

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: A25-07016
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 83442

208-745-7745

2. Date of Priority: FEB 10, 1972

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	40E	15		NW	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	3.000		

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

8. Total consumptive use is 1425.0 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	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	35.0

A25-07016

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	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
					Section Acres		311.0
		15	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
SE	NW			IRR	40.0		
NW	SW			IRR	39.0		
SW	SW			IRR	22.0		
			Section Acres		259.0		
			Total Acres		570.0		

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:
25-2130.

14. Remarks:
THIS RT. WHEN COMBINED WITH RT. 25-2130 SHALL NOT EXCEED 2034 AF/
ANNUM.

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

15. Basis of Claim: LICENSE

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.

Bryd Foster
Signature of Authorized Agent

Partner 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

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 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
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Date Received: 9/26/1989
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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: FEB 10, 1972
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 03N | 40E | 15 | NW | 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 | 3.000 | | |
7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1425.0 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	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	35.0

A25-07016

Page 1

Date:

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	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
						Section Acres	311.0
		15	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	22.0
						Section Acres	259.0
						Total Acres	570.0

11. Place of use in counties: BONNEVILLE

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

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25-2130.

14. Remarks:
THIS RT. WHEN COMBINED WITH RT. 25-2130 SHALL NOT EXCEED 2034 AF/
ANNUM.

15. Basis of Claim: LICENSE

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.

Laurie Foster
Signature of Authorized Agent
Assis. Secy., Foster Agro, Inc.
Title and Organization
9/26/89
Date

State of Idaho)
County of Bonneville) 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 6-30-94



A25-07016

MICROFILMED
NOV 1964

Log for claim 25-07016

Spatial Dynamics CAT

12/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n40e	10	NENW	39	40	
03n40e	10	NWNW	39	40	
03n40e	10	SWNW	35	35	
03n40e	10	SEnw	40	40	
03n40e	10	NESW	40	40	
03n40e	10	NWSW	39	40	
03n40e	10	SWSW	39	40	
03n40e	10	SESW	40	40	
03n40e	15	SWNE	40	40	
03n40e	15	NENW	40	40	
03n40e	15	NWNW	39	40	POD placement?
03n40e	15	SWNW	39	40	
03n40e	15	SEnw	40	40	
03n40e	15	NWSW	39	40	
03n40e	15	SWSW	22	15	
Totals:			570	570	

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FOSTER LAND & CATTLE CO PO BOX 308 RIGBY ID 83442 (208) 745-7745	02/10/1972	IRRIGATION	04-01 11-01	3.000 CFS	
					TOTAL DIVERSION:	3.000 CFS
					CONSUMPTIVE USE:	1425.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R40E S15 NWN 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	:	SUM
03N	40E	10	:					:	39	39	35	40	:	40	39	39	40	:							:	311.0
03N	40E	15	:			40		:	40	39	39	40	:		39	22		:							:	259.0
																							TOTAL ACRES		570.0	

POU County: BONNEVILLE

Non-Irrigation Uses: NONE

Other Rights: 25-2130.

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

A25-02130 A25-07003

Remarks: GEN THIS RT. WHEN COMBINED WITH RT. 25-2130 SHALL NOT EXCEED 2034 AF/
ANNUM.

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

Dates: Exam Made Date: Verified Date: 12/18/1984 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
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 25-7016 Priority Feb. 10, 1972 Amount 3.0 cfs

THIS IS TO CERTIFY, that L. W. BROWN
of Rigby, Idaho, has complied with the terms and conditions of Permit
No. 25-7016 issued pursuant to Application for Permit dated February 10, 1972,
and has submitted proof to the Department of Water Administration on May 19, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.38 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>3.0</u> cfs and	<u>1,272 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

* 1,272 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15,

Twp. 3 N, Rge. 40 E, B.M. in the County of Bonneville

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N	40 E	10					39	39	35	40	40	39	39	40					311
		15			40		40	39	39	40		39	22						259

Total number of acres irrigated 570

* Subject to the condition that the maximum volume per year shall not exceed 2,034
acre feet when combined with License No. 27386/25-2130.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
April, 19 74.

Director

Identification No. 25 7016

Application No. _____

LICENSE ISSUED FOR 22 SEC. FT.
 LICENSE PAID _____

STATE OF IDAHO
 DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant L. W. BROWN
 post office address Route #2, Box 89, Rigby, Idaho 83442
2. Source of water supply Ground Water which is a tributary of ---
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 3N
Range 40E B.M. Bonneville County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into --- at a point in --- $\frac{1}{4}$
 of --- $\frac{1}{4}$ of Section --- Township --- Range --- B.M. ---
4. Water will be used for the following purposes:
 Amount 3.0 for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount --- for --- purpose from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)
 Amount --- for --- purpose from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 3.0 cubic feet per second and/or
 b. --- acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Drilled 18" dia. well, 200hp deep well turbine, mainline, & sprinklers.

- b. Height of storage dam --- feet, active reservoir capacity --- acre feet; total reservoir capacity --- acre feet, materials used in storage dam: ---
 Period of year during which storage will occur --- to --- inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is --- inches; proposed depth of well is --- feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
 b. Estimated construction cost is \$ 30,000.00.
8. Description of proposed uses:
 a. If water is not for irrigation: NA
 (1) Give the place of use of water: --- $\frac{1}{4}$ of --- $\frac{1}{4}$ of Section --- Township ---
Range --- B.M. ---
 (2) Amount of power to be generated: --- hp under --- feet of head.
 (3) List number of each kind of livestock to be watered ---

 (4) Name of municipality to be served ---, or number of families to be supplied with domestic water ---.
 (5) If water is to be used for other purposes describe: ---

25 7016

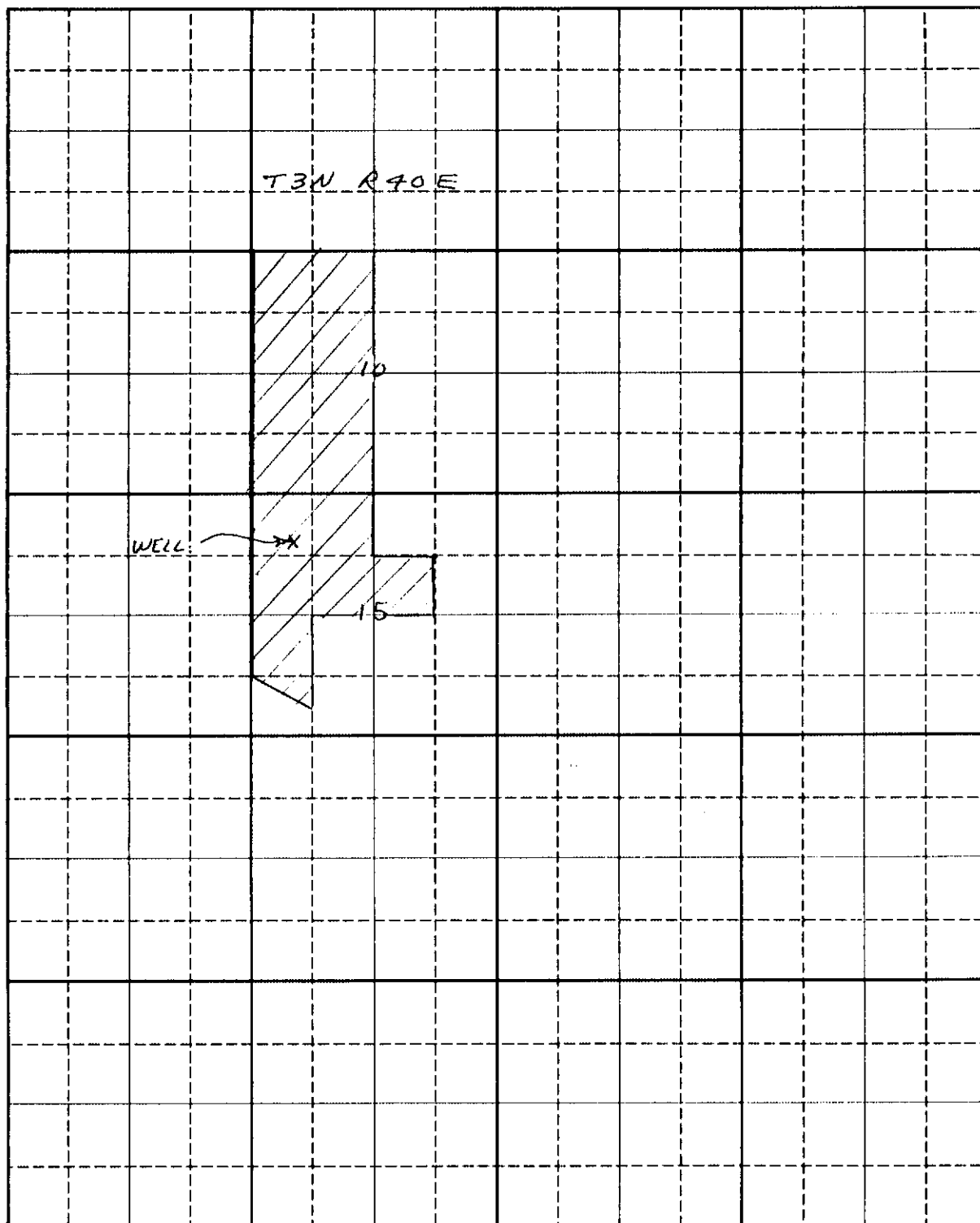
Total number of acres to be irrigated_____570

c. Describe any other water rights used for the same purposes as described above. We have another well on another permit and will be tying into the existing sprinkler lines. (License #25-2130 for 5.66 c.f.g.)

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

L. W. Brown
(Applicant)

IDaho DEPARTMENT OF WATER ADMINISTRATION
STATE ENGINEER'S OFFICE
BOISE, IDAHO
BOISE, IDAHO 83401

25 7016
25

Received by bj Date 2-10-72 Time 10:50 a.m.Preliminary check by NCY Fee \$ 45.00 K# 725DReceived by bj Date 2-10-72Publication prepared by bj Date 2-14-72Published in Post Register, Idaho Falls, ID 83111Publication dates 2-24-72 & 3-2-72Publication approved OK Date 3-16-72Priority reduced to 2-10-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JD DELL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 25-7016, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1977.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 28th day of March, 1972.


Deputy Director

FIELD REPORT

3. Water will be used for the following purposes:

Permit No. 25-7016
Examination for b/u

05-70116

TOTAL ACREAGE 570

A schematic diagram of a pump and motor assembly. On the left is a large, irregular shape labeled "motor". To its right is a smaller, rectangular shape labeled "Pump". A horizontal pipe connects the pump to a larger, more complex structure on the right labeled "Zap". The pipe has a section labeled "Check V." with a dimension of "1.5'". Another dimension of "5'4\" is shown along the pipe. A "side meter" is indicated by a dashed line and an arrow pointing to a small component on the pipe. The dimension "10'0\" is shown near the "Zap" structure. An arrow labeled "E" points to the right above the pipe.

25-7016

DATE OF EXAM July 26, 1973

ACREAGE
Found 561.5 562
Recommended 561.5 562

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.38 c.f.s. V = 1441 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no ☒

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: N/A
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 3.38 CFS Method of measurement MCCrometer meter

Total Q recommended 3.38 CFS Meter No. 221035B Type saddle condition good

Total V recommended 1441 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Discharged 435.6 cu feet in 129 seconds
$$\frac{435.6}{129} = 3.38 \text{ CFS}$$
$$V = \left(\frac{3.38}{561.5} \right) (3.5) = 1967 > (3.38)(1903)(215) = 1441$$

SYSTEM DESCRIPTION:

250 HP P.S. Motor Serial # E.D. 528143 w/ 4-B pump Serial # 220305
10" discharge to south with check valve, starts to buried main
200 HP P.S. Motor # 07F91771 w/ Johnston pump Serial #
10" discharge east to 4's to buried main north & south

REMARKS:

Could locate pipe manhole only, unable to locate
permit holder.

Examiner's Signature John Ferchman

Date July 26, 1973

Checked by W. R. Rhoads

Date Feb 13, 1974

Approved by _____

Date _____

25-7016

B-125

345.3

R 40E

9 10
6 15

10 11
10 14

39.0

40

738

PD

1208

39.0

40

40 /

61.5

1342

B-3

39.0

1286

B-315

370

28

19 14
22 23

84

0-9-00

25-7016

RD.

HW 426

R40-E

44.6 39.0 cellar out	157.0 39.0 WHT	3 2 10 11 82.9 -5.0 Wht 72
55.1 35 out	125.0 WW 40	Potatoes Ridge
39.0 59.6	40	135.1 Potatoes
39.0 Potatoes	35.0 Potatoes 40	24.1 10 11 15 14

7-3-N

25-7016