

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75094**

This is to certify that: FOSTER LAND & CATTLE CO
PO BOX 626
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>
35-13399	WR/Decreed	09/25/1973	12.41 cfs	2484 af	621.0	2,310.0	GROUND WATER
35-13401	WR/Decreed	09/25/1973	12.25 cfs	2452 af	613.0	2,310.0	GROUND WATER
35-13403	WR/Decreed	04/18/1974	1.55 cfs	308 af	77.0	2,310.0	GROUND WATER
35-13405	WR/Decreed	04/08/1975	12.41 cfs	2484 af	621.0	2,310.0	GROUND WATER
35-13407	WR/Decreed	05/23/1975	6.2 cfs	1240 af	310.0	2,310.0	GROUND WATER
35-7335B	WR/Decreed	10/10/1973	0.98 cfs	308 af	77.0	2,310.0	GROUND WATER
35-7628	WR/Decreed	07/27/1976	1.6 cfs	320 af	80.0	2,310.0	GROUND WATER
35-7509B	WR/Decreed	05/23/1975	1.58 cfs	316 af	79.0	2,310.0	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>
35-13399	NO	YES	YES	NO	NO	NO
35-13401	NO	YES	YES	NO	NO	NO
35-13403	NO	YES	YES	NO	NO	NO
35-13405	NO	YES	YES	NO	NO	NO
35-13407	NO	YES	YES	NO	NO	NO
35-7335B	NO	YES	YES	NO	NO	NO
35-7628	NO	YES	YES	NO	NO	NO
35-7509B	YES	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 35-7335B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75094

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-13399	35-13399	12.41 cfs	2484 af	621.0	1,980.0		N/A	N/A	N/A	N/A
35-13401	35-13401	12.25 cfs	2452 af	613.0	1,980.0		N/A	N/A	N/A	N/A
35-13403	35-13403	1.55 cfs	308 af	77.0	1,980.0		N/A	N/A	N/A	N/A
35-13405	35-13405	12.41 cfs	2484 af	621.0	1,980.0		N/A	N/A	N/A	N/A
35-13407	35-13407	6.2 cfs	1240 af	310.0	1,980.0		N/A	N/A	N/A	N/A
35-7335B	35-7335B	0.98 cfs	308 af	77.0	1,980.0		N/A	N/A	N/A	N/A
35-7628	35-7628	1.6 cfs	320 af	80.0	1,980.0		N/A	N/A	N/A	N/A
35-7509B	35-13844	1.34 cfs	268 af	67.0	1,980.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		17.01 cfs	7254 af	1980.0	1980.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7 day of May, 2009

Ernest Carlson
 for _____
 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13407
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13407 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: May 23, 1975

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	6.20 CFS	1,240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESW	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N 35E 16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N 35E 20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 29	33.0	33.0	33.0	33.0													132.0

Total 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 310 acres within the place of use described above in a single irrigation season.
2. Rights 35-13399, 35-13401, 35-13403, 35-13405 and 35-13407 when combined shall not exceed a total diversion rate of 15.29 cfs, a total annual maximum diversion volume of 6490.0 af at the field headgate, and the irrigation of 1980 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 acres.

WATER RIGHT NO. 35-13407
As Modified by Transfer No. 75094

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. Prior to the diversion and use of water under Transfer approval 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13405
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13405 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: April 08, 1975

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	12.41 CFS	2,484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N 35E 16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N 35E 20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 621 acres within the place of use described above in a single irrigation season.
2. Rights 35-13399, 35-13401, 35-13403, 35-13405 and 35-13407 when combined shall not exceed a total diversion rate of 15.29 cfs, a total annual maximum diversion volume of 6490.0 af at the field headgate, and the irrigation of 1980 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 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. 35-13405
As Modified by Transfer No. 75094

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 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13403
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13403 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: April 18, 1974

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	1.55 CFS	308.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N	35E	16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N	35E	20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Rights 35-13399, 35-13401, 35-13403, 35-13405 and 35-13407 when combined shall not exceed a total diversion rate of 15.29 cfs, a total annual maximum diversion volume of 6490.0 af at the field headgate, and the irrigation of 1980 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 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. 35-13403
As Modified by Transfer No. 75094

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 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13401
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13401 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: September 25, 1973

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	12.25 CFS	2,452.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N 35E 16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N 35E 20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 613 acres within the place of use described above in a single irrigation season.
2. Rights 35-13399, 35-13401, 35-13403, 35-13405 and 35-13407 when combined shall not exceed a total diversion rate of 15.29 cfs, a total annual maximum diversion volume of 6490.0 af at the field headgate, and the irrigation of 1980 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 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. 35-13401
As Modified by Transfer No. 75094

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 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13399
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13399 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: September 25, 1973

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	12.41 CFS	2,484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N	35E	16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N	35E	20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 621 acres within the place of use described above in a single irrigation season.
2. Rights 35-13399, 35-13401, 35-13403, 35-13405 and 35-13407 when combined shall not exceed a total diversion rate of 15.29 cfs, a total annual maximum diversion volume of 6490.0 af at the field headgate, and the irrigation of 1980 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 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. 35-13399
As Modified by Transfer No. 75094

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 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7628
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-7628 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: July 27, 1976

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	1.60 CFS	320.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N 35E 16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N 35E 20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

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 35-7335B, 35-7628 and 35-13844 when combined shall not exceed a total diversion rate of 1.72 cfs, a total annual maximum diversion volume of 733.5 af at the field headgate, and the irrigation of 224 acres.
4. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 acres.

WATER RIGHT NO. 35-7628
As Modified by Transfer No. 75094

CONDITIONS OF APPROVAL

5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 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.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. 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. 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.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7335B
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-7335B is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: October 10, 1973

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	0.98 CFS	308.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESW	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N 35E 16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N 35E 20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N 35E 29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Rights 35-7335B, 35-7628 and 35-13844 when combined shall not exceed a total diversion rate of 1.72 cfs, a total annual maximum diversion volume of 733.5 af at the field headgate, and the irrigation of 224 acres.
4. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 acres.

WATER RIGHT NO. 35-7335B
As Modified by Transfer No. 75094

CONDITIONS OF APPROVAL

5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 75094 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 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.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. 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. 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.
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 7 day of May, 2009

Ernest Carlson
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13844
As Modified by Transfer No. 75094

In accordance with the approval of Transfer No. 75094, Water Right No. 35-13844 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 626
 RIRIE ID 83443

Priority Date: May 23, 1975

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	1.34 CFS	268.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESE	Sec. 31 Twp 04N	Rge 35E	JEFFERSON 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	
04N	35E	16									33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	264.0
04N	35E	20	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	21	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	28	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
04N	35E	29	33.0	33.0	33.0	33.0													132.0

Total Acres: 1980

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 67 acres within the place of use described above in a single irrigation season.
2. Rights 35-7335B, 35-7628 and 35-13844 when combined shall not exceed a total diversion rate of 1.72 cfs, a total annual maximum diversion volume of 733.5 af at the field headgate, and the irrigation of 224 acres.
3. Rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 when combined shall not exceed 17.01 cfs, nor total combined annual volume of 7254 af for the irrigation of a total of 1980 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. 35-13844
As Modified by Transfer No. 75094

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. 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 75094, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 7 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau