

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78529**

This is to certify that: **FOSTER CO**
PO BOX 626
RIRIE, ID 83443
AND
LEWISVILLE CEMETARY DISTRICT
PO BOX 249
LEWISVILLE, ID 83731

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>
35-4013	WR/DECREED	5/1/1962	7.030 cfs	2528.0 af	N/A	633.0	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>
35-4013	YES	YES	YES	NO	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>
35-4013	25-14389	0.040 cfs	13.2 af	N/A	3.3	35-4013	6.990 cfs	2514.8 af	N/A	629.7
COMBINED TOTALS		0.040 cfs	13.2 af	N/A	3.3		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 14th day of May, 2013.



Water Resources Program Manager

Transfer No. 78529

SUPPORT DATA
35-4013
IN FILE

WATER RIGHT NO. 35-4013

As Modified by Transfer No. 78529

In accordance with the approval of Transfer No. 78529, Water Right No. 35-4013 is now described as follows:

Right Holder: FOSTER CO
PO BOX 626
RIRIE, ID 83443

Priority Date: 5/1/1962

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

6.990 cfs

6.990 cfs

Diversion Volume

2514.8 af

2514.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNENW Sec 7 Twp 03N Rge 36E BONNEVILLE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	35E	12	40.0	40.0	40.0	36.0									39.0	40.0	36.7	40.0	311.7
03N	36E	7	40.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0									318.0

POU Total Acres: 629.7

CONDITIONS OF APPROVAL

- 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. 25-14389 **As Modified by Transfer No. 78529**

In accordance with the approval of Transfer No. 78529, Water Right No. 25-14389 is now described as follows:

Right Holder: FOSTER CO
 PO BOX 626
 RIRIE, ID 83443

Priority Date: 5/1/1962

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 4/01

To
 to 10/31

Diversion Rate
 0.040 cfs
 0.040 cfs

Diversion Volume
 13.2 af
 13.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 18 Twp 04N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

			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	38E	18		3.3															3.3

POU Total Acres: 3.3

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 78529, 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.
4. 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.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 78529

WATER RIGHT NO. 25-14389
As Modified by Transfer No. 78529

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

