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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70164

This is to certify that: LAVA ROCK RANCH
C/O BRUCE AND/OR MARC FOSTER
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>
35-2834	WR/Decreed	06/24/1966	1.31 cfs	280 af		70.0	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>
35-2834	YES	YES	NO	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>
35-2834	35-13418	0.73 cfs	156 af	N/A	39.0	35-13417	0.58 cfs	124 af	N/A	31.0
COMBINED										
TOTALS		0.73 cfs	156 af	N/A	39.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of February, 2003



Chief, Water Allocation Bureau

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FEB 25 2003

WATER RIGHT NO. 35-13418
As Modified by Transfer No. 70164

In accordance with the approval of Transfer No. 70164, Water Right No. 35-13418 is now described as follows.

Right Holder: TERRI L FOSTER
 KATHY J FOSTER
 BRUCE C FOSTER
 MARC B FOSTER
 3018 W 1700 S
 ABERDEEN ID 83210

Priority Date: June 24, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/31	0.73 CFS	156.0 AF
			0.73 CFS	156.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 23 Twp 05S 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	
05S 30E 24																	39.0

Total Acres: 39

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70164, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
2. Right 35-04011A is also diverted through the point(s) of diversion described above.
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. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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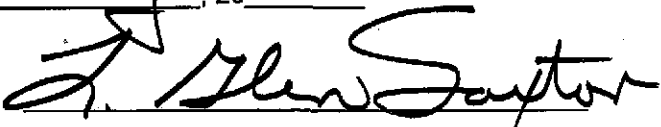
WATER RIGHT NO. 35-13418
As Modified by Transfer No. 70164

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/31/2002
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.

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 4th day of February, 2003


Chief, Water Allocation Bureau

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WATER RIGHT NO. 35-13417
As Modified by Transfer No. 70164

In accordance with the approval of Transfer No. 70164, Water Right No. 35-13417 is now described as follows.

Right Holder: HOWARD KLEMPER And
 JOYCE A KLEMPER
 3070 W 1500 S
 ABERDEEN ID 83210

Priority Date: June 24, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/31	0.58 CFS	124.0 AF
			0.58 CFS	124.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 23 Twp 05S 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	
05S 30E 23																	31.0
																	31.0

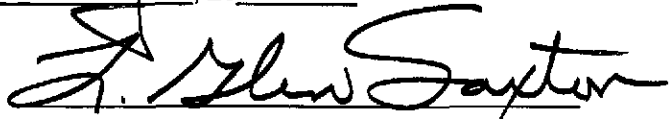
Total Acres: 31

CONDITIONS OF APPROVAL

1. Right 35-08195 is also diverted through the point(s) of diversion described above.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/31/2002.
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.

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 4th day of February, 2003


 Chief, Water Allocation Bureau

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FEB 25 2003

MEMORANDUM

TO: FILE 35-13418
FROM: VAULT
RE: TRANSFER # 70164
DATE: 2.4.03

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 35-2834

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