

Form 222
1-87**AMENDED**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Brad & Sharol Foster Phone (208) 538-5172
 Applicant's Address: PO Box 40, Ririe, ID 83413 Applicant's Email: _____
 Attorney Name: Robert L. Harris Attorney Email: rharris@holdenlegal.com Phone (208) 523-0620
 Attorney PO address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes To rearrange the irrigated acres of the following water rights to create a combined place of use, and to also combine all of the points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>35-13686*</u>	<u>6/14/1965</u>	<u>6.2 cfs/2016 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13688*</u>	<u>6/14/1965</u>		<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13687</u>	<u>3/06/1953</u>	<u>0.75 cfs/244 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13689</u>	<u>3/06/1953</u>		<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2244</u>	<u>9/15/1952</u>	<u>4.0 cfs/840 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2358</u>	<u>12/10/1953</u>	<u>5.0 cfs/1000 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2503B(Portion)</u>	<u>5/06/1957</u>	<u>0.40 cfs/112.8 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-7779 (Portion)</u>	<u>5/01/1980</u>	<u>2.64 cfs/1084 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13683</u>	<u>4/03/1967</u>	<u>3.43 cfs/940 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13685</u>		<u>3.51 cfs</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13682</u>	<u>4/03/1967</u>	<u>2.64 cfs/1084 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13684</u>			<u>Irrigation</u>	<u>04/01 to 10/31</u>

*Both the Lyle Soderquist portion and Black Rock Portions of these rights (a Notice of Change of Water Right Ownership has been filed in conjunction with this transfer application).

2. Total amount of water being transferred 25.93 cubic feet per second and/or 6,112.8 acre-feet per annum.
3. Source of water Groundwater Tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	SE	SE	NW	2	1S	33E	BINGHAM	
	NW	NE	NW	12	1S	33E	BINGHAM	
	NW	NW	NW	7	1S	34E	BINGHAM	
		SE	SE	6	1S	34E	BINGHAM	
		NE	NE	11	1S	33E	BINGHAM	

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5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	33E	1			0.8	29					21	38	37	32	36	1.4	3		198.2
		2			23					16	32			7	28	40	38	28	212
		11	40	34	40	40									40	40	35	40	309
		12	31	29	39	30	39			40	40			40	30	40	40	30	588
1S	34E	6							18		40	23		40	~~24~~ 40	13	31	~~205~~ 165	
		7	36	34	34	35	26	31	30			30	31						287

Total Acres 1739.2

6. General Information:

- a. Description of diversion system Well and pumps
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ No ☐ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
All water rights could be used within the 1759.2 acre place of use identified.
- d. Remarks:
This transfer proposes to create a combined place of use for the eight listed water rights. The first six water rights listed are already appurtenant to the existing place of use, and therefore, there is no change in point of diversions. The portions of Water Right Nos. 35-2503B and 35-7779 are being transferred from lands that are directly north of the proposed place of use. Our analysis using the ESPA transfer tool indicates that the point of diversion changes are negligible, and therefore no mitigation is required. The transfer is necessary to cover unauthorized acres for irrigation, rearrange the exiting place of use, and to further allow the placement of an additional pivot on the property. The combined place of use for all water rights equals 1,759.2 acres. For each listed water right, we request the current individual acre limitations be listed on each water right as follows. Water Right Nos. 35-13686 and 35-13688 are authorized for the irrigation of 504 acres; Water Right Nos. 35-13687 and 35-13689 are limited to 61 acres; Water Right No. 35-2244 is limited to the irrigation of 210 acres; Water Right No. 35-2358 is limited to the irrigation of 250 acres; the portion of Water Right No. 35-2503B identified be limited to the irrigation of 28.2 acres; the portion of Water Right No. 35-7779 identified be limited to the irrigation of 271 acres; and Water Right Nos. 35-13683, 35-13685, 35-13682, and 35-13684 be limited to the irrigation of 435 acres. All of the individual acre limitations add up to a total of 1,759.2 acres. This transfer is one of three transfers being filed simultaneously on behalf of Brad and Sharol Foster and Lyle Soderquist. Both applicants, along with a related entity with water rights to be changed, Black Rock Partnership, have reviewed all of the transfers, and consent to the changes to be made.

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ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2008.

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount 0.40cfs/112.8 afa for Irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Tw.	Rge.	County	Local name for diversion
	NW	SW	SW	36	1N	33E	BINGHAM	

3. Lands irrigated or place of use:

Tw.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	36			18	8	2.2												28.2

Total Acres 28.2**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)***Remainder is part of another transfer**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Tw.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Tw.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

*(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM*

35-7779**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____.
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount 2.67 cfs/1100 afa for Irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SW	36	1N	33E	BINGHAM	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	35				2									37			18	57
		36	9	16	38	8	7	7		37	39	40	9	4					214

Total Acres 271**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)****Remainder is part of another transfer**

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

- A. Draw a map or attach a USGS map indication the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

A grid map with a central label "SEE ATTACHED MAP". The grid is composed of solid and dashed lines. The label is centered within a rectangular area defined by solid lines. The grid extends to the edges of the page.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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B. CHANGES IN NATURE OF USE

- | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|--|
| <u>N/A</u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
- Quantity and quality of return flows and location of discharge:
N/A
- Describe effects on other water uses resulting from the proposed change:
N/A

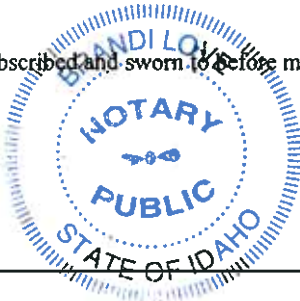
I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert L. Harris
Signature

ROBERT L. HARRIS, ATTORNEY
Print Name, including title

Subscribed and sworn to before me this 23rd day of March, 2009.



Bianchi Lopez
Notary Public for Idaho
Residing at: Idaho Falls ID
My Commission Expires 4-12-2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

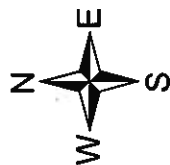
Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

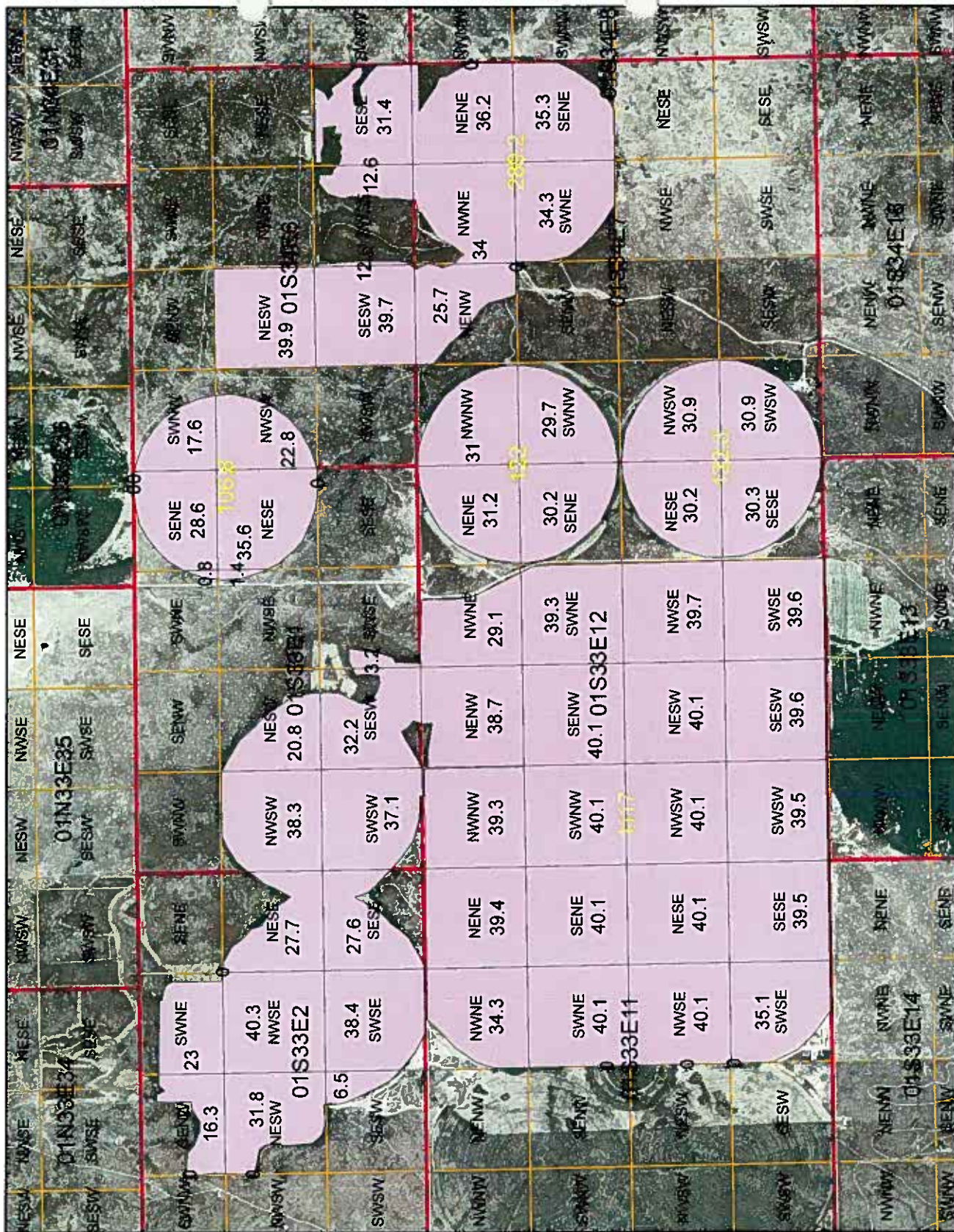
Copy of transfer sent to lien holder _____

BRAD AND SHAROL FOSTER TRANSFER (AMENDED)



Legend

- Final_POU_qq
- gcdb_sections
- gcdb_qq
- Final_POU



0 0.15 0.3 0.6 Miles

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo

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STATE OF IDAHO)
)ss
County of Bingham)

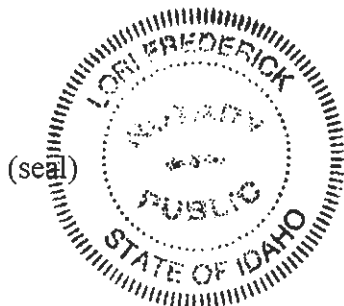
I, Krista Soderquist, understand that my consent is needed to the three applications for transfer submitted for water rights owned by my husband, Lyle Soderquist, and water rights owned by Brad and Sharol Foster, Foster Land & Cattle, Co., and Black Rock Partnership. The parties have been working together and coordinating these transfers, and I consent to the movement of these water rights upon or from our respective properties as requested in the transfer applications. Additionally, Lyle and myself hold a mortgage on some of the property and water rights involved in the above transfers, and I hereby agree with the proposed changes.

Krista Soderquist
Krista Soderquist

STATE OF IDAHO)
)ss.
County of Bingham)

On this 2 day of ~~November~~ ^{February 2009}, 2008, before me a notary public in and for said State, personally appeared Krista Soderquist, known or identified to me (or proved to me on the oath of Lyle Soderquist) to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Lori Frederick
Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires: 8-16-2010

Form 222
1-87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Brad & Sharol Foster Phone (208) 538-5172
 Applicant's Address: PO Box 40, Ririe, ID 83413 Applicant's Email: _____
 Attorney Name: Robert L. Harris Attorney Email: rharris@holdenlegal.com Phone (208) 523-0620
 Attorney PO address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes To rearrange the irrigated acres of the following water rights to create a combined place of use, and to also combine the all of the points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>35-13686*</u>	<u>6/14/1965</u>	<u>6.2 cfs/2016 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13688*</u>	<u>6/14/1965</u>		<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13687</u>	<u>3/06/1953</u>	<u>0.75 cfs/244 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13689</u>	<u>3/06/1953</u>		<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2244</u>	<u>9/15/1952</u>	<u>4.0 cfs/840 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2358</u>	<u>12/10/1953</u>	<u>5.0 cfs/1000 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-2503B(Portion)</u>	<u>5/06/1957</u>	<u>0.53 cfs/148 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-7779 (Portion)</u>	<u>5/01/1980</u>	<u>2.64 cfs/1084 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13683</u>	<u>4/03/1967</u>	<u>3.43 cfs/940 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13685</u>			<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13682</u>	<u>4/03/1967</u>	<u>2.64 cfs/1084 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
	<u>35-13684</u>			<u>Irrigation</u>	<u>04/01 to 10/31</u>

*Both the Lyle Soderquist portion and Black Rock Portions of these rights (a Notice of Change of Water Right Ownership has been filed in conjunction with this transfer application).

2. Total amount of water being transferred 26.06 cubic feet per second and/or 6148 acre-feet per annum.
3. Source of water Groundwater Tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	SE	SE	NW	2	1S	33E	BINGHAM	
	NW	NE	NW	12	1S	33E	BINGHAM	
	NW	NW	NW	7	1S	34E	BINGHAM	
		SE	SE	6	1S	34E	BINGHAM	
		NE	NE	11	1S	33E	BINGHAM	

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 JUL 22 2008
 Department of Water Resources
 Eastern Region

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5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	33E	1			0.8	29					21	38	37	32	36	1.4	3		198.2
		2			23					16	32			7	28	40	38	28	212
		11	40	34	40	40									40	40	35	40	309
		12	31	29	39	30	39			40	40			40	30	40	40	30	588
1S	34E	6							18		40	23		40		8.8	13	31	173.8
		7	36	34	34	35	26	31	30			30	31						287

Total Acres 1768

6. General Information:

- a. Description of diversion system Well and pumps
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ No ☐ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
All water rights could be used within the 1768 acre place of use identified.
- d. Remarks:

This transfer proposes to create a combined place of use for the eight listed water rights. The first six water rights listed are already appurtenant to the existing place of use, and therefore, there is no change in point of diversions. The portions of Water Right Nos. 35-2503B and 35-7779 are being transferred from lands that are directly north of the proposed place of use. Our analysis using the ESPA transfer tool indicates that the point of diversion changes are negligible, and therefore no mitigation is required. The transfer is necessary to cover unauthorized acres for irrigation, rearrange the exiting place of use, and to further allow the placement of an additional pivot on the property. The combined place of use for all water rights equals 1,768 acres. For each listed water right, we request the current individual acre limitations be listed on each water right as follows. Water Right Nos. 35-13686 and 35-13688 are authorized for the irrigation of 504 acres within the 1,333 acre place of use; Water Right Nos. 35-13687 and 35-13689 are limited to 61 acres; Water Right No. 35-2244 is limited to the irrigation of 210 acres; Water Right No. 35-2358 is limited to the irrigation of 250 acres; the portion of Water Right No. 35-2503B identified be limited to the irrigation of 37 acres; the portion of Water Right No. 35-7779 identified be limited to the irrigation of 271 acres; and Water Right Nos. 35-13683, 35-13685, 35-13682, and 35-13684 be limited to the irrigation of 435 acres. All of the individual acre limitations add up to a total of 1,768 acres. This transfer is one of three transfers being filed simultaneously on behalf of Brad and Sharol Foster and Lyle Soderquist. Both applicants, along with a related entity with water rights to be changed, Black Rock Partnership, have reviewed all of the transfers, and consent to the changes to be made.

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/10/2008

WATER RIGHT NO. 35-13686

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544

Priority Date: 06/14/1965

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	10/30	6.2 CFS	
Total Diversion			6.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County

IRRIGATION Use:

Acre Limit: 439

Place(s) of use:

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Place of Use Legal Description: IRRIGATION BINGHAM County

74 98 0

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		NESW	25		NWSW	40		SWSW	40		SESW	35
		2	2	SWNE	30	1	SENE	15						
			3	SENE	14									
				NESW	30		SESW	7						
				NESE	31		NWSE	40		SWSE	38		SESE	28
		12		NENW	38		SENE	33						
				NWSE	30		SWSE	30						

Total Acres: 504

Conditions of Approval:

1.	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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-13688 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 504 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 391.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.		RIGHT NO. 35-13688 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		USE OF THIS RIGHT WITH RIGHT NO. 35-13688 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.20 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2016 AF.
6.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

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Close

74980

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/10/2008

WATER RIGHT NO. 35-13688

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544

Priority Date: 03/06/1953

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	10/31	2.25 CFS	
Total Diversion			2.25 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County

IRRIGATION Use:

Acre Limit: 126

Place(s) of use:

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Place of Use Legal Description: IRRIGATION BINGHAM County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	1		NESW	25		NWSW	40		SWSW	40		SESW	35
		2	2	SWNE	30	1	SENE	15						
			3	SENE	14									
				NESW	30		SESW	7						
				NESE	31		NWSE	40		SWSE	38		SESE	28
		12		NENW	38		SENE	33						
				NWSE	30		SWSE	30						

