

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74979

This is to certify that: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE ID 83443

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-13547	WR/Decreed	03/20/1961	8.4 cfs	1721.2 af	430.3	986.6	GROUND WATER
35-13549	WR/Decreed	05/01/1980	4.1 cfs	1639.2 af	409.8	986.6	GROUND WATER
35-13551	WR/Decreed	05/06/1957	3.1 cfs	916 af	N/A	235.9	GROUND WATER
35-2503B	WR/Decreed	05/06/1957	1.97 cfs	N/A	137.0	416.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-13547	NO	NO	YES	YES	NO	NO
35-13549	NO	NO	YES	YES	NO	NO
35-13551	NO	NO	YES	YES	NO	NO
35-2503B	YES	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13547	35-13547	8.4 cfs	1721.2 af	430.3	1,184.8		N/A	N/A	N/A	N/A
35-13549	35-13549	4.1 cfs	1639.2 af	409.8	1,184.8		N/A	N/A	N/A	N/A
35-13551	35-13551	3.1 cfs	916 af	235.9	1,184.8		N/A	N/A	N/A	N/A
35-2503B	35-13954	1.57 cfs	435.2 af	108.8	1,184.8	35-13953	30.4 cfs	N/A	28.2	28.2
COMBINED										
TOTALS		13.07 cfs	4711.6 af	1184.8	1184.8		N/A	N/A	N/A	N/A

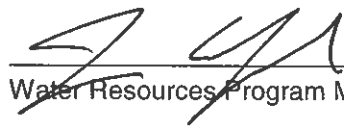
SUPPORT DATA

IN FILE # 35-2503B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74979

Detailed Water Right Description(s) attached

Dated this 27th day of July, 2010


Water Resources Program Manager



WATER RIGHT NO. 35-13953
As Modified by Transfer No. 74979

In accordance with the approval of Transfer No. 74979, Water Right No. 35-13953 is now described as follows.

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE ID 83443

Priority Date: May 06, 1957

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01 to 11/01

To

Diversion Rate

0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 36 Twp 01N Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	33E	36			18.0	8.0	2.2												28.2

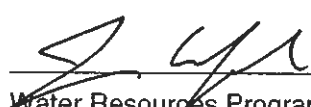
Total Acres: 28.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13953 and 35-13822 when combined shall not exceed a total annual maximum diversion volume of 1551.2 af at the field headgate, and the irrigation of 387.8 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager

WATER RIGHT NO. 35-13954
As Modified by Transfer No. 74979

In accordance with the approval of Transfer No. 74979, Water Right No. 35-13954 is now described as follows.

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE ID 83443

Priority Date: May 06, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.57 CFS	435.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 26 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NENENE	Sec. 27 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NWSWSW	Sec. 36 Twp 01N	Rge 33E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	33E	22	28.0	1.6	9.8	40.0									24.0	.8			104.2
01N	33E	23					2.4	29.0	40.0	12.0	10.1	25.0		5.5					124.0
01N	33E	26					38.0	23.0	40.0	26.0	17.0	40.0	24.0	5.0			38.0	22.0	273.0
01N	33E	27	23.0			23.0									24.0			14.0	84.0
01N	33E	34	.7			.2													.9
01N	33E	35	35.0	39.0	28.0	19.0	23.0	24.0	14.0	23.0									205.0
01N	33E	36	7.5	14.0	38.0	7.6	8.6		25.0	36.0	38.0	33.0	39.0	39.0	19.0	38.0	33.0	18.0	393.7

Total Acres: 1184.8

WATER RIGHT NO. 35-13954
As Modified by Transfer No. 74979

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13547, 35-13549, 35-13551 and 35-13954 when combined shall not exceed a total diversion rate of 13.07 cfs, a total annual maximum diversion volume of 4711.6 af at the field headgate, and the irrigation of 1184.8 acres.
3. 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.
4. 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. Prior to the diversion and use of water under Transfer approval 74979, 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. 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. 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. 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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10



Water Resources Program Manager

WATER RIGHT NO. 35-13547
As Modified by Transfer No. 74979

In accordance with the approval of Transfer No. 74979, Water Right No. 35-13547 is now described as follows.

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE ID 83443

Priority Date: March 20, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/01	8.40 CFS	1,721.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 26 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NENENE	Sec. 27 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NWSWSW	Sec. 36 Twp 01N	Rge 33E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	33E	22	28.0	1.6	9.8	40.0									24.0	.8			104.2
01N	33E	23					2.4	29.0	40.0	12.0	10.1	25.0		5.5					124.0
01N	33E	26					38.0	23.0	40.0	26.0	17.0	40.0	24.0	5.0			38.0	22.0	273.0
01N	33E	27	23.0			23.0									24.0			14.0	84.0
01N	33E	34	.7			.2													.9
01N	33E	35	35.0	39.0	28.0	19.0	23.0	24.0	14.0	23.0									205.0
01N	33E	36	7.5	14.0	38.0	7.6	8.6		25.0	36.0	38.0	33.0	39.0	39.0	19.0	38.0	33.0	18.0	393.7

Total Acres: 1184.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 430.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13547 and 35-13549 when combined shall not exceed a total diversion rate of 8.4 cfs, a total annual maximum diversion volume of 3360.4 af at the field headgate, and the irrigation of 840.1 acres.
3. Rights 35-13547, 35-13549, 35-13551 and 35-13954 when combined shall not exceed a total diversion rate of 13.07 cfs, a total annual maximum diversion volume of 4711.6 af at the field headgate, and the irrigation of 1184.8 acres.

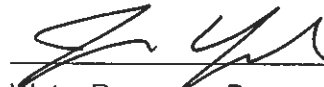
WATER RIGHT NO. 35-13547
As Modified by Transfer No. 74979

CONDITIONS OF APPROVAL

4. 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. 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.
6. 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. Prior to the diversion and use of water under Transfer approval 74979, 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.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. Right No. 35-13549 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. 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.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 2010



Water Resources Program Manager

WATER RIGHT NO. 35-13549
As Modified by Transfer No. 74979

In accordance with the approval of Transfer No. 74979, Water Right No. 35-13549 is now described as follows.

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE ID 83443

Priority Date: May 01, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.10 CFS	1,639.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 26 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NENENE	Sec. 27 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NWSWSW	Sec. 36 Twp 01N	Rge 33E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	33E	22	28.0	1.6	9.8	40.0									24.0	.8			104.2
01N	33E	23					2.4	29.0	40.0	12.0	10.1	25.0		5.5					124.0
01N	33E	26					38.0	23.0	40.0	26.0	17.0	40.0	24.0	5.0			38.0	22.0	273.0
01N	33E	27	23.0			23.0									24.0			14.0	84.0
01N	33E	34	.7			.2													.9
01N	33E	35	35.0	39.0	28.0	19.0	23.0	24.0	14.0	23.0									205.0
01N	33E	36	7.5	14.0	38.0	7.6	8.6		25.0	36.0	38.0	33.0	39.0	39.0	19.0	38.0	33.0	18.0	393.7

Total Acres: 1184.8

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 409.8 acres within the place of use described for this right.
2. Rights 35-13547 and 35-13549 when combined shall not exceed a total diversion rate of 8.4 cfs, a total annual maximum diversion volume of 3360.4 af at the field headgate, and the irrigation of 840.1 acres.
3. Rights 35-13547, 35-13549, 35-13551 and 35-13954 when combined shall not exceed a total diversion rate of 13.07 cfs, a total annual maximum diversion volume of 4711.6 af at the field headgate, and the irrigation of 1184.8 acres.
4. 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.

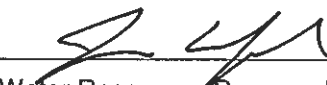
WATER RIGHT NO. 35-13549
As Modified by Transfer No. 74979

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 74979, 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. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. 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.
10. This right is based upon an enlargement of Right No. 35-13547 pursuant to Section 42-1426, Idaho Code.
11. 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.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager

WATER RIGHT NO. 35-13551
As Modified by Transfer No. 74979

In accordance with the approval of Transfer No. 74979, Water Right No. 35-13551 is now described as follows.

Right Holder: FOSTER LAND & CATTLE
 PO BOX 40
 RIRIE ID 83443

Priority Date: May 06, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.10 CFS	916.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 26 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NENENE	Sec. 27 Twp 01N	Rge 33E	BINGHAM County
GROUND WATER	NWSWSW	Sec. 36 Twp 01N	Rge 33E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	33E	22	28.0	1.6	9.8	40.0									24.0	.8			104.2
01N	33E	23					2.4	29.0	40.0	12.0	10.1	25.0		5.5					124.0
01N	33E	26					38.0	23.0	40.0	26.0	17.0	40.0	24.0	5.0			38.0	22.0	273.0
01N	33E	27	23.0			23.0									24.0			14.0	84.0
01N	33E	34	.7			.2													.9
01N	33E	35	35.0	39.0	28.0	19.0	23.0	24.0	14.0	23.0									205.0
01N	33E	36	7.5	14.0	38.0	7.6	8.6		25.0	36.0	38.0	33.0	39.0	39.0	19.0	38.0	33.0	18.0	393.7

Total Acres: 1184.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 235.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13547, 35-13549, 35-13551 and 35-13954 when combined shall not exceed a total diversion rate of 13.07 cfs, a total annual maximum diversion volume of 4711.6 af at the field headgate, and the irrigation of 1184.8 acres.
3. 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.
4. 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.

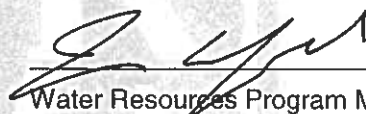
WATER RIGHT NO. 35-13551
As Modified by Transfer No. 74979

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 74979, 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. 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. 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. 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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager