

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75092

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>
35-2757	WR/Decreed	01/14/1965	7.7 cfs	2936 af	N/A	734.0	GROUND WATER
35-7629A	WR/Decreed	07/27/1976	0.31 cfs	132.2 af	N/A	35.0	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>
35-2757	NO	NO	YES	NO	NO	NO
35-7629A	NO	YES	YES	NO	NO	NO
35-7509B	YES	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>
35-2757	35-2757	7.7 cfs	2936 af	734.0	781.0		N/A	N/A	N/A	N/A
35-7629A	35-7629A	0.31 cfs	132.2 af	35.0	781.0		N/A	N/A	N/A	N/A
35-7509B	35-13845	0.12 cfs	48 af	12.0	781.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		8.13 cfs	3116.2 af	781.0	781.0		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

SUPPORT DATA

IN FILE # 35-2757

**WATER RIGHT NO. 35-2757
As Modified by Transfer No. 75092**

In accordance with the approval of Transfer No. 75092, Water Right No. 35-2757 is now described as follows.

Right Holder: THE FOSTER COMPANY
PO BOX 626
RIRIE ID 83443

Priority Date: January 14, 1965

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	7.70 CFS	2,936.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 13 Twp 03N Rge 35E BONNEVILLE 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	
03N	35E	13	40.0	38.0	39.0	40.0									39.0	39.0	37.0	40.0	312.0
03N	35E	24	40.0	39.0	39.0	40.0													158.0
03N	36E	19					40.0	37.0	38.0	40.0	40.0	38.0	38.0	40.0					311.0

Total Acres: 781

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 734.0 acres within the place of use described above in a single irrigation season.
2. Rights 35-2757, 35-7629A and 35-13845 when combined shall not exceed the irrigation of 781 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 75092, 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.

WATER RIGHT NO. 35-2757
As Modified by Transfer No. 75092

CONDITIONS OF APPROVAL

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.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The following rights are diverted through point(s) of diversion described above: 35-2757, 35-7629A, 35-13845.
11. 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. 35-7629A
As Modified by Transfer No. 75092**

In accordance with the approval of Transfer No. 75092, Water Right No. 35-7629A is now described as follows.

Right Holder: FOSTER AGRO INC
PO BOX 308
RIRIE ID 83443-0308

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 10/31	0.31 CFS	132.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 13 Twp 03N Rge 35E BONNEVILLE 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	
03N	35E	13	40.0	38.0	39.0	40.0									39.0	39.0	37.0	40.0	312.0
03N	35E	24	40.0	39.0	39.0	40.0													158.0
03N	36E	19					40.0	37.0	38.0	40.0	40.0	38.0	38.0	40.0					311.0

Total Acres: 781

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
2. Rights 35-2757, 35-7629A and 35-13845 when combined shall not exceed the irrigation of 781 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 75092, 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.

WATER RIGHT NO. 35-7629A
As Modified by Transfer No. 75092

CONDITIONS OF APPROVAL

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.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The following rights are diverted through point(s) of diversion described above: 35-2757, 35-7629A, 35-13845.
11. 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. 35-13845
As Modified by Transfer No. 75092**

In accordance with the approval of Transfer No. 75092, Water Right No. 35-13845 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	0.12 CFS	48.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 13 Twp 03N Rge 35E BONNEVILLE 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	
03N	35E	13	40.0	38.0	39.0	40.0									39.0	39.0	37.0	40.0	312.0
03N	35E	24	40.0	39.0	39.0	40.0													158.0
03N	36E	19					40.0	37.0	38.0	40.0	40.0	38.0	38.0	40.0					311.0

Total Acres: 781

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
2. Rights 35-2757, 35-7629A and 35-13845 when combined shall not exceed the irrigation of 781 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 75092, 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.

WATER RIGHT NO. 35-13845
As Modified by Transfer No. 75092

CONDITIONS OF APPROVAL

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.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The following rights are diverted through point(s) of diversion described above: 35-2757, 35-7629A, 35-13845.
11. 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