

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78938

This is to certify that: IDAHO WATER COMPANY, LLC
1135 VALLEY RD S
EDEN, ID 83325

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-7192A	WR/DECREED	11/29/1971	5.450 cfs	2144.8 af	536.2	592.1	GROUND WATER
35-9069	WR/DECREED	11/29/1971	0.570 cfs	223.6 af	55.9	592.1	GROUND WATER

Purpose of Transfer (Changes Proposed)

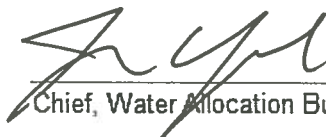
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7192A	YES	YES	YES	YES	NO	NO
35-9069	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>*New No. (remaining portion)</u>	<u>*Remaining Rate</u>	<u>*Remaining Volume</u>	<u>*Remaining Acre Limit</u>	<u>*Remaining Total Acres</u>
35-7192A	25-14398	0.040 cfs	14.4 af	3.6	68.2	35-7192A	4.830 cfs	1901.6 af	475.4	524.8
35-9069	25-14399	0.004 cfs	1.6 af	0.4	68.2	35-9069	0.506 cfs	197.6 af	49.4	524.8
COMBINED TOTALS		0.044 cfs	16.0 af	4.0	68.2		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 17th day of January, 2014.



Chief, Water Allocation Bureau

* The remaining portions for water rights 35-7192A and 35-9069 reflect the remaining totals after approval of transfers 78934, 78935, 78936, 78937 and 78938.

SUPPORT DATA

Transfer No. 78938

IN FILE # 35-7192A

WATER RIGHT NO. 35-7192A**As Modified by Transfer No. 78938**

In accordance with the approval of Transfer No. 78938, Water Right No. 35-7192A is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

4.830 cfs

4.830 cfs

Diversion Volume

1901.6 af

1901.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 11 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	11	0.6	5.8	40.0	34.5	40.0	35.4	32.7	38.0	39.2	34.3	33.5	40.0	35.2	40.0	40.0	35.6	524.8

Right Acre Limit: 475.4

POU Total Acres: 524.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 475.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 524.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 77732, 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.

Transfer No. 78938

WATER RIGHT NO. 35-7192A
As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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. 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. 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 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.

WATER RIGHT NO. 25-14398**As Modified by Transfer No. 78938**

In accordance with the approval of Transfer No. 78938, Water Right No. 25-14398 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.040 cfs

0.040 cfs

Diversion Volume

14.4 af

14.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 7	Twp 04N	Rge 39E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 5	Twp 04N	Rge 39E	JEFFERSON County
GROUND WATER	NENWNW	Sec 8	Twp 04N	Rge 39E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	39E	5											32.5	1.3					33.8
04N	39E	6																8.2	8.2
04N	39E	7	10.1																10.1
04N	39E	8					16.1												16.1

Right Acre Limit: 3.6

POU Total Acres: 68.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.6 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14398 and 25-14399 when combined shall not exceed the irrigation of 4.0 acres.
3. Rights 25-14398 and 25-14399 are limited to the irrigation of a specific 4.0 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 4.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4.0 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78938

WATER RIGHT NO. 25-14398

As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

4. Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. Prior to the diversion and use of water under Transfer approval 78938 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.

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

WATER RIGHT NO. 35-9069
As Modified by Transfer No. 78938

In accordance with the approval of Transfer No. 78938, Water Right No. 35-9069 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.506 cfs

0.506 cfs

Diversion Volume

197.6 af

197.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 11 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	11	0.6	5.8	40.0	34.5	40.0	35.4	32.7	38.0	39.2	34.3	33.5	40.0	35.2	40.0	40.0	35.6	524.8

Right Acre Limit: 49.4

POU Total Acres: 524.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 524.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 77732, 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.

Transfer No. 78938

WATER RIGHT NO. 35-9069
As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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. 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. 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 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.

WATER RIGHT NO. 25-14399**As Modified by Transfer No. 78938**

In accordance with the approval of Transfer No. 78938, Water Right No. 25-14399 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.004 cfs

0.004 cfs

Diversion Volume

1.6 af

1.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 7	Twp 04N	Rge 39E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 5	Twp 04N	Rge 39E	JEFFERSON County
GROUND WATER	NENWNW	Sec 8	Twp 04N	Rge 39E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	39E	5											32.5	1.3					33.8
04N	39E	6																8.2	8.2
04N	39E	7	10.1																10.1
04N	39E	8					16.1												16.1

Right Acre Limit: 0.4

POU Total Acres: 68.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.40 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14398 and 25-14399 when combined shall not exceed the irrigation of 4.0 acres.
3. Rights 25-14398 and 25-14399 are limited to the irrigation of a specific 4.0 acres within the 68.2 acre place of use authorized by this right in a single irrigation season. The specific 4.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4.0 acres to be irrigated within the 68.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78938

WATER RIGHT NO. 25-14399
As Modified by Transfer No. 78938

CONDITIONS OF APPROVAL

4. Beginning on the date of approval of Transfer 78938, the irrigation uses under rights 25-14398 and 25-14399 when combined are limited to the following schedule of allowed use. Year 2014 the rights are limited to 0.033 cfs, 12.0 afa and 3.0 acres. Year 2015 and beyond the rights are limited to 0.044 cfs, 16.0 afa and 4.0 acres.
5. Prior to the diversion and use of water under Transfer approval 78938 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78938.

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