

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**JAN 30 2012**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Foster Land and Cattle Phone: _____Mailing Address: 400 Market Street, Ririe, ID 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 Luke H. Marchant Phone: (208) 523-0620Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: lmarchant@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not 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.

Luke H. Marchant
Signature of Applicant or Authorized Representative

Attorney
Print Name and Title if applicable

01/27/12
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 if **Part 1A.2**. This Application seeks to provide the Applicant more flexibility in his farming operation by creating one permissible place of use of 3,591.7 acres for Water Right Nos. 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 25-7567, and 25-7592, within which the Applicant will be limited to the irrigation of 2457.1 acres. The Applicant will submit a shape file to IDWR each year to designate the acres they intend to irrigate that year.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or part					
✓ ☐	<u>25-57A</u>	<u>0.54 cfs</u>	<u>Irrigation/Stockwater</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-57B</u>	<u>1.06 cfs</u>	<u>Irrigation/Stockwater</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-59</u>	<u>3.0 cfs</u>	<u>Irrigation/Stockwater</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-136B</u>	<u>0.31 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-137B</u>	<u>0.61 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-7494C</u>	<u>22 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>	<u>Ground Water</u>
✓ ☐	<u>25-7567</u>	<u>9.5 cfs</u>	<u>Irrigation</u>	<u>6/01 to 9/01</u>	<u>Willow Creek/Snake River</u>
✓ ☐	<u>25-7592</u>	<u>7.9 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>	<u>Willow Creek/Snake River</u>

Total authorized under rights: 31.78 cfs and/or _____ ac-ft.

2. Total amount of water being transferred or changed 31.78 Cubic feet per second and/or _____ acre-feet 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 for diversion

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	
			See Attached Spread Sheet																

Total Acres (for irrigation use) 3591.7

77736

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. No changes to the current diversion system will be made as a result of this Application.

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?
No

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: _____

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 or 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: This Application will create a 3,591.7 acre permissible place of use providing the Applicant the flexibility to irrigate 2457.1 acres within that permissible place of use. The Applicant will submit a shape file each year of the 2457.1 acres they intend to irrigate that year. Part of the PPOU covers land not owned by the Applicant, but these lands are either under lease from the Bureau of Reclamation, or the landowner has consented to proposed change. See Attachment 9.

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) of use: _____

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ☐ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. 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 in Part 3B above.

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

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

Fee paid: \$2500.00 Date: 2/2/2012 Received by: 15/10/12 Receipt # E037296

Add'l fee paid _____ Date: _____ Received by _____ Receipt # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 an 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.

***Means the item is always required and must be included with the application.**

Yes N/A

- ✓ * 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).
- ✓ #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: Bureau of Reclamation leases and landowner consent.

PART 1.B.4 **Description of Permissible Place of Use**

Twp	Rge	Sec	NE ¼					NW ¼					SW ¼					SE ¼					Acre Totals
			NE	NW	NW	SW	SE	NE	NW	NW	SW	SE	NE	NW	NW	SW	SE	NE	NW	NW	SW	SE	
2N	40E	4			40			40	40													120	
		5	1.7																			1.7	
3N	40E	16										3.5	2.1	38.7	39.4				18.4			102.1	
		17															24.3	27.3	39.7	40		131.3	
		20	40		40	40	40										40	40	40	40	40	320	
		21	15.8		35.5	40	39.3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	610.6	
		22								5.6				28.6	38.9	4.3						77.4	
		27							40	37				39.6	40							156.6	
		28	40		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		29	40		40	40	40										40	40	40	40	40	320	
		32	40		40	40	40					40				40	40	40	40	40	40	400	
		33	40		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		34							36.7	10				9.3	16							72	
Total Acres (for irrigation use)																			3591.7				

77736

Attachment No. 2a Water Right Ownership Documentation

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2012

WATER RIGHT NO. 25-57A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	CAROLINE HEATH , ID
Original Owner	HOLLIS T SARGENT 10960 N 85TH E IDAHO FALLS, ID 83401 (208)522-2368
Original Owner	BARBARA SARGENT 797 K ST IDAHO FALLS, ID 83402 (208)523-2134

Priority Date: 04/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.54 CFS	108.8 AFA
STOCKWATER	03/01	12/01	0.12 CFS	
Total Diversion			0.54 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|SWNWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 27.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	40E	21		NESE	30		NWSE	12		SWSE	35		SESE	40
		22		NWSW	12		SWSW	35						
		27		NWNW	28									
		28		NENE	40		NWNE	28		SENE	6			

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 266

Conditions of Approval:

1. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 266 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 25-00057A, 25-00059, 25-00136B, 25-00137B
3. X27 This right is limited to the irrigation of 27.2 acres within the place of use described above in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 25-00137B, 25-00057A, 25-00057B, 25-00059, 25-00136B

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 266

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2012

WATER RIGHT NO. 25-57B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172

Priority Date: 04/01/1876
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.06 CFS	211.2 AFA
STOCKWATER	03/01	12/01	0.12 CFS	
Total Diversion			1.06 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|SWNWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:
Acre Limit: 52.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	21		NENW	33		NWNW	33		SWNW	33		SENW	33

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 132

Conditions of Approval:

1. X27 This right is limited to the irrigation of 52.8 acres within the place of use described above in a single irrigation season.
Use of water under this right will be regulated by a watermaster with responsibility for the
2. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
The right holder shall maintain a measuring device and lockable controlling works of a type
3. R43 approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. 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.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. F06 The following rights are diverted through point(s) of diversion described above: 25-00057B, 25-00057A, 25-00059, 25-00136B, 25-00137B
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general
9. T19 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.
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.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 01
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 1635
Combined Volume Limit:
Combined Rate Limit: 9.78
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2012

WATER RIGHT NO. 25-59

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	O S LEE SR , ID
Original Owner	HOLLIS T SARGENT 10960 N 85TH E IDAHO FALLS, ID 83401 (208)522-2368
Original Owner	BARBARA SARGENT 797 K ST IDAHO FALLS, ID 83402 (208)523-2134

Priority Date: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3 CFS	600 AFA
STOCKWATER	03/01	12/01	0.12 CFS	
Total Diversion			3 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|SWNWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 150

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	21		NESE	30		NWSE	12		SWSE	35		SESE	40
		22		NWSW	12		SWSW	35						
		27		NWNW	28									
		28		NENE	40		NWNE	28		SENE	6			

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 266

Conditions of Approval:

1. X27 This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
2. F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 25-00137B, 25-00057A, 25-00057B, 25-00059, 25-00136B
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. C18 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
4. E56 COMBINED TOTAL OF 266 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 25-00057A, 25-00059, 25-00136B, 25-00137B
5. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 266

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2012

WATER RIGHT NO. 25-136B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	CAROLINE HEATH , ID
Original Owner	HOLLIS T SARGENT 10960 N 85TH E IDAHO FALLS, ID 83401 (208)522-2368
Original Owner	BARBARA SARGENT 797 K ST IDAHO FALLS, ID 83402 (208)523-2134

Priority Date: 05/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.31 CFS	68 AFA
Total Diversion			0.31 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|SWNWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 17

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	21		NESE	30		NWSE	12		SWSE	35		SESE	40
		22		NWSW	12		SWSW	35						
		27		NWNW	28									
		28		NENE	40		NWNE	28		SENE	6			

Total Acres: 266

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 25-00137B, 25-00057A, 25-00057B, 25-00059, 25-00136B
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 266 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 25-00057A, 25-00059, 25-00136B, 25-00137B
3. X27 This right is limited to the irrigation of 17 acres within the place of use described above in a single irrigation season.
4. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 01
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 266
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2012

WATER RIGHT NO. 25-137B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	CAROLINE HEATH , ID
Original Owner	HOLLIS T SARGENT 10960 N 85TH E IDAHO FALLS, ID 83401 (208)522-2368
Original Owner	BARBARA SARGENT 797 K ST IDAHO FALLS, ID 83402 (208)523-2134

