

Transfer No. 75093

Receipt No. E034910

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information FOSTER LAND & CATTLE CO
PO BOX 626
RIRIE ID 83443

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-7337	WR/Decreed	5.45	1,272.0	318.0	2,310.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7337	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

to change the place of use for water right 35-7337 by moving 318 acres from 4n 35e sec 29 to the w1/2 3n 35e sec 12 a new well is proposed in sesesw of 3n 35e sec 12.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
35-7337	5.45 cfs		318.0	1,272.0 af
TOTAL	5.45 cfs		318.0	1,272.0 af

AMENDED

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert 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.

4/2/09

Bel Fort
(Signature of Applicant)

Chairman

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7337

Priority Date: October 10, 1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	5.45 CFS	1,272.0 AFA	
	Total Diversion	5.45 CFS	1,272.0 AFA	

Source and 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	NENWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE	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	462.0
04N 35E 29	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

Total Acres: 2310

Conditions/Remarks:

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
6. 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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11. Rights 35-7335B, 35-7337, 35-7509B and 35-7628 when combined shall not exceed a total diversion rate of 7.29 cfs, a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554 acres.
12. This right is limited to the irrigation of 318 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

it will be dry

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-7337

Priority Date: October 10, 1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	5.45 CFS	1,272.0 AFA	
	Total Diversion	5.45 CFS	1,272.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESESW Sec. 12 Twp 03N Rge 35E BONNEVILLE
County

Describe the proposed diversion system

Point of Diversion # 1 well/pump

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 12					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0

Total Acres: 318

FILED EFFECTIVE

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STATEMENT OF PARTNERSHIP AUTHORITY

2007 JUL 27 PM 4:16

(Instructions on back of application)

 SECRETARY OF STATE
STATE OF IDAHO

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

1. The name of the partnership is: Foster Land and Cattle Co.
2. The street address of its chief executive office is: 400 Market St., Ririe, Idaho, 83443
3. The street address of one (1) office in Idaho: 400 Market St., Ririe, Idaho, 83443
4. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>Brad Foster</u>	<u>P. O. Box 40, Ririe, Idaho, 83443</u>
<u>Boyd Foster</u>	<u>P. O. Box 626, Ririe, Idaho, 83443</u>

OR the name and address of the registered agent in Idaho is:

5. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

<u>Brad Foster</u>	<u><i>Brad Foster</i></u>
<u>Boyd Foster</u>	<u><i>Boyd Foster</i></u>

6. Signature of at least 2 partners:

1) <u><i>Brad Foster</i></u>	
Typed Name	<u>Brad Foster</u>
2) <u><i>Boyd Foster</i></u>	
Typed Name	<u>Boyd Foster</u>
3) _____	
Typed Name	_____

Secretary of State use only

 Received 07/27/07
 07/27/07

Web Form

 IDAHO SECRETARY OF STATE
 07/27/2007 05:00
 CK: NONE CT: 12945 BH: 1067073
 1 @ 100.00 = 100.00 PARTIAL 2

K517