Total Acres: 504

Conditions of Approval:

1.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-13686 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 504 ACRES IN A SINGLE IRRIGATION SEASON.
2.	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.
3.		RIGHT NO. 35-13686 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		USE OF THIS RIGHT WITH RIGHT NO. 35-13686 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.20 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2016 AF.
6.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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

74 98 0

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Close

74980

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/10/2008

WATER RIGHT NO. 35-13687

Owner Type	Name and Address
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER
	PO BOX 40
	RIRIE, ID 83443
	(208)538-5172

Priority Date: 06/14/1965

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/30	0.75 CFS	
Total Diversion			0.75 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County

IRRIGATION Use:

Acre Limit: 439

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74 98 0

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	12		NESW	39		SESW	22						

Total Acres: 61

Conditions of Approval:

1.		RIGHT NO. 35-13689 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-13689 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 61 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-13689 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.75 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 244 AF.
4.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
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.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/11/2008

WATER RIGHT NO. 35-13689

Owner Type	Name and Address
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER
	PO BOX 40
	RIRIE, ID 83443
	(208)538-5172

Priority Date: 03/06/1953

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.27 CFS	
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW Lt 3	Sec. 02	Township 01S	Range 33E	BINGHAM County
GROUND WATER	NWNENW	Sec. 12	Township 01S	Range 33E	BINGHAM County

IRRIGATION Use:

Acre Limit: 126

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74 98 0

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	12		NESW	39		SESW	22						

Total Acres: 61

Conditions of Approval:

1.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	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.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-13687 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.75 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 244 AF.
4.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-13687 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 61 ACRES IN A SINGLE IRRIGATION SEASON.
6.		RIGHT NO. 35-13687 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/20/2007

WATER RIGHT NO. 35-2244

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	WILLARD S WRAY RT 5 BOX 15 BLACKFOOT, ID 83221
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	JUDD G CRAMER
Original Owner	PAULINE CRAMER 988 S 55 W IDAHO FALLS, ID 83402 (208)528-0188

Priority Date: 09/05/1952

Basis: Decreed

Status: Active

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Source **Tributary**
GROUND WATER

74980

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	4 CFS	840 AFA
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWNW|Sec. 07|Township 01S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	12		NENE	33		NWNE	5		SENE	18			
				NESE	25		SESE	17						
	34E	7	1	NWNW	21	2	SWNW	34						
				NESW	5	3	NWSW	32	4	SWSW	20			

Total Acres: 210

Conditions of Approval:

1. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

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Close

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/20/2007

WATER RIGHT NO. 35-2358

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	WILLARD S WRAY RT 5 BOX 15 BLACKFOOT, ID 83221
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	JUDD G CRAMER
Original Owner	PAULINE CRAMER 988 S 55 W IDAHO FALLS, ID 83402 (208)528-0188

Priority Date: 12/10/1953

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

74 98 0

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	5 CFS	1000 AFA
Total Diversion			5 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESE|Sec. 06|Township 01S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
01S	34E	6		NESW	40		SESW	40						
				SWSE	10		SESE	27						
		7		NENE	32		NWNE	12		SWNE	33		SENE	35
				NENW	21									

Total Acres: 250

Conditions of Approval:

1. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/10/2008

WATER RIGHT NO. 35-2503B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999

Priority Date: 05/06/1957

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	4/01	11/01	1.97 CFS	
Total Diversion			1.97 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 36	Township 01N	Range 33E	BINGHAM County
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IRRIGATION Use:

Acre Limit: 137

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	33E	35		SENE	2									
				NESE	37		SESE	18						
		36		NENE	9		NWNE	16		SWNE	38		SENE	8
				NENW	7		SWNW	7		SENE	37			
				NESW	39		NWSW	40		SWSW	39		SESW	39
				NESE	20		NWSE	38		SWSE	32		SESE	20

Total Acres: 446

Conditions of Approval:

1.	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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-07779 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1784 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-07779 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 446 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		RIGHT NO. 35-07779 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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:

74 98 0

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

*(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM*

35-2503B**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____.
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

1. amount 0.53cfs/148 afa for Irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SW	36	1N	33E	BINGHAM	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	36			18	8	7	4											37

Total Acres 37

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

Remainder is part of another transfer

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/11/2008

WATER RIGHT NO. 35-7779

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999

Priority Date: 05/01/1980

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	4/01	11/01	2.93 CFS	
Total Diversion			2.93 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 36	Township 01N	Range 33E	BINGHAM County
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IRRIGATION Use:

Acre Limit: 301

74980

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

74 98 0

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	33E	35		SENE	2									
				NESE	37		SESE	18						
		36		NENE	9		NWNE	16		SWNE	38		SENE	8
				NENW	7		SWNW	7		SENE	37			
				NESW	39		NWSW	40		SWSW	39		SESW	39
				NESE	20		NWSE	38		SWSE	32		SESE	20

Total Acres: 446

Conditions of Approval:

1.	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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-02503B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1784 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-02503B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 446 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 301 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C06	PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
5.		RIGHT NO. 35-02503B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date: 3/1/1978

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 3/21/1983

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

74 98 0

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

*(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM*

35-7779

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____.
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

1. amount 2.67 cfs/1100 afa for Irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SW	36	1N	33E	BINGHAM	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	35				2									37			18	57
		36	9	16	38	8	7	7		37	39	40	9	4					214

Total Acres 271

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

Remainder is part of another transfer

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

page 23 of 33

74 98 0

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/11/2008

WATER RIGHT NO. 35-13682

Owner Type	Name and Address
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544

Priority Date: 04/03/1967

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/30	3.51 CFS	
Total Diversion			3.51 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
--------------	------	---------	--------------	-----------	----------------

IRRIGATION Use:

Acre Limit: 435

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

74 98 0

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	11		NENE	40		NWNE	40		SWNE	40		SENE	40
		12		NWNW	40		SWNW	40						

Total Acres: 240

Conditions of Approval:

1.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 219.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-13684 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.
4.		RIGHT NO. 35-13684 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NO. 35-13684 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
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.
6.		USE OF THIS RIGHT WITH RIGHT NO. 35-13684 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.51 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 960 AF.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/11/2008

WATER RIGHT NO. 35-13683

Owner Type	Name and Address
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER
	PO BOX 40
	RIRIE, ID 83443
	(208)538-5172

Priority Date: 04/03/1967

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/30	3.43 CFS	
Total Diversion			3.43 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
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IRRIGATION Use:

Acre Limit: 435

Place(s) of use:

74980

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74980

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	11		NESE	40		NWSE	40		SWSE	37		SESE	39
		12		NWSW	40		SWSW	39						

Total Acres: 235

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 35-13685 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.43 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	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.
4.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 215.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-13685 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
5.		RIGHT NO. 35-13685 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NO. 35-13685 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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

74980

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/14/2008

WATER RIGHT NO. 35-13684

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 (208)624-4544

Priority Date: 04/01/1971

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	10/31	0.3 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
--------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
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01S	33E	11	NENE	40	NWNE	40	SWNE	40	SENE	40
		12	NWNW	40	SWNW	40				

Total Acres: 240

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 35-13682 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.51 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 960 AF.
2.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-13682 PURSUANT TO SECTION 42-1426, IDAHO CODE.
3.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4.		USE OF THIS RIGHT WITH RIGHT NO. 35-13682 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.
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.
6.		RIGHT NO. 35-13682 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

74980

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/14/2008

WATER RIGHT NO. 35-13685

Owner Type	Name and Address
Current Owner	BRAD FOSTER
Current Owner	SHAROL FOSTER
	PO BOX 40
	RIRIE, ID 83443
	(208)538-5172

Priority Date: 04/01/1971

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.29 CFS	
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 11	Township 01S	Range 33E	BINGHAM County
--------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

74980

Page 30 of 33

74980

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	11		NESE	40		NWSE	40		SWSE	37		SESE	39
		12		NWSW	40		SWSW	39						

Total Acres: 235

Conditions of Approval:

1.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-13683 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-13683 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.43 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF.
4.		RIGHT NO. 35-13683 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
5.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-13683 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.	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: 02/25/2002

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: And/Or

Water District Number:

Generic Max Rate per Acre:

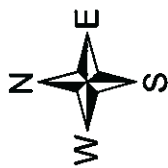
Generic Max Volume per Acre:

74980

BRAD AND SHAROL FOSTER TRANSFER

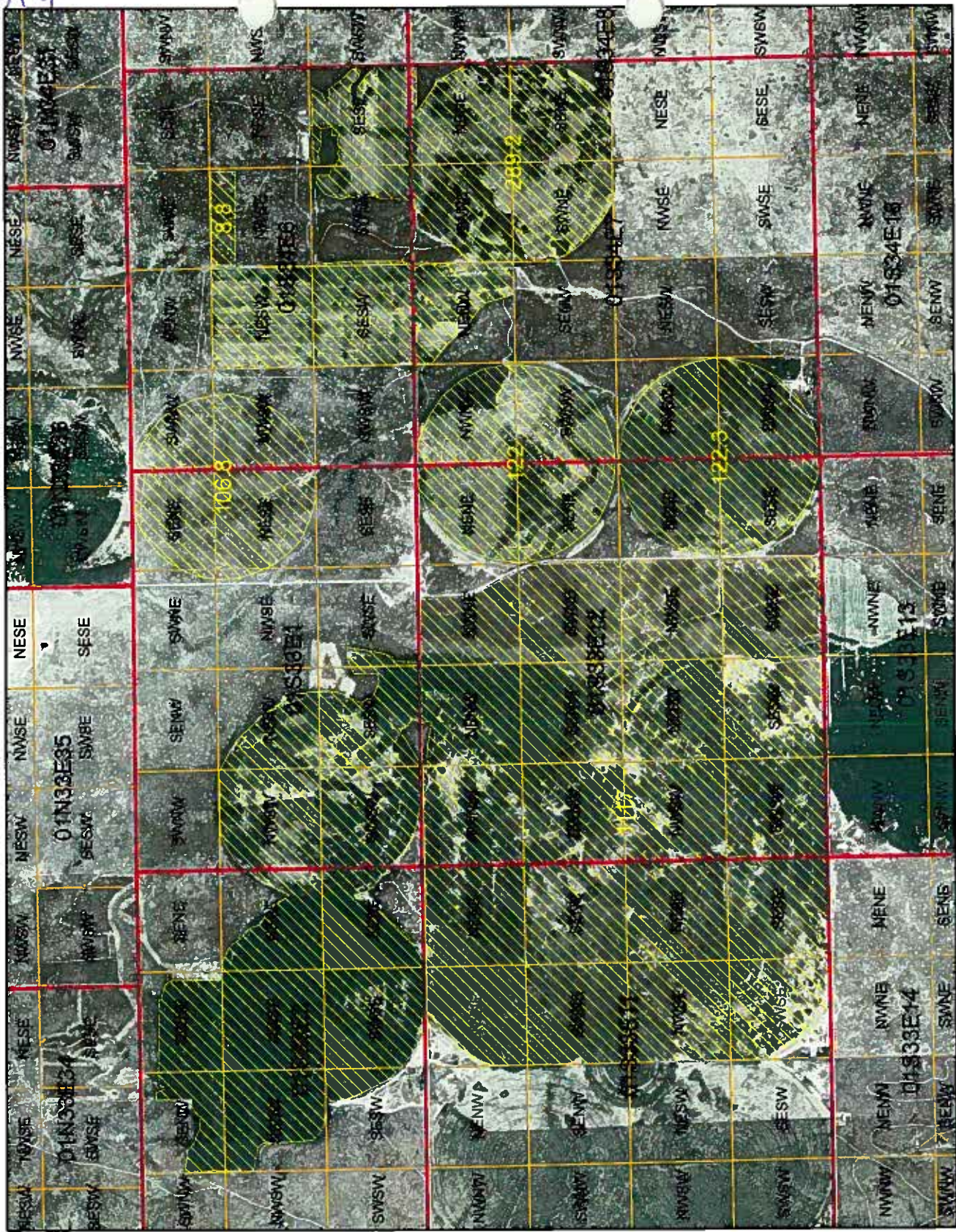
page 31 of 3

74 98 0



Legend

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- gcdb_qq
- Final_POU

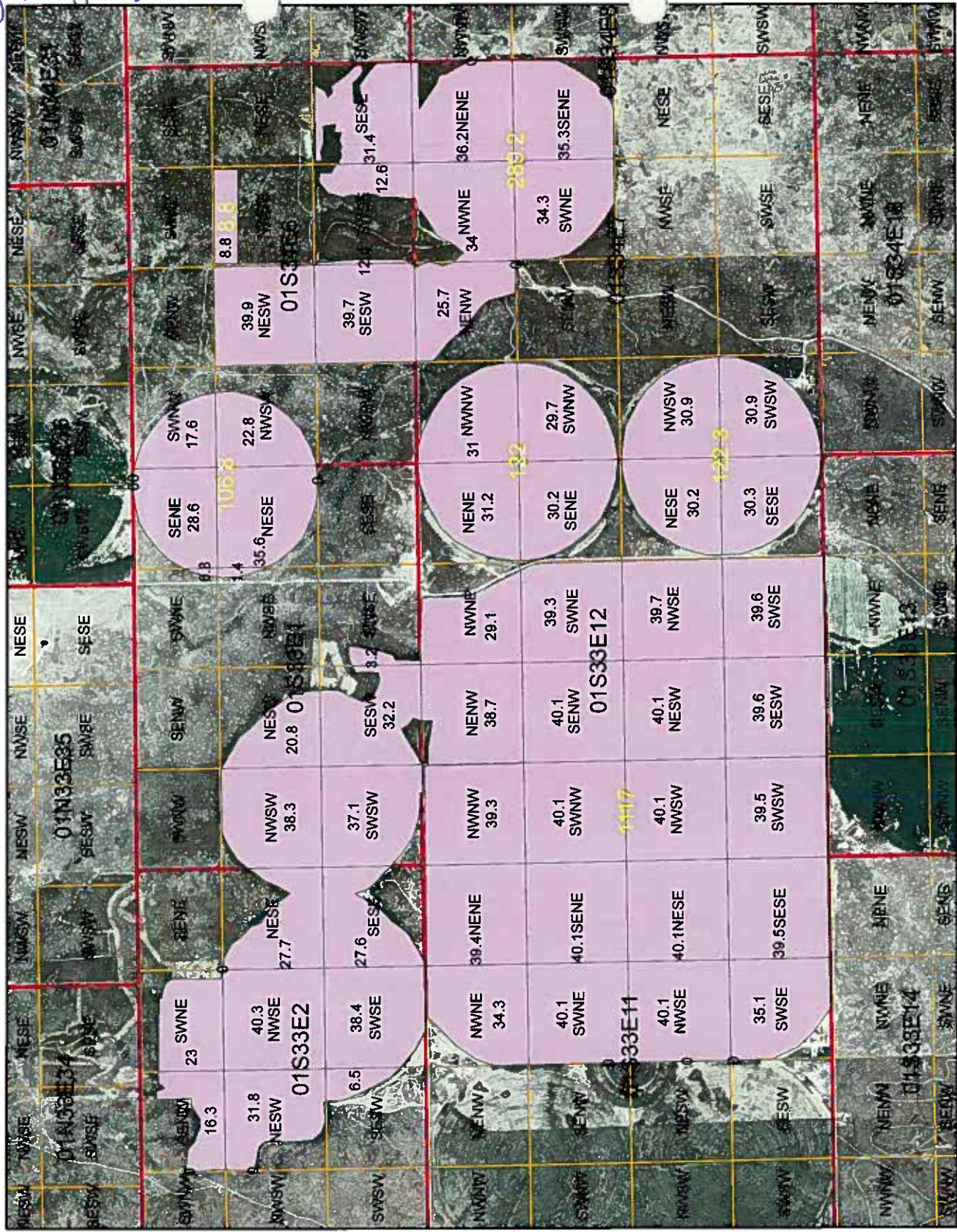
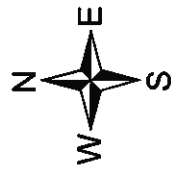


Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo

74 98 0

pag 32 & 33

24980



Legend

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gcdb_sections
gcdb_qq
Final_POU

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo

B. CHANGES IN NATURE OF USE

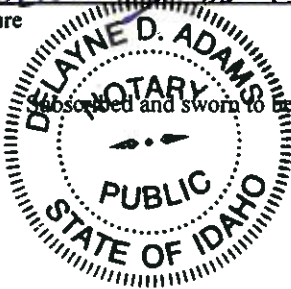
- | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|--|
| <u>N/A</u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
- Quantity and quality of return flows and location of discharge:
N/A
- Describe effects on other water uses resulting from the proposed change:
N/A

I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Signature

Print Name, including title



Subscribed and sworn to before me this 18 day of July, 2008.

Notary Public for

Residing at:

My Commission Expires

BRAD FOSTER, MANAGING PARTNER

Delayne D. Adams
Idaho
Jefferson River
9/13/2010

FOR DEPARTMENT USE ONLY

Transfer contains 33 pages and 7 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 1150 - E034271

Received by _____ Date 7/23/08

Published in Morning News Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

MIWT 2207040735

302-0709846-S

Instrument # 581748

BINGHAM COUNTY

2007-06-11

11:33:13 No. of Pages: 2

Recorded for : ALLIANCE TITLE AND ESCROW

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy *MS*

WARRANTY DEED

LYLE SODERQUIST and KRISTA SODERQUIST, husband and wife, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

BLACK ROCK PARTNERSHIP, an Idaho General Partnership, as GRANTEE,whose address is P. O. Box 244 Ririe, Idaho 83443, and Grantee's successors and assigns, all of the following described real property to-wit:

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

SUBJECT TO the 2007 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

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

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

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

Dated: May 22, 2007*Lyle Soderquist*
Lyle Soderquist*Krista Soderquist*
Krista Soderquist

STATE OF IDAHO)

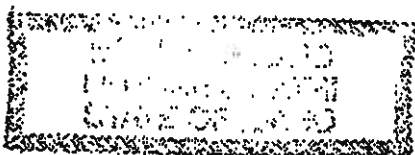
) ss

COUNTY OF BONNEVILLE)

On May 1, 2007, before me, the undersigned, personally appeared
Lyle Soderquist and Krista Soderquistknown or identified to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.*Donna J. Kott*

Notary Public for the State of Idaho

Commission Expiration Date: _____

Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09

74980

Tract A: Township 1 South, Range 33, East, Boise Meridian, Bingham County, Idaho
Section 11: NE $\frac{1}{4}$
Section 12: W $\frac{1}{2}$ NW $\frac{1}{4}$

Tract B: Township 1 South, Range 33, East, Boise Meridian, Bingham County, Idaho
Section 12: E $\frac{1}{2}$ NW $\frac{1}{4}$.

Instrument # 581748

BINGHAM COUNTY

2007-06-11 11:33:13 No. of Pages: 2
Recorded for : ALLIANCE TITLE AND ESCROW CORP.
SARA J. STAUB Fee: 6.00
Ex-Officio Recorder Deputy *dc*

74980

3020709808-5

WARRANTY DEED

LYLE SODERQUIST and KRISTA SODERQUIST, husband and wife, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
BRADLEY D. FOSTER and SHAROL A. FOSTER, husband and wife, as GRANTEE,
whose address is P. O. Box 40 Ririe, Idaho 83443, and Grantee's successors and assigns, all of the
following described real property, to-wit:

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

SUBJECT TO the 2007 and subsequent years general taxes and assessments, all existing patent reservations, easements,
right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and
regulations.

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

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

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

Dated: June 1, 2007

Lyle Soderquist
Lyle Soderquist
Krista Soderquist
Krista Soderquist

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss

On June 1, 2007 before me, the undersigned, personally
appeared
Lyle Soderquist and Krista Soderquist

known or identified to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.

[Signature]

Notary Public for the State of Idaho

Commission Expiration Date: _____

Instrument # 581764

BINGHAM COUNTY

2007-06-11

11:49:00 No. of Pages: 2

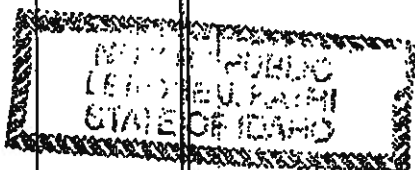
Recorded for: ALLIANCE TITLE AND ESCROW CORP.

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy [Signature]

Residing at Idaho Falls, Idaho
My Commission Expires: 01/01/09



Tract A: Township 1 South, Range 33, East, Boise Meridian, Bingham County, Idaho
Section 11: SE $\frac{1}{4}$
Section 12: W $\frac{1}{2}$ SW $\frac{1}{4}$

Tract B: Township 1 South, Range 33, East, Boise Meridian, Bingham County, Idaho
Section 12: E $\frac{1}{2}$ SW $\frac{1}{4}$.

Instrument # 581764

BINGHAM COUNTY

2007-06-11

11:49:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE AND ESCROW CORP.

SARA J. STAUB

Ex-Officio Recorder Deputy *AC* Fee: 6.00

mwj 2007040734
3020707866-5

Document # 581752

BINGHAM COUNTY

2007-06-11

11:37:13 No. of Pages: 3

Recorded for: ALLIANCE TITLE AND ESCROW CORP.

SARA J. STAUB

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

WARRANTY DEED

THIS INDENTURE is made this 1st day of June, 2007, by Lyle R. Soderquist and Krista Soderquist, husband and wife, referred to collectively as the Grantor, and Bradley D. Foster and Sharol A. Foster, husband and wife, the Grantee, whose mailing address is P. O. Box 40, Ririe, Idaho, 83443.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in Bingham County, Idaho, to-wit:

Tract A:

Township 1 South, Range 33, E.B.M., Bingham County, Idaho.

Section 12: E1/2E1/2, E1/2NW1/4NE1/4.

Township 1 South, Range 34, E.B.M., Bingham County, Idaho.

Section 6: E1/2SW1/4; S1/2SE1/4

Section 7: Lots 1, 2, 3, and 4; NE1/4; NE1/4NW1/4

Tract B:

Township 1 South, Range 33, E.B.M., Bingham County, Idaho.

Section 1: SE1/4SW1/4, Lot 4, W1/2SW1/4

Section 2: Lots 1, 2, 3, SE1/4, NE1/4SW1/4

Section 12: W1/2NW1/4NE1/4; SW1/4SE1/4

Section 12: NW1/4SE1/4

Township 1 North, Range 33, E.B.M. Bingham County, Idaho

Section 34: SE1/4SE1/4

Section 35: SW1/4SW1/4

EXCEPTING AND RESERVING TO THE UNITED STATES all the oil and gas in Lot 4, W1/2SW1/4 Section 1, NW1/4SE1/4 Section 12, Township 1 South, Range 33 E.B.M., and SE1/4SE1/4 Section 34; SW1/4SW1/4 Section 35, Township 1 North, Range 33 E.B.M., and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from

the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 U.S.C. 121-124.

Tract 3:

Township 1 South, Range 33, E.B.M., Bingham County, Idaho
Section 12: SW1/4NE1/4

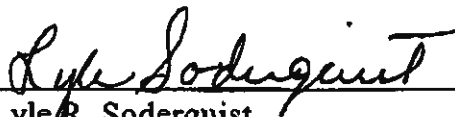
SUBJECT TO patent reservations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

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

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

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


Lyle R. Soderquist

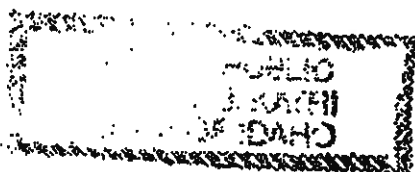

Krista Soderquist

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 15 day of June, 2007, before me the undersigned, a Notary Public, in and for said State, personally appeared Lyle R. Soderquist and Krista Soderquist, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(seal)



[Signature]

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires: _____

Residing at Idaho Falls, Idaho
My Commission Expires: 01/31/09

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Instrument # 581752

BINGHAM COUNTY

2007-06-11

11:37:13 No. of Pages: 3

Recorded for: ALLIANCE TITLE AND ESCROW CORP.

SARA J. STAUB

Fee: 9.00

Ex-Officio Recorder Deputy [Signature]

Consent

STATE OF IDAHO)
)ss
County of Bonneville)

We, the undersigned (Lyle Soderquist, Brad and Sharol Foster, Foster Land & Cattle, Co., and Black Rock Partnership), have reviewed the three (3) Applications for Transfer which are being submitted to the Idaho Department of Water Resources which involve our water rights. We have been working together and coordinating these transfers, and have reviewed them in detail, and consent to the movement of these water rights upon or from our respective properties as requested in the transfer applications. Additionally, Lyle Soderquist holds a mortgage on some of the property and water rights involved in the above transfers, and hereby agrees with the proposed changes.


Lyle Soderquist

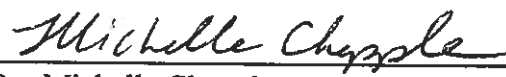

Brad Foster


Sharol Foster

FOSTER LAND & CATTLE CO.


By: Brad Foster
Its: Partner

BLACK ROCK PARTNERSHIP


By: Michelle Chapple
Its: Managing Partner

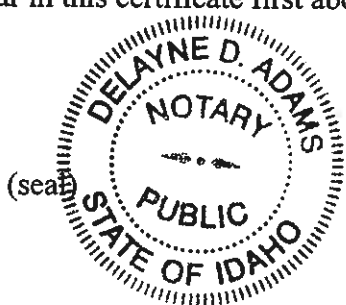
STATE OF IDAHO)

County of Jefferson)

)ss.

On the 18 day of July, 2008, before me the undersigned, a notary public in and for said State, personally appeared Brad Foster, known or identified to me to be one of the partners of Foster Land & Cattle Co., and the partner or one of the partners who subscribed his name to the foregoing instrument, and acknowledged to me that he executed the same in the name of Foster Land & Cattle, Co.

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



Delayne Adams
Notary Public for Idaho

Residing at Ririe, Idaho

My Commission Expires: 9/13/2010

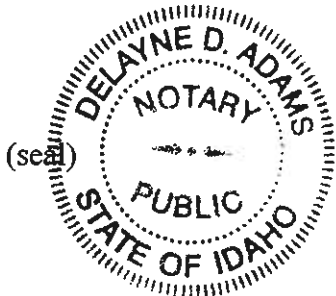
STATE OF IDAHO)

County of Jefferson)

)ss.

On the 18 day of July, 2008, before me the undersigned, a notary public in and for said State, personally appeared Michelle Chapple, known or identified to me to be one of the partners in the partnership of Black Rock Partnership and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she 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.



Delayne Adams
Notary Public for Idaho

Residing at Ririe, Idaho

My Commission Expires: 9/13/2010

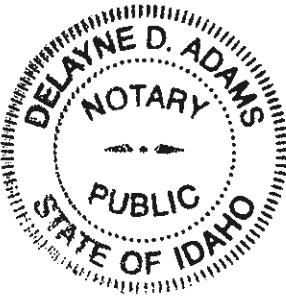
STATE OF IDAHO)

County of Jefferson)ss.

On this 18 day of July, 2008, before me a notary public in and for said State, personally appeared Lyle Soderquist, known or identified to me (or proved to me on the oath of Lyle Soderquist) to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(seal)



Delayne D. Adams
Notary Public for Idaho *Ririe*
Residing at Idaho Falls, Idaho
My commission expires: 9/13/2010

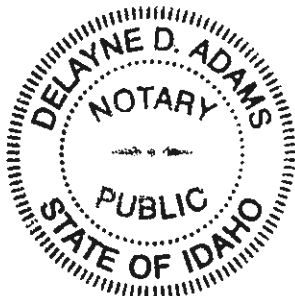
STATE OF IDAHO)

County of Jefferson)ss.

On this 18 day of July, 2008, before me a notary public in and for said State, personally appeared Brad and Sharol Foster, husband and wife, known or identified to me (or proved to me on the oath of Brad and Sharol Foster) to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(seal)



Delayne D. Adams
Notary Public for Idaho *Ririe*
Residing at Idaho Falls, Idaho
My commission expires: 9/13/2010