Priority Date: 05/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.61 CFS	136 AFA
Total Diversion			0.61 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|SWNWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 34

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	40E	21		NESE	30		NWSE	12		SWSE	35		SESE	40
		22		NWSW	12		SWSW	35						
		27		NWNW	28									
		28		NENE	40		NWNE	28		SENE	6			

Total Acres: 266

Conditions of Approval:

1. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 266 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 25-00057A, 25-00059, 25-00136B, 25-00137B
2. X27 This right is limited to the irrigation of 34 acres within the place of use described above in a
single irrigation season.
3. F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 25-00137B, 25-00057A, 25-00057B, 25-00059, 25-00136B
4. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor
more than 4.0 afa per acre for irrigation of the lands above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the
rights or for the efficient administration of the water rights as may be ultimately determined by
the Court at a point in time no later than the entry of a final unified decree. Section
42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 01
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 266
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/18/2012

WATER RIGHT NO. 25-7494C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443 (208)538-5172
Original Owner	E BUD JOHNSON 413 LARIAT CIR IDAHO FALLS, ID 83404 (208)452-4544

Priority Date: 04/05/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	22 CFS	9140 AFA
Total Diversion			22 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 05	Township 03N	Range 40E	BONNEVILLE County
GROUND WATER Injection	SWNW	Sec. 05	Township 03N	Range 40E	BONNEVILLE County
GROUND WATER Rediversion	NWSE	Sec. 16	Township 03N	Range 40E	BONNEVILLE County
GROUND WATER	NWNE	Sec. 28	Township 03N	Range 40E	BONNEVILLE County

IRRIGATION Use:
Acre Limit: 2285

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	16		NESW	9.6		NWSW	0.9		SWSW	36		SESW	40
				SWSE	4.6									
		20		NENE	37		NWNE	36		SWNE	37		SENE	40
				NESE	40		NWSE	31		SWSE	34		SESE	40
		21		NENE	15		NWNE	16		SWNE	40		SENE	39
				NENW	39		NWNW	39		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		22		SWNW	5.4									
				NWSW	30		SWSW	38						
		27		NWNW	29		SWNW	18						
				NWSW	39		SWSW	40						
		28		NENE	40		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		29		NENE	40		NWNE	31		SWNE	33		SENE	40
				NESE	40		NWSE	30		SWSE	32		SESE	40
		32		NENE	25		NWNE	0.7		SENE	15			
		33		NENE	40		NWNE	40		SWNE	40		SENE	22
				NENW	40		NWNW	40		SWNW	31		SENE	24
				NWSE	2.3									
		34		NWNW	33		SWNW	5.6						

Total Acres: 2457.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 2285.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 31.78 cfs and the irrigation of 2457.1 acres.

- 3.01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- 4.G04 Water diverted under this right from the well located in the SWNW, Sec. 5, T03N, R40E, is exchanged by injecting water into the Anderson Canal, and diverting an equal amount from Willow Creek at the point of redirection described above.
- 5.048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 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 place of use.
- 7.004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 09/13/2011

Decreed Date:

Permit Proof Due Date: 11/1/1996

Permit Proof Made Date: 10/11/1996

Permit Approved Date: 3/23/1991

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 2457.1

Combined Volume Limit:

Combined Rate Limit: 31.78

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Water Right Report

1/18/2012

WATER RIGHT NO. 25-7567

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443
Original Owner	BOYD FOSTER PO BOX 308 RIGBY, ID 83442 (208)745-7745

Priority Date: 11/09/1992
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	06/01	09/01	9.5 CFS	
Total Diversion			9.5 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|NWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:
Acre Limit: 790

