

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88815**

This is to certify that: **BRAD FOSTER AND
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040**

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-13682	WR/DECREED	4/3/1967	3.510 cfs	879.2 af	219.8	1713.5	GROUND WATER
35-13683	WR/DECREED	4/3/1967	3.430 cfs	860.8 af	215.2	1713.5	GROUND WATER
35-13684	WR/DECREED	4/1/1971	0.300 cfs	80.8 af	20.2	1713.5	GROUND WATER
35-13685	WR/DECREED	4/1/1971	0.290 cfs	79.2 af	19.8	1713.5	GROUND WATER
35-13687	WR/DECREED	6/14/1965	0.750 cfs	189.6 af	47.4	1713.5	GROUND WATER
35-13689	WR/DECREED	3/6/1953	0.270 cfs	54.4 af	13.6	1713.5	GROUND WATER
35-13774	WR/DECREED	3/6/1953	1.930 cfs	385.6 af	96.4	1713.5	GROUND WATER
35-13775	WR/DECREED	3/6/1953	0.320 cfs	64.0 af	16.0	1713.5	GROUND WATER
35-13776	WR/DECREED	6/14/1965	5.330 cfs	1346.4 af	336.6	1713.5	GROUND WATER
35-13777	WR/DECREED	6/14/1965	0.870 cfs	220.0 af	55.0	1713.5	GROUND WATER
35-13822	WR/DECREED	5/1/1980	1.890 cfs	773.6 af	193.4	1713.5	GROUND WATER
35-13953	WR/DECREED	5/6/1957	0.290 cfs	80.4 af	20.1	1713.5	GROUND WATER
35-2244	WR/DECREED	9/5/1952	4.000 cfs	840.0 af	210.0	1713.5	GROUND WATER
35-2358	WR/DECREED	12/10/1953	5.000 cfs	1000.0 af	250.0	1713.5	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>
35-13682	NO	NO	YES	NO	NO	NO
35-13683	NO	NO	YES	NO	NO	NO
35-13684	NO	NO	YES	NO	NO	NO
35-13685	NO	NO	YES	NO	NO	NO
35-13687	NO	NO	YES	NO	NO	NO
35-13689	NO	NO	YES	NO	NO	NO
35-13774	NO	NO	YES	NO	NO	NO
35-13775	NO	NO	YES	NO	NO	NO
35-13776	NO	NO	YES	NO	NO	NO
35-13777	NO	NO	YES	NO	NO	NO
35-13822	NO	NO	YES	NO	NO	NO
35-13953	NO	NO	YES	NO	NO	NO
35-2244	NO	NO	YES	NO	NO	NO
35-2358	NO	NO	YES	NO	NO	NO

Transfer No. 88815

**Support Data
In File # 35-2244**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88815**

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>
35-13682	35-13682	3.510 cfs	879.2 af	219.8	1713.5	N/A	N/A	N/A	N/A	N/A
35-13683	35-13683	3.430 cfs	860.8 af	215.2	1713.5	N/A	N/A	N/A	N/A	N/A
35-13684	35-13684	0.300 cfs	80.8 af	20.2	1713.5	N/A	N/A	N/A	N/A	N/A
35-13685	35-13685	0.290 cfs	79.2 af	19.8	1713.5	N/A	N/A	N/A	N/A	N/A
35-13687	35-13687	0.750 cfs	189.6 af	47.4	1713.5	N/A	N/A	N/A	N/A	N/A
35-13689	35-13689	0.270 cfs	54.4 af	13.6	1713.5	N/A	N/A	N/A	N/A	N/A
35-13774	35-13774	1.930 cfs	385.6 af	96.4	1713.5	N/A	N/A	N/A	N/A	N/A
35-13775	35-13775	0.320 cfs	64.0 af	16.0	1713.5	N/A	N/A	N/A	N/A	N/A
35-13776	35-13776	5.330 cfs	1346.4 af	336.6	1713.5	N/A	N/A	N/A	N/A	N/A
35-13777	35-13777	0.870 cfs	220.0 af	55.0	1713.5	N/A	N/A	N/A	N/A	N/A
35-13822	35-13822	1.890 cfs	773.6 af	193.4	1713.5	N/A	N/A	N/A	N/A	N/A
35-13953	35-13953	0.290 cfs	80.4 af	20.1	1713.5	N/A	N/A	N/A	N/A	N/A
35-2244	35-2244	4.000 cfs	840.0 af	210.0	1713.5	N/A	N/A	N/A	N/A	N/A
35-2358	35-2358	5.000 cfs	1000.0 af	250.0	1713.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		25.070 cfs	6854.0 af	1713.5	1713.5		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 17th day of May, 2024.



Regional Manager

Transfer No. 88815

Support Data
In File # 35-2244

WATER RIGHT NO. 35-2244**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-2244 is now described as follows:

Right Holder: BRAD FOSTER AND
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 9/5/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	4.000 cfs	840.0 af
			4.000 cfs	840.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 210.0
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 210.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 88815

WATER RIGHT NO. 35-2244

As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

2. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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 88815, 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.
8. This right does not grant any right-of-way or easement across the land of another.
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.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13775
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13775 is now described as follows:

Right Holder: BRAD FOSTER And
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 3/6/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.320 cfs	64.0 af
			0.320 cfs	64.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 16.0
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13775 and 35-13777 when combined shall not exceed a total diversion rate of 0.87 cfs, a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13775
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13776
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13776 is now described as follows:

Right Holder: BRAD FOSTER And
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 6/14/1965

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/30	5.330 cfs	1346.4 af
			5.330 cfs	1346.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 336.6
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 336.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13774 and 35-13776 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1,732.0 af at the field headgate, and the irrigation of 433.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13776
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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 period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. This right does not grant any right-of-way or easement across the land of another.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13777
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13777 is now described as follows:

Right Holder: BRAD FOSTER And
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 6/14/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/30	0.870 cfs	220.0 af
			0.870 cfs	220.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 55.0
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 55.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13775 and 35-13777 when combined shall not exceed a total diversion rate of 0.87 cfs, a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.

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WATER RIGHT NO. 35-13777
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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 period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. This right does not grant any right-of-way or easement across the land of another.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13822
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13822 is now described as follows:

Right Holder: BRAD FOSTER And
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 5/1/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	1.890 cfs	773.6 af
			1.890 cfs	773.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 193.4
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 193.4 acres within the place of use described above in a single irrigation season.
2. Rights 35-13953 and 35-13822 when combined shall not exceed a total annual maximum diversion volume of 854.0 af at the field headgate, and the irrigation of 213.5 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13822
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13953**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13953 is now described as follows:

Right Holder: BRAD FOSTER And
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 5/6/1957

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 11/01	0.290 cfs	80.4 af
			0.290 cfs	80.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 20.1

POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.1 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13953 and 35-13822 when combined shall not exceed a total annual maximum diversion volume of 854.0 af at the field headgate, and the irrigation of 213.5 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13953
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-2358**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-2358 is now described as follows:

Right Holder: BRAD FOSTER And
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 12/10/1953

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	5,000 cfs	1000.0 af
			5,000 cfs	1000.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 250.0
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 250.0 acres within the authorized place of use described above in a single irrigation season.

Transfer No. 88815

WATER RIGHT NO. 35-2358
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

2. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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 88815, 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.
8. This right does not grant any right-of-way or easement across the land of another.
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.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13682**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13682 is now described as follows:

Right Holder: BRAD FOSTER And
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 4/3/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/30	3.510 cfs	879.2 af
			3.510 cfs	879.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 219.8
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 219.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13682 and 35-13684 when combined shall not exceed a total diversion rate of 3.51 cfs, a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13682
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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 period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. Right No. 35-13684 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13683**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13683 is now described as follows:

Right Holder: BRAD FOSTER And
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 4/3/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/30	3.430 cfs	860.8 af
			3.430 cfs	860.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 215.2
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 215.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13683 and 35-13685 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 940.0 af at the field headgate, and the irrigation of 235.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13683
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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 period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. Right No. 35-13685 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13684**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13684 is now described as follows:

Right Holder: BRAD FOSTER And
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 4/1/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.300 cfs	80.8 af
			0.300 cfs	80.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 20.2
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 20.2 acres within the place of use described for this right.
2. Rights 35-13682 and 35-13684 when combined shall not exceed a total diversion rate of 3.51 cfs, a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13684
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right is based upon an enlargement of Right No. 35-13682 pursuant to Section 42-1426, Idaho Code.
10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13685
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13685 is now described as follows:

Right Holder: BRAD FOSTER AND
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 4/1/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.290 cfs	79.2 af
			0.290 cfs	79.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 19.8
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 19.8 acres within the place of use described for this right.
2. Rights 35-13683 and 35-13685 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 940.0 af at the field headgate, and the irrigation of 235.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13685
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right is based upon an enlargement of Right No. 35-13683 pursuant to Section 42-1426, Idaho Code.
10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13687**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13687 is now described as follows:

Right Holder: BRAD FOSTER AND
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 6/14/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/30	0.750 cfs	189.6 af
			0.750 cfs	189.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 47.4
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 47.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13687 and 35-13689 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 244.0 af at the field headgate, and the irrigation of 61.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13687
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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 period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
10. This right does not grant any right-of-way or easement across the land of another.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13689
As Modified by Transfer No. 88815

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13689 is now described as follows:

Right Holder: BRAD FOSTER AND
 SHAROL FOSTER
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 3/6/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.270 cfs	54.4 af
			0.270 cfs	54.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 13.6
 POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13687 and 35-13689 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 244.0 af at the field headgate, and the irrigation of 61.0 acres.

Transfer No. 88815

WATER RIGHT NO. 35-13689
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13774**As Modified by Transfer No. 88815**

In accordance with the approval of Transfer No. 88815, Water Right No. 35-13774 is now described as follows:

Right Holder: BRAD FOSTER AND
SHAROL FOSTER
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 3/6/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.930 cfs	385.6 af
			1.930 cfs	385.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 11 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	NWNENW	Sec 12 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	L3 (SESENW)	Sec 2 Twp 01S Rge 33E	BINGHAM County
GROUND WATER	SESE	Sec 6 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	NWNWNW	Sec 7 Twp 01S Rge 34E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	1			0.3	26.2					20.9	37.7	38.0	31.6	36.1	1.4	3.2	2.8	198.2
					L 2	L 1			L 4										
01S	33E	2			31.0	8.2				14.0	31.0			7.4	28.9	40.0	38.6	28.5	227.6
					L 2	L 1				L 3									
01S	33E	11	33.2	33.7	40.0	40.0									39.0	38.9	35.3	32.6	292.7
01S	33E	12	33.8	23.8	36.8	33.8	38.1	32.5	38.6	37.2	38.2	38.6	32.6	33.7	33.9	36.8	32.0	32.6	553.0
01S	34E	6							22.2		32.2	32.3	2.7	39.2		31.4	11.2	32.4	203.6
									L 4			L 5	L 6						
01S	34E	7	34.5	21.4	30.8		25.0	31.4	34.0			33.0	28.3						238.4
								L 1	L 2			L 3	L 4						

Right Acre Limit: 96.4
POU Total Acres: 1713.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 96.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13774 and 35-13776 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1,732.0 af at the field headgate, and the irrigation of 433.0 acres.

Transfer No. 88815

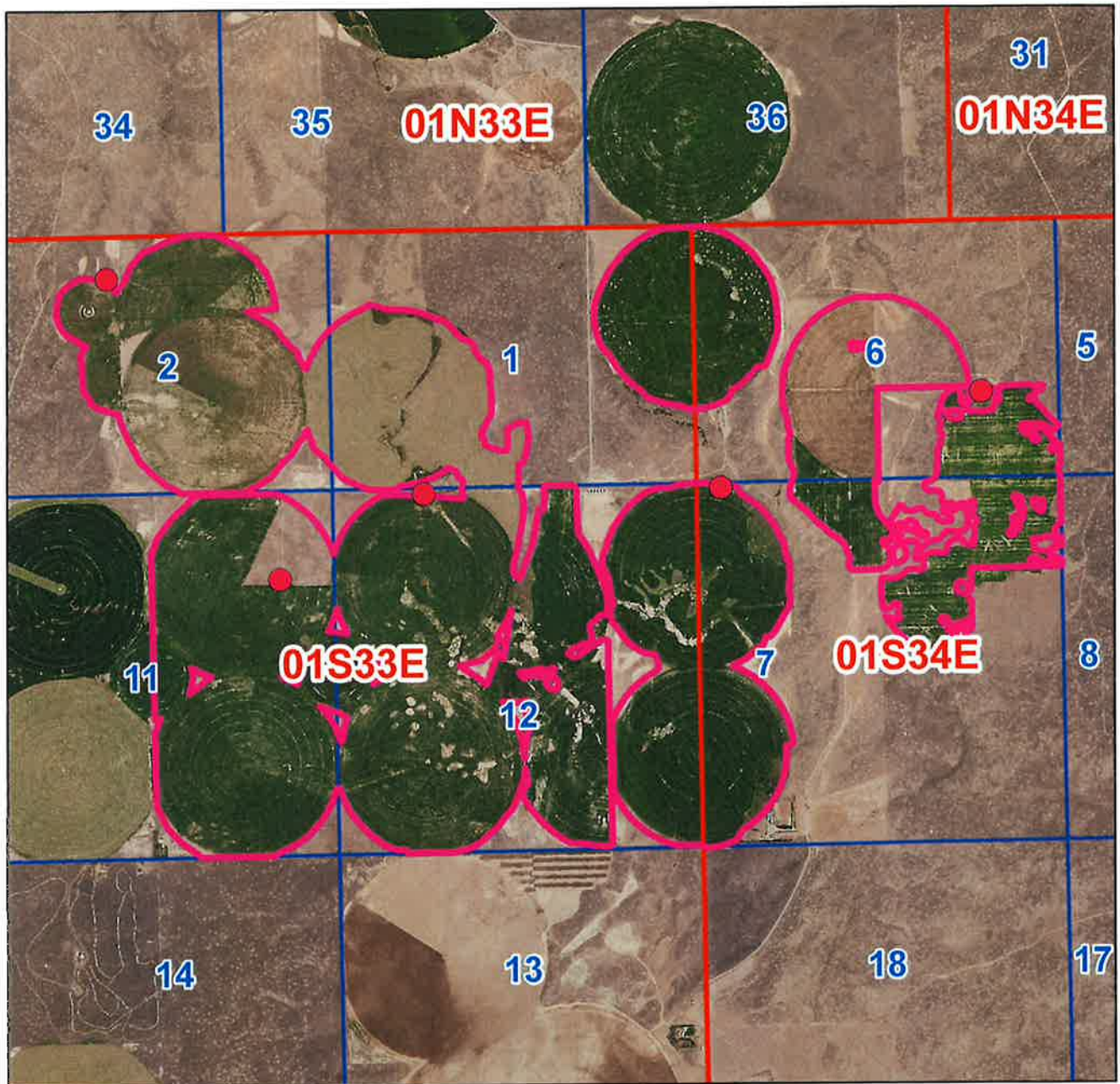
WATER RIGHT NO. 35-13774
As Modified by Transfer No. 88815

CONDITIONS OF APPROVAL

3. Rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953 when combined shall not exceed a total diversion rate of 25.07 cfs, a total annual maximum diversion volume of 6,854.0 af at the field headgate, and the irrigation of 1,713.5 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.
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 88815, 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. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 88815

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 1,500 3,000 6,000 Feet



Date: 5/17/2024



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 17, 2024

BRAD FOSTER
SHAROL FOSTER
PO BOX 40
RIRIE ID 83443-0040

Re: Transfer No: 88815
Water Right No(s): 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685,
35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822,
35-13953

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

LUKE H MARCHANT
PO BOX 536
RUPERT ID 83350

THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095-0850

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88815

Water Right No(s): 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822, 35-13953

**BRAD FOSTER
SHAROL FOSTER
PO BOX 40
RIRIE ID 83443-0040**

**LUKE H MARCHANT
PO BOX 536
RUPERT ID 83350**

**THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
PO BOX 95850
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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.