3.	X35	Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

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- 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 75094 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800664 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800665 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 8/2/2002
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.660	552.5	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118		

11/6/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Status: Active

Tributary

Volume
662.4 AF
662.4 AF

GROUND WATER	SENESW	Sec. 16, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 20, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 21, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWSW	Sec. 29, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESE	Sec. 31, Twp 04N, Rge 35E,	JEFFERSON County

IRRIGATION within JEFFERSON County

[illegible]

POU Total Acres: 528.0

1.	X27	This right is limited to the irrigation of 165.6 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14112, 35-14114, 35-14116 and 35-14118, when combined shall not exceed 3.66 cfs, nor total combined annual volume of 1552.5 af for the irrigation of a total of 528.0 acres.
3.	X35	Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

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- diverting works in a manner that will provide the watermaster suitable control of the diversion.
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 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800670 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800671 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 8/2/2002
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.660	552.5	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118		

11/6/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Status: Active

Tributary

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
04/01	11/01	1.660 CFS	330.8 AF
<u>Total Diversion</u>		1.660 CFS	330.8 AF

GROUND WATER	SENESEW	Sec. 16, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 20, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 21, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWSW	Sec. 29, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESE	Sec. 31, Twp 04N, Rge 35E,	JEFFERSON County

IRRIGATION within JEFFERSON County

[illegible]

POU Total Acres: 528.0

1.	X27	This right is limited to the irrigation of 82.7 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14112, 35-14114, 35-14116 and 35-14118, when combined shall not exceed 3.66 cfs, nor total combined annual volume of 1552.5 af for the irrigation of a total of 528.0 acres.
3.	X35	Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

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- 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 75094 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800676 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800677 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 8/2/2002

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.660	552.5	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118		

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- diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
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 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.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800682 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800683 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.460	196.1	59.7
35-14120 ,35-14122 ,35-14124		

11/6/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Status: Active

Tributary

71.2 AF

Sec. 31, Twp 04N, Rge 35E, JEFFERSON County

IRRIGATION within JEFFERSON County

[illegible]

POU Total Acres: 528.0

1.	X27	This right is limited to the irrigation of 17.8 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14120, 35-14122 and 35-14124 when combined shall not exceed 0.46 cfs, nor total combined annual volume of 196.1 af for the irrigation of a total of 59.7 acres.
3.	X35	Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/6/2013

- diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 75094 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800688 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800689 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.460	196.1	59.7
35-14120 ,35-14122 ,35-14124		

11/6/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 626 RIRIE, ID 83443 (208)538-5170

Status: Active

Tributary

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
04/01	11/01	0.260 CFS	82.0 AF
<u>Total Diversion</u>		0.260 CFS	82.0 AF

GROUND WATER	SENESEW	Sec. 16, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 20, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESW	Sec. 21, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NWSW	Sec. 29, Twp 04N, Rge 35E,	JEFFERSON County
GROUND WATER	NENESE	Sec. 31, Twp 04N, Rge 35E,	JEFFERSON County

IRRIGATION within JEFFERSON County

[illegible]

Right Acre Limit: 20.5

POU Total Acres: 528.0

1.	X27	This right is limited to the irrigation of 20.5 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14120, 35-14122 and 35-14124 when combined shall not exceed 0.46 cfs, nor total combined annual volume of 196.1 af for the irrigation of a total of 59.7 acres.
3.	X35	Rights 35-14112, 35-14114, 35-14116, 35-14118, 35-14120, 35-14122 and 35-14124 when combined shall not exceed 4.12 cfs, nor total combined annual volume of 1757.0 af for the irrigation of a total of 528.0 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/6/2013

- diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 75094 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1. scox 5/6/2011 Transferred Right
This is now an approved transfer, transfer number = 77103
2. jbitzenburg 12/15/2011 POD
PODID 800694 correlated from SpatialDataID 235911 to SpatialDataID 235911
3. jbitzenburg 12/15/2011 POD
PODID 800695 correlated from SpatialDataID 236769 to SpatialDataID 236769

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.120	1,757.0	528.0
35-14112 ,35-14114 ,35-14116 ,35-14118 ,35-14120 ,35-14122 ,35-14124		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.460	196.1	59.7
35-14120 ,35-14122 ,35-14124		

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.

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 blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500.00 Date 12/2/13 Received by SC Receipt # E039336

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

78985

#7b

Foster Co. Place of Use Transfer



Legend

-  POD
-  POU
-  Township/Range
-  Sections
-  QQ



1 inch = 2,500 feet

78985

This form is available electronically.

CRP-1 (03-28-04)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. ST. & CO. CODE & ADMIN. LOCATION 16 019	2. SIGN-UP NUMBER 18
CONSERVATION RESERVE PROGRAM CONTRACT					
NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.					
7. COUNTY OFFICE ADDRESS (Include Zip Code): Bonneville County Farm Service Agency 1120 E. Lincoln Road, Suite B Idaho Falls, ID 83401				3. CONTRACT NUMBER 805 A	4. ACRES FOR ENROLLMENT 1,659.0
8. OFFER (Select one) GENERAL ☐ ☒ ENVIRONMENTAL PRIORITY				5. FARM NUMBER 4150	
				6. TRACT NUMBER(S) 3735	
TELEPHONE NUMBER (Include Area Code) (208) 522-6250				9. CONTRACT PERIOD FROM: (MM-DD-YYYY) TO: (MM-DD-YYYY) 10-01-1999 09-30-2009	

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant"). The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.

10A. Rental Rate Per Acre \$ 32.10 B. Annual Contract Payment \$ 53,254.00 C. First Year Payment \$ 53,288.00 (Item 10C applicable only to continuous signup when the first year payment is prorated.)	11. Identification of CRP Land (See Page 2 for additional space)										
	<table border="1"> <thead> <tr> <th>A. Tract No.</th> <th>B. Field No.</th> <th>C. Practice No.</th> <th>D. Acres</th> <th>E. Total Estimated Cost-Share</th> </tr> </thead> <tbody> <tr> <td>3735</td> <td>6-16</td> <td>CP-4D CP-10</td> <td>1,659.0</td> <td></td> </tr> </tbody> </table>	A. Tract No.	B. Field No.	C. Practice No.	D. Acres	E. Total Estimated Cost-Share	3735	6-16	CP-4D CP-10	1,659.0	
A. Tract No.	B. Field No.	C. Practice No.	D. Acres	E. Total Estimated Cost-Share							
3735	6-16	CP-4D CP-10	1,659.0								

12. PARTICIPANTS

A(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code): FOSTER COMPANY, PTR. P.O. BOX 626 RIRIE, ID 83443	(2) SHARE 65%	(3) SOCIAL SECURITY NUMBER: 1194 (4) SIGNATURE: <i>[Signature]</i> DATE (MM-DD-YYYY): 9-4-09 (If more than three individuals are signing, continue on attachment.)
B(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code): FOSTER LAND & CATTLE COMPANY, PTR P.O. BOX 40 RIRIE, ID 83443	(2) SHARE 35%	(3) SOCIAL SECURITY NUMBER: 4180 (4) SIGNATURE: <i>[Signature]</i> DATE (MM-DD-YYYY): 9/3/09 (If more than three individuals are signing, continue on attachment.)
C(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code):	(2) SHARE %	(3) SOCIAL SECURITY NUMBER: (4) SIGNATURE: DATE (MM-DD-YYYY): (If more than three individuals are signing, continue on attachment.)

13. CCC USE ONLY - Payments according to the shares are approved.	A. SIGNATURE OF CCC REPRESENTATIVE <i>[Signature]</i>	B. DATE (MM-DD-YYYY) 9/9/09
---	--	--------------------------------

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552e) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 288, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

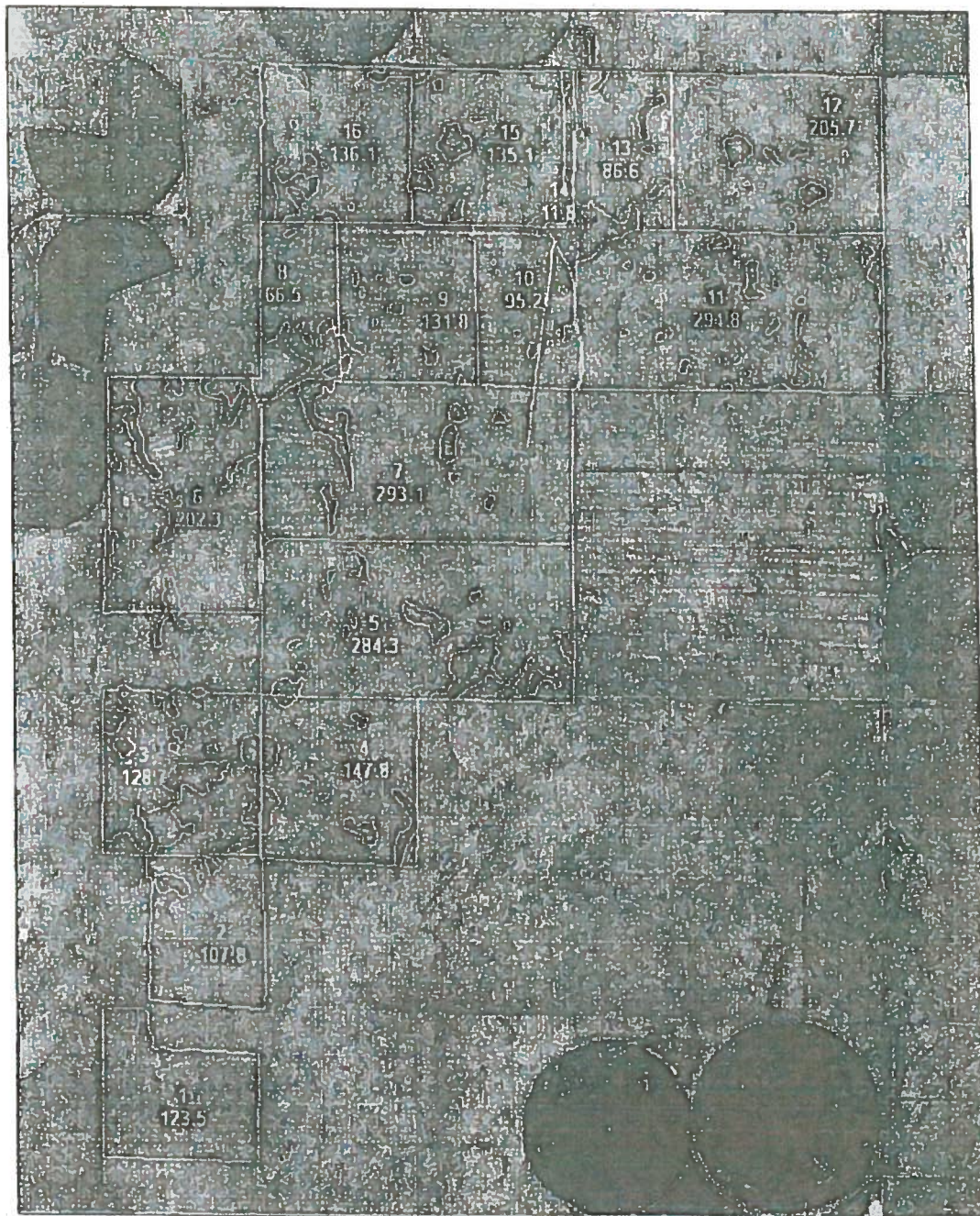
☐ Original - County Office Copy

☐ Owner's Copy

☐ Operator's Copy

78985

Farm NO: 4150
Tract NO: 3735



Prepared by FSA

Date: May 05, 2009

NOT TO SCALE.



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

78985