

03/29/2004

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: 41.780 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11239 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	41.780 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. 23-11239 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: 23-11239

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: *Ernest Lott*

Please print your name: _____

IDWR Regional Office,

3/29/04 ① CORRECTED POH AND OTHER DOCUMENTS

ACCORDINGLY.

② ALSO SEE 23-11241.

*③ ALSO CAUSE CONNECTIONS
TO BE MADE TO HAMILTON'S
23-11240 AND 23-11242*

02/17/2004

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: 16.840 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11241 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 County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	16.840 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. 23-11241 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 23-83

WATER RIGHT NUMBER: 23-83

<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 OR SALE
AND SPLIT.*

Priority Date: 06/01/1890

Basis: Decreed

Status: **Parent: SEE 23-11239 AND 23-11240**

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	20.000 CFS	
<u>Total Diversion:</u>		20.000 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

$$\frac{20 \text{ cfs}}{1109 \text{ ac}} = 0.018 \text{ cfs/ac}$$

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 23-83

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
CDS

Conditions of Approval:Remarks:

1. General SPLIT BY CHANGE OF OWNERSHIP: SEE RIGHT NOS. 23-11239 AND 23-11240.

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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23-000B3

SPLIT BY SEE NOTES OF SPLIT
CB 10/17/03 IN CVR (PAPER).

23-11239 FOSTER

933³ ac @ 16⁸⁴ cts

$$NOB \text{ AC} = 896^5 \text{ ac} \times 0.019 = 16^73 \text{ cts}$$

By Claim Split { 20⁰ cts
- 3¹⁶ cts - HAMILTON
16⁸⁴ cts - FOSTER

$$\frac{20 \text{ cts}}{1072 \text{ ac}} = 0.01866$$

175⁵ ac @ 3²⁷ cts

23-11240 HAMILTON

$$POU \text{ BY GIS} = 175^5 \text{ ac} @ 0.018 \text{ cts/ac} = 3^16 \text{ cts}$$

POU: SAME AS 23-11242. SEE GIS LAYOUT
OR SPLIT HISTORY.

POD: NESESE SEC. 5 T.2N., R.42E.

Contacts Data Entry Form

Water Right No. 25-00083

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
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:

DECREED UNDER H.H. FREEMAN VS G.D. LAMBERT, 1944DECREED 23-6 TO H.H. FREEMAN AS OWNERRIGHT IS SPLIT BY %. SENT BACK TO HAMILTON REQUESTING
A SURVEY PLAT MAP.

FE. BY NICK (QSON) BRAD FOSTER TOLD
THE THE SYSTEM + DAM WENT
IN TO OPERATION IN 1984 20 YEARS

Whom do I ask
go in?
GPS on POD.

SEE 23-83 FOR REMINDER OF NOTES

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 JUNE 1890 Claimed Basis: DECREESRecommended Priority Date: 1 JUNE 1890 Recommended Basis: "

____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matches DECREES

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T 2N, R 42E, Sec. 5, _____, _____, SE, County: Bonn

Source: Antelope Creek Tributary: _____

Claimed Point of Diversion: T. 2N, R. 42E, Sec. 5, NE, SE, SE County: Barnes

Source: Antelope Ck Tributary: Snake River, So Fk

Recommended Point of Diversion: T_____, R_____, Sec. _____, _____, _____. County: _____

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

[illegible]

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD DEFINED BY DECREASING AS SHOWN ABOVE "AND THE OTHER POINTS OF DIVERSION AT VARIOUS POINTS DOWN THE STREAM."
CLAIMED POD IN S858 SEC. 5 IS FROM A RESERVOIR THEN FROM POD TO PLOTS, ETC.

Transfers Changing POD _____

Reviewer: _____

Date: _____

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 Creeks tributary thereto, including Horse Creek, Cow Creek and North Twin Springs Creek, kept open at all times so that water will flow freely through them, and it is, therefore, decreed that the plaintiffs have the right to freely enter, at all reasonable times, in and upon the various premises and lands through which said Antelope Creek and all of its

23-0083

23-0084

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

R426

T3N

PAHAS DECAWOOD
KROEMER vs Lambert
1944

T2N

TWP	RANGE		COUNTY				RAN
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

40 QRS x 40 AC
1600 AC

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

DEANER cites some 40 QQ's @ 40 ac/QQ = 1600 ac - Acres NOT DEANER
BY DEANER - CLAIMS 1109² ACRES → OK SEE 6.855 for Ac
Distribution recommended.
CLAIMED POU DOES NOT MATCH w/ DEANER POU

COND
 CPS

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring</i>	<i>4/1</i>	<i>11/1</i>	<i>20⁰</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring</i>	<i>4/15</i>	<i>10/31</i>	<i>20⁰</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

*SCA NOT ADDRESSSED by DECREE - RECOMMEND DEPT. STD AS
4/15-10/31.*

Overlap RPH w/ 23-B4. Q and Ac limits apply

Remarks

Reviewer: _____

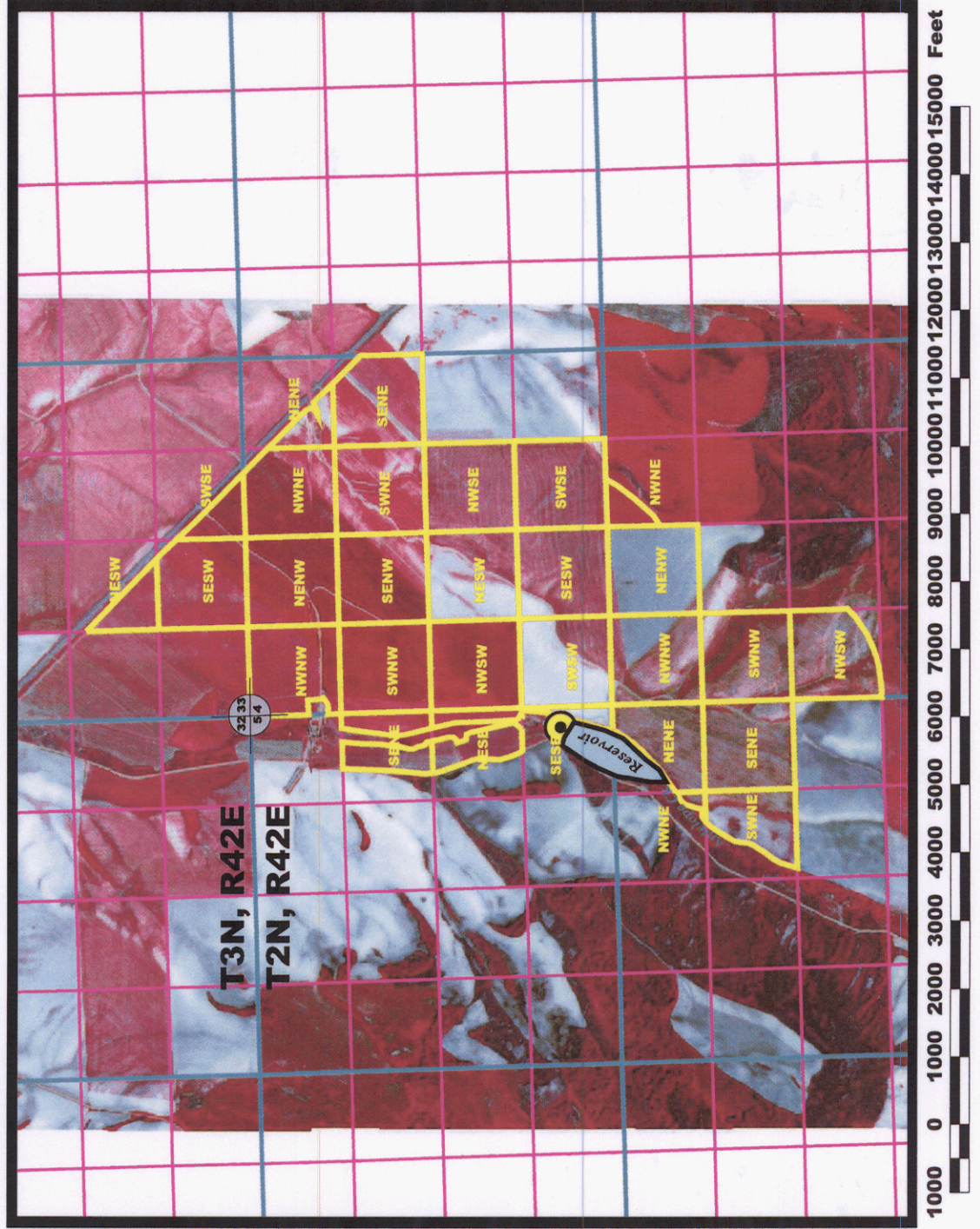
Date: _____



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

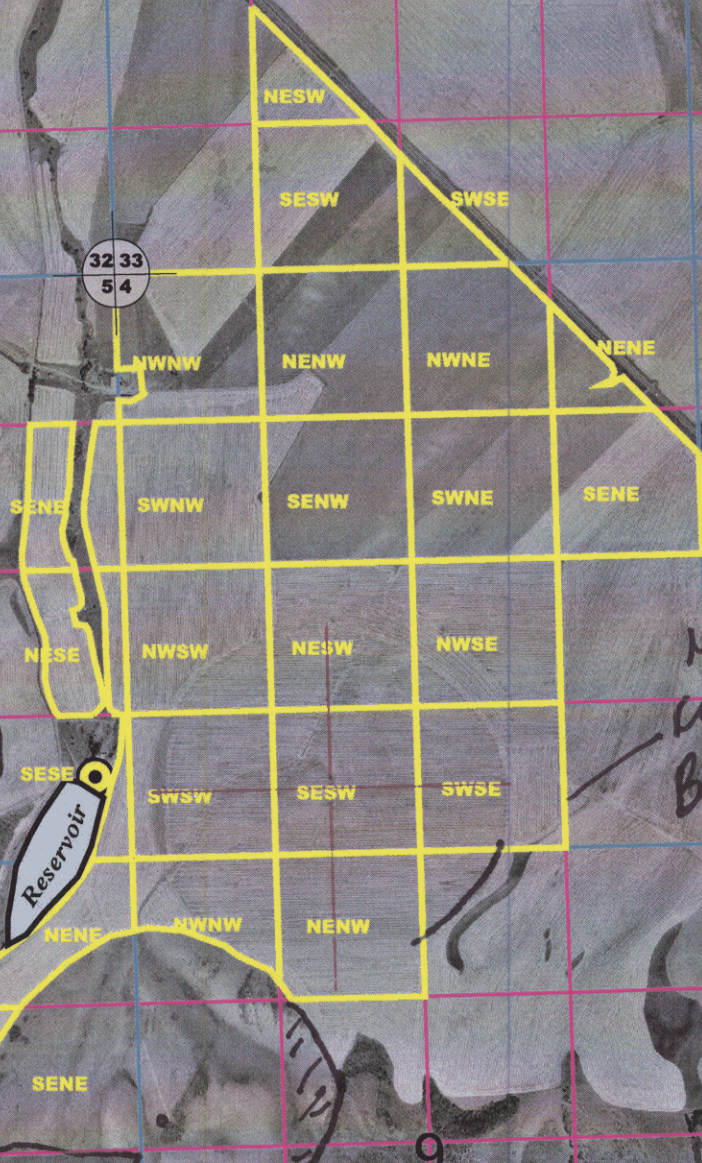
Point(s) of Diversion:
T2N, R42E Sec. 5 NESE

LEGEND

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

T3N, R42E
T2N, R42E

32 33
54



NOTE
Connecting
Broad Fork
3-15-04