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	16		NESW	9.6		NWSW	0.9		SWSW	36		SESW	40
				SWSE	4.6									
		20		NENE	37		NWNE	36		SWNE	37		SENE	40
				NESE	40		NWSE	31		SWSE	34		SESE	40
		21		NENE	15		NWNE	16		SWNE	40		SENE	39
				NENW	39		NWNW	39		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		22		SWNW	5.4									
				NWSW	30		SWSW	38						
		27		NWNW	29		SWNW	18						
				NWSW	39		SWSW	40						
		28		NENE	40		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		29		NENE	40		NWNE	31		SWNE	33		SENE	40
				NESE	40		NWSE	30		SWSE	32		SESE	40
		32		NENE	25		NWNE	0.7		SENE	15			
		33		NENE	40		NWNE	40		SWNE	40		SENE	22
				NENW	40		NWNW	40		SWNW	31		SENW	24
				NWSE	2.3									
		34		NWNW	33		SWNW	5.6						

Total Acres: 2457.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 790.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 9.78 cfs and the irrigation of 1635.0 acres.
3. X35 Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 31.78 cfs and the irrigation of 2457.1 acres.
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. 01.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. 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 place of use.
8. Prior to diversion of water under this right, the right holder must obtain adequate supplemental water for the irrigation season when the natural flow is not available. Supplemental water may include leased storage water from the Upper Snake River Supply Bank but shall only be diverted when there is sufficient water available for release from Ririe Reservoir. Diversion of water under this right or diversion of supplemental water must not reduce flows of Willow Creek below 32 cfs from the point of diversion to the Johnson Road crossing of Willow Creek. Water diverted under this right and any supplemental water acquired shall be subject to the control of the watermaster of State Water District 01, Snake River.
9. 004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 09/13/2011

Decreed Date:

Permit Proof Due Date: 3/2/1992

Permit Proof Made Date: 11/9/1992

Permit Approved Date: 3/13/1991

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 03/20/1990

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre:

Combined Acres Limit: 1635

Combined Volume Limit:

Combined Rate Limit: 9.78

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/18/2012

WATER RIGHT NO. 25-7592

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443

Priority Date: 04/23/1991

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	7.9 CFS	
Total Diversion			7.9 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK|NWSE|Sec. 16|Township 03N|Range 40E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 564

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	40E	16		NESW	9.6		NWSW	0.9		SWSW	36		SESW	40
				SWSE	4.6									
		20		NENE	37		NWNE	36		SWNE	37		SENE	40
				NESE	40		NWSE	31		SWSE	34		SESE	40
		21		NENE	15		NWNE	16		SWNE	40		SENE	39
				NENW	39		NWNW	39		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		22		SWNW	5.4									
				NWSW	30		SWSW	38						
		27		NWNW	29		SWNW	18						
				NWSW	39		SWSW	40						
		28		NENE	40		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		29		NENE	40		NWNE	31		SWNE	33		SENE	40
				NESE	40		NWSE	30		SWSE	32		SESE	40
		32		NENE	25		NWNE	0.7		SENE	15			
		33		NENE	40		NWNE	40		SWNE	40		SENE	22
				NENW	40		NWNW	40		SWNW	31		SENW	24
				NWSE	2.3									
		34		NWNW	33		SWNW	5.6						

Total Acres: 2457.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 564.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 9.78 cfs and the irrigation of 1635.0 acres.
3. X35 Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 31.78 cfs and the irrigation of 2457.1 acres. Use of water under this right will be regulated by a watermaster with responsibility for the
4. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

- 6.048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 7.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 place of use.
8. Prior to diversion of water under this right, the right holder must obtain adequate supplemental water for the irrigation season when the natural flow is not available. Supplemental water may include leased storage water from the Upper Snake River Supply Bank but shall only be diverted when there is sufficient water available for release from Ririe Reservoir. Diversion of water under this right or diversion of supplemental water must not reduce flows of Willow Creek below 32 cfs from the point of diversion to the Johnson Road crossing of Willow Creek. Water diverted under this right and any supplemental water acquired shall be subject to the control of the watermaster of State Water District 01, Snake River.
- 9.004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 09/13/2011

Decreed Date:

Permit Proof Due Date: 9/1/1995

Permit Proof Made Date: 7/13/1995

Permit Approved Date: 9/6/1991

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 04/23/1991

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre:

