

12/11/2006

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

RIGHT NUMBER: 22-689

NAME AND ADDRESS: RANDALL J FOSTER
402 S 200 E
DRIGGS ID 83422

SOURCE: SORENSEN CREEK

TRIBUTARY: DARBY CREEK

QUANTITY: 0.230 CFS

PRIORITY DATE: 12/17/1910

POINT OF DIVERSION:

T04N R46E S17 SWSWSW Within TETON County

T04N R46E S20 NNWENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.230 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R46E S19	NENE	38.00	T04N R46E S19	NWNE	5.30
---------------	------	-------	---------------	------	------

43.3 ACRES TOTAL

Right Nos. 22-529B and 22-689 are limited to the irrigation of a combined total of 43.3 acres in a single irrigation season.

This right is limited to the irrigation of 11.5 acres within the place of use described above in a single irrigation season.

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



Idaho Department of Water Resources

SRBA Recommendation:

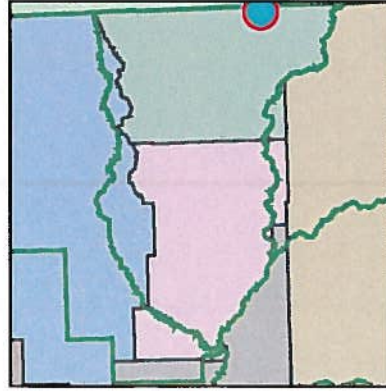
22-529B

22-689

(Irrigation)

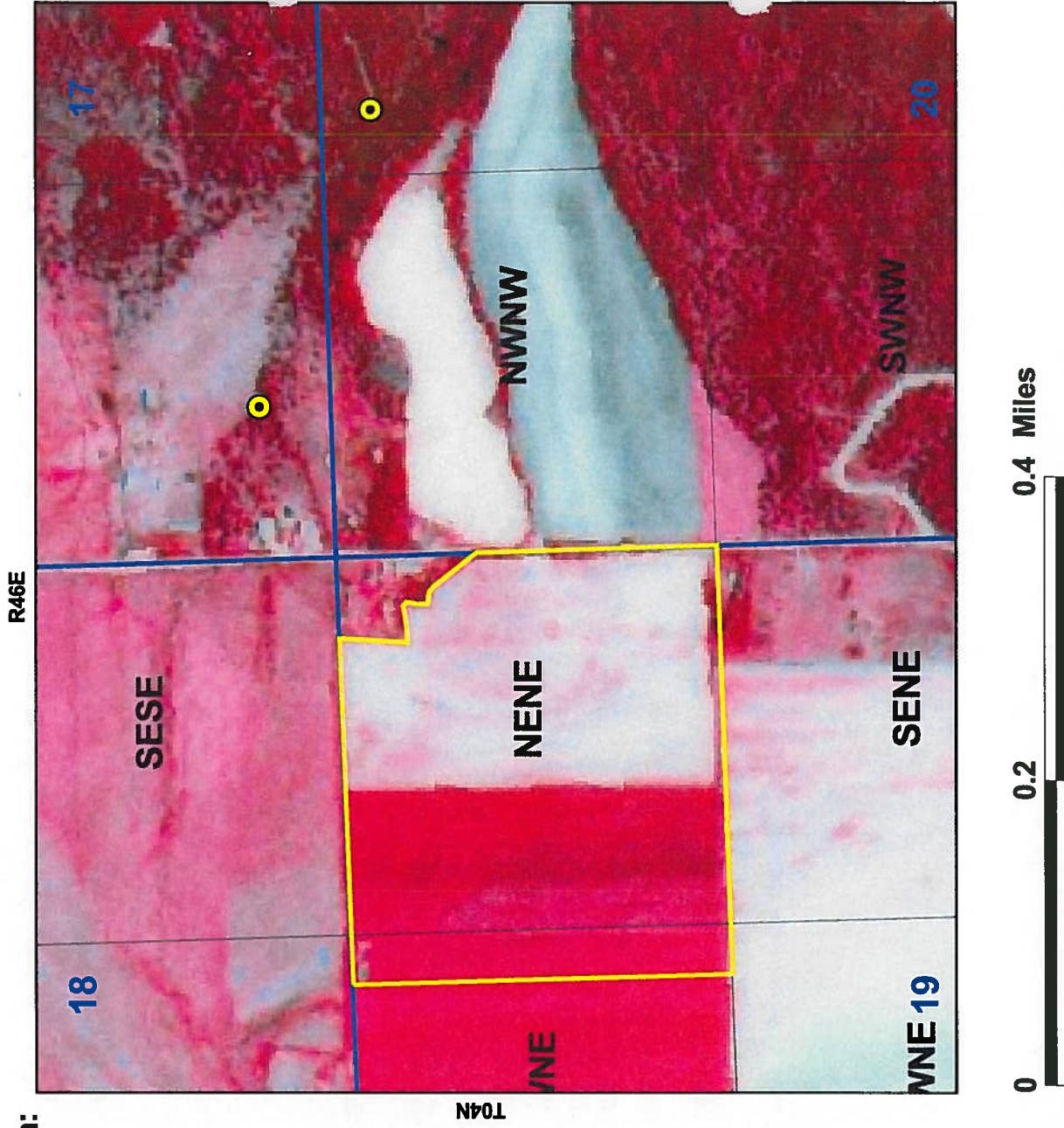
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Tuesday, July 11, 2006
1987/88 Aerial Photography



11/26/2006

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: 22-689/529B
RANDALL J FOSTER
402 S 200 E
DRIGGS ID 83422
Telephone Number: (208)354-8463

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

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

This right should have 2 points of diversion.
same as 529-B Change upper P.D Legal Description
to point on Map please.

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: 12-5-06

SIGNATURE:

Randall J. Foster

Please print your name:

Randall J. Foster

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

KJD
12/6/06

Claim No. 22 - 689

Document Checklist

☒ Copy License/Decree

Silverstein vs Carlson

☒ Copy Transfer

3720

☐ Copy Licensing Field Exam

N/A

☐ Check if Ownership/Address Change is Required

N/A

☐ Generate, mail and file "Evidence of Priority" letter

N/A

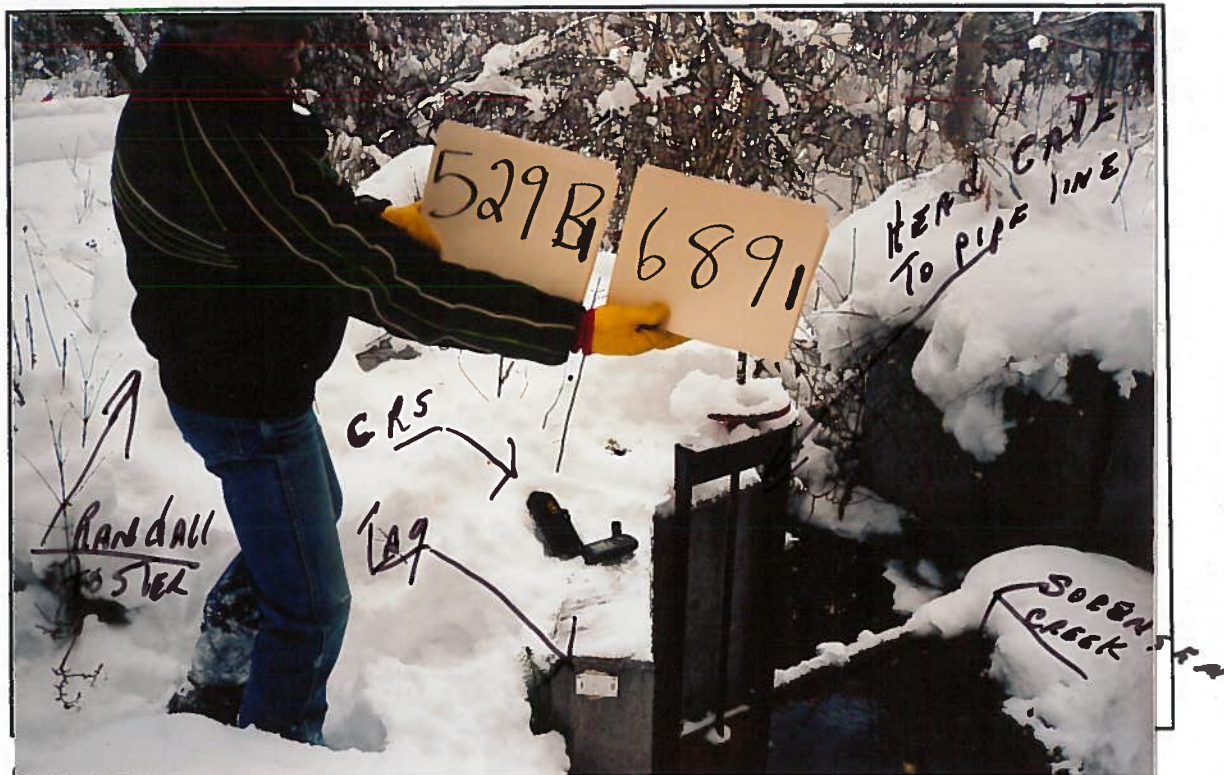
☒ Generate Arcview Map

Randall Foster Phone

354-8463

351-4919

Water Right No(s). _____



Tag # A008 9531 Location: ON Concrete Structure

Diversion Data:

Source: SORENSEN CREEK + Trib to: DARBY CREEK
RANDALL SPRINGS

MOTOR

Make: gravity Flow pipe line Model: _____ Hp: _____
SN: _____

PUMP

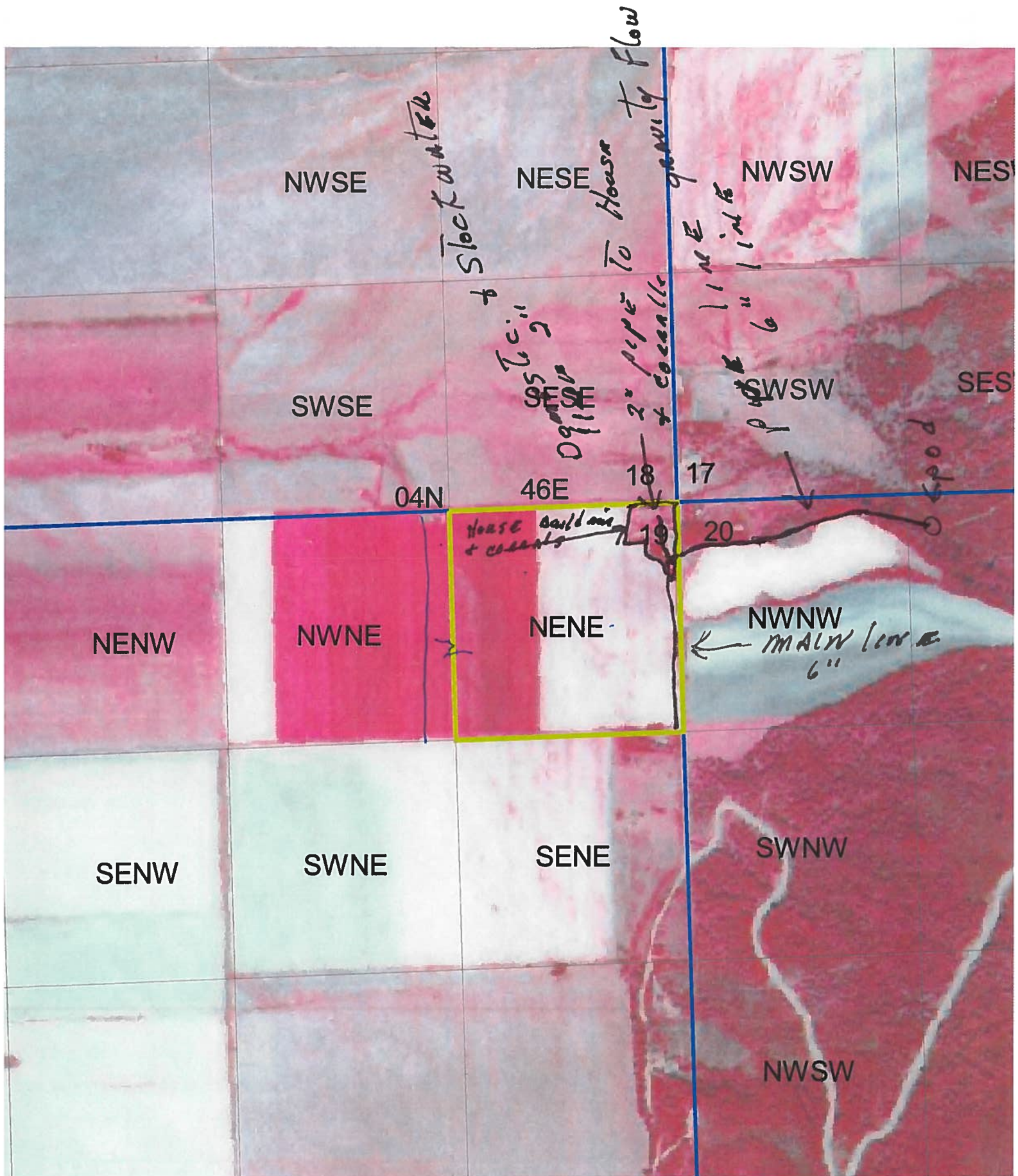
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

THIS CLAIM LO MINGLES WITH CLAIM
529 B. 6" MAIN LINE HAS WHEEL LINE + HAND
LINE

Field Exam Date: 1-2-05 Agent: Nick Olson

22-689



CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 22-529B
22-689
22-4045

[] Old Mailing Address: 788 So 5 W
Pay City Ida 83440

[] New Mailing Address: Randall J Foster
402 S 200 E
Driggs ID 83422

[] Telephone Number: 208-354-8463

[] Signature of Claimant: Randall J. Foster

[] Date: 4-23-02

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By: 04/23/02 Address changed - HBL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

04/23/02 Randall Foster and wife were in to discuss above claims; changed address. Also, they presented an approved TX # 3720 (CC attach) which affects 22-529B and 689. They also stated the west 35 ac of NW 1/4 Sec. 19 was sold off to relatives. Advised a C/O is needed - Ask to have relative call to begin process. All Rights are permissible Place of Use w/ Fox Ch Farm (Priority, 1915). Explained Recommendation Language and process.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 26, 1992

Vernal J. Foster
Box 116
Swan Valley, ID 83449

RE: Approved Transfer No. 3720/Water Right No(s). 22-00689/00529B

Dear Water Right Holder:

On November 13, 1990, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

SHARLA CURTIS
Water Resource Agent

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3720

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAY - 7 1990

APPROVED

Department of Water Resources

Name of applicant Vernal J. FosterPhone (208) 483-2072Post Office address P.O. Box 116, Swan Valley, Idaho 83449

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The current point of diversion is on Sorensen Creek above where Crandall Springs flows into the Creek. I want to move this diversion below where the Springs flows into the Creek so that I can use the increased water pressure for a gravity flow irrigation pipe system, for maximum utilization. The pipe will also protect the purity of the water for domestic use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|----------------------|--------------------|-------------------|-----------------------------|
| <u>22-00689</u> | <u>Dec. 17, 1910</u> | <u>.23 cfs</u> | <u>irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| <u>22-00529B</u> | <u>June 1, 1989</u> | <u>.74 cfs</u> | <u>irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred .90 ^{.97 DMB} cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Sorensen Creek/Crandall Springs tributary to Darby Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	20	4N	46E	Teton	
		SW	SW	17	04N	46E	Teton	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
4N	46E	19	25 36.5	8.5			Rt. 22-00529B												45 33.5
4N	46E	19	11.5				Rt. 22-00689												11.5

DMB

PART 1

6. General Information:

- a. Description of diversion system Pipe for gravity flow irrigation system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change in place of use.
- d. Remarks:
See attached Schedule A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-00689/00529B
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this 13th day of November, 1990.

J. Glen Sayton
Chief, Water Alloc. Bureau

MICROFILMED

JAN 28 1991

ATTACHMENT TO CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 22-0529 and 22-0689

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 13th day of November, 1990.

A. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED

JAN 28 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DECEMBER 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL J FOSTER
728 S 5TH W
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-00689, -00529B
AND -04045

Dear Mr. Foster:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

To: SB
all SRA 12/11/96
RECEIVED
SEP 20 1996

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources Eastern Region
Incomplete forms will be returned.

1. Water Right Number(s) A22-00689, A22-00529B, A22-04045
" " "
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Vernal J. Foster
P.O. Box 116 Swan Valley, ID 83449

4. New Owner/Claimant(s) Randall J. Foster
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 728 South 5th West
City, State and ZIP Code Rexburg, Idaho 83440
New Telephone Number (208) 356-9558

5. Date you acquired the property Feb. 2, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Randall J. Foster Date 9-17-96

Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

LAW OFFICES OF

PIKE & SEEDALL
A Professional Association

*Edward W. Pike
Scott R. Seedall*

*Bank of Eastern Idaho Building
1800 Channing Way
P.O. Box 2949
Idaho Falls, Idaho 83403-2949*

*Phone (208) 528-6444
Fax (208) 528-6447*

April 5, 1994

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RE: Change Of Address

Gentlemen:

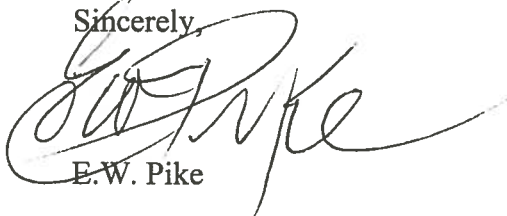
Please change the address you have to :

PIKE & SEEDALL
Box 2949 Idaho Falls, Idaho 83402
telephone 208-528-6447, fax 208-528-6447.

Thank you for giving this your attention.

If you have any questions please contact me.

Sincerely,

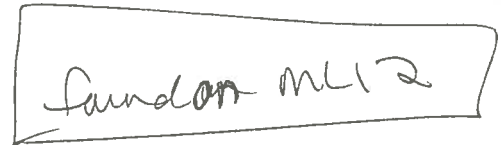

E.W. Pike

EWP/bvh

RECEIVED
APR 10 1994

Department of Water Resources
Eastern District Office

RECEIVED
APR 07 1994
Department of Water Resources



AZZ-00529 B
AZZ-00689

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NOV 06 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 13, 1989

Mr. E. W. Pike
P.O. Box 51630
Idaho Falls, Idaho 83405-1630

RE: Snake River Basin Adjudication
Notices of Claim in the name of Vernal J. Foster
A22-00689 and A22-00529B, Teton County

Dear Mr. Pike:

Enclosed are copies of the above referenced claims which have been filed in the Snake River Basin Adjudication. I have enclosed a yellow file copy as well as a copy of the claim as it has been data-entered into the IDWR computer. Also enclosed are Receipt Nos. C008075 and C008076 in the amounts of \$83.50 and \$66.50 respectively.

Please review the information to verify the data has been correctly entered in the computer. I have modified several items to correspond to the decree; the modifications are as follows:

a. Notice of Claim A22-00529B

1. Sec. 20 omitted from the second point of diversion was entered in the computer.

2. Item 6 listed irrigation with a diversion rate of .74 cfs the decree lists .67 cfs for irrigation with a total diversion rate for all purposes of .74 cfs.

b. Notice of Claim A22-00689

Item 10 identified the place of use as located in Section 20 but the map contained in the claim as well as the decree identifies the place of use as Section 19.

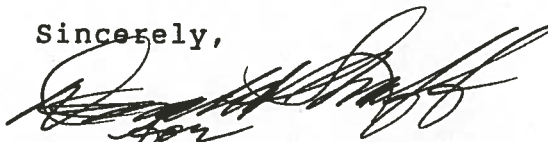
MICROFILMED

OCT 29 1992

Mr. E. W. Pike
Page 2
November 13, 1989

If these modifications do not meet with your approval or if you find any errors, please notify me. If you have any questions or need to make any changes, please do not hesitate to contact me.

Sincerely,



Helen Harrington-Thornton
Water Rights Agent

HHT:cp:east

Receipt Nos. C008075
C008076

Notice of Claim A22-00529B (yellow)
" " (computer)
A22-00689 (yellow)
" " (computer)

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OCT 29 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Foster

CLAIM IDENT. NO.

A22-00689

DATE RECEIVED 7-7-89

CK # _____

AMOUNT \$ _____

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *see decree* *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: RAT

Date:

7-7-89

Claim must be returned to claimant:

(Yes) ☒(No) ☐

Claimant must be notified of modifications:

(Yes) ☒(No) ☐

Receipt Prepared by:

Claim data entered by: RAT

Sent to claimant by: _____

Date:

Date: 11-7-89

Date: _____

Checked by: _____

Date: _____

Comments:

POU in Sec. 19 - see decree.

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OCT 29 1992

Form 42-1409(10)
5/88
OCT 05 1988

Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Vernal J. Foster
Name of Claimant

P.O. Box 116
Post Office Address

Swan Valley, Idaho 83449
City, State, Zip Code

Teton
County(s) where Place of Use is located

October 6, 1988
Date Claim Originally Due

Rights to Crandall Springs and/or Sorenson Creek, for use in T.4N, R.46 EBM, N 1/2 NE 1/4, Section 19, Teton County
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

These waters are currently the subject of a supplemental adjudication in Silverstein v. Carlson and Foster, Teton County Case # 1885. Trial is set for January 12, 1989

Claimant requests an extension to 60 days after entry, 19__ of Decree or 90 days after the last day set for trial, (which would be 4/19/89) whichever is first.

