

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77783

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) FOSTER COMPANYPhone 208.538.5170Mailing address PO BOX 626 RIRIE IDAHO 83443

Email _____

- ☐ 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.

Bryd Foster
Signature of Applicant or Authorized Representative

Bryd Foster Owner
Print Name and Title if applicable

28 Feb 12
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. COMBINE THE PLACE OF USE FOR ALL WATER RIGHTS**
- _____
- _____

RECEIVED**FEB 28 2012**Department of Water Resources
Eastern Region**77783**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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					
☒ ☐	35-13931	2.82 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13932	5.64 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14099	.83 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14103	.83 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14105	.41 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14107	.11 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14109	.09 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14111	.07 cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	

Total authorized under rights 9.49 cfs and/or 2907.2 ac-ft

2. Total amount of water proposed to be transferred or changed 9.49 cubic feet per second and/or 2907.2 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	22	30	31	32	31	31	31	31	31	33	33	31	32	29.5	30	29.5	30	496
04N	35E	23	32	34	32	31	31	31	31	31									253

Total Acres (for irrigation use) 749

77783

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

ONE POINT OF DIVERSION ONE MAINLINE
SYSTEM CONNECTING ALL PIVOTS WITH LOCKABLE PANEL
ABOVE GROUND MAINLINE AT PUMP WITH FLOW DEVICE

- 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: Not Applicable

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:

Only combining the place of use, irrigation practices will be the same.

- 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:

Not applicable

- 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:

Conditions of Approval:

1. 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.
2. 131 Prior to the diversion and use of water under Transfer approval 71891, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
3. 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.
4. X27 This right is limited to the irrigation of 205.4 acres within the place of use described above in a single irrigation season.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. 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 diversion.
8. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-13932

Current Owner: FOSTER COMPANY

Priority Date: 5/26/1967

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	5.64 CFS	1646.4 AF
	<u>Total Diversion</u>	5.64 CFS	1646.4 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. 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.
2. 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.
3. 214 Prior to the diversion and use of water under Transfer approval 77056, 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. 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.
5. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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.
8. X27 This right is limited to the irrigation of 411.6 acres within the authorized place of use in a single irrigation season.
9. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
10. 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 diversion.
11. 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.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14099

Current Owner: FOSTER COMPANY

Priority Date: 9/25/1973

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.83 CFS	165.6 AF
	<u>Total Diversion</u>	0.83 CFS	165.6 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
2. 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.
3. 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.
4. 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.
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 diversion.
6. 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.
7. 214 Prior to the diversion and use of water under Transfer approval 77056 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.
8. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.
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. X27 This right is limited to the irrigation of 41.4 acres within the authorized place of use in a single irrigation season.
11. X35 Rights 35-14099, 35-14101, 35-14103 and 35-14105 when combined shall not exceed a total diversion rate of 0.91 cfs, a total annual maximum diversion volume of 388.1 af at the field headgate, and the irrigation of 132.0 acres.
12. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Decreed Date: 8/2/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14103

Current Owner: FOSTER COMPANY

Priority Date: 4/8/1975

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.83 CFS	165.6 AF
	<u>Total Diversion</u>	0.83 CFS	165.6 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
2. X27 This right is limited to the irrigation of 41.4 acres within the authorized place of use in a single irrigation season.
3. 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 diversion.
4. 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
7. 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.
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. X35 Rights 35-14099, 35-14101, 35-14103 and 35-14105 when combined shall not exceed a total diversion rate of 0.91 cfs, a total annual maximum diversion volume of 388.1 af at the field headgate, and the irrigation of 132.0 acres.
10. 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.
11. 214 Prior to the diversion and use of water under Transfer approval 77056 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.
12. 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.
13. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.

Decreed Date: 8/2/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14105

Current Owner: FOSTER COMPANY

Priority Date: 5/23/1975

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.41 CFS	82.8 AF
	<u>Total Diversion</u>	0.41 CFS	82.8 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
4. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
5. X27 This right is limited to the irrigation of 20.7 acres within the authorized place of use in a single irrigation season.
6. 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.
7. 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.
8. 214 Prior to the diversion and use of water under Transfer approval 77056 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. 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 diversion.
10. 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.
11. X35 Rights 35-14099, 35-14101, 35-14103 and 35-14105 when combined shall not exceed a total diversion rate of 0.91 cfs, a total annual maximum diversion volume of 388.1 af at the field headgate, and the irrigation of 132.0 acres.
12. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.
13. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.

Decreed Date: 8/2/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14107

Current Owner: FOSTER COMPANY

Priority Date: 7/27/1976

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.11 CFS	21.2 AF
	<u>Total Diversion</u>	0.11 CFS	21.2 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
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. 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.
6. X27 This right is limited to the irrigation of 5.3 acres within the authorized place of use in a single irrigation season.
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. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.
9. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
10. X35 Rights 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual maximum diversion volume of 46.9 af at the field headgate, and the irrigation of 14.9 acres.
11. 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 diversion.
12. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
13. 214 Prior to the diversion and use of water under Transfer approval 77056 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.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14109

Current Owner: FOSTER COMPANY

Priority Date: 5/23/1975

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.09 CFS	18 AF
	<u>Total Diversion</u>	0.09 CFS	18 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 04N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
4. 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.
5. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.
6. 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.
7. 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 diversion.
8. X35 Rights 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual maximum diversion volume of 46.9 af at the field headgate, and the irrigation of 14.9 acres.
9. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
10. 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.
11. 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.
12. 214 Prior to the diversion and use of water under Transfer approval 77056 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.
13. X27 This right is limited to the irrigation of 4.5 acres within the authorized place of use in a single irrigation season.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14111

Current Owner: FOSTER COMPANY

Priority Date: 10/10/1973

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 11/01

0.07 CFS

20.4 AF

Total Diversion

0.07 CFS

20.4 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4

Sec. 22,

Twp 04N,

Rge 35E B.M.

JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R35E S22	NENE	40.00	T04N R35E S22	NWNE	40.00
T04N R35E S22	SWNE	40.00	T04N R35E S22	SENE	40.00
T04N R35E S22	NENW	40.00	T04N R35E S22	NWNW	40.00
T04N R35E S22	SWNW	40.00	T04N R35E S22	SENW	40.00
T04N R35E S22	NESW	40.00	T04N R35E S22	NWSW	40.00
T04N R35E S22	SWSW	40.00	T04N R35E S22	SESW	40.00
T04N R35E S22	NESE	40.00	T04N R35E S22	NWSE	40.00
T04N R35E S22	SWSE	40.00	T04N R35E S22	SESE	40.00

Total Acres: 640

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 77056 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.
2. X35 Rights 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual maximum diversion volume of 46.9 af at the field headgate, and the irrigation of 14.9 acres.
3. 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 diversion.
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. X35 Rights 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 439.2 af at the field headgate, and the irrigation of 132.0 acres.
6. 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.
7. X27 This right is limited to the irrigation of 5.1 acres within the authorized place of use in a single irrigation season.
8. 206 This right is limited to the irrigation of a specific 543.6 acres within the 640.0 acre place of use authorized by this right in a single irrigation season. The specific 543.6 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 543.6 acres to be irrigated within the 640.0 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.
9. X35 Rights 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111 when combined shall not exceed a total diversion rate of 6.67 cfs, a total annual maximum diversion volume of 2085.6 af at the field headgate, and the irrigation of 543.6 acres.
10. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. 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.

Decreed Date: 1/31/2002

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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.

☐ 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**.

☐ 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 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.

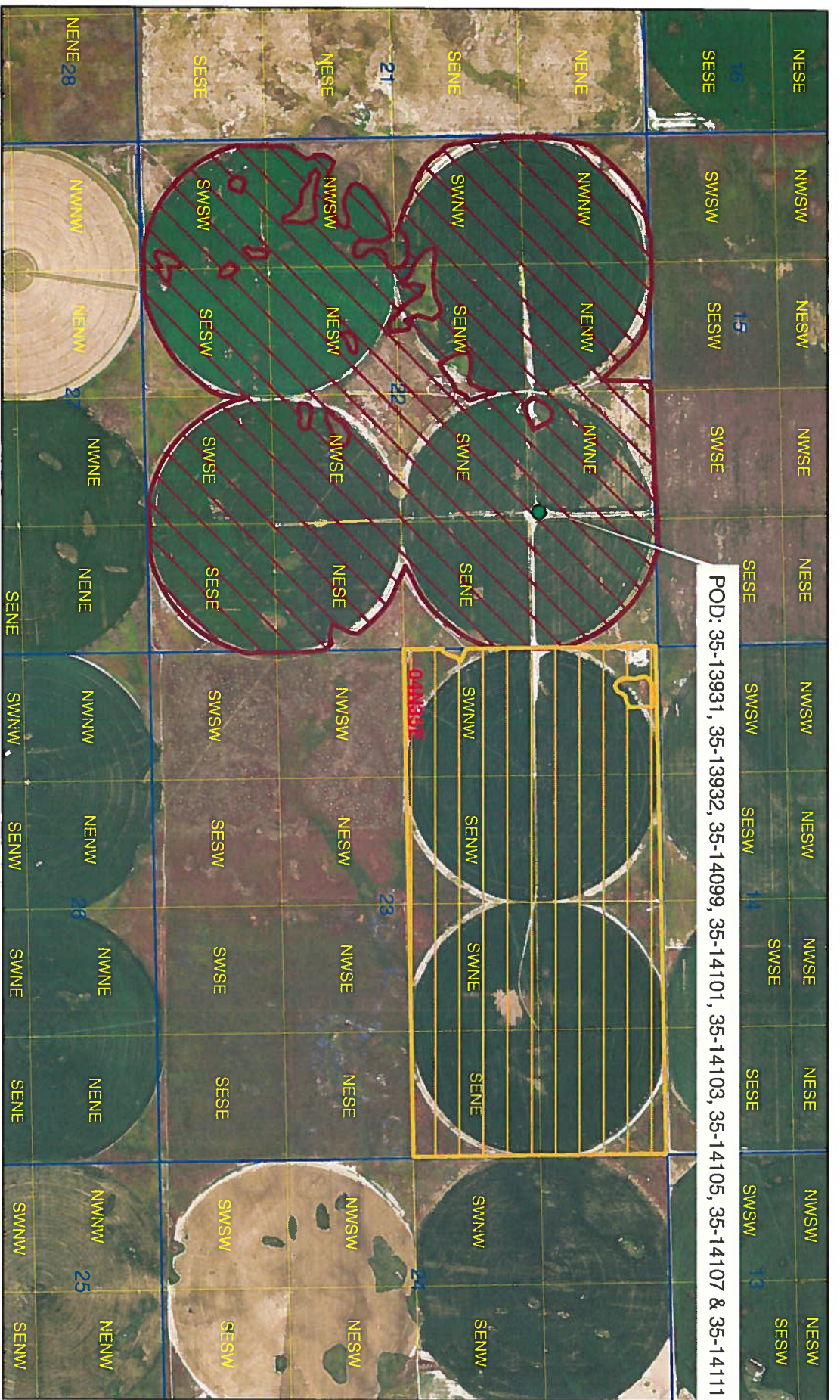
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid \$660.00 Date 2/28/2012 Received by JB Receipt # E0373100

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

77783



77783

Foster Company existing place of use

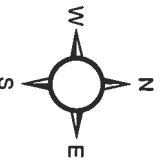
35-13931

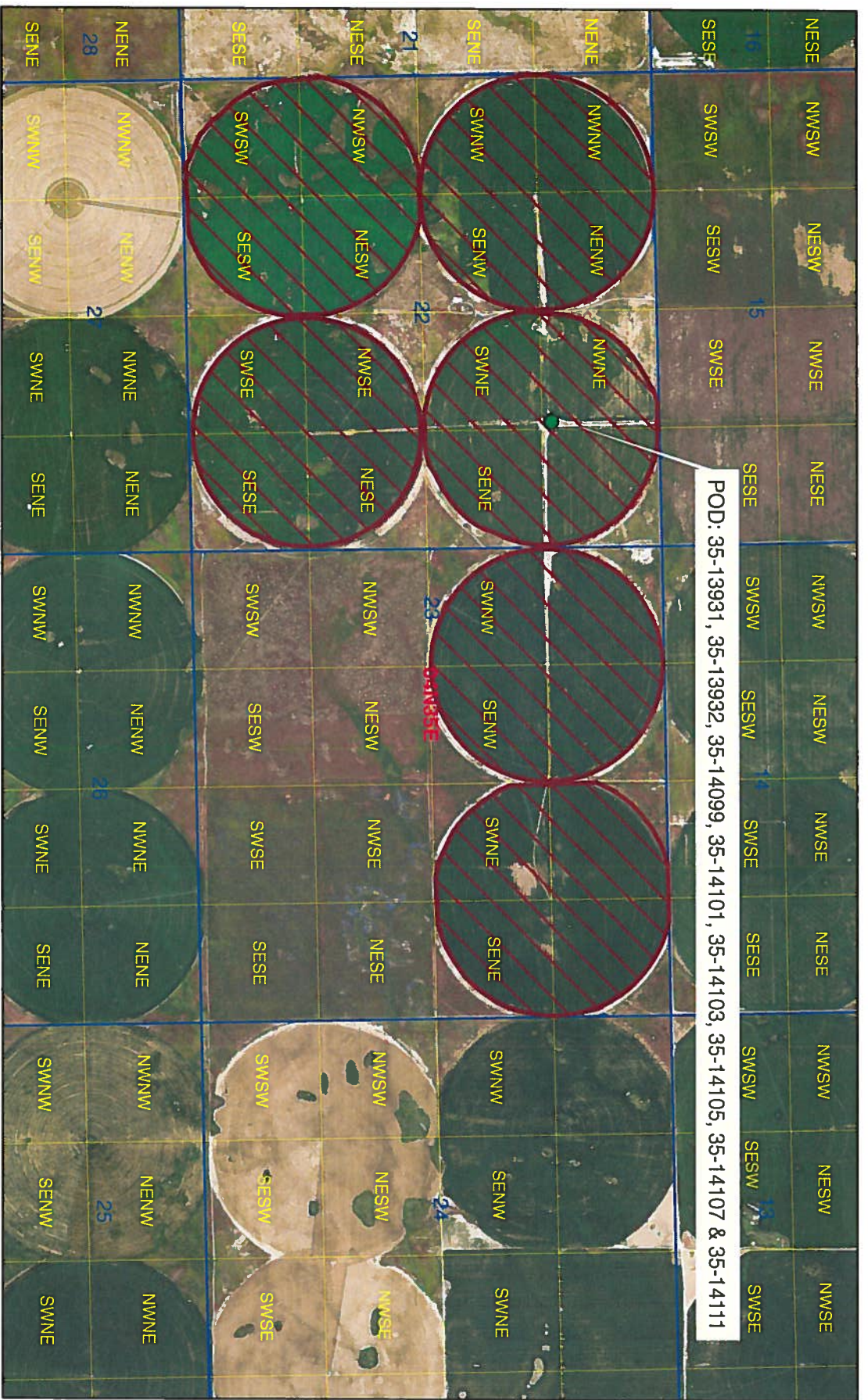
35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-1407, 35-14109 & 35-14111

Township/Range

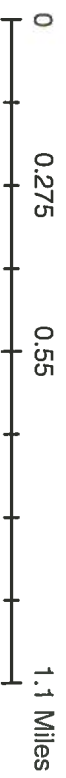
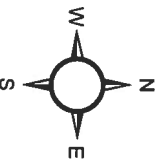
Sections

QQ





Foster Company new place of use



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b 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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b 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.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Warranty Deeds showing ownership of land.

WARRANTY DEED

ALLIANCE TITLE & ESCROW CORP
 12/10/12

KENT K. PARKINSON and BECCA D. PARKINSON, husband and wife, as GRANTOR,
 for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
FOSTER COMPANY, an Idaho general partnership, as GRANTEE,
 whose address is P.O. Box 626 Rinier, Id 83443, and Grantee's successors and
 assigns, all of the following described real property, to-wit:

TRACT 1: THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 35 EAST, BOISE MERIDIAN,
 JEFFERSON COUNTY, IDAHO. EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES: THAT
 CERTAIN PROPERTY CONVEYED TO JEFFERSON COUNTY FOR ROADWAY PURPOSES BY THAT CERTAIN QUITCLAIM
 DEED RECORDED AS INSTRUMENT NO. 143699, RECORDS OF JEFFERSON COUNTY, IDAHO.

TRACT 2: THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 35 EAST, BOISE MERIDIAN,
 JEFFERSON COUNTY, IDAHO. EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES: THAT
 CERTAIN PROPERTY CONVEYED TO JEFFERSON COUNTY FOR ROADWAY PURPOSES BY THAT CERTAIN QUITCLAIM
 DEED RECORDED AS INSTRUMENT NO. 143699, RECORDS OF JEFFERSON COUNTY, IDAHO.

SUBJECT TO the 2012 and subsequent years general taxes and assessments, all existing patent reservations, easements,
 right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and
 regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in
 anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and
 assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: January 13, 2012.

Kent K. Parkinson
 Kent K. Parkinson
Becca Parkinson
 Becca D. Parkinson

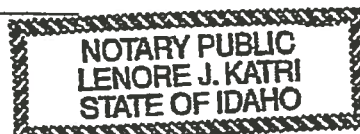
STATE OF IDAHO)
) ss
 COUNTY OF BONNEVILLE)

On January 17, 2012, before me, the undersigned, personally appeared
 Kent K. Parkinson and Becca D. Parkinson
 known or identified to me to be the persons whose names are subscribed to
 the within instrument, and acknowledged to me that they executed the same.

Sharon J. Katri
 Notary Public for the State of Idaho

Residing at Idaho Falls, Idaho
 My Commission Expires: 01/30/2015

Commission Expiration Date: _____



WARRANTY DEED

THIS INDENTURE is made this 19 day of February, 2009, by Foster Land and Cattle Co., (a/k/a Foster Land & Cattle Company and Foster Land & Cattle Co.), an Idaho general partnership, whose general partners are Bradley D. Foster, Sharol Foster, Boyd S. Foster, and Laurie Foster, the "Grantor", and Foster Company, a new Idaho general partnership, whose general partners are Boyd S. Foster and Laurie Foster, the "Grantee", whose mailing address is P. O. Box 626, Ririe, Idaho, 83443.

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 heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

Township 4 North, Range 35 East of the Boise Meridian,
County of Jefferson, State of Idaho.

Section 22: All

EXCEPTING THEREFROM ALL OF THE FOLLOWING
DESCRIBED PROPERTIES:

That certain property conveyed to Jefferson County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 143699, records of Jefferson County, Idaho.

Section 33: NE1/4, E1/2SE1/4) 35-7335A

Section 34: W1/2

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and

Instrument # 374369

RIGBY, JEFFERSON, IDAHO

2-23-2009 01:09:00 No. of Pages: 3

Recorded for : HOLDEN KIDWELL HAHN & CRAPO

CHRISTINE BOULTER

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

77783

COPY

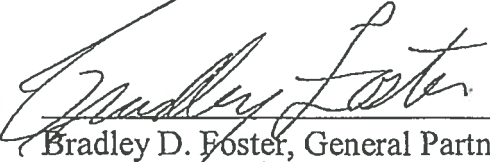
profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

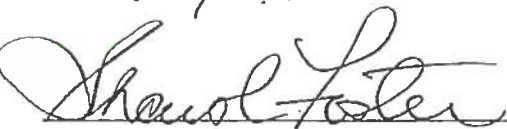
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

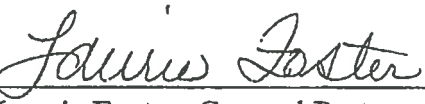
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

FOSTER LAND AND CATTLE CO.

By: 
Bradley D. Foster, General Partner

By: 
Sharol Foster, General Partner

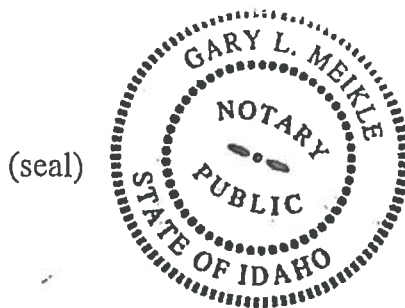
By: 
Boyd S. Foster, General Partner

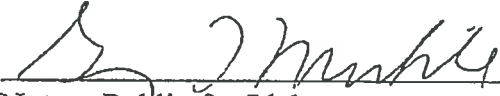
By: 
Laurie Foster, General Partner

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19 day of February, 2009, before me the undersigned, a notary public in and for said State, personally appeared Bradley D. Foster and Sharol Foster, known or identified to me to be the partners in the partnership of Foster Land and Cattle Co. and the partner or partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



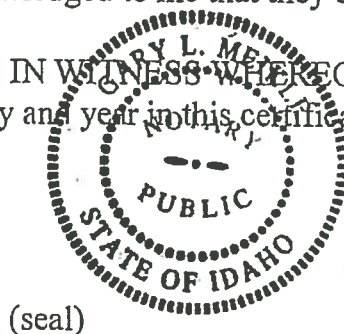


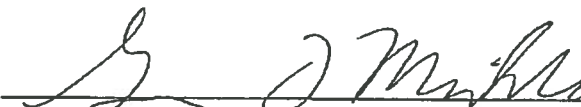
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-15-2009

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19 day of February, 2009, before me the undersigned, a notary public in and for said State, personally appeared Boyd S. Foster and Laurie Foster, known or identified to me to be the partners in the partnership of Foster Land and Cattle Co. and the partner or partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-15-2009

G:\WPDATA\GLM\5288-007\deeds\Osgood\FLC to FC.jefferson (butikofer).wpd:



Instrument # 347424

RIGBY, JEFFERSON, IDAHO

2006-03-31 04:34:00 No. of Pages: 2

Recorded for : AMERITITLE

CHRISTINE BOULTER

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00

347424

IDWD

Order No. 20-41016

WARRANTY DEED

For Value Received,

Foster Land & Cattle Co., an Idaho General Partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Kent K. Parkinson and Becca D. Parkinson, husband and wife

GRANTEE(s), whose address is: 260 North 4300 East, Rigby, ID 83442

the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

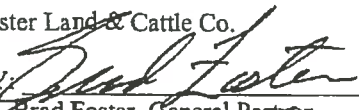
PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

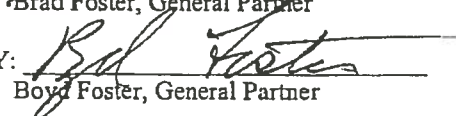
Dated: March 30, 2006

Foster Land & Cattle Co.

BY:


Brad Foster, General Partner

BY:


Boyd Foster, General Partner

STATE OF IDAHO)

)ss

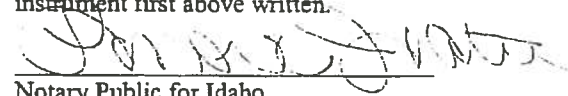
COUNTY OF Bonneville)

3/31/06

4:34

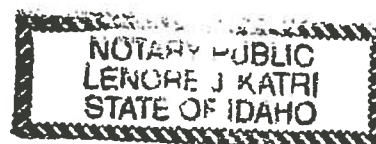
On this 30th day of March, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad Foster and Boyd Foster, as General Managers of Foster Land and Cattle Co. a Limited Liability Company, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this instrument first above written.


Notary Public for Idaho

Residing at: Idaho Falls, Idaho

Commission Expires: 1/30/2009



77783

Township 4 North, Range 35 East of the Boise Meridian, County of Jefferson, State of Idaho:

Section 23: NE1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

That certain property conveyed to Jefferson County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 143699, records of Jefferson County, Idaho.