

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-02130
Date Received: 9/26/1989
Receipt No: E010811
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOSTER LAND & CATTLE CO.
Address: P.O. BOX 308
RIGBY, ID

208-745-7745

83442

2. Date of Priority: MAR 21, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	40E	10	NE	NE	NW		BONNEVILLE

5. Description of diverting works:
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.660		

7. Total Quantity Appropriated is:
5.660 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	40E	10	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0

A25-02130

Page 1

Date: 12/08/89

MICROFILMED

NOV 10 1992



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	40E	10	SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0

Section Acres 320.0

15	SW	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0

Section Acres 200.0

Total Acres 520.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
25-7016

14. Remarks:

THE NAME CHANGE WAS NECESSARY BECAUSE FOSTER AGRO ONLY OPERATES
THE FARM FOR FOSTER LAND & CATTLE CO.

15. Basis of Claim: LICENSE
Water Right Number: 27386

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PARTNER of _____
Title

FOSTER LAND & CATTLE CO., that I have signed the foregoing
Organization

document in the space below as PARTNER of _____
Title

FOSTER LAND & CATTLE CO. and that the statements contained in the
Organization

foregoing document are true and correct.

Bard Foster
Signature of Authorized Agent

Foster Land & Cattle
Title and Organization

Dec 8 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Dec 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission MY COMMISSION EXPIRES 6-30-94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-02130
Date Received: 9/26/1989
Receipt No: E010811
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOSTER AGRO, INC. 208-745-7745
Address: P.O. BOX 308
RIGBY, ID 83442
2. Date of Priority: MAR 21, 1958
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 03N | 40E | 10 | NE | NW | | | BONNEVILLE |
5. Description of diverting works:
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 5.660 | | |
7. Total Quantity Appropriated is:
5.660 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1300.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	40E	10	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0

A25-02130

Page 1

Date: 09/26/89

MICROFILMED
NOV 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	40E	10	SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	320.0
		15	SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	200.0
							Total Acres	520.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
25-7016

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 27386

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Assistant Secretary of Foster Agro, Inc., that I have signed the foregoing document in the space below as Assistant Secretary of Foster Agro, Inc. and that the statements contained in the foregoing document are true and correct.

Lauree Foster
Signature of Authorized Agent

Assis. Secy. Foster Agro, Inc.
Title and Organization

9/26/89
Date

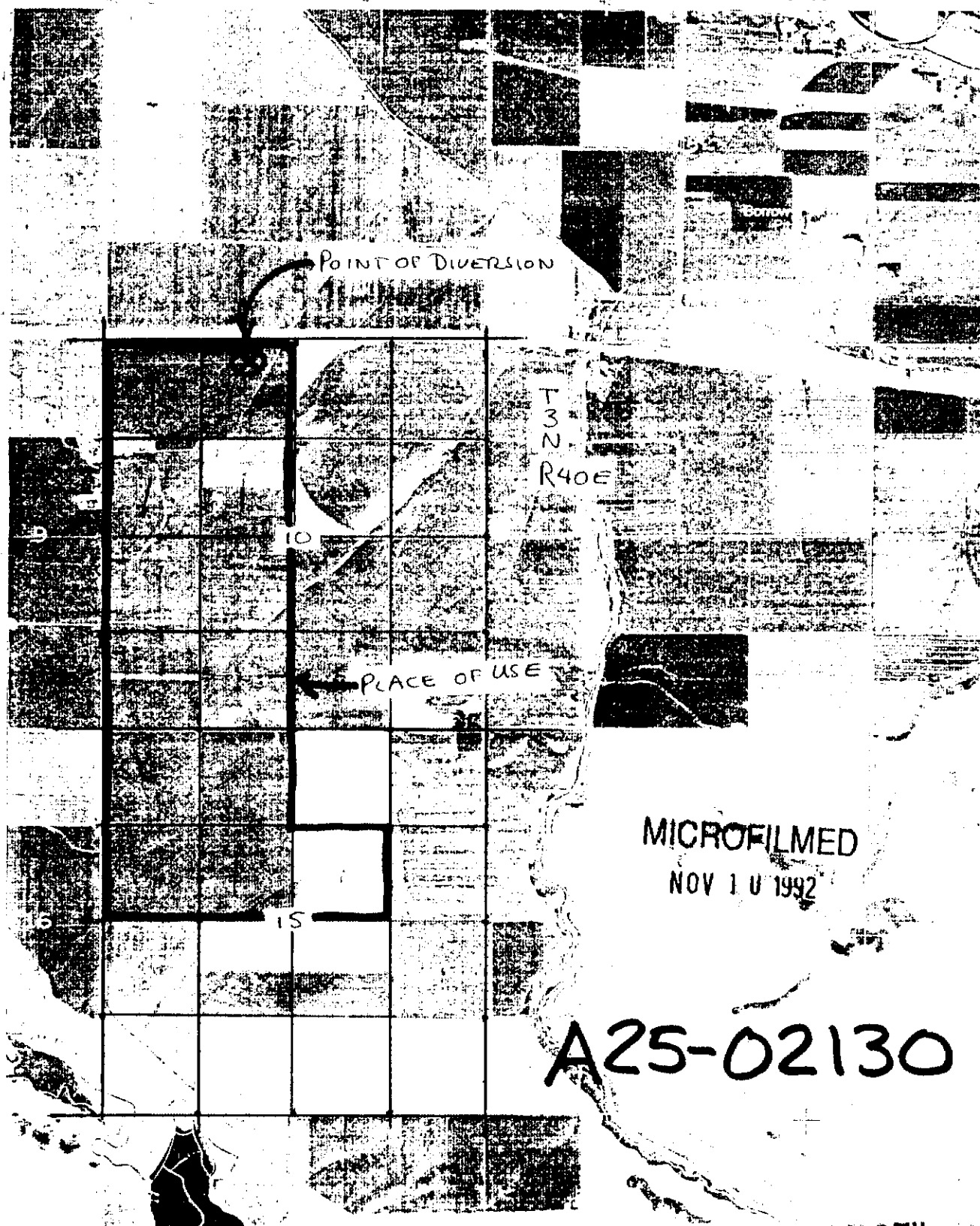
State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Sept 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



MICROFILMED
NOV 10 1992

A25-02130

MICROFIL
NOV 10 1992

Log for claim 25-02130

Spatial Dynamics CAT

11/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n40e	10	NENW	40	40	
03n40e	10	NWNW	40	40	
03n40e	10	SWNW	40	35	
03n40e	10	SEnw	40	40	
03n40e	10	NESW	40	40	
03n40e	10	NWSW	40	40	
03n40e	10	SWSW	40	40	
03n40e	10	SESW	40	40	
03n40e	15	SWNE	40	40	
03n40e	15	NENW	40	40	
03n40e	15	NWNW	40	40	
03n40e	15	SWNW	40	40	
03n40e	15	SEnw	40	40	
Totals:			520	515	

AJ5809NP
No. A25-02130

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 85

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=====
OWNER                                PRIORITY                USE PERIOD                DIVERSION    DIVERSION
CODE      NAME & ADDRESS            DATE      WATER USE            FROM      TO      RATE      VOLUME
-----
C  FOSTER LAND & CATTLE CO          03/21/1958  IRRIGATION            04-01  11-01      5.660 CFS
  PO BOX 308
  RIGBY ID 83442
  (208) 745-7745
                                     TOTAL DIVERSION:      5.660 CFS
                                     CONSUMPTIVE USE:      1300.00 AFA
=====
```

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R40E S10 NENW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE																		
		NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
03N	40E	10	:							:	40	40	40	40	:	40	40	40	40	:																	320.0	
03N	40E	15	:				40			:	40	40	40	40	:					:																200.0		
																														TOTAL ACRES	520.0							

POU County: BONNEVILLE

Non-Irrigation Uses: NONE

Other Rights: 25-7016

Other Water Rights Listing Overlapping Place(s) of Use:
A25-07016

Remarks: GEN THE NAME CHANGE WAS NECESSARY BECAUSE FOSTER AGRO ONLY OPERATES
THE FARM FOR FOSTER LAND & CATTLE CO.

Dates: Exam Made Date: Verified Date: 04/23/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/26/89 WILSON 12/08/89 WILSON 03/29/95 POST-STD

State of Idaho

License and Certificate of Water Right

Water License No. G-27386

Amount 5.66 c.f.s.

Water District No.

Priority March 21, 1958

THIS IS TO CERTIFY that L. W. BROWN
 of Rigby, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 21, 1958; that Permit No. G-27386
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 5.66 second feet, was issued thereunder on July 30, 1963, showing that said works
 were completed on the 15th day of April, 1963; and that on the 15th
 day of April, 1963,

L. W. BROWN

of Rigby, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well

a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-27386 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7648, on the 30th day of July, 1963;

The right hereby confirmed dates from March 21, 1958;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 10, Tp. 3 N., R. 40 E., B. M. County Bonneville

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 5.66 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	40 E.	10	NW _{1/4}	160	160
			SW _{1/4}	160	160
		15	NW _{1/4}	160	160
			SW _{1/4} NE _{1/4}	40	40
			Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

30th day of July, 1963.

s/ RICHARD W. SIGMON
 DEPUTY State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

25-2120

Application No. G- 35314
 Permit No. G- 27386
 District No.

L. W. Brown
 Rt. # 2,
 Rigby, Idaho

1. Name of Applicant: L. W. BROWN
 Postoffice address: Rt. # 2, Rigby County: Jefferson State: Idaho
2. Quantity of water claimed: 6.0 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 6.0 or Idaho
 Miners' inches 300 or gallons per minute. 2700
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Underground
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10
 Twp. 3 N. , Rge. 40 E. , B.M., County of Bonneville
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Sprinkler irrigation - well and pump
8. Estimated cost of works: \$ 55,000.00
9. (a) Is reservoir to be used?
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) 2700gpm (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 2700gpm (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Applicant is to use this water for irrigation

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ L. W. Brown
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. March 21, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27386

Recorded in Book 96 Page 27386 Approved May 22, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 22, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before May 22, 1963

Witness my hand this 22nd day of May, 1958

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 22nd day of May, 1958.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 N.	40 E.	10					40	40	40	40	40	40	40	40					320
3 N.	40 E.	15					40	40											160
Total number of acres to be irrigated - - - - -																			480
Application for Amendment																			
LAND LIST																			
Permit No. G-27386																			
Comes now Lawrence W. Brown, and represents to the State Reclamation Engineer of the State of Idaho																			
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27386, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:																			
West Half of Section 10, the north half of the northwest quarter and the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter and SW 1/4 of NE 1/4, Section 15, Township 3 North Range 40 E. B. N., making a total of 520 acres.																			
That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.																			
Signed at Idaho Falls, Idaho, this 11 day of March, 1963.																			
s/ L. W. BROWN																			
Date of Receipt at office of Department of Reclamation: March 13, 1963																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27386. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			
s/ RALPH W. THOMAS																			
Deputy																			
State Reclamation Engineer																			

Recorded: March 13, 1963

Permit No. G-27386
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that L. W. BROWN of Rigby, County of Jefferson, and State of Idaho, the holder of Permit No. G-27386, issued upon Application No. G-35314, bearing date of priority of March 21, 1958, authorizing the diversion of 6.0 second feet of waters of a well, County of Bonneville, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.66 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 3 N., R. 40 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

520 acres in W $\frac{1}{2}$, Sec. 10, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 15, T. 3 N., R. 40 E., B. M.

Witness my hand this 30th day of July, A. D., 1963.

s/ RALPH W. THOMAS,
Deputy State Reclamation Engineer

Proof of Completion of Works Made: April 15, 1963

LICENSE ISSUED FOR 5.66 SEC. FT.
page 7648

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27386This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant L. W. Brown2. Source of water supply: a well - subterranean3. Location of point of diversion: Is in the NE 1/4 of Section 10T. 3 N. R. 40 E. County of Bonneville4. Describe works as they exist, giving dimensions and capacities of same: 125 H.P. U.S.Motor # 1146362 Peerless pump # 124749 12" x 290' column18" x 290' casing h: 106' D.O. well depth 290' 10" thick pipeinto 10" discharge pipe into two smaller pipes 150 H.P. U.S. Motor # 1152493Peerless pump # 127295 4" gate valve into 2" main line 100 H.P. 26 S. Motor # 1248744 Peerlesspump # 137577 4" gate valve into 2" main line5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number

of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other

than irrigation):

W 1/2, Sec. 10; SW 1/4, NW 1/4, Sec. 15; T. 3 N., R. 40 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. L. W. Brown (owner) participated in examinationThis examination was made on the 5th day of July, 1963(Signed) Ray Helbig

Examiner.

27386

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 15 1963

Department of Reclamation

L. W. Brown
Route #2
Rigby, Idaho
Permit No. 27386

Completion of Works
Examination for and beneficial use

County Bonneville

Sec. 10 T. 3N R. 4E

Quantity: 6.00 cfs

Source: Nella

P.D.: NE. NW, Sec. 10, T. 3N R. 4E

Filed: March 21, 1958

Due: May 12, 1963

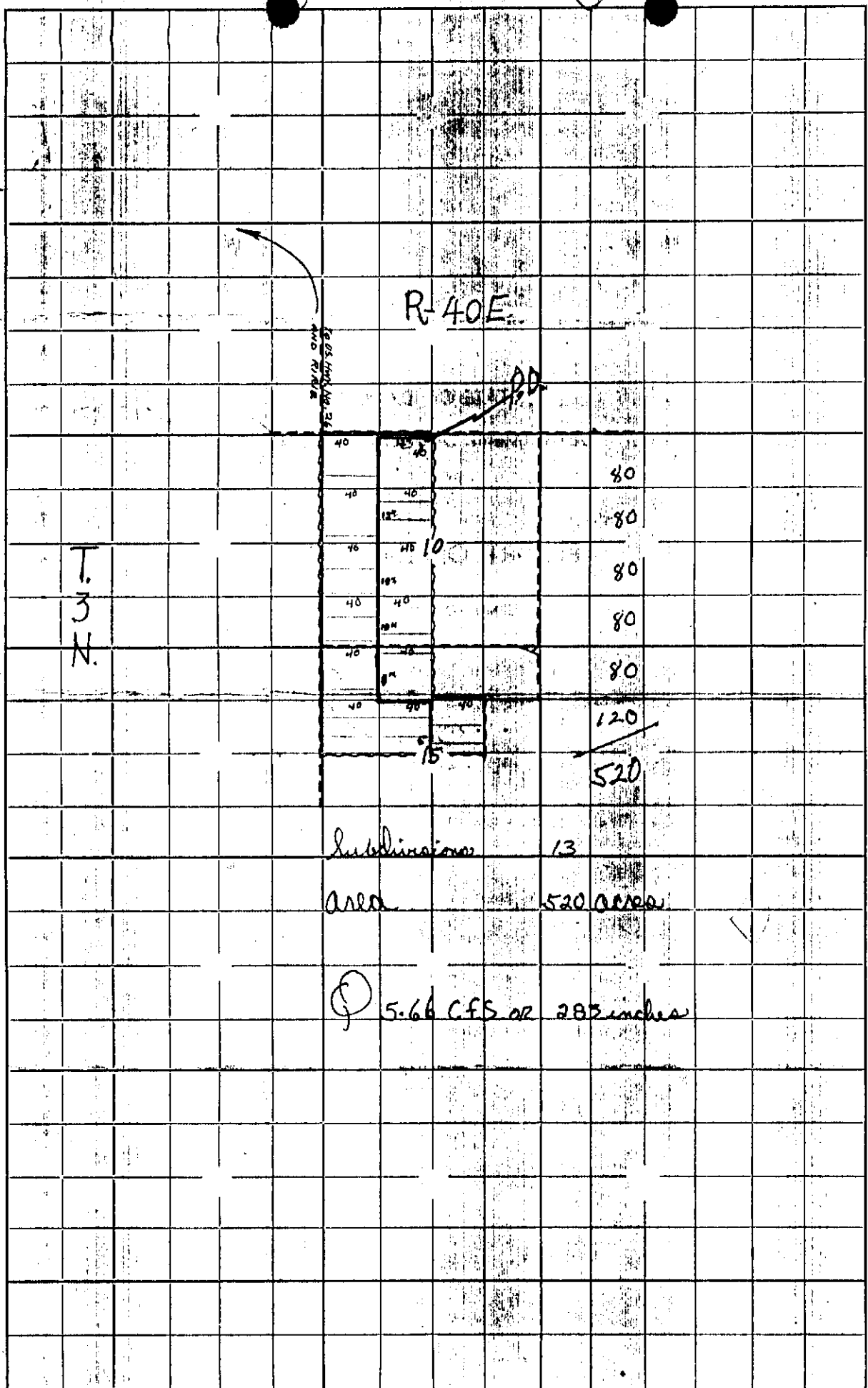
Extension: —

Protest: —

Completion of Works: —

Other Rights: none

Driller - Howard Andrew



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

27.386

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 0-27386

REPORT OF PROGRESS OF Completion of Works & Beneficial Use

A. W. Brown
Route #2
Rigby, Idaho

11-5-63

27386