Margaret B. Hinman
Signature

Attorneys for Vernal Foster
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby ✓ granted denied, and the filing deadline extended to As noted above, 19__.

Signed this 5 day of October, 1988.

DAVID B. SHAW
Director or his designated agent
OCT 29 1988

RECEIVED

JUN 13 1989

E. W. Pike
Margaret B. Hinman
ANDERSON, PIKE & BUSH
490 Memorial Drive
P.O. Box 51630
Idaho Falls, Idaho 83405-1630
(208) 522-3001

Department of Water Resources

FILED

AT 05 MINUTES PAST 9 A M

DATE June 6, 1989
E. Wayne Schreier
CLERK OF DISTRICT COURT
By Bonnie Seese
DEPUTY

Attorneys for Defendant Vernal Foster

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

BARRY SILVERSTEIN,
Plaintiff,

vs.

RONALD D. CARLSON, Watermaster;
DEE O'BRIEN, Deputy Watermaster;
and VERNAL FOSTER,
Defendants.

Case No. 1885

JUDGMENT

The above-entitled case having been tried before
this Court on January 12, 1989, and the Court having issued
Amended Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as
follows:

It is the judgment of this Court that the defendant
Vernal Foster shall have the following rights to use of the
water of Sorensen Creek/Crandall Springs:

1. JUDGMENT

MICROFILMED
OCT 29 1992

1. Defendant Foster's first right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs
- b. date of priority: June 1, 1899
- c. rate of diversion: 0.04 cfs (domestic)
 0.03 cfs (stockwater)
 0.67 cfs (irrigation)
 0.74 cfs total
- d. nature of use: Domestic, Stockwater, Irrigation
- e. points of diversion:
 SW 1/4 SW 1/4 Sec. 17 (domestic, stockwater, and 25 acres irrigation)
 NE 1/4 NW 1/4 Sec. 20 (8.5 acres irrigation)
 All in T. 4 N., R. 46 E., B.M.
- f. places of use:
 NE 1/4 NE 1/4 (domestic and stockwater and 25 acres irrigation)
 NW 1/4 NE 1/4 (stockwater and 8.5 acres irrigation)
 All in Sec. 19, T. 4 N., R. 46 E., B.M.
- g. period of use:
 April 15 to October 15 (irrigation)
 January 1 to December 31 (domestic and stockwater)
- h. maximum annual volume of consumptive use:
 62.3 af
- i. basis of right: Decree.

2. Defendant Foster's second right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs.

- b. date of priority: December 17, 1910
- c. rate of diversion: 0.23 cfs
- d. nature of use: Irrigation
- e. point of diversion: NE 1/4 NW 1/4 Sec. 20,
T. 4 N., R. 46 E., B.M.
- f. place of use: NE 1/4 NE 1/4 Sec. 19,
T. 4 N., R. 46 E., B.M.
(11.5 acres)
- g. period of use: April 15 to October 15
- h. maximum annual volume of consumptive use:
21.4 af
- i. basis of right: Beneficial Use.

IT IS HEREBY ADJUDGED that plaintiff Silverstein's right to the use of the water of Sorensen Creek/Crandall Springs shall be as follows:

3. Plaintiff Silverstein's first right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs
- b. date of priority: September 27, 1901
- c. rate of diversion: 0.12 cfs (domestic)
0.05 cfs (stockwater)
0.63 cfs (irrigation)
0.80 cfs total
- d. nature of use: Domestic, Stockwater, Irrigation
- e. points of diversion:
SW 1/4 SW 1/4 Sec. 17 (3 - uppermost domestic, middle stockwater, lowermost irrigation.) [2 uppermost points of diversion are upstream from Defendant

Foster's point of diversion in
Section 17.]
SE 1/4 SE 1/4 Sec. 18 (irrigation)
All in T. 4 N., R. 46 E., B.M.

f. place of use:

SW 1/4 SW 1/4 Sec. 17 (domestic and
stockwater and 1 acre irrigation)
SE 1/4 SE 1/4 Sec. 18 (30.5 acres
irrigation)
All in T. 4 N., R. 46 E., B.M.

g. period of use:

April 15 to October 15 (irrigation)
January 1 to December 31 (domestic and
stockwater)

h. maximum annual volume of consumptive use:
58.6 af

i. basis of right: Posted Notice.

4. Plaintiff Silverstein's second right to the use
of water is as follows:

a. source of water: Sorensen Creek, Crandall
Springs

b. date of priority: August 13, 1906

c. rate of diversion: 0.87 cfs

d. nature of use: Irrigation

e. points of diversion: SW 1/4 SW 1/4 Sec. 17
SE 1/4 SE 1/4 Sec. 18
All in T. 4 N., R. 46
E., B.M.

f. place of use: SE 1/4 SE 1/4 (5.5 acres)
SW 1/4 SE 1/4 (38 acres)
Sec. 18, T. 4 N., R. 46
E., B.M.

g. period of use: April 15 to October 15

h. maximum annual volume of consumptive use:
80.9 af

i. basis of right; Beneficial Use

IT IS FURTHER ADJUDGED that:

1. As to Plaintiff Silverstein's first water right, 0.08 cfs of the domestic portion is for use in two residences, formerly owned by Plaintiff Silverstein's predecessor in interest, which are now owned by persons not part to this action.

2. The rights set forth herein shall supersede Claim No. 22-4033 and Claim No. 22-4045.

3. The use of water rights set forth herein in conjunction with any other water rights the claimants may have shall not exceed a diversion rate of .02 cfs per acre of land irrigated nor a consumptive use of 1.86 af per acre of land irrigated.

4. Plaintiff Silverstein and Defendant Foster are required to install measuring devices acceptable to the Idaho Department of Water Resources in accordance with Idaho Code § 42-701 (1977). With respect to his two upstream points of diversion, Plaintiff Silverstein shall be required to install a lockable headgate or other flow control device acceptable to IDWR in accordance with § 42-701. Defendant Foster is required to install a lockable headgate or other flow control device acceptable to IDWR at his point of diversion in

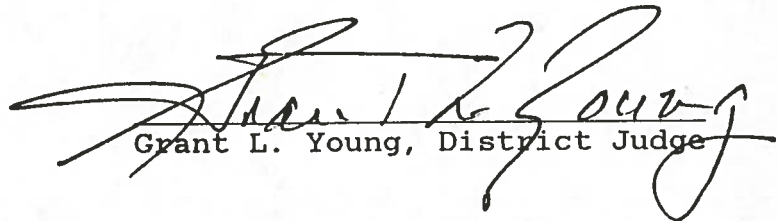
Section 17, and shall be required to maintain the headgate at his point of diversion in Section 20 in accordance with § 42-701.

5. The preliminary injunction obtained by the Plaintiff Silverstein against Defendant Foster is dissolved.

6. Defendant Foster is awarded costs.

7. There is no award of attorney fees to any party.

DATED this 5th day of ~~April~~ ^{June}, 1988.


Grant L. Young, District Judge

NOTICE OF ENTRY

I hereby certify that a correct copy of the foregoing
was this _____ day of April, 1989, mailed to each party
affected thereby, to-wit:

E. W. Pike
ANDERSON, PIKE & BUSH
P. O. Box 51630
Idaho Falls, ID 83405-1630

A. Lynne Krogh-Hampe, Esq.
Deputy Attorney General
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

C. Timothy Hopkins, Esq.
HOPKINS, FRENCH, CROCKETT,
SPRINGER & HOOPES
P.O. Box 1219
Idaho Falls, ID 83402

Cabina J. Brown

Clerk of the District Court
Court Reporter

By: Deputy Clerk

645.1A/EWPP

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: **A22-00689**
Date Received: 7/ 7/1989
Receipt No: C008076
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: RANDALL J FOSTER
Address: 728 S 5TH W
REXBURG ID

208-356-9558

83440

2. Date of Priority: DEC 17, 1910

3. Source: SORENSEN CREEK
CRANDALL SPRINGS

Trib. to: DARBY CREEK
DARBY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	20	NE	NE	NW		TETON

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.230		

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

A.F.A.

8. Total consumptive use is 21.4 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	46E	19	NE	NE		IRR	11.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	11.5
					Total Acres	11.5

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
DECREED RIGHTS TO ADDITIONAL WATER

14. Remarks:
CHANGE OF ADDRESS FOR ATTORNEY ONLY 5/5/94 SC
CHANGED OