

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75432

This is to certify that: FOSTER FAMILY FARMS INC
 3018 W 1700 S
 ABERDEEN ID 83210
 (208)397-5232

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>
35-7837C	WR/License	02/16/1979	2.59 cfs	600 af	N/A	150.0	GROUND WATER
35-8370B	WR/License	04/29/1985	1.44 cfs	448 af	112.0	192.0	GROUND WATER
35-13263	WR/Decreed	06/01/1981	0.36 cfs	N/A	N/A	338.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-7243	WR/Decreed	08/28/1972	5.57 cfs	1264 af	316.0	338.0	GROUND WATER
35-2758B	WR/Decreed	01/28/1965	1.58 cfs	320 af	80.0	192.0	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>
35-7837C	NO	NO	YES	NO	NO	NO
35-8370B	YES	NO	YES	NO	NO	NO
35-13263	NO	YES	YES	NO	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>
35-7837C	35-7837C	2.59 cfs	600 af	150.0	244.0		N/A	N/A	N/A	N/A
35-8370B	35-13890	0.93 cfs	288 af	72.0	244.0	35-13889	0.51 cfs	160 af	40.0	192.0
35-13263	35-13263	0.36 cfs	88 af	22.0	244.0		N/A	N/A	N/A	N/A
						35-7243	5.57 cfs	1264 af	N/A	316.0
						35-2758B	1.58 cfs	320 af	80.0	120.0
COMBINED										
TOTALS		3.52 cfs	976 af	244.0	244.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 35-7837C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75432

Detailed Water Right Description(s) attached

Dated this 31 day of August, 2009

for, Ernest Carlson
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13263
As Modified by Transfer No. 75432**

In accordance with the approval of Transfer No. 75432, Water Right No. 35-13263 is now described as follows.

Right Holder: FOSTER FAMILY FARMS INC
3018 W 1700 S
ABERDEEN ID 83210

Priority Date: June 01, 1981

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	0.36 CFS	88.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 8 Twp 06S Rge 30E 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	
06S	30E	8	30.0	30.0	30.0	30.0	31.0	31.0	31.0	31.0									244.0

Total Acres: 244

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 22 acres within the place of use described for this right.
2. Rights 35-7837C, 35-13263 and 35-13890 when combined shall not exceed a total diversion rate of 3.52 cfs and the irrigation of 244 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 75432, 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. 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.

WATER RIGHT NO. 35-13263
As Modified by Transfer No. 75432

CONDITIONS OF APPROVAL

8. This right is based upon an enlargement of Right No. 35-7837C and 35-13890 pursuant to Section 42-1426, Idaho Code.
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. The following rights are diverted through point(s) of diversion described above: 35-7837C, 35-13263 and 35-13890.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7837C
As Modified by Transfer No. 75432

In accordance with the approval of Transfer No. 75432, Water Right No. 35-7837C is now described as follows.

Right Holder: FOSTER FAMILY FARMS INC
 3018 W 1700 S
 ABERDEEN ID 83210

Priority Date: February 16, 1979

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	2.59 CFS	600.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 8 Twp 06S Rge 30E 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	
06S	30E	8	30.0	30.0	30.0	30.0	31.0	31.0	31.0	31.0									244.0

Total Acres: 244

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
2. Rights 35-7837C, 35-13263 and 35-13890 when combined shall not exceed a total diversion rate of 3.52 cfs and the irrigation of 244 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 75432, 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.

WATER RIGHT NO. 35-7837C
As Modified by Transfer No. 75432

CONDITIONS OF APPROVAL

7. 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.
8. Right No. 35-13263 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10. The following rights are diverted through point(s) of diversion described above: 35-7837C, 35-13263 and 35-13890.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.

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 31 day of August, 2009

Ernest Carlson
for. Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13889
As Modified by Transfer No. 75432

In accordance with the approval of Transfer No. 75432, Water Right No. 35-13889 is now described as follows.

Right Holder: FOSTER FAMILY FARMS INC
 3018 W 1700 S
 ABERDEEN ID 83210

Priority Date: April 29, 1985

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	0.51 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 5	Twp 06S	Rge 30E	BINGHAM County
GROUND WATER	NWNE	Sec. 8	Twp 06S	Rge 30E	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					
06S	30E	5																	30.0	30.0	30.0	30.0	120.0

Total Acres: 120

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
2. Rights 35-2758B and 35-13889 when combined shall not exceed a total diversion rate of 1.49 cfs, a total annual maximum diversion volume of 480 af at the field headgate, and the irrigation of 120 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

WATER RIGHT NO. 35-13889
As Modified by Transfer No. 75432

CONDITIONS OF APPROVAL

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13890
As Modified by Transfer No. 75432

In accordance with the approval of Transfer No. 75432, Water Right No. 35-13890 is now described as follows.

Right Holder: FOSTER FAMILY FARMS INC
 3018 W 1700 S
 ABERDEEN ID 83210

Priority Date: April 29, 1985

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	0.93 CFS	288.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 8 Twp 06S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	30E	8	30.0	30.0	30.0	30.0	31.0	31.0	31.0	31.0									244.0

Total Acres: 244

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 72 acres within the place of use described above in a single irrigation season.
2. Rights 35-7837C, 35-13263 and 35-13890 when combined shall not exceed a total diversion rate of 3.52 cfs and the irrigation of 244 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 75432, 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. 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.

WATER RIGHT NO. 35-13890
As Modified by Transfer No. 75432

CONDITIONS OF APPROVAL

8. Right No. 35-13263 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10. The following rights are diverted through point(s) of diversion described above: 35-7837C, 35-13263 and 35-13890.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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.

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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7243
As Modified by Transfer No. 75432

In accordance with the approval of Transfer No. 75432, Water Right No. 35-7243 is now described as follows.

Right Holder: DARLENE INSKEEP
 PO BOX 205
 ABERDEEN ID 83210

Priority Date: August 28, 1972

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	5.57 CFS	1,264.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 8 Twp 06S Rge 30E BINGHAM County
GROUND WATER	SWSE	Sec. 8 Twp 06S Rge 30E 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					
06S	30E	8																					
			40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0					316.0

Total Acres: 316

CONDITIONS OF APPROVAL

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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 31 day of August, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2758B
As Modified by Transfer No. 75432

In accordance with the approval of Transfer No. 75432, Water Right No. 35-2758B is now described as follows.

Right Holder: FOSTER FAMILY FARMS INC
 3018 W 1700 S
 ABERDEEN ID 83210

Priority Date: January 28, 1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	to 11/01	1.58 CFS	320.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 5	Twp 06S	Rge 30E	BINGHAM County
GROUND WATER	NWNE	Sec. 8	Twp 06S	Rge 30E	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					
06S	30E	5																	30.0	30.0	30.0	30.0	120.0

Total Acres: 120

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 35-2758B and 35-13889 when combined shall not exceed a total diversion rate of 1.49 cfs and a total annual maximum diversion volume of 480.0 af at the field headgate.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. The following rights are diverted through point(s) of diversion described above: 35-2758B, 35-13889.
5. 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.

WATER RIGHT NO. 35-2758B
As Modified by Transfer No. 75432

CONDITIONS OF APPROVAL

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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau