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July 21, 2008

Idaho Department of Water Resources  
ATTN: Dave Carlson  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

**RECEIVED**

**JUL 22 2008**

Department of Water Resources  
Eastern Region

RE: Multiple Transfers Involving Foster Land & Cattle, Black Rock Partnership, Brad & Sharol Foster, and Lyle Soderquist.

Dear Dave:

Enclosed are a number of Applications for Transfer, and Notices of Change of Water Right Ownership, in relation to property owned by Foster Land & Cattle, Black Rock Partnership, Brad and Sharol Foster, and Lyle Soderquist. All of the entities are closely related, as they recently purchased portions of a Soderquist farm. As such, the parties have signed a blanket notarized consent document allowing for the changes which the transfer will make. The original of this blanket consent is enclosed with this letter.

**TRANSFER NO. 1.**

The first transfer is being made on behalf of Foster Land & Cattle Company. This entity recently purchased property from Thayne Gneiting, and the applicant desires to rearrange the place of use to better reflect how the property is now being irrigated and utilized. In addition, portions of some of the water rights on the Gneiting property are being transferred to property just to the south, to make up for acreage shortages on the property formerly owned by Lyle Soderquist. (This is discussed in Transfer No. 2 below). The enclosed GIS map perhaps depicts the changes we are requesting. Further, these water rights had a larger permissible place of use, and we have essentially done away with that larger permissible place of use to allow for the smaller actual place of use on the property. In addition, the parties intend to install a wiper pivot in Section 35 of T1N., R33E. In anticipation of the installation of this pivot, we have located a place of use at the approximate location of the wiper pivot. We should also point out that it appears from the 2006 aerial photo that there are acres which are covered by pivots on the property, but do not have authorized acres irrigating them. These acres are now currently in the set aside program, and at this point, desire to keep the place of use on these acres the same so that it does not jeopardize the CRP status. At the end of the day, we propose to have combined water rights to have a total place of use of 1,176 acres,

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which can all be irrigated through combined diversion points, combined diversion rates, and combined diversion volumes. As to this first transfer, we have enclosed a filing fee of \$810.00.

#### **TRANSFER NO. 2.**

Transfer No. 2 proposes to make a combined place of use, with combined diversion points and combined diversion rates and volumes, for property formerly owned by Lyle Soderquist. The former Soderquist property was recently purchased by two entities: Brad and Sharol Foster, and Black Rock Partnership, which is managed by Brad and Sharol Foster's daughter. We have enclosed a Notice of Change of Water Right Ownership for the Black Rock portion of the property, which splits two water rights, and entirely deeds two other water rights to Black Rock. For purposes of Transfer No. 2, we have included the entirety of Water Right No. 35-13688 and 35-13686 to be transferred, even though a Notice of Change of Water Right Ownerships further splitting these water rights down have not been filed until now. The changes being made under this transfer are necessary in order to cover what appear to be unauthorized acres with the installation of some center pivots on the property. Additionally, due to changes in irrigation practices, there were some acres that were authorized for irrigation, but have not been irrigated since the recent purchase by Brad and Sharol Foster and Black Rock Partnership. Brad and Sharol Foster also intend to install a center pivot in Section 1 of T1S., R33E., (the E½), and the W½ of Section 6, T1S., R43E. A portion of some water rights from the Gneiting property, which is located straight north of this property, is necessary in order to fill in all of the acres currently being irrigated. We have enclosed a check in the amount of \$1,150.00 for this transfer application.

#### **TRANSFER NO. 3.**

The third and final transfer application is being filed on behalf of Lyle Soderquist. The transfer is necessary in order for Lyle to cover approximately 50 acres of irrigated land next to his home west of Blackfoot. Portions of two water rights owned by Mr. Soderquist, Water Right Nos. 35-7897A and 35-8130, also need to have Notices of Change of Water Right Ownership filed, which we are also providing along with this transfer. In addition, a portion of Water Right No. 35-7779, which is currently owned by Foster Land & Cattle Company is being transferred down to the new place of use. We have enclosed a copy of the ESPA Transfer Tool Analysis, and as shown in this analysis, approximately two acres of Water Right No. 35-7779 need to be dried up for mitigation purposes.

We have taken great care in drafting these Transfer Applications, and believe they comport with the standard IDWR transfer processing procedures and policies. We anticipate that the shape

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files for the new places of use will be requested by the Department, and we are happy to provide them to you upon your request when you being processing these transfer applications.

If you have any questions or concerns, please let us know. We appreciate your attention to this matter.

Best Regards,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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