

03/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11239
NAME AND ADDRESS: FOSTER LAND & CATTLE CO
PO BOX 308
RIGBY ID 83442
SOURCE: ANTELOPE CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 16.730 CFS
USE OF THIS RIGHT WITH RIGHT NO. 23-11241 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 41.78 CFS.
PRIORITY DATE: 06/01/1890
POINT OF DIVERSION:
T02N R42E S5 NESESE Within BONNEVILLE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	16.730 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R42E S04 Lot 1 NENE	10.0	T02N R42E S04 Lot 2 NWNE	39.0
T02N R42E S04 SWNE	40.0	T02N R42E S04 SENE	38.0
T02N R42E S04 Lot 3 NENW	41.0	T02N R42E S04 Lot 4 NWNW	39.0
T02N R42E S04 SWNW	40.0	T02N R42E S04 SENW	40.0
T02N R42E S04 NESW	40.0	T02N R42E S04 NWSW	40.0
T02N R42E S04 SWSW	40.0	T02N R42E S04 SESW	40.0
T02N R42E S04 NWSE	40.0	T02N R42E S04 SWSE	40.0
T02N R42E S05 SENE	21.0	T02N R42E S05 NESE	19.0
T02N R42E S05 SESE	5.6	T02N R42E S08 NENE	29.0
T02N R42E S08 NWNE	2.6	T02N R42E S08 SWNE	26.0
T02N R42E S08 SENE	40.0	T02N R42E S09 NWNE	7.3
T02N R42E S09 NENW	40.0	T02N R42E S09 NWNW	40.0
T02N R42E S09 SWNW	40.0	T02N R42E S09 NWSW	36.0
T03N R42E S33 NESW	13.0	T03N R42E S33 SESW	39.0
T03N R42E S33 SWSE	11.0		

896.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 23-11241 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

02/17/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-11241
FOSTER LAND & CATTLE CO
PO BOX 308
RIGBY ID 83442
Telephone Number: (208)243-6936

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

correct place of use per photo.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation. ~~no changes need to be made.~~

DATE: _____

SIGNATURE: *Paul Lister*

Please print your name: _____

IDWR Regional Office,

*3/29/04 Connections made 200 notes in
23-11239*

PA

02/17/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11241

NAME AND ADDRESS: FOSTER LAND & CATTLE CO
PO BOX 308
RIGBY ID 83442

SOURCE: ANTELOPE CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 42.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11239 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 42.10 CFS.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T02N R42E S5 NESESE Within BONNEVILLE CountyPURPOSE AND
PERIOD OF USE:PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/15 10/31

QUANTITY

42.100 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R42E S04 Lot 1 NENE	10.0	T02N R42E S04 Lot 2 NWNE	39.0
T02N R42E S04 SWNE	40.0	T02N R42E S04 SENE	38.0
T02N R42E S04 Lot 3 NENW	41.0	T02N R42E S04 Lot 4 NWNW	39.0
T02N R42E S04 SWNW	40.0	T02N R42E S04 SENW	40.0
T02N R42E S04 NESW	40.0	T02N R42E S04 NWSW	40.0
T02N R42E S04 SWSW	40.0	T02N R42E S04 SESW	40.0
T02N R42E S04 NWSE	40.0	T02N R42E S04 SWSE	40.0
T02N R42E S05 SENE	21.0	T02N R42E S05 NESE	19.0
T02N R42E S05 SESE	5.6	T02N R42E S08 NENE	19.0
T02N R42E S08 NWNE	2.1	T02N R42E S08 SWNE	20.0
T02N R42E S08 SENE	1.0	T02N R42E S09 NENW	40.0
T02N R42E S09 NWNW	24.0	T03N R42E S33 NESW	13.0
T03N R42E S33 SESW	39.0	T03N R42E S33 SWSE	11.0

741.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.RIGHT NO. 23-11239 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-84

WATER RIGHT NUMBER: 23-84

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD H FREEMAN
Original Owner	RIRIE, ID
Original Owner	MARY J FREEMAN
Original Owner	, ID
Original Owner	FOSTER LAND & CATTLE CO
	PO BOX 308
	RIGBY, ID 83442
	(208)243-6936

SEE-23-11240 FOR
DOCUMENTS OF SALE
AND SPLIT.

Priority Date: 06/01/1890

Basis: Decreed

Status: **Parent: see 23-11241 and 23-11242**

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	50.000 CFS	
	<u>Total Diversion:</u>	50.000 CFS	

Location of Point(s) of Diversion

ANTELOPE CREEK	NE1/4SE1/4SE1/4	Sec. 5, Twp 02N, Rge 42E, B.M.
BONNEVILLE County		

Place of UseIRRIGATION Within BONNEVILLE County

T02N R42E S04	NENE	16.0	T02N R42E S04	NWNE	39.0
T02N R42E S04	SWNE	40.0	T02N R42E S04	SENE	38.0
T02N R42E S04	NENW	40.0	T02N R42E S04	NWNW	33.0
T02N R42E S04	SWNW	40.0	T02N R42E S04	SENE	40.0
T02N R42E S04	NESW	40.0	T02N R42E S04	NWSW	40.0
T02N R42E S04	SWSW	40.0	T02N R42E S04	SESW	40.0
T02N R42E S04	NWSE	40.0	T02N R42E S04	SWSE	40.0
T02N R42E S05	NENE	14.0 ✓	T02N R42E S05	SENE	31.0
T02N R42E S05	NESE	28.0	T02N R42E S05	SESE	7.0
T02N R42E S08	NENE	31.0	T02N R42E S08	NWNE	3.0
T02N R42E S08	SWNE	27.0	T02N R42E S08	SENE	40.0
T02N R42E S09	NENW	40.0	T02N R42E S09	NWNW	40.0
T02N R42E S09	SWNW	40.0	T02N R42E S09	NWSW	40.0

$$\frac{50 \text{ cfs}}{1109 \text{ ac}} = 0.045 \text{ cfs/ac}$$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-84

T03N R42E S32	NESE	35.0✓	T03N R42E S32	SESE	32.0✓
T03N R42E S33	SWNW	20.0✓	T03N R42E S33	NESW	19.0
T03N R42E S33	NWSW	40.0✓	T03N R42E S33	SWSW	40.0✓
T03N R42E S33	SESW	39.0	T03N R42E S33	SWSE	17.0

Total Acres: 1109

SEC 32 SENE NOT
CLAIMED, BUT FARMED.

CØ5

Conditions of Approval:Remarks:

1. General THIS FLOW INDICATED IN THIS WATER RIGHT INCLUDES 20.00 CFS FROM A23-00083. SEE ATTACHED COPY OF FREEMAN VS. LAMBERT. THIS RIGHT IS A FLOOD RIGHT.
2. General SPLIT BY CHANGE OF OWNERSHIP RIGHT: SEE RIGHT NOS. 23-11241 AND 23-11242.

Comments:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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23-00084
 SPLIT BY SEENOTES OF
 C/O 10/17/03 SPLIT IN CVR (PAPER).
 HAMILTON
 23-11242
 POU BY GIS = 175[?] AC @ 0.045 cfs/AC = 79¹ cfs
 POU: T2N R42E SEC. 5 (PT.) NENE
 T3N R42E SEC. 32 (PT.) SENE. E²SE
 SEC. 33 (PT.) W²SW, SWNW
 POU: NESESE SEC. 5 T2N R17E

933³ AC @ 42⁰⁹ cfs
 50⁰ cfs
 - 79¹ - HAMILTON
 42⁰⁹ - FOSTER

Contacts Data Entry Form

Water Right No. 23-00084

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner Foster Land & Cattle Co.

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DESCRIBED UNDER H.H. FREEMAN vs G.D. LAMBERT 1944 DECREE 23-6.
TO H.H. FREEMAN AS 50 cfs (INCLUDES 20 cfs OF 23-B3).

SUB CLAIM FILE 23-B3 FOR NOTES ETC

RIGHT SPLIT BY C/O. SENT BACK TO HAMILTON REQUESTING
A SURVEY PLAT/MAP.

FB: Nick Olson DAM + SYSTEM WENT INTO
OPERATION 1984

SEE 23-84 FOR REMAINDER OF NOTES

Reviewer: _____

Date: _____

Water Right No(s). A 23 000 84



photo
of DAM
+ - POD.

GPS DATA:

Tag # A.O 00 9526 Location: BY STEM OF HEAD GATE

Well Data:

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

WATER Flows From small Dam INTO
AN IRRIGATION Ditch Flow Approximately $\frac{1}{4}$
mile. TO A pump. which Irrigates South
 $\frac{1}{2}$ OF POD. From the Ditch AT the pump
water Flows into a 16" pipe + Flows Approx
 $\frac{1}{2}$ mile TO 2nd pump which Irrigates North $\frac{1}{2}$ pod.

Field Exam Date: 16 Jan 2004 Agent: NICK OLSON

VIII

That the plaintiffs' lands described in paragraph "III" of the findings of fact and hereinafter described are arid in character and require for the successful growing of crops thereon by irrigation an amount of water equal to one cubic foot per second for each 50 acres of land.

IX

That the plaintiff, Harold H. Freeman and Mary J. Freeman, his wife, have the right to the use of, and there is hereby decreed to them, with a priority date of June 1st, 1890, the use of all of the normal flow water of Antelope Creek and all its tributaries, but subject, nevertheless, to the decrees herein set out in paragraphs V and VI, to the amount of 20 cubic feet per second, and there is further decreed to them of the spring run-off or flood waters of said Antelope Creek and its tributaries the use of 50 cubic feet per second, which latter amount shall include the aforesaid 20 cubic feet per second of normal flow of water. The said water so decreed to be diverted from Antelope Creek at various points on said channel, the upper stream point of diversion being located in the Southeast Quarter of Section 5, Township 2 North, Range 42 East Boise Meridian, and the other points of diversion at various points down the stream. Said water being for use upon the following described land situated in Bonneville County, State of Idaho:

Lots 3 and 4, the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), and the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 4; Lot 1 and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section 5; all being in Township 2 North; and East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section 32; the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), the West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 32; all being in Township 3 North; and all of said property being in Range 42 East Boise Meridian; together with all ditch and water rights thereunto belonging or appertaining.

The Northeast Quarter, the Southeast Quarter of the Northwest Quarter ($NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 4; the West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 5; all being in Township 2 North; the West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$), of Section 27; the South Half of the South Half ($S\frac{1}{2}S\frac{1}{2}$), of Section 28; the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), and the Southeast Quarter ($SE\frac{1}{4}$) of Section 33; the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$), and the Southwest Quarter ($SW\frac{1}{4}$), of Section 34; all being in Township 3 North; and all of said property being in Range 42 East Boise Meridian. Together with all ditch water rights belonging thereto or appertaining thereto.

X

That the plaintiffs, Harold H. Freeman and Mary J. Freeman, his wife, are entitled to have the channels of Antelope Creek and all

23-0083

23-0084

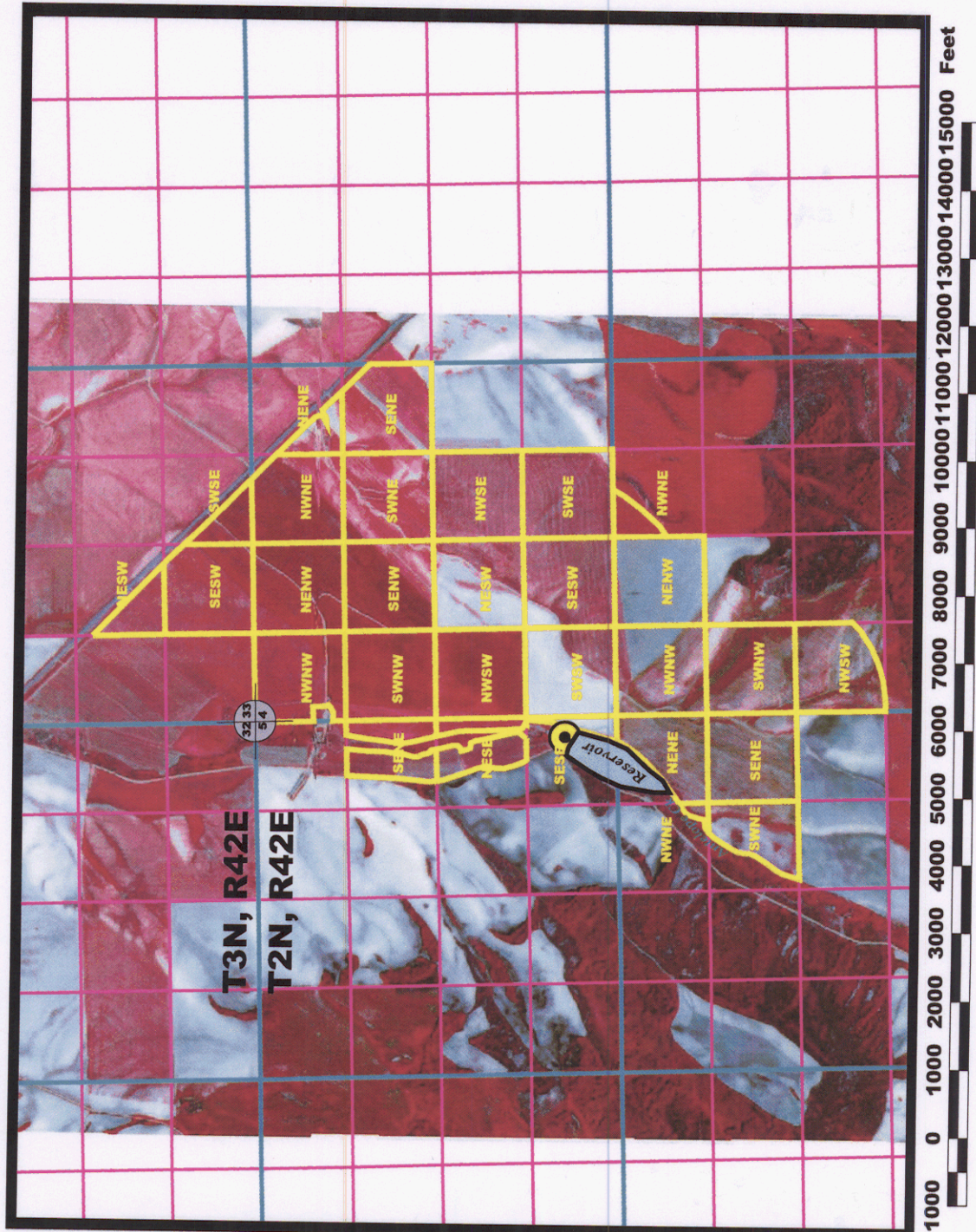
Excerpt from
Freeman vs Lambert
7/26/1944
Decree 2364



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-11239
23-11241

Place of Use: (parts of)
T3N, R42E Sec. 33
T2N, R42E Secs. 4, 5, 7, 8

Point(s) of Diversion:
T2N, R42E Sec. 5 NESESE

LEGEND

- Point of Diversion
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

T3N, R42E
T2N, R42E

32 33
5 4

SENE

SWNW

SENW

SWNE

SENE

NESE

NWSW

NESW

NWSE

SESE

SWSW

SESW

SWSE

NWNE

NENE

NWNW

NENW

NWNE

SWNE

SENE

Reservoir

8

9