

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78935

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                   | YES                  |
| 35-9069               | YES          | YES        | YES        | YES            | NO                   | YES                  |

**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               | 29-14096                         | 0.210 cfs            | 83.2 af                | 20.8              | N/A                | 35-7192A                            | 4.830 cfs              | 1901.6 af                | 475.4                        | 524.8                         |
| 35-9069                | 29-14097                         | 0.020 cfs            | 8.8 af                 | 2.2               | N/A                | 35-9069                             | 0.506 cfs              | 197.6 af                 | 49.4                         | 524.8                         |
| <b>COMBINED TOTALS</b> |                                  | <b>0.230 cfs</b>     | <b>92.0 af</b>         | <b>23.0</b>       | <b>N/A</b>         |                                     | <b>N/A</b>             | <b>N/A</b>               | <b>N/A</b>                   | <b>N/A</b>                    |

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 17<sup>th</sup> 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. 78935

IN FILE # 35-7192A

**WATER RIGHT NO. 35-7192A**  
**As Modified by Transfer No. 78935**

In accordance with the approval of Transfer No. 78935, 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

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 4.830 cfs                    | 1901.6 af                      |
|                              |                    |                  | 4.830 cfs                    | 1901.6 af                      |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SENW                      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. 78935

**WATER RIGHT NO. 35-7192A**  
**As Modified by Transfer No. 78935**

**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. 29-14096**

**As Modified by Transfer No. 78935**

In accordance with the approval of Transfer No. 78935, Water Right No. 29-14096 is now described as follows:

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

**Priority Date:** 11/29/1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|------------------------|-------------------------|
| MUNICIPAL             | 04/1        | to 10/31  | 0.210 cfs<br>0.210 cfs | 83.2 af<br>83.2 af      |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                        |                |
|--------------|-------------|------------------------|----------------|
| GROUND WATER | SENWSW      | Sec 34 Twp 05S Rge 34E | BANNOCK County |
| GROUND WATER | NWNWSW      | Sec 3 Twp 06S Rge 34E  | BANNOCK County |
| GROUND WATER | SWSESW      | Sec 4 Twp 06S Rge 34E  | BANNOCK County |
| GROUND WATER | L13 (SWSW)  | Sec 10 Twp 06S Rge 34E | BANNOCK County |
| GROUND WATER | L4 (NENWNW) | Sec 11 Twp 06S Rge 34E | BANNOCK County |

**CONDITIONS OF APPROVAL**

1. Place of use is within the service area of the City of Ammon municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. This right is limited to the irrigation of 20.8 acres within the authorized place of use in a single irrigation season.
4. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
5. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 29-14096**

**As Modified by Transfer No. 78935**

**CONDITIONS OF APPROVAL**

8. Prior to the diversion and use of water under Transfer approval 78935, 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.
9. 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.
10. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
11. 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 78935.

12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 78935**

In accordance with the approval of Transfer No. 78935, 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                      SENW                      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. 78935

**WATER RIGHT NO. 35-9069**

**As Modified by Transfer No. 78935**

**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. 29-14097**

**As Modified by Transfer No. 78935**

In accordance with the approval of Transfer No. 78935, Water Right No. 29-14097 is now described as follows:

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

**Priority Date:** 11/29/1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|------------------------|-------------------------|
| MUNICIPAL             | 04/1        | to 10/31  | 0.020 cfs<br>0.020 cfs | 8.8 af<br>8.8 af        |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                        |                |
|--------------|-------------|------------------------|----------------|
| GROUND WATER | SENWSW      | Sec 34 Twp 05S Rge 34E | BANNOCK County |
| GROUND WATER | NWNWSW      | Sec 3 Twp 06S Rge 34E  | BANNOCK County |
| GROUND WATER | SWSESW      | Sec 4 Twp 06S Rge 34E  | BANNOCK County |
| GROUND WATER | L13 (SWSW)  | Sec 10 Twp 06S Rge 34E | BANNOCK County |
| GROUND WATER | L4 (NENWNW) | Sec 11 Twp 06S Rge 34E | BANNOCK County |

**CONDITIONS OF APPROVAL**

1. Place of use is within the service area of the City of Ammon municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. This right is limited to the irrigation of 2.2 acres within the authorized place of use in a single irrigation season.
4. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
5. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 29-14097**

**As Modified by Transfer No. 78935**

**CONDITIONS OF APPROVAL**

8. Prior to the diversion and use of water under Transfer approval 78935, 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.
9. 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.
10. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
11. 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.

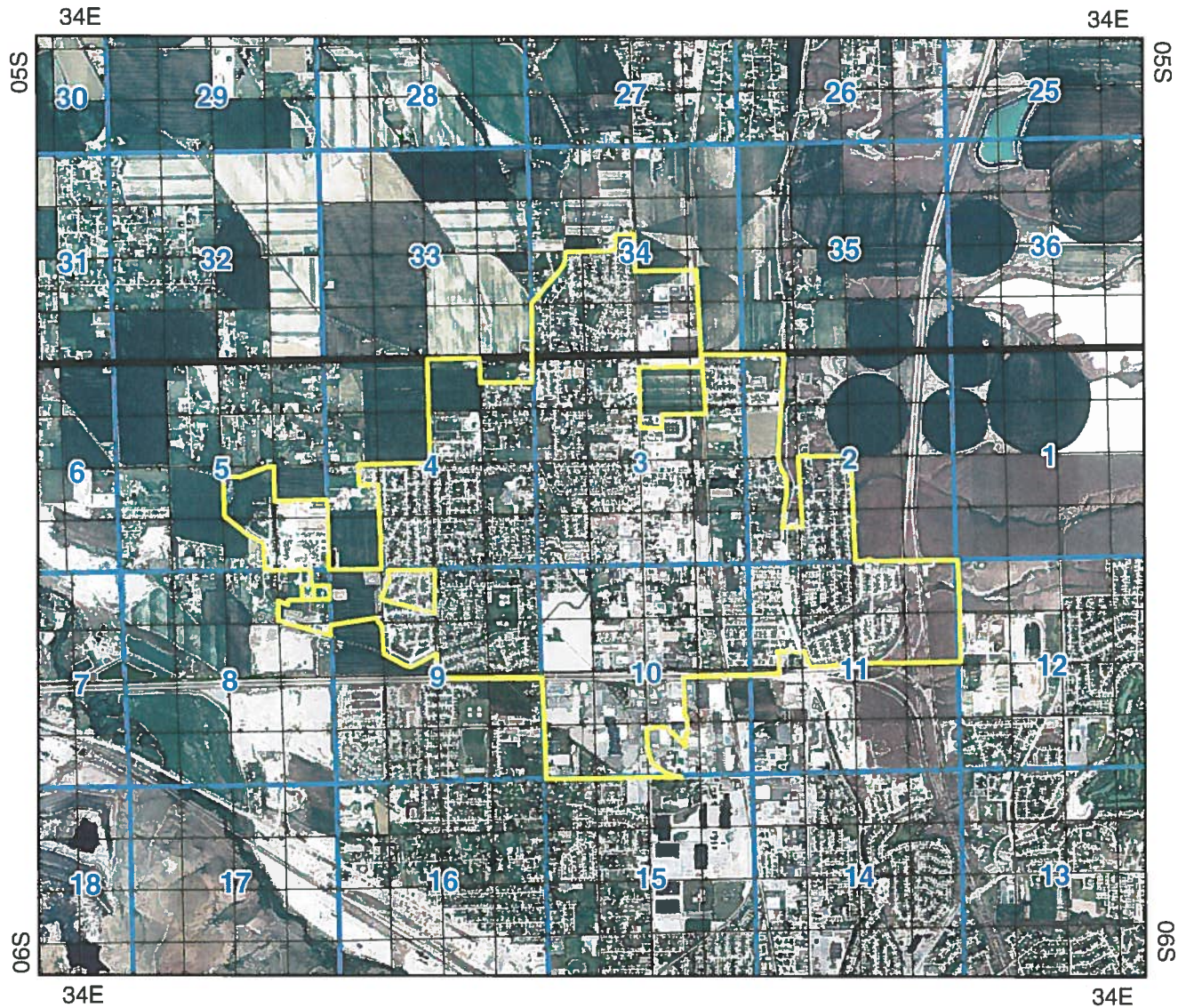
Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under 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 78935.

12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

State of Idaho  
Department of Water Resources  
**Transfer of Water Right**

Transfer No. 78935

Water Service Area Boundary for the City of Chubbuck  
Rights: 29-14096, 29-14097.



-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

