

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

FEB 03 2011

Department of Water Resources
Eastern RegionName of Applicant(s) Foster Company Phone: (208) 538-5170
Mailing Address: P.O. Box 626 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 Robert L. Harris Phone: (208) 523-0620
Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: rharris@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.

Robert L. Harris
Signature of Applicant or Authorized Representative

ROBERT L. HARRIS
Print Name and Title if applicable

FEB. 3, 2011
Date

ATTORNEY

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 transfer will move a portion of the place of use for water right nos. 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950, and 35-13952 and stack that portion with water right 35-13932 to create a slightly modified permissible place of use and provide more water for land currently irrigated by water right no. 35-13932.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART I ContinuedB. 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	Current Amount (cfs/ac-ft)	Amount to be transferred (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or part						
☐ ☒	35-13934	7.45cfs	0.83cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13936	7.35cfs	0.82cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13938	7.45cfs	0.83cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13940	3.72cfs	0.41cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13942	0.96cfs	0.11cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13950	0.8cfs	0.09cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-13952	0.59cfs	0.07cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13932	5.64cfs	5.64cfs	Irrigation	04/01 to 11/01	Ground Water

Total authorized under rights: 14.91 cfs and/or _____ ac-ft.2. Total amount of water being transferred or changed 6.67 per 2/9/11 8.78 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Source	Local name for diversion
☒	~~1~~	~~1~~	NW	NE	22	04N	35E	Bonneville	Ground water	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5).

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total Acres (for irrigation use) 640

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

This transfer will utilize the existing point of diversion for water right no. 35-13932.

- 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: No

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: _____

The portion of the water right being transferred currently covers CRP land not presently irrigated. This land will no longer be irrigated or covered by a water right.

- 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: Water right no. 35-13932
is currently used to irrigate most of the land at the proposed new place of use. A portion of water right nos. 35-13934,
35-13936, 35-13938, 35-13940, 35-13942, 35-13950, and 35-13952 will remain on a portion of the existing place 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: The land that the current place of use covers for water right nos. 35-13934, 35-13936, 35-13938,
35-13940, 35-13942, 35-13950 and 35-13952 is enrolled in the Federal Conservation Reserve Program.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Part 2A report obtained from Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950, 35-13952, 35-13932

- Amount 7.45 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 7.35 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 7.45 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 3.72 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 0.96 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 0.8 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 0.59 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
 Amount 5.64 cfs (cfs/ac-ft) for Irrigation Purposes from 04/01 to 11/01
- Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	35E	21	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	528
4N	35E	28	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	528
4N	35E	29	33	33	33	33													132
4N	35E	22	39	38	34	39	40	40	40	40	40	40	40	40	39	40	40	36	625

Total Acres (for irrigation use) 1813

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B**

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES.

- ☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950

- | | | | | | | | | |
|----|---|----------------|-----------------|-------------------|---------------|--------------|----|--------------|
| 1. | Amount | <u>0.83cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.82cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.83cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.41cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.11cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.09cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| | Amount | <u>0.07cfs</u> | (cfs/ac-ft) for | <u>Irrigation</u> | Purposes from | <u>04/01</u> | to | <u>11/01</u> |
| 2. | Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract) | | | | | | | |

[illegible]

Total Acres (for irrigation use) 132

**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**.

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.

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by: _____ Date: _____ Prelim. Check by _____ Date: _____
 Fee paid: 570.00 Date: 2/4/2011 Received by IS/ag Receipt # E036404
 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. Part 2B forms are available on the Department's website at: <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs/TransferApp/Part2B.pdf>.
- ☐ * 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.
- ☐ ☐ #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/wrt_default.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).
- ☐ ☐ #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: _____

Attachment No. 7a
Map - Proposed POD

FOSTER CO. TRANSFER

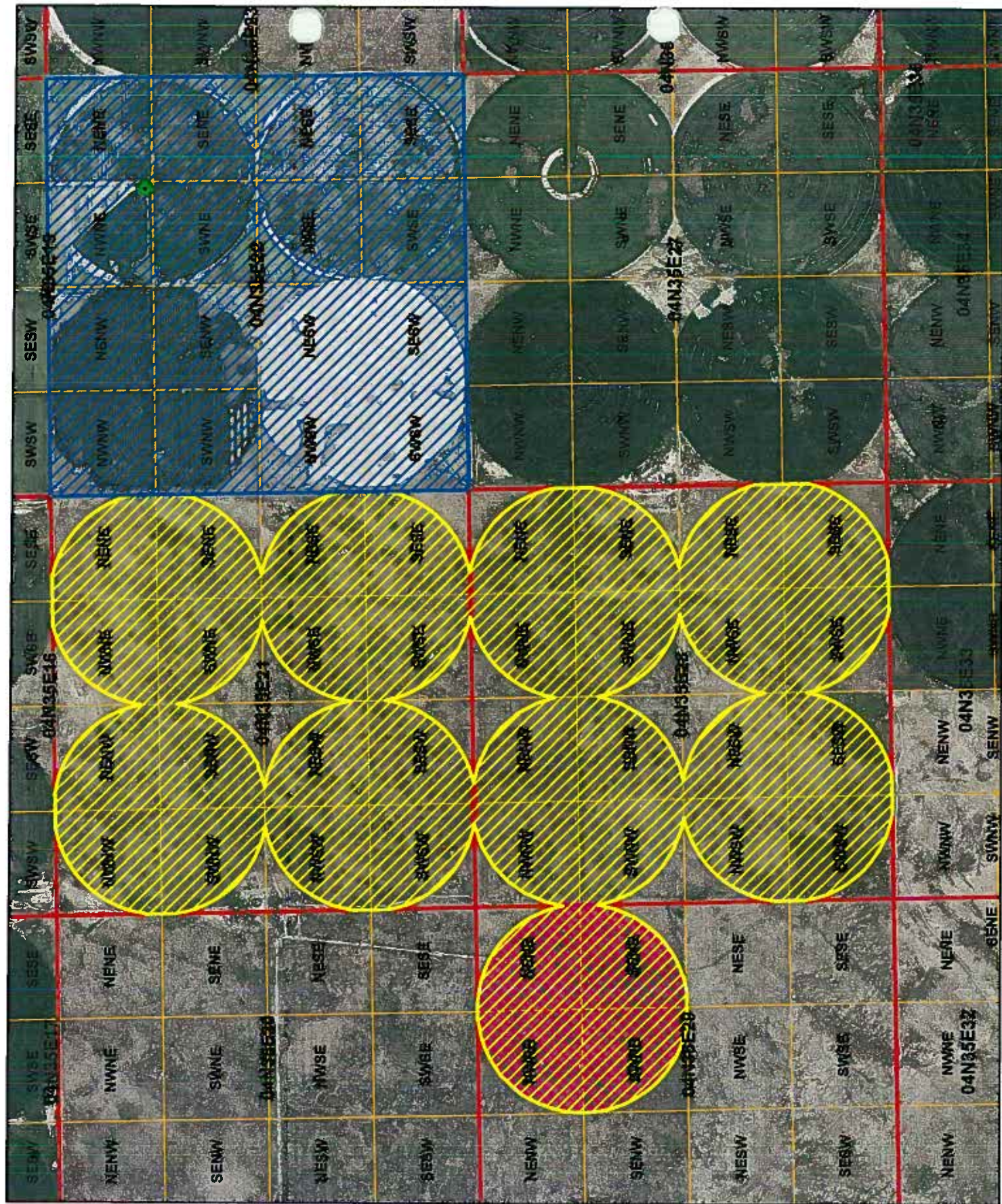


Legend

- 35-13932_POD
- New POU
- Old POU
- Portion Transferred

77 05 6

2009 NAIP Photo



Attachment No. 5

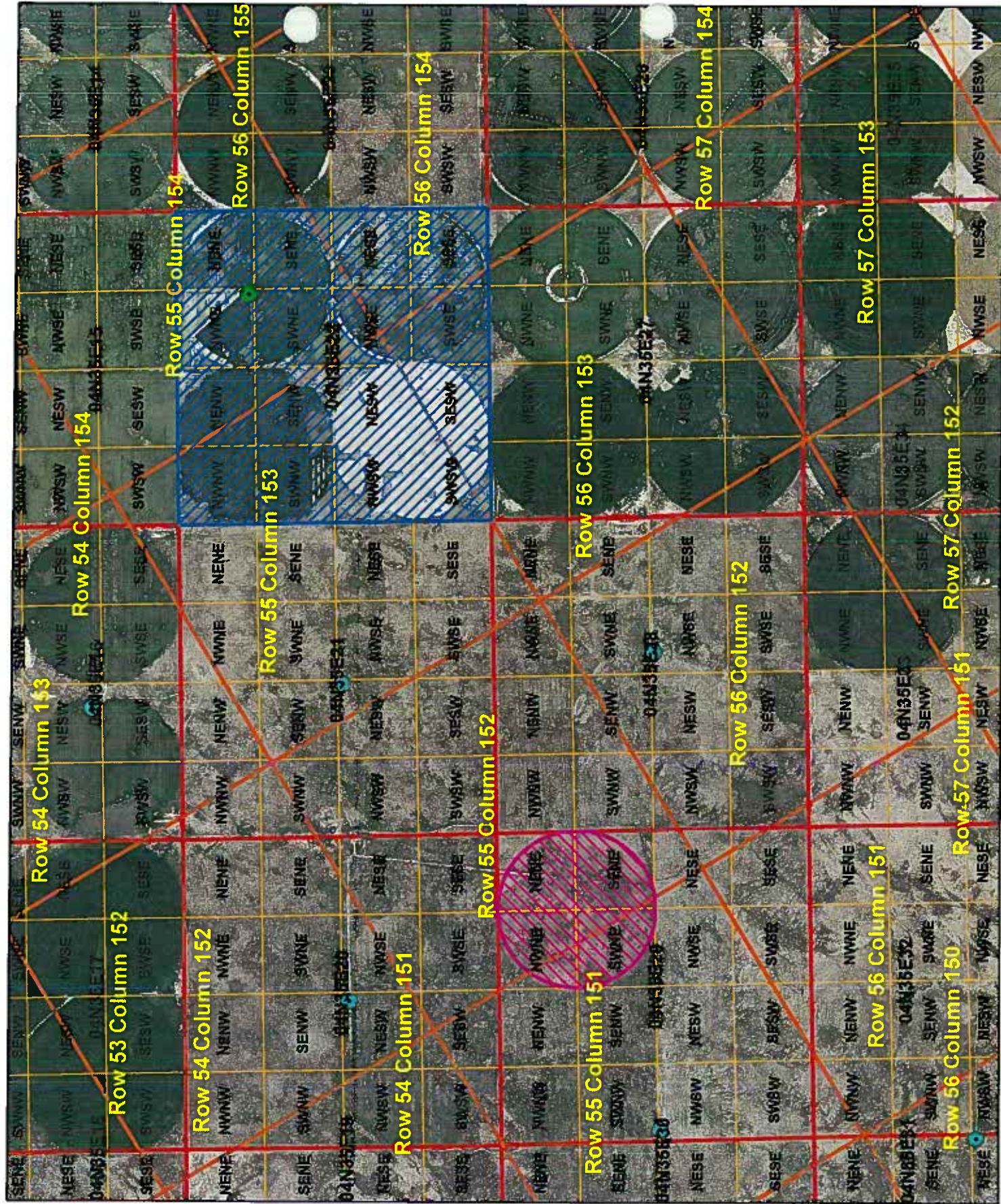
ESPA Analysis and Mitigation Plan

FOSTER CO. TRANSFER



Legend

- 35-13932_POD
- Transfer_PODs
- New POU
- Portion Transferred

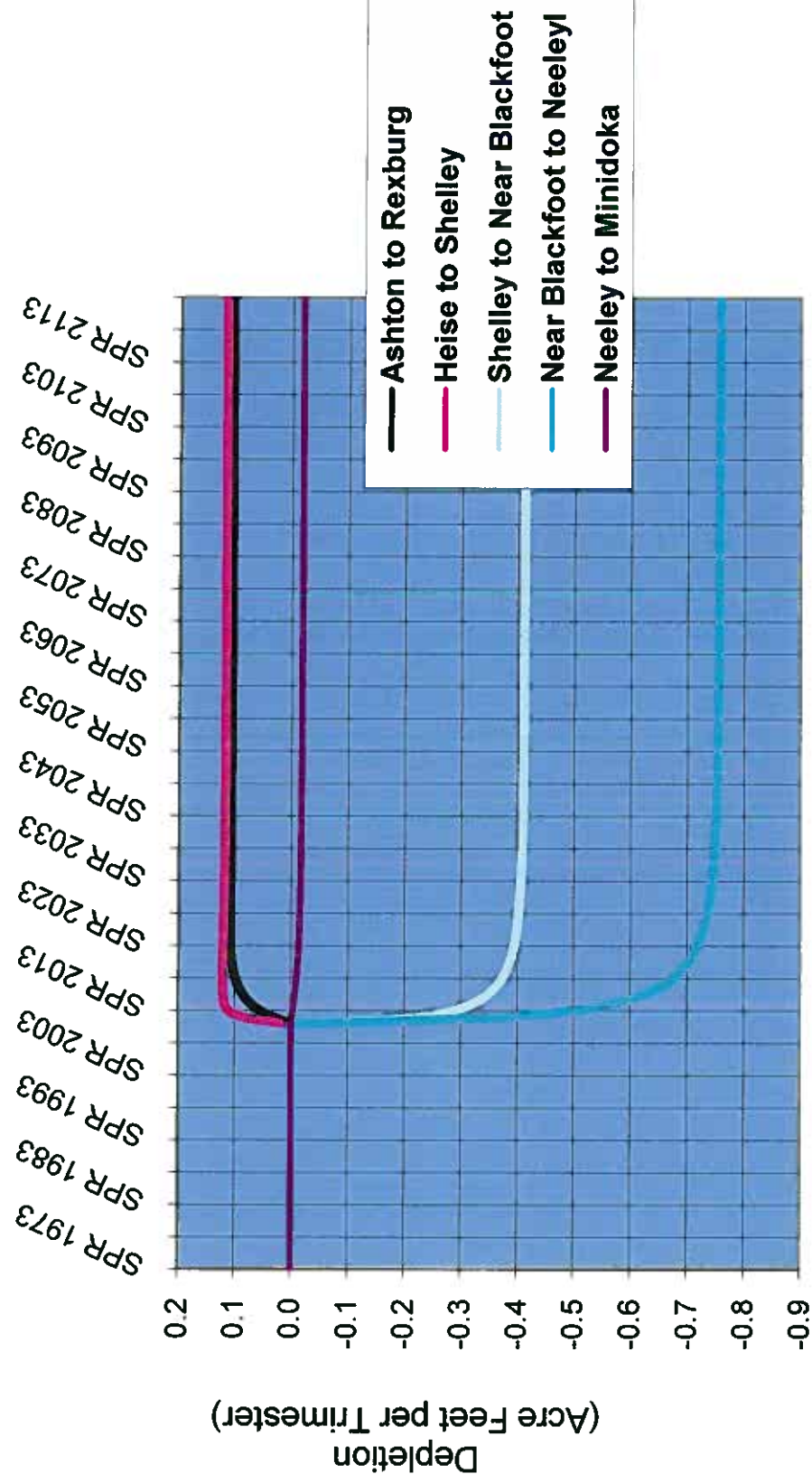


27 05 0

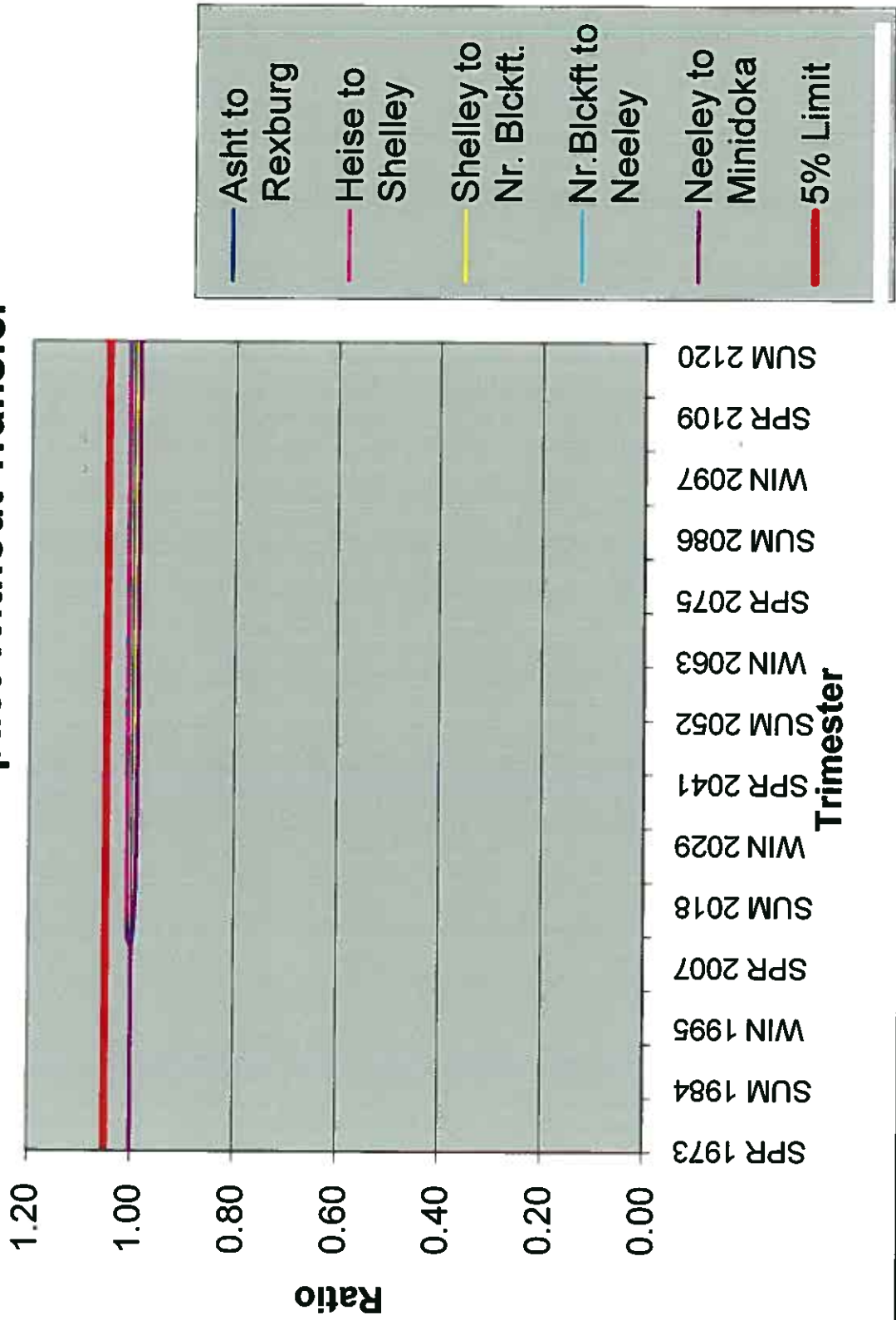
2009 NAIP Photo

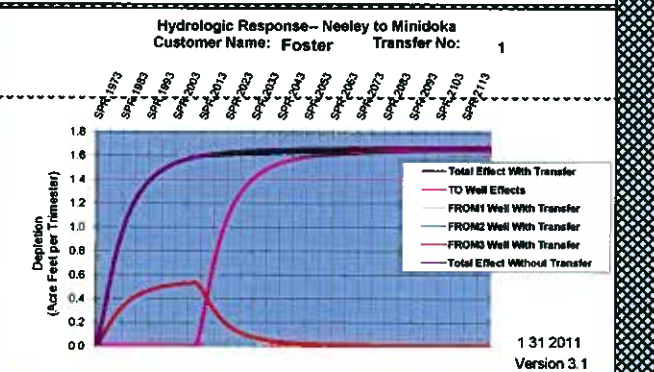
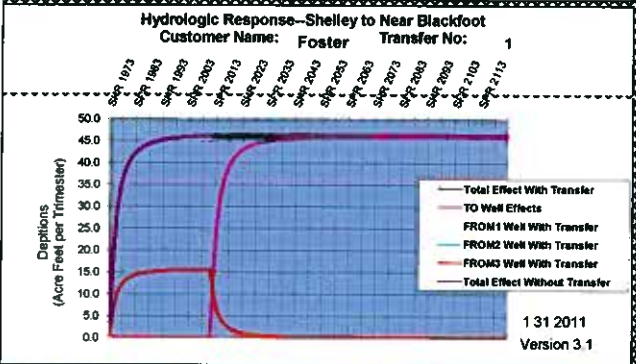
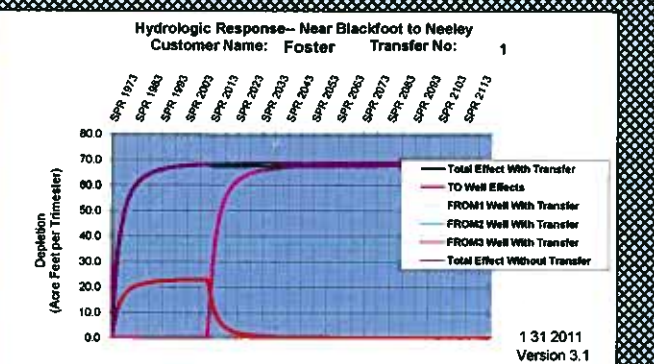
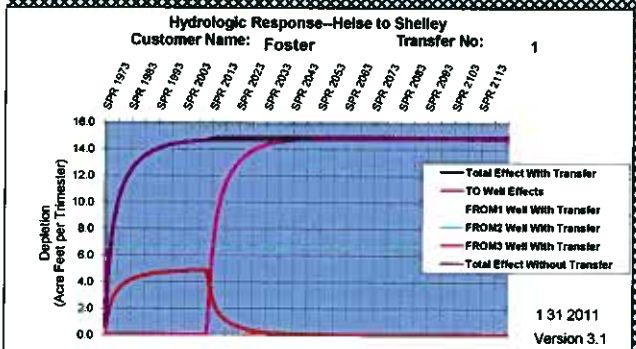
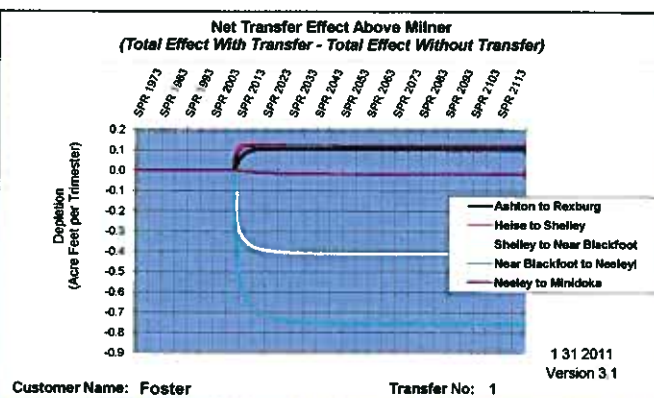
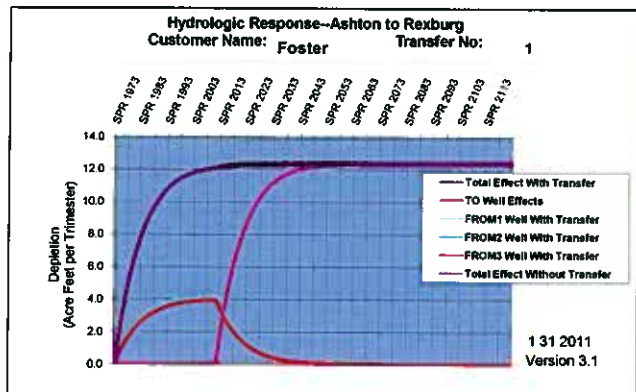


Net Transfer Effect Above Milner **(Total Effect With Transfer - Total Effect Without Transfer)**



Change Above Milner as Ratio of Impact With Transfer to Impact Without Transfer





Attachment No. 2a Water Right Ownership Documentation

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/28/2011

WATER RIGHT NO. 35-13932

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 05/26/1967

Basis: Decreed

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	11/01	5.64 CFS	1646.4 AFA
Total Diversion			5.64 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 22|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 412

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	22		NENE	39		NWNE	38		SWNE	34		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	36

Total Acres: 625

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. X27 This right is limited to the irrigation of 411.6 acres within the place of use described above in a single irrigation season.
3. 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.
4. 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.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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.
9. 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/21/2011

WATER RIGHT NO. 35-13934

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 09/25/1973

Basis: Decreed

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	11/01	7.45 CFS	1490.4 AFA
Total Diversion			7.45 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 372.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33

Total Acres: 1188

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. 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. 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. 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.
5. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

8. 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.
9. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. X27 This right is limited to the irrigation of 372.6 acres within the place of use described above in a single irrigation season.
11. X35 Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres.
12. Rights 35-13934, 35-13936, 35-13938 and 35-13940 when combined shall not exceed a total diversion rate of 8.23 cfs, a total annual maximum diversion volume of 3493.2 af at the field headgate, and the irrigation of 1188 acres.

Dates:

Licensed Date:

Decreed Date: 08/02/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3493.2

Combined Rate Limit: 8.23

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

1/21/2011

WATER RIGHT NO. 35-13936

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 09/25/1973

Basis: Decreed

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	11/01	7.35 CFS	1471.2 AFA
Total Diversion			7.35 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 367.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33

Total Acres: 1188

Conditions of Approval:

1. 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.
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 75094 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. 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 367.8 acres within the place of use described above in a single irrigation season.

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|-----|-----|---|
| 7. | T07 | The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. |
| 8. | X35 | Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 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. | 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. | | Rights 35-13934, 35-13936, 35-13938 and 35-13940 when combined shall not exceed a total diversion rate of 8.23 cfs, a total annual maximum diversion volume of 3493.2 af at the field headgate, and the irrigation of 1188 acres. |
| 12. | 205 | The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right. |

Dates:

Licensed Date:

Decreed Date: 08/02/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3493.2

Combined Rate Limit: 8.23

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

1/21/2011

WATER RIGHT NO. 35-13938

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 04/08/1975
Basis: Decreed
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	11/01	7.45 CFS	1490.4 AFA
Total Diversion			7.45 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 372.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33

Total Acres: 1188

Conditions of Approval:

1. 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.
2. 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.
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. 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. 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.

- | | | |
|-----|-----|---|
| 9. | 214 | Prior to the diversion and use of water under Transfer approval 75094 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. |
| 10. | X27 | This right is limited to the irrigation of 372.6 acres within the place of use described above in a single irrigation season. |
| 11. | X35 | Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres. |
| 12. | | Rights 35-13934, 35-13936, 35-13938 and 35-13940 when combined shall not exceed a total diversion rate of 8.23 cfs, a total annual maximum diversion volume of 3493.2 af at the field headgate, and the irrigation of 1188 acres. |

Dates:

Licensed Date:

Decreed Date: 08/02/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3493.2

Combined Rate Limit: 8.23

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

1/21/2011

WATER RIGHT NO. 35-13940

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 05/23/1975

Basis: Decreed

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	11/01	3.72 CFS	744 AFA
Total Diversion			3.72 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 186

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33

Total Acres: 1188

Conditions of Approval:

1. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. 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.
3. 214 Prior to the diversion and use of water under Transfer approval 75094 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. 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. 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.

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|-----|-----|--|
| 8. | X27 | This right is limited to the irrigation of 186 acres within the place of use described above in a single irrigation season. |
| 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. |
| 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 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres. |
| 12. | | Rights 35-13934, 35-13936, 35-13938 and 35-13940 when combined shall not exceed a total diversion rate of 8.23 cfs, a total annual maximum diversion volume of 3493.2 af at the field headgate, and the irrigation of 1188 acres. |

Dates:

Licensed Date:

Decreed Date: 08/02/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3493.2

Combined Rate Limit: 8.23

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

1/21/2011

WATER RIGHT NO. 35-13942

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 07/27/1976

Basis: Decreed

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	11/01	0.96 CFS	192 AFA
Total Diversion			0.96 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 48

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33

Total Acres: 1188

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. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. 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.
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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

9. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
10. X27 This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
11. X35 Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres.
12. Rights 35-13942, 35-13950 and 35-13952 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 440.1 af at the field headgate, and the irrigation of 134.4 acres.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3953.2

Combined Rate Limit: 9.27

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

1/21/2011

WATER RIGHT NO. 35-13950

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 05/23/1975

Basis: Decreed

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	11/01	0.8 CFS	160.8 AFA
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENE SW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENE SW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENE SW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNW SE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENE SE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 40.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33

Total Acres: 1188

Conditions of Approval:

1. 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.
2. 214 Prior to the diversion and use of water under Transfer approval 75094, 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. 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.
7. 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.

- | | | |
|-----|-----|--|
| 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. | X27 | This right is limited to the irrigation of 40.2 acres within the place of use described above in a single irrigation season. |
| 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. | X35 | Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres. |
| 12. | | Rights 35-13942, 35-13950 and 35-13952 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 440.1 af at the field headgate, and the irrigation of 134.4 acres. |

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3953.2

Combined Rate Limit: 9.27

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

1/21/2011

WATER RIGHT NO. 35-13952

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER COMPANY PO BOX 626 RIRIE, ID 83443 (208)538-5170

Priority Date: 10/10/1973

Basis: Decreed

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	11/01	0.59 CFS	184.8 AFA
Total Diversion			0.59 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 16	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29	Township 04N	Range 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31	Township 04N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 46.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	35E	21		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		28		NENE	33		NWNE	33		SWNE	33		SENE	33
				NENW	33		NWNW	33		SWNW	33		SENW	33
				NESW	33		NWSW	33		SWSW	33		SESW	33
				NESE	33		NWSE	33		SWSE	33		SESE	33
		29		NENE	33		NWNE	33		SWNE	33		SENE	33

Total Acres: 1188

Conditions of Approval:

1. 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.
2. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
3. 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.
4. X27 This right is limited to the irrigation of 46.2 acres within the place of use described above in a single irrigation season.
5. 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.
6. 214 Prior to the diversion and use of water under Transfer approval 75094 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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.
10. 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.
11. X35 Rights 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 when combined shall not exceed 9.27 cfs, nor total combined annual volume of 3953.2 af for the irrigation of a total of 1188 acres.
12. Rights 35-13942, 35-13950 and 35-13952 when combined shall not exceed a total diversion rate of 1.03 cfs, a total annual maximum diversion volume of 440.1 af at the field headgate, and the irrigation of 134.4 acres.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 1188

Combined Volume Limit: 3953.2

Combined Rate Limit: 9.27

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

List of Share and Annual Payment Data on CRP Contracts for Producer

Name: FOSTER COMPANY PTR
Address: PO BOX 626

ID: *****1194 E

RIRIE, ID.

83443-0626

CONTRACT NUMBER	CONTRACT STATUS	FARM NUMBER	PRO- GRAM YEAR	ACRES APPROVED	CON- TRACT SHARE	CONTRACT ANNUAL PAYMENT	CALCULATED SHARE OF ANNUAL PAYMENT
35B	S	2101	1998	663.8	ALL		
36C	S	1417	1998	70.2	ALL		
37B	S	2101	2000	1,659.8	.3900		
55A	G	2097	2004	455.2	ALL		
71A	EP	3565	2007	42.7	ALL		
72A	EP	3565	2007	3.3	ALL		

ON ALL ACTIVE CRP CONTRACTS FOR THIS PRODUCER

TOTAL ACRES APPROVED: 2,895.0

TOTAL CALCULATED SHARES OF ANNUA

FSA-578 (Producer Print)

REPORT OF ACREAGE

PROGRAM YEAR 2008

DATE: 09-19-2008

Producer Name and Address ID

FOSTER COMPANY PTR 1194
 PO BOX 626
 RIRIE, ID 83443-0626

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR FSA COUNTY OFFICE.

Farm Number	Tract Number	CLU/Field	Ir Pr	Var/ C/C	Int Type	C/C Use	Rpt Stat	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt
1417	9112	1	Ir	CRP		10	I A	70.17		Y	04-01-1998	1.0000	FOSTER COMPANY PTR	
Photo Number/Legal Description: 9112 K14 28-4-35														
Cropland: 70.2 Farmland: 80.0														
1791	1218	1	Ir	GRASS NAG	Graze	I A		.89		Y		1.0000	FOSTER COMPANY PTR	
		2	Ir	GRASS NAG	Graze	I A		.82		Y		1.0000	FOSTER COMPANY PTR	
		4	Ir	GRASS NAG	Graze	I A		1.36		Y		1.0000	FOSTER COMPANY PTR	
		5	Ir	GRASS NAG	Graze	I A		2.46		Y		1.0000	FOSTER COMPANY PTR	
		3	Ir	BARLY SPR	Grain	I A		34.93		Y	04-12-2008	1.0000	FOSTER COMPANY PTR	
		6	Ir	BARLY SPR	Grain	I A		27.75		Y	04-12-2008	1.0000	FOSTER COMPANY PTR	
Photo Number/Legal Description: 1218 214 16-4-39														
Cropland: 68.2 Farmland: 80.0														
2097	9091	1	Ir	GRASS NAG	Graze	I A		3.75		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		2	Ir	GRASS NAG	Graze	I A		17.86		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		3	Ir	GRASS NAG	Graze	I A		39.31		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
	9116	1	Ir	CRP		I A		71.40		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		2	Ir	CRP		I A		152.50		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		3	Ir	CRP		I A		95.00		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		4	Ir	CRP		I A		64.40		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		5	Ir	CRP		I A		64.70		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
		6	Ir	CRP		I A		15.40		Y	04-15-1992	1.0000	FOSTER COMPANY PTR	
Photo Number/Legal Descriptions: 9091 K15 33-4-35 9116 K14 28-4-35														
Cropland: 524.3 Farmland: 560.0														
2101	9406	13	Ir	CRP		10	I A	284.67		Y	04-01-1998	1.0000	FOSTER COMPANY PTR	

FSA-576 (Producer Print)

REPORT OF ACREAGE

PROGRAM YEAR 2008

DATE: 09-19-2008

Farm Number	Tract Number	CLU/Field	Ir Pr	C/C	Var/Type	Int Use	C/C Stat	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt	Unt
		14	Ir	CRP		10	I	A	147.79		Y	04-01-1998	1.0000	FOSTER COMPANY PTR		
		15	Ir	CRP		10	I	A	107.83		Y	04-01-1998	1.0000	FOSTER COMPANY PTR		
		16	Ir	CRP		10	I	A	123.49		Y	04-01-1998	1.0000	FOSTER COMPANY PTR		
		12	Ir	GRASS NAG	Graze		I	A	128.70		Y		1.0000	FOSTER COMPANY PTR		
Photo Number/Legal Description:		9406 J14,J15,K14,K15 30,31,6,20,21,29,32 4-35														
Cropland:		2452.3		Farmland:		2890.0										
2102	9408	1	Ni	GRASS NAG	Graze		I	A	78.10		Y		1.0000	FOSTER COMPANY PTR		
Photo Number/Legal Description:		9408 K14 28-4-35														
Cropland:		78.1		Farmland:		79.0										
2420	1203	1	Ni	ALFAL	Forage		I	A	6.59		Y	04-15-2000	1.0000	FOSTER COMPANY PTR		
		2	Ir	BARLY SPR	Grain		I	A	58.29		Y	04-13-2008	1.0000	FOSTER COMPANY PTR		
		3	Ni	ALFAL	Forage		I	A	4.84		Y	04-15-2000	1.0000	FOSTER COMPANY PTR		
	1204	1	Ir	BARLY SPR	Grain		I	A	64.32		Y	04-13-2008	1.0000	FOSTER COMPANY PTR		
Photo Number/Legal Descriptions:		1203 AA13 15-4-39 1204 AA14 15-16-4-39														
Cropland:		134.0		Farmland:		176.0										
3555	9703	1	Ni	CRP		1	I	A	1.57		Y		1.0000	FOSTER COMPANY PTR		
		2	Ir	GRASS NAG	Graze		I	A	5.57		Y		1.0000	FOSTER COMPANY PTR		
		5	Ni	CRP		1	I	A	4.18		Y		1.0000	FOSTER COMPANY PTR		
		6	Ir	CRP		2	I	A	6.05		Y		1.0000	FOSTER COMPANY PTR		
		7	Ir	WHEAT SMS	Grain		I	A	84.06		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		
		9	Ni	CRP		1	I	A	11.99		Y		1.0000	FOSTER COMPANY PTR		
		11	Ni	CRP		1	I	A	4.22		Y		1.0000	FOSTER COMPANY PTR		
		12	Ir	WHEAT SMS	Grain		I	A	61.49		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		
		14	Ir	WHEAT SMS	Grain		I	A	79.80		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		
		15	Ni	CRP		1	I	A	2.78		Y		1.0000	FOSTER COMPANY PTR		
		13	Ni	CRP		1	I	A	5.42		Y		1.0000	FOSTER COMPANY PTR		
		8	Ni	CRP		1	I	A	5.48		Y		1.0000	FOSTER COMPANY PTR		
		3	Ir	WHEAT SMS	Grain		I	A	22.79		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		
		4	Ir	WHEAT SMS	Grain		I	A	65.00		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		
		10	Ir	WHEAT SMS	Grain		I	A	64.01		Y	04-17-2008	1.0000	FOSTER COMPANY PTR		

Farm Number	Tract Number	C/U Field	Ir Pr	Var/ C/C	Int Type	Stat	C/C	Rpt Unit	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt
3565	9704	1	Ni	CRP		1	I	A	3.33		Y		1.0000	FOSTER COMPANY PTR	
		2	Ir	WHEAT SWS	Grain		I	A	34.02		Y	04-17-2008	1.0000	FOSTER COMPANY PTR	
		3	Ir	WHEAT SWS	Grain		I	A	1.48		Y	04-17-2008	1.0000	FOSTER COMPANY PTR	
Photo Number/Legal Descriptions: 9703 N14 29-4-36															
9704 N14 29-4-36															
Cropland: 459.3 Farmland: 480.0															

3797	10367	1	Ir	BARLY SPR	Grain		I	A	140.85		Y	04-15-2008	1.0000	FOSTER COMPANY PTR	
		1B	Ir	FALLOW			I	A	8.00		Y		1.0000	FOSTER COMPANY PTR	
		2	Ir	FALLOW			I	A	12.44		Y		1.0000	FOSTER COMPANY PTR	
		3	Ir	FALLOW			I	A	11.65		Y		1.0000	FOSTER COMPANY PTR	
		4	Ir	FALLOW			I	A	6.29		Y		1.0000	FOSTER COMPANY PTR	
		6	Ir	FALLOW			I	A	8.80		Y		1.0000	FOSTER COMPANY PTR	
		7A	Ir	WHEAT HRS	Grain		I	A	130.00		Y	04-10-2008	1.0000	FOSTER COMPANY PTR	
		7B	Ir	FALLOW			I	A	56.90		Y		1.0000	FOSTER COMPANY PTR	
		8	Ir	WHEAT HRS	Grain		I	A	122.74		Y	04-10-2008	1.0000	FOSTER COMPANY PTR	

Photo Number/Legal Description: 10367 22-4-35

Cropland: 632.4 Farmland: 640.0

C/C	Type	Prac	IU	Reported	Determined	C/C	Type	Prac	IU	Reported	Determined	C/C	Type	Prac	IU	Reported	Determine
ALFAL	N	FG		11.43		BARLY SPR	I	GR		326.14		GRASS NAG	I	GZ		200.72	
FALLOW	I			104.08		WHEAT HRS	I	GR		252.74		CRP	I	10		733.95	
GRASS NAG	N	GZ		78.10		CRP	I	I		463.40		CRP	N	1		39.97	
CRP	I	2		6.05		WHEAT SWS	I	GR		412.65							

PRODUCER'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Producer's Signature

Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.