Combined Acres Limit: 1635

Combined Volume Limit:

Combined Rate Limit: 9.78

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Attachment No. 7a
Map - Proposed POD

NORTH SLOPE



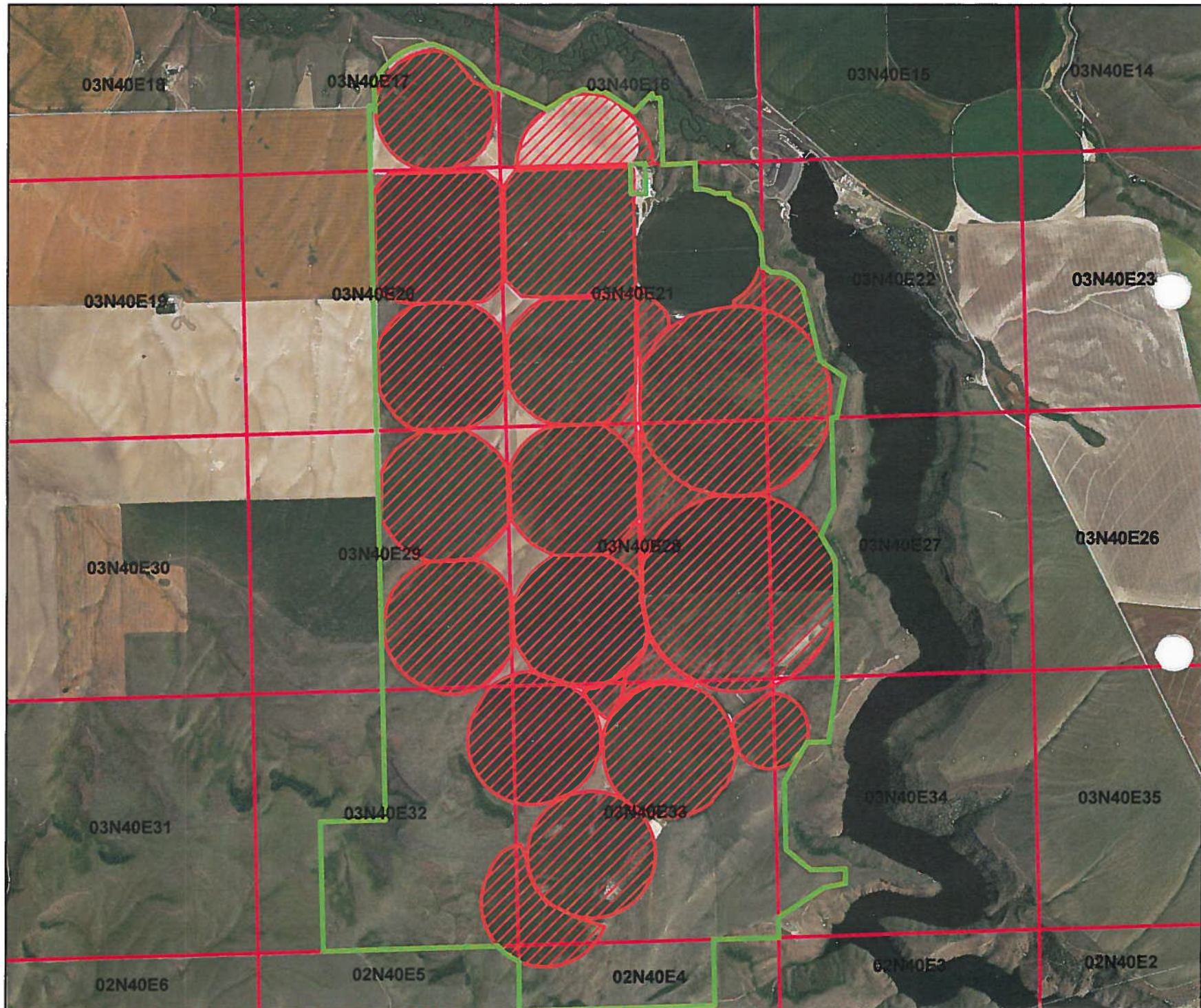
3591.7
~~3592.4~~ Acre Permissible
 Place of Use
 2457.1 Irrigated
 Acres

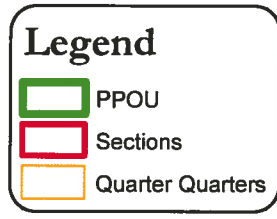
98222

2011 NAIP Photo



Prepared by:
 Luke H. Marchant
 1/27/2012



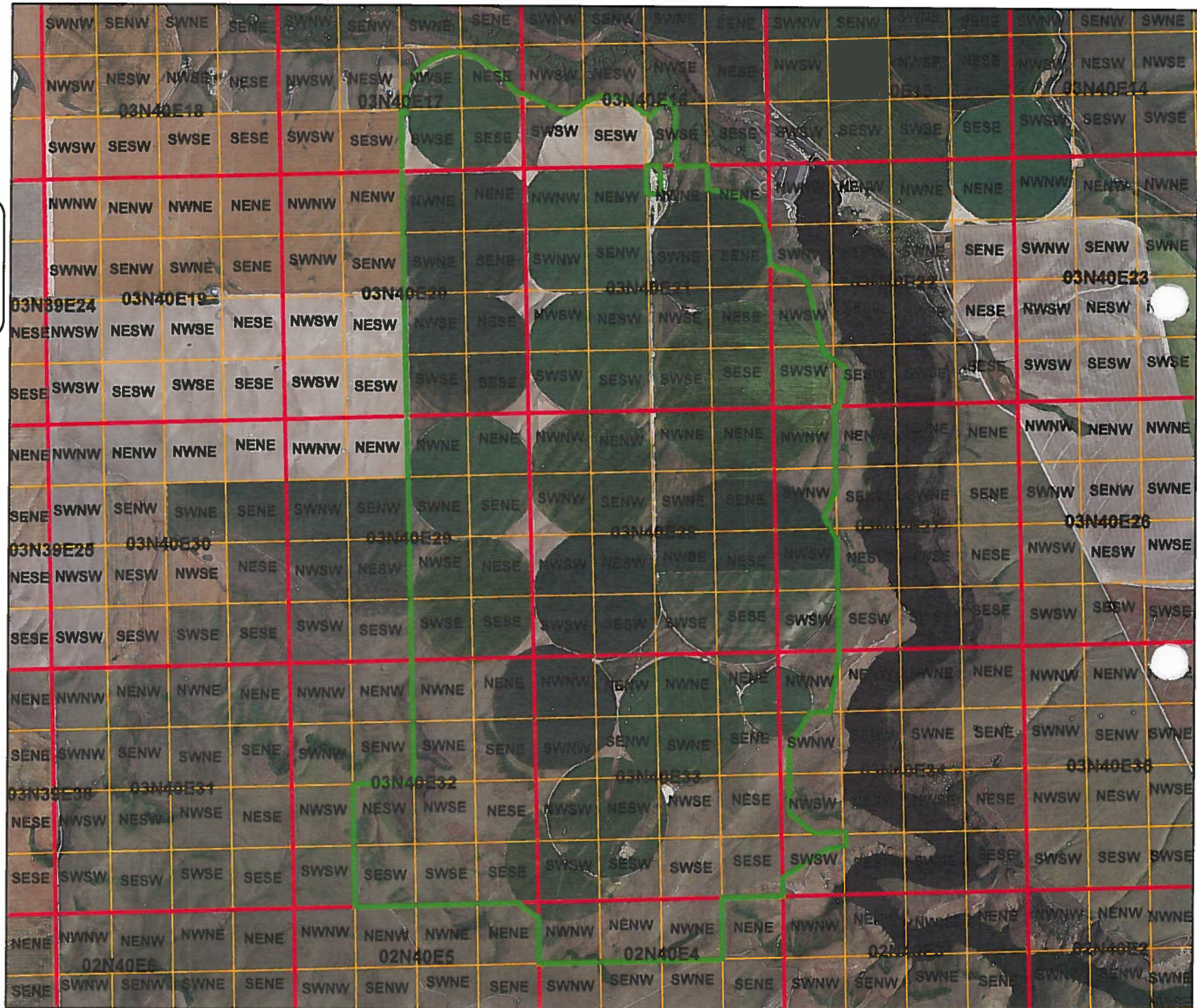


3591.7
~~3592.4~~ Acre Permissible
Place of Use

93222



Prepared by:
Luke H. Marchant
1/23/2012



Attachment No. 9

Other

STATE OF IDAHO)
)ss
County of Bonneville)

I, Nellie Brown Borden, the general partner of the K & N Brown Limited Partnership, understand that Foster Land and Cattle ("Foster") is in the process of amending its water rights on a farm they refer to as "North Slope." On the attached map, one of Foster's pivots appears to cross onto a piece of property K & N Brown Limited Partnership owns. The particular parcel is the NE1/4NE1/4 of Township 2N, Range 40E, Section 5, which is part of a larger parcel we own that is identified as Parcel # RP02N40E050002 by Bonneville County.

While we are not entirely sure that the pivot actually does come onto our property, we understand that the mapping used on the attached map is typically used by the Idaho Department of Water Resources to identify the place of use of water rights, and we do not desire to have a survey performed to confirm this. Therefore, K & N Brown Limited Partnership hereby consents to Foster's water rights covering the portion of our property shown on the attached map in the NE1/4NE1/4 of Township 2N, Range 40E, Section 5, under their existing pivot.

K & N BROWN LIMITED PARTNERSHIP

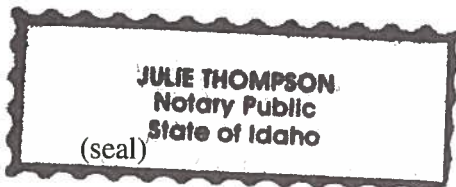


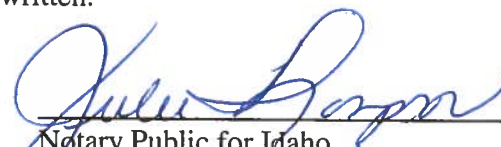
By: Nellie Brown Borden
Its: General Partner

STATE OF IDAHO)
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County of Bonneville)

On the 28th day of December, 2011, before me the undersigned, a notary public in and for said State, personally appeared Nellie Brown Borden, known or identified to me to be the general partner of K & N Brown Limited Partnership, and the person who subscribed his name to the foregoing instrument, and acknowledged to me that he 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: 02-14-14



Foster Land and Cattle Ag Lease
Contract #9-07-14-LA621
21.8 Acres

16

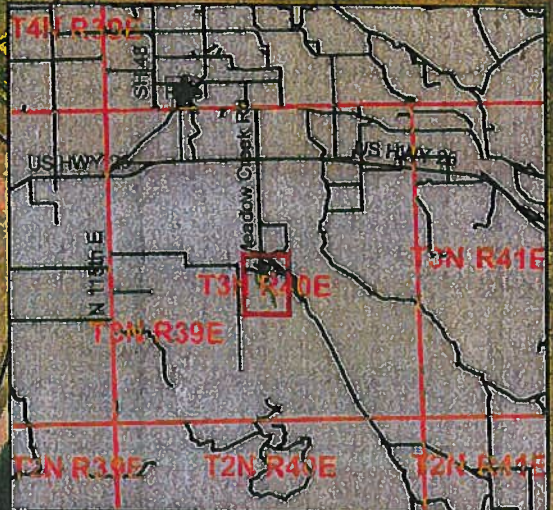


Exhibit A

21

T3N R40E

22

Legend

- USBR Fee Land
- Leases

The US Bureau of Reclamation property boundaries, which may be displayed on this map, are not legal land survey records. This data can not be used as a substitute for a legal land survey. They can be used for record keeping, mapping, graphics and planning purposes only. No warranty is made by the Bureau of Reclamation for use of this data.