



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: lmarchant@holdenlegal.com

January 27, 2012

Idaho Department of Water Resources
Attn: Blake Jordan
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Foster Land & Cattle Applications for Transfer.

Blake:

Enclosed you will find for processing two applications for transfer and their associated filing fees for Foster Land and Cattle. The first simply creates a 3,592.4 acre permissible place of use for all of the water rights on Foster's North Slope property. You will note that a small portion of the proposed permissible place of use located in the NENE quarter quarter of Section 5, 2N, 40E lies on land owned by K & N Brown Limited Partnership. Attached with the application is a notarized statement from Nellie Brown Borden, a general partner of K & N Brown Limited Partnership, authorizing Foster Land & Cattle's water right place of use to cover a portion of the Brown property. We have also included the lease from the Bureau of Reclamation authorizing irrigation on their land as well. I will submit via email at your request a shape file of the proposed permissible place of use as well and the 2,457.1 acres that Foster Land & Cattle intends to irrigate in the 2012 irrigation season.

The second application is for two water rights that Foster Land & Cattle owns in Jefferson County. The purpose of this transfer is merely to condense the 636 acre place of use down to 592.1 acres. The application also seeks to correct the period of use on Water Right No. 35-7192A. The water right report for this water right shows a period of use of 4/01 to 11/01 but the correct season of use for that region is 4/01 to 10/31. Furthermore, due to portions of the 636 acre place of use not being irrigated in years past, an *Application for Extension of Time to Avoid Forfeiture of a Water Right* was filed and approved by the Department in 2007. Foster Land & Cattle resumed irrigation of the entire place of use in 2010. You will find attached with the application a report prepared by Rocky Mountain Environmental documenting irrigation of the property in 2010. I will also submit with this application at your request a shape file for the proposed place of use.

We presume that since both of these applications are only modifying the place of use, that they will not need to be advertised. If you have any questions on either of these applications or need additional information, do not hesitate to contact me.

Established in 1896

Blake Jordan
January 25, 2012
Page 2 of 2

Best Regards,



Luke H. Marchant
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\16179-004 Foster Land & Cattle\blake jordan ltr 2012.01.25.docx