

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

RECEIVED

OCT 30 1989

Ident. Number: A61-00272
Date Received: 10/26/1989
Receipt No: C012665
Received By: D.K.
RLT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: ROSALIE S. FOSTER 208-587-4194
Address: HC 87, BOX 14
MOUNTAIN HOME, ID 83647

OR

Name: DELMAR FOSTER 208-587-4194
Address: HC 87, BOX 14
MOUNTAIN HOME, ID 83647

2. Date of Priority: MAY 01, 1880

3. Source: RATTLESNAKE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	07E	2	NW	NW	SW		ELMORE

5. Description of diverting works:
DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.524		

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

8. Total consumptive use is 84.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A61-00272

Page 1

Date: 10/26/89

MICROFILME

AUG 11 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	07E	3	NE	SE		IRR	19.0
			NW	SE		IRR	9.0
Section Acres							28.0
Total Acres							28.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

COMMODORE JACKSON ET. AL.
Decree Plaintiff

vs

J. M. COWAN ET. AL.
Decree Defendant

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Delmar Foster* Date: 10-26-89
Rosalie Foster Date: 10-26-89

State of Idaho)
County of Ada) SS.

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

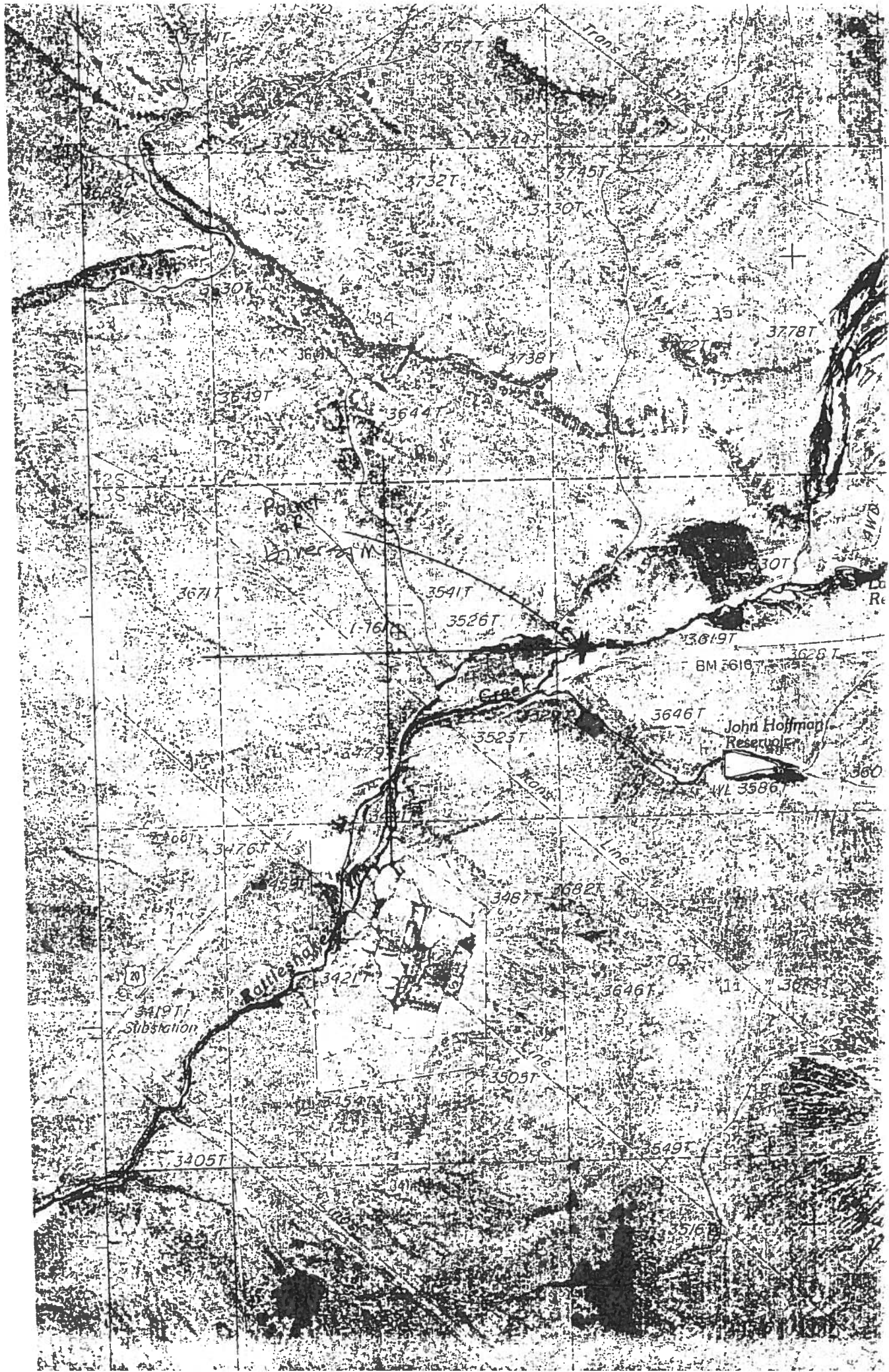
Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

Attachint
to
101-00272

2S
3S



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: A61-00272
Date Received: 10/30/1989
Receipt No: C012605
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSALIE S. FOSTER 208-587-4194
Address: HC 87, BOX 14
MOUNTAIN HOME, ID 83647
OR
Name: DELMAR FOSTER 208-587-4194
Address: HC 87, BOX 14
MOUNTAIN HOME, ID 83647
2. Date of Priority: MAY 01, 1880
3. Source: RATTLESNAKE CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
03S 07E 2 NW NW SW ELMORE
5. Description of diverting works:
DAM, DITCH
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 04/01 11/01 0.524
7. Total Quantity Appropriated is:
0.524 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 84.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
Township Range Section 1/4 of 1/4 Lot Use Acres
03S 07E 3 NE SE IRR 19.0

A61-00272

Page 1

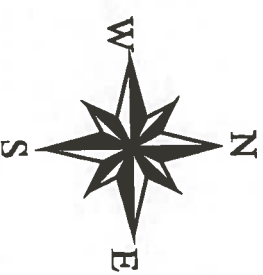
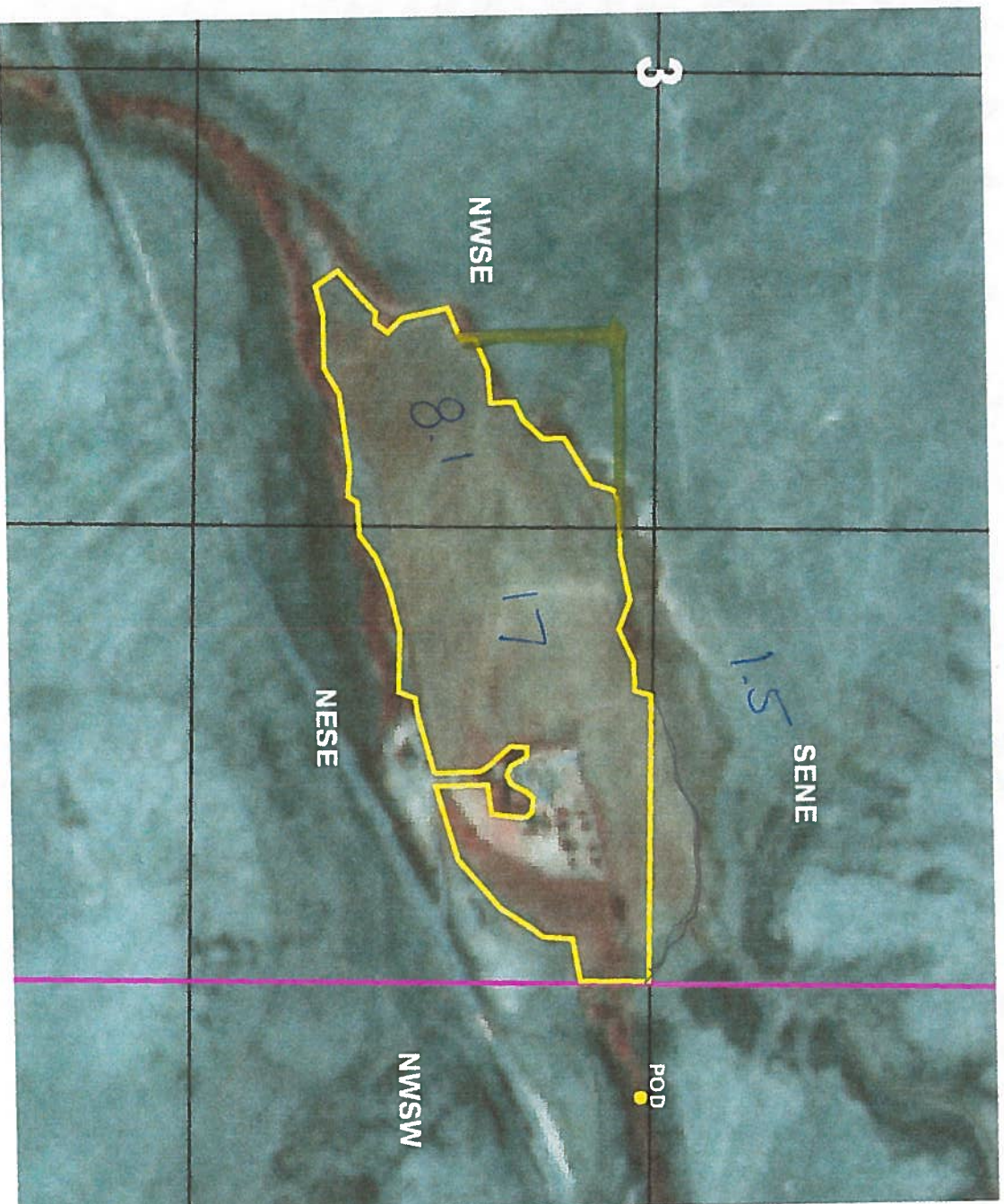
Date: 07/09/90

MICROFILMED

AUG 11 1992

61-00272

T03S R07E
S02 and S03



Map prepared by: Erik Norquest
Date prepared: 05/12/98
1987-1988 NAPP photography

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/27/98
PAGE: 1

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION RATE

DIVERSION
VOLUME

C ROSALIE S FOSTER
C DELMAR FOSTER
HC 87 BOX 14
MOUNTAIN HOME ID 83647
(208) 587-4194

TOTAL DIVERSION:

0.52 CFS

Water Source: RATTLESNAKE CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T03S R07E S02

MSMNMN

ELMORE County

Place of use Legal Description for: IRRIGATION

NE

MEM

MS

SE[illegible]

TOTAL ACRES

25.1

POU County: **ELMORE**

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A61-00272

Conditions of Approval:

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 61A

Field Inspection Flag:
Presumption Flag:

Audit:

10/27/98 ENORAUES

83-22-01 113

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A61-00272

11:28:02
08/08/96

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			8/11/96				8/11/96	
POINT OF DIV			/				/	
SOURCE			/				/	
PLACE OF USE	Y		/				/	
DIV. AMOUNT CFS/VOLUME			/				/	
CONSUMPTIVE USE	-						/	
PURPOSES OF USE			/				/	
PERIOD OF USE			/				/	
BASIS OF CLAIM	Y		/				/	
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:28:02
08/08/96

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A61-00272

LAST: MOSS
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: JAMES T
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: FOSTER
ADDRESS: HC 87 BOX 14
CITY: MOUNTAIN HOME
PHONE NUMBER: 208-587-4194

FIRST: ROSALIE S
STATE: ID ZIP: 83647

OWNER CODE: C

LAST: FOSTER
ADDRESS: HC 87 BOX 14
CITY: MOUNTAIN HOME
PHONE NUMBER: 208-587-4194

FIRST: DELMAR
STATE: ID ZIP: 83647

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE N FIELD EXAMINER

CONTACT PERSON: _____

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 2/12/96

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AD CLAIM: # A61-00272 PRIORITY DATE: 05-01-1880 STAGE: D

B. WR RECORD: # 61-00272 PRIORITY DATE: 05-01-1880 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

05-01-1880

REVIEWED BY

201

DATE

9-27-86

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A61-00272	03S	07E	(2)	NW	NW	SW		ELMORE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A61-11266 R61-11266
MR RECORDS IN SAME 40 ACRE TRACT
61-02021

SOURCE: RATTLESNAKE CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
61-00272	03S	07E		NE	SE			ELMORE		

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
61-07337
NONE NONE

SOURCE: RATTLESNAKE CREEK

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 9-18-96) NAME OF EXAMINER E. Hargrave Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
03S	07E	2	NW	NW	SW				ELMORE		

SOURCE: RATTLESNAKE CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (~~____~~)

A. ROOT WATER RIGHT NUMBERS: A61-00272

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03S	07E	3	NE	SE		FOSTER, ROSALIE S	A61-00272 / 19.0	61-00272 / 61-07337 /			19.0
			NE	SE		FOSTER, DELMAR					
03S	07E	3	NW	SE		FOSTER, ROSALIE S	A61-00272 / 9.0	61-00272 /			15.0

ADDITIONAL POU FOUND

TOTAL ACRES A61-00272

28.00

34.00

POU COUNTY: ELMORE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

Y () N ()

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

N/A () Y () N ()

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A () Y () N ()

215
Average

25.1

8.1

G. SHOULD THE CLAIMED POB BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

CHECK DOCUMENTS USED TO VERIFY POB:

☒ ORTHOPHOTOQUAD, IDWR NO. 314; ☒ TOPOGRAPHIC QUAD, IDWR NO. 314;
() NAPP, IDWR NO. ; ☒ ASCS PHOTO; () OTHER 416

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: 28.0 N/A()
REVIEWED BY: 211 DATE: 9-27-86

A. ALL CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A61-00272 IRRIGATION	FROM 04-01 TO 11-01	0.524 CFS	
TOTAL DIVERSION RATE/VOLUME		0.524 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
61-00272 IRRIGATION	FROM 05-01 TO 10-01	0.524 CFS	
TOTAL DIVERSION RATE/VOLUME		0.524 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.524 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.524 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. MEASUREMENT METHOD FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 25.1 x 0.02 CFS/ACRE = .50 CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AF/A

ACRES 25.1 x DIVERSION VOL. AF/A FOR AREA 2.5 =
TOTAL DIVERSION VOLUME 62.75 AF/A

3. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 84.0 AF/A

ACRES 18 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
TOTAL CONSUMPTIVE USE 98 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 0.524 <u>524</u>	DATABASE EXAMINER	DATABASE EXAMINER 84.0 <u>84.0</u>
TOTAL FOR THIS RIGHT		0.524 <u>✓</u>		84.0 <u>✓</u>

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED () ✓

REVIEWED BY: 91 DATE: 9-27-85

FLAG:

STANDARD CONDITIONS (CODE): C43

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____ ACCEPTED AS CLAIMED
FORFEIT/ABANDON _____ REVIEW
ADDITIONAL DIV. AMOUNT _____ ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-00272
TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.524 EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-00272	0.524	-		61-00272	0.524
TOTAL CFS		0.524				0.524

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE FIELD
Y EXAMINER
N ()

NOTES:

NO SPLITS

AUTHENTICATION:

SIGNATURE:

Sub Mayor

DATE:

NAME OF FIELD EXAMINER:

E. Norovos

TITLE:

WRRA

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☒ ORTHOPHOTOQUAD

DATE OF PHOTO

1986

IDWR ID NO.

214

Y() N()

☒ TOPOGRAPHIC

DATE FIELD CHECKED

1986

IDWR ID NO.

214

Y() N()

☐ NAPP

DATE OF PHOTO

IDWR ID NO.

Y() N()

☒ ASCS AERIAL PHOTO

DATE OF PHOTO

Y() N()

☐ ASCS COLOR SLIDE

DATE OF PHOTO

Y() N()

☐ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

Y() N()

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

Y() N()

☐ SCS SOIL SURVEY MAP

DATE ISSUED

Y() N()

☐ SUBDIVISION PLAT MAP

DATE OF MAP

Y() N()

☐ OTHER

DATE

Y() N()

☐ OTHER

DATE

Y() N()

☐ OTHER

DATE

Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

☐ IDWR APPROVED TRANSFER

DATE TRANSFER APPROVED

☒ SYSTEM DESCRIPTION

DATE DRAWN

9-18-96

☒ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

9-18-96

☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

☐ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

☐ OTHER

DATE

☐ OTHER

DATE

TOTAL DIVERSION: 1,20 0.52 CFS
CONSUMPTIVE USE: ~~84:00~~ AFA

Stage: DECREED

ELMORE County

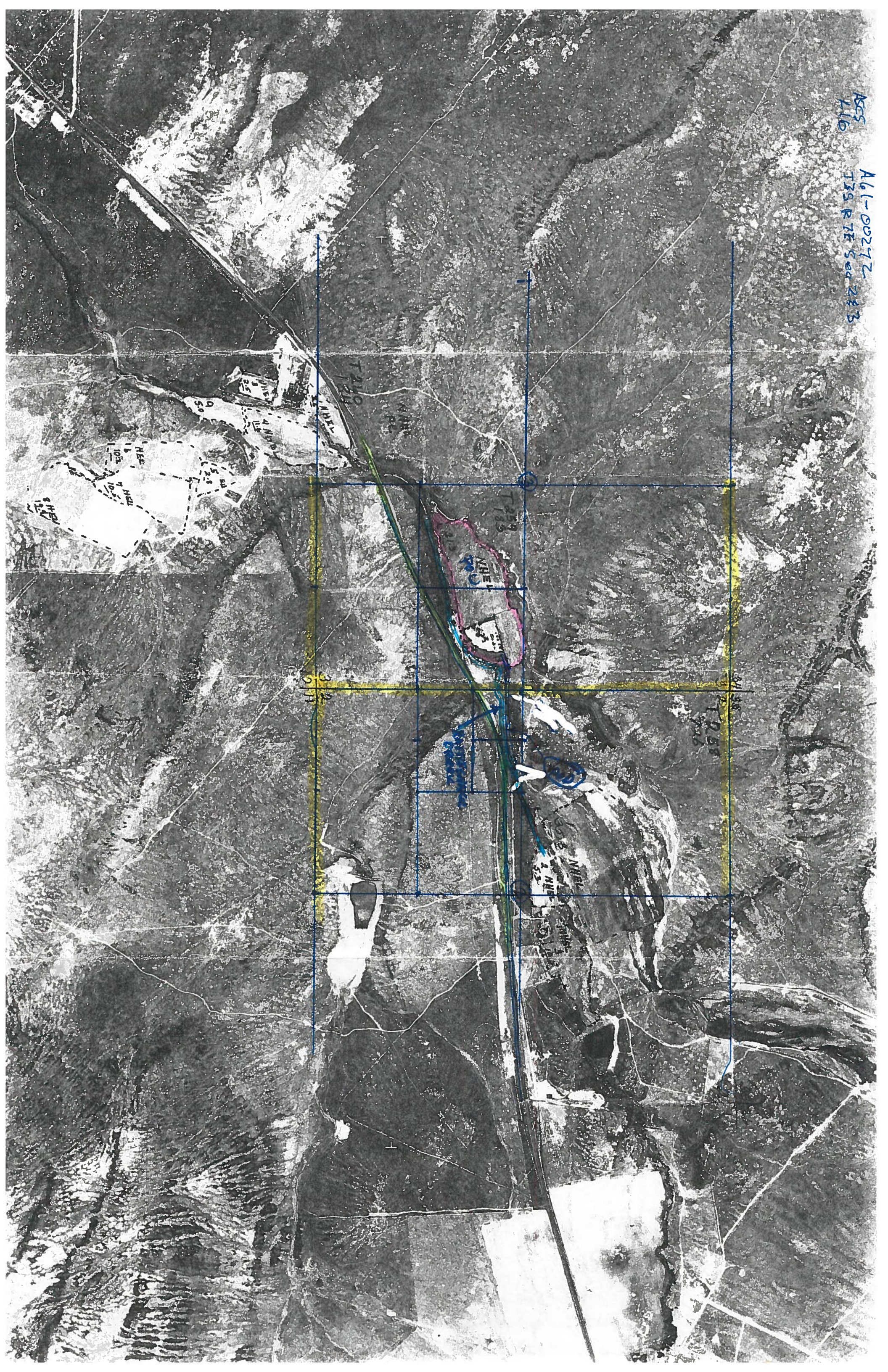
SM

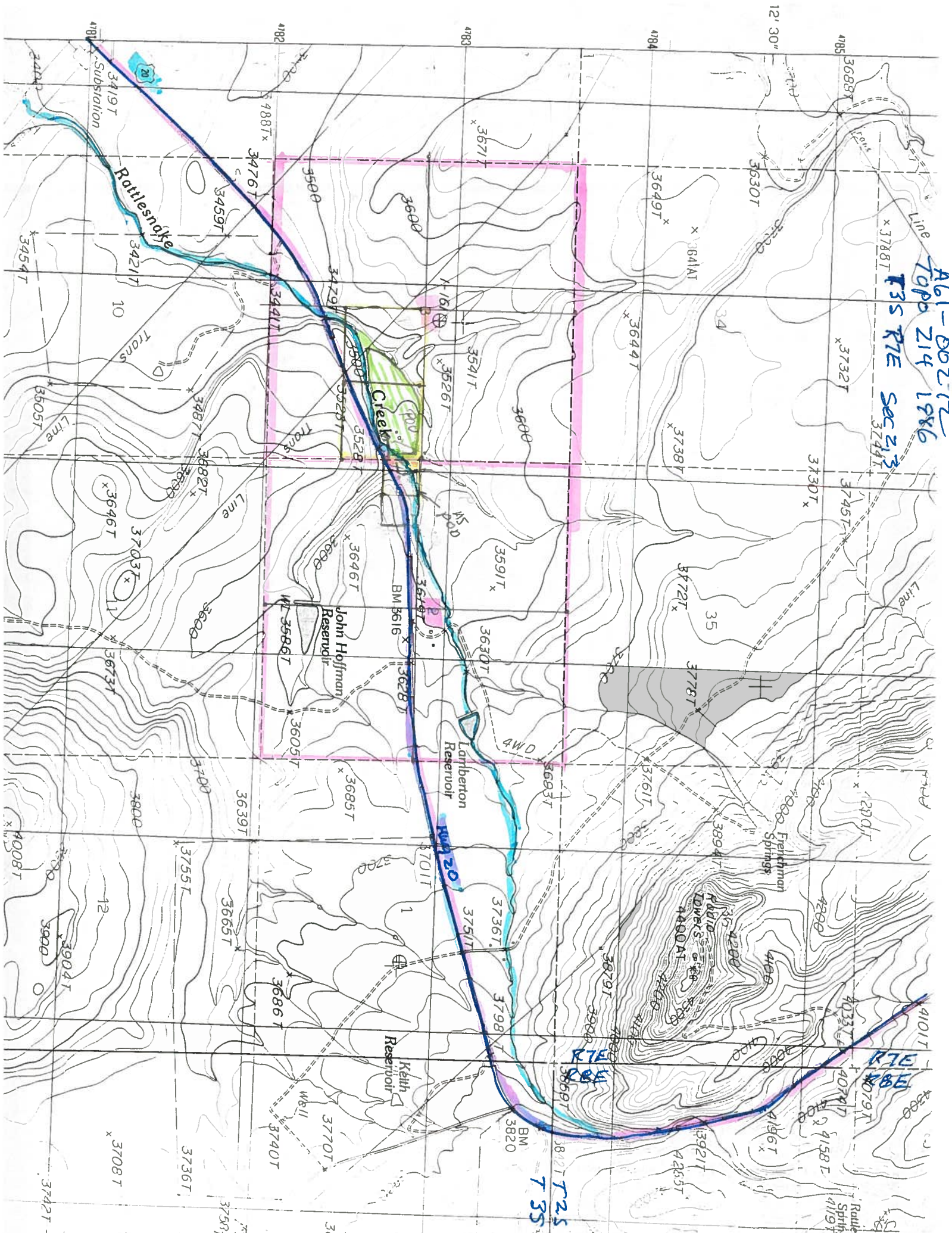
19	28.0
17	28.0
TOTAL	25.1
ACRES	

Objection Filed Date:

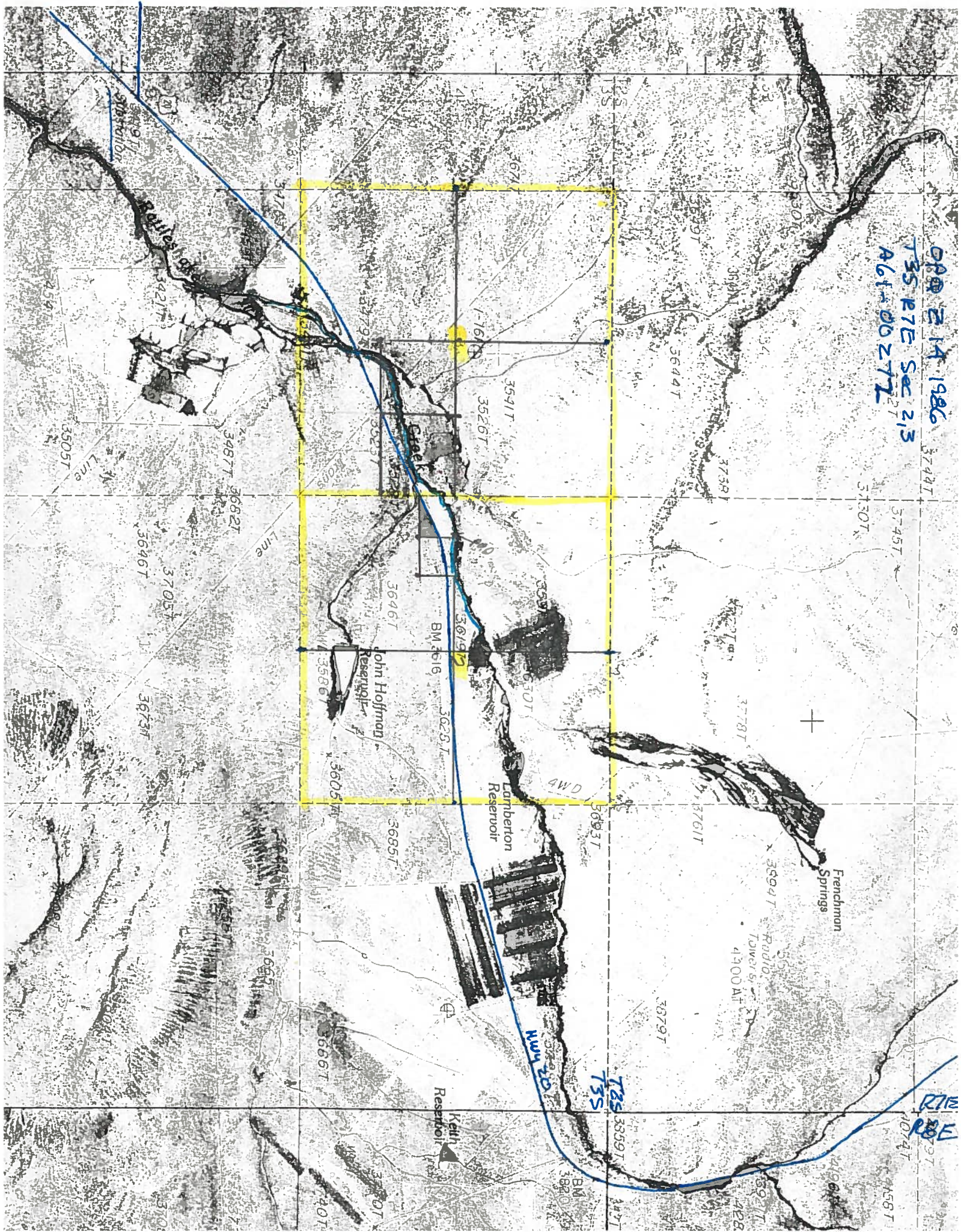
Presumption Flag:

ACS
416
A61-00272
135 RTH Sea 223





OPD E 14 1986
T35 RTE SEC 2,3
A614002712

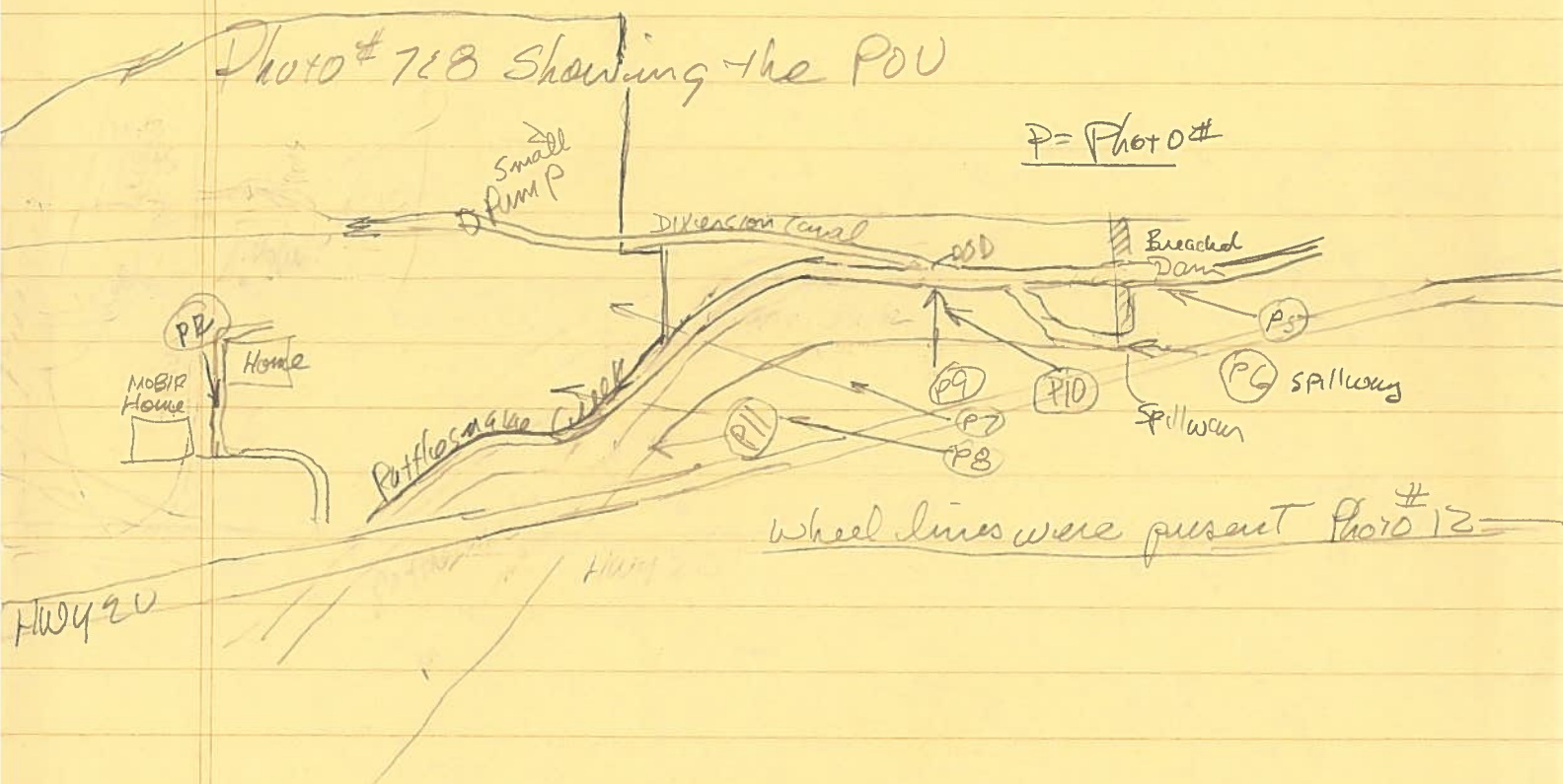


Abt-00272 9-18-96

photo 5 - Showing Breach in Dam with Rattle Snake
creek flowing through it.

Photo #6 Shows diversion spillways on the south of
the dam. no one at home

Photo #7 & 8 Showing the POV



T3S R7E Sec 2
NW NW SW



Photo #9 9-18-96 Looking North from the NW SW corner of Section 2 showing the canvas dams used to divert water from Rattlesnake Creek into a ditch going west to the POB,



Photo #10 9-18-96 Looking NW from the NW SW corner of section 2 showing the diversion ditch that carries the water diverted up stream from Rattlesnake Creek.

Claim identification no. A61-00272

T 35 R 7E Sec 2
NE NW SW

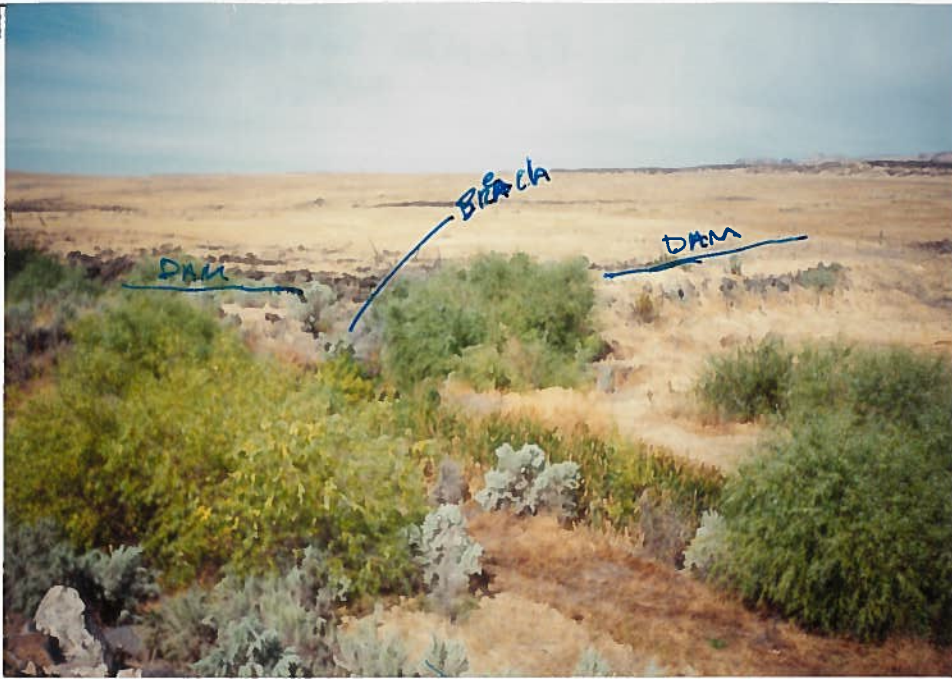


Photo #5 9-18-96 Looking NW from the NW SW corner
of Section 2 - Showing Breach in former dam, along
Rattlesnake Creek



Photo #6 9-18-96 Looking NW from the NW SW corner
of Section 2. Showing spillway in former dam, along
Rattlesnake Creek

Claim identification no. A61-00272

T3S R4E Sec 2
NW SW



Photo #11 9-18-86 Looking west from the NW SW of section 12 showing most of the POW.

↓



↓

Photo #12 9-18-86 Looking South from the claimants driveway in Section 2 NW SW showing sprinkler pipe.

↓

T3S R7E Sec 2
NW SW



Photo #7 9-18-96 Looking NW from the NW SW corner of Section 2 showing ditch coming from the diversion upstream on rattlesnake creek and going down to the POU.



Photo #8 9-18-96 Looking West from the NW SW corner of Section 2 showing the POU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5385
WATER RIGHT NO. 61-00272

This is to certify that: ROSALIE S FOSTER
DELMAR FOSTER
HC 87 BOX 14
MOUNTAIN HOME ID 83647

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	* 05/01 to 10/01	0.52 CFS	106.4 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
RATTLESNAKE CREEK	SNAKE RIVER

Priority: 05/01/1880

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 2, Township 03S, Range 07E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S 07E 3	NESE 17.0	NWSE 9.6		26.6
Total number of acres irrigated:				26.6

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5385
WATER RIGHT NO. 61-00272

CONDITIONS OF APPROVAL AND REMARKS

- * 5. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
- 6. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 12th day of April, 1999.

J. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 61-00272

FROM: Pam Skaggs/^{PS}State Office

SUBJECT: Transfer 5385 ✓

DATE: April 5, 1999

Transfer 5385 changes the place of use under Right 61-00272. The right was recommended in the SRBA with 1.5 acres on BLM land. To resolve the objection and remove the right from public land this transfer was proposed. The 1.5 acres is moved to other land owned by the applicant.

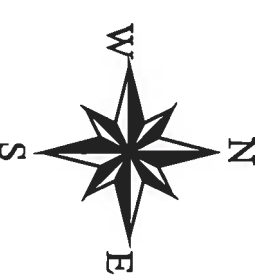
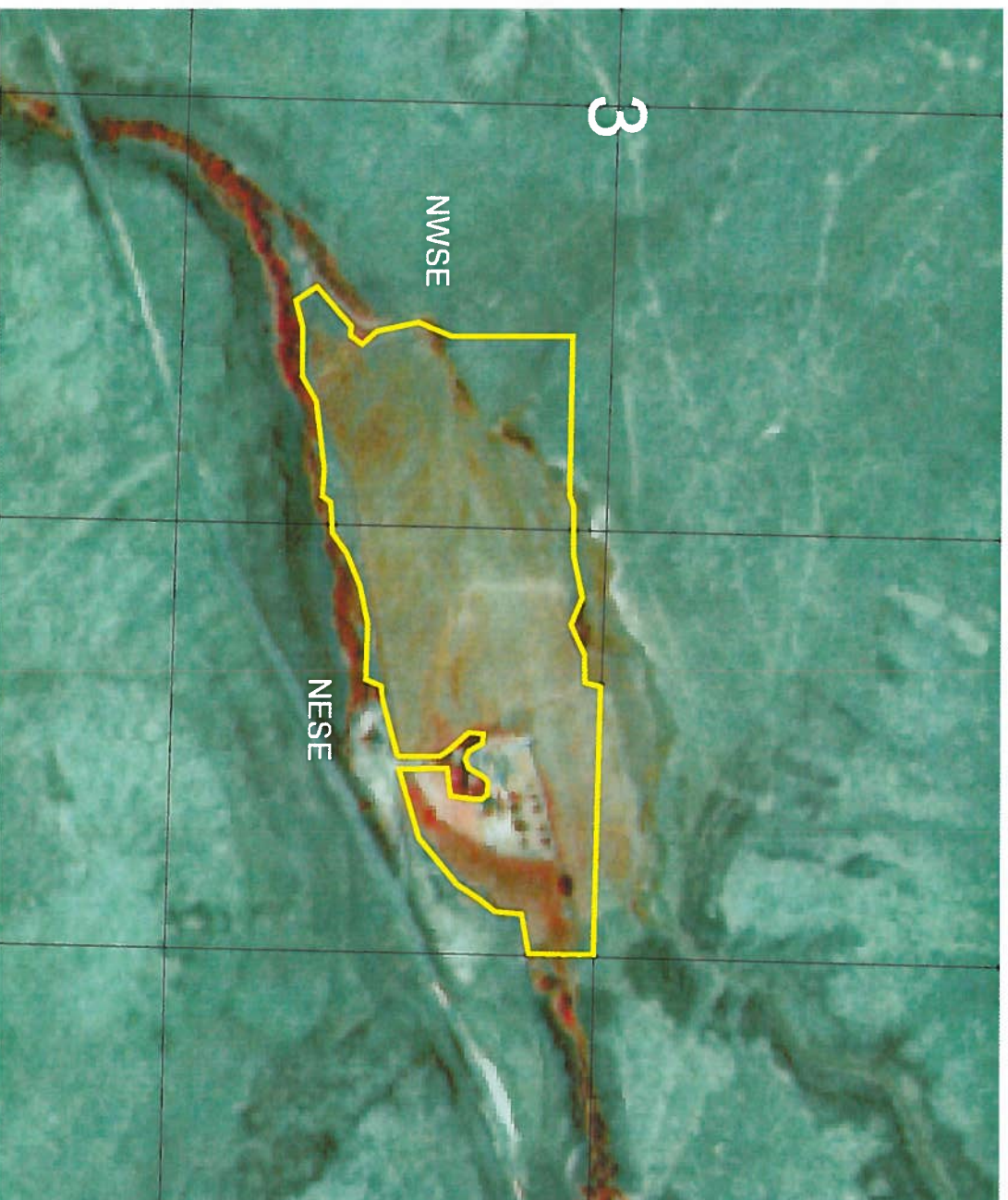
The right includes a non-standard season (05-01 to 10-01) and special condition regarding subordinated use before (03-15 to 05-01) and after (10-01 to 10-31) the listed season and conjunctive management per the SRBA recommendation. Standard volume was identified and other recommended conditions include future measuring & annual reporting, irrigation overlap and standard transfer conditions.

61-00272

T03S R07E S03

Revision of place of use
based on approved
Transfer No. 5385

Map prepared by: Carter Fritschle
Date prepared: 04/30/99
1987-1988 NAPP photography



Water Right Number - R61-00272

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
FOSTER

ROSALIE S

1 - HC 87 BOX 14

2 -

3 -

City- MOUNTAIN HOME

Phone - 208-587-4194

1 - HC 87 BOX 14

2 -

3 -

City- MOUNTAIN HOME

Phone - 208-587-4194

FOSTER

DELMAR

State- ID Zip- 83647

State- ID Zip- 83647

*** O - ORIGINAL OWNER ***
MOSS

JAMES T

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- ID Zip- 0

Priority Date - - +
05/01/1880

Region - - - +
14 WESTERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - +
RATTLESNAKE CREEK

Tributary - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
03S	07E	2	NW NW SW			(39) ELMORE	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/01		0.524	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +
0.524				0.0		

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
03S	07E	3	SE NE		1.5	01 IRRIGATION		(39) ELMORE
03S	07E	3	NE SE		17.0	01 IRRIGATION		(39) ELMORE
03S	07E	3	NW SE		8.1	01 IRRIGATION		(39) ELMORE
Total Acres:					26.6			

+ - - Diversion Means - DAM, DITCH
+ - - Non-Irrigation Use -

Revised from NOE
AT 12-11-98

Transfer application send with
revised Preliminary Recommendation

Prefix Translation: RESEARCH

Remarks

	No Old Water Right Numbers Found	Old Water Right Numbers
+-----+-----+		

Decree Plaintiff	Decree Defendant	Decree Date
COMMODORE JACKSON ET. AL.	J. M. COMAN ET. AL.	00/00/0000

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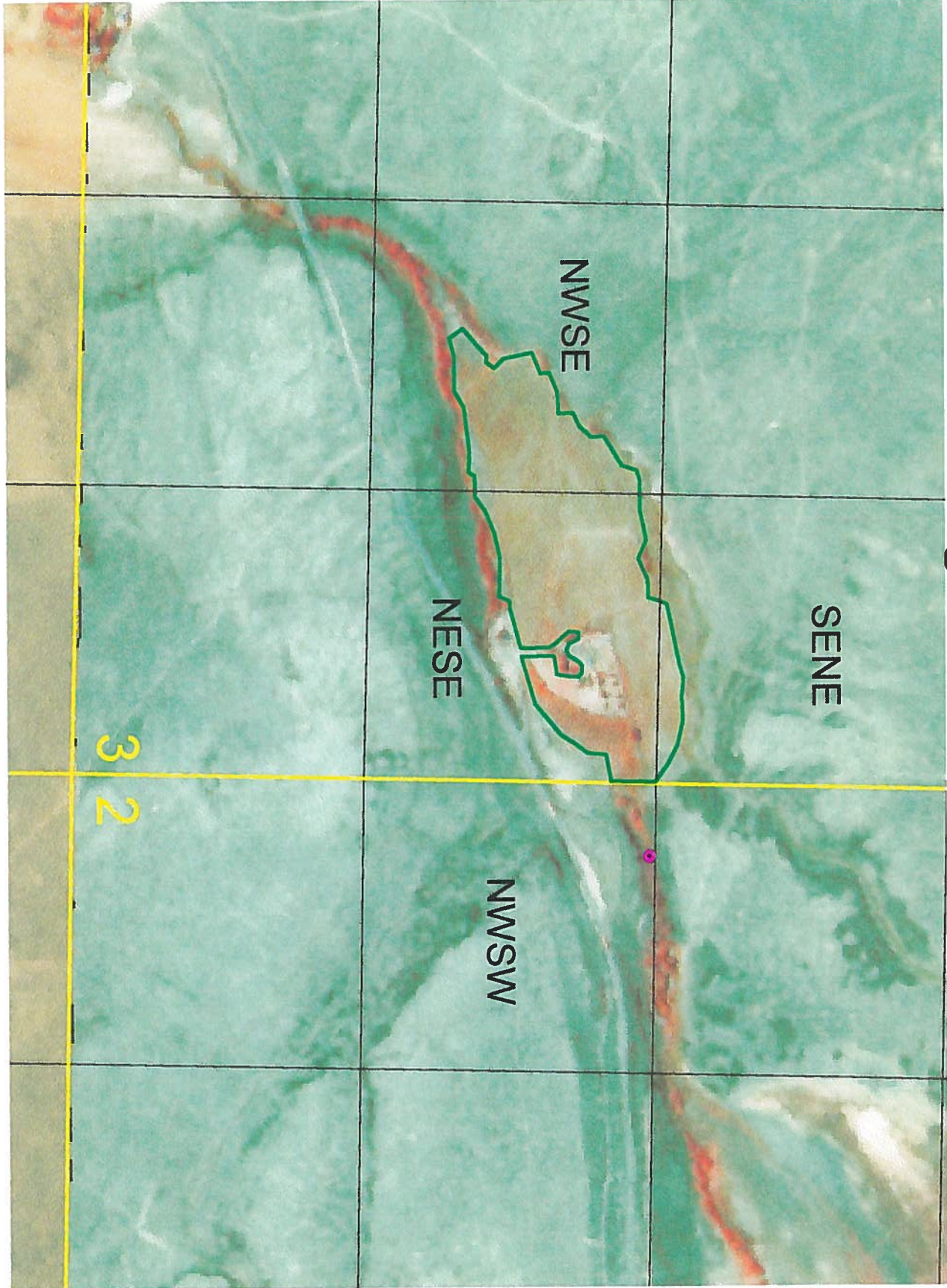
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Adjudication Rights Dates and Flags Area
+-----+-----+-----+-----+-----+-----+-----+-----+-----+

```

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-
Claim Received Date	-	10/31/1989	Last Amended Date	-	00/00/0000	Temporary Right	-
			Receipt Number	-	C012605	Water District	-
			POU Ownership Flag	-	Y	Federal/State Indicator	-
			Name Connector	-	OR	Presumption Flag	-

T03S R07E

Water Right No. 61-00272



400 0 400 800 Feet

Point of Diversion
Place of Use

Map prepared by: Jeff Peppersack
Date prepared: December 10, 1998
Photography: 1987-88 NAPP

November 20, 1998

**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: December 18, 1998

Water right number: 61-00272

ROSALIE S FOSTER
DELMAR FOSTER
HC 87 BOX 14
MOUNTAIN HOME ID 83647

Daytime Telephone Number:

Evening Telephone Number:

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

*Include Acres Irrigated on BLM
LAND.*

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: 12-10-98

SIGNATURE: *Delmar Foster*

Please print your name: DELMAR FOSTER

Township	Range	Sec	Qq	Lotnum	Acres
03S	07E	3	NWSE	0	8.1
03S	07E	3	NESE	0	17.0

25.1

Add SENE = 1.5 acres

RECEIVED

MAR 7 . 2000

Department of Water Resources

200 MAR -6 PM 1:21
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

)
)
)
)

ORDER OF PARTIAL DECREE

Case No. 39576

For Water Right 61-00272

On July 14, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00272 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 6 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00272

200 MAR -6 PM 1:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DELMAR FOSTER
ROSALIE S FOSTER
HC 87 BOX 14
MOUNTAIN HOME, ID 83647

SOURCE: RATTLESNAKE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.524 CFS

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T03S R07E S02 NWNWSW Within Elmore County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-01 0.524 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MAY 1 AND AFTER OCTOBER 1 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Elmore County
T03S R07E S03 NESE 17.0 NWSE 9.6
26.6 Acres Total

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 MAR 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 61-00272

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-00272 was mailed
on March 06, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DELMAR FOSTER
ROSALIE S FOSTER
HC 87 BOX 14
MOUNTAIN HOME, ID 83647
Phone: 208-587-4194

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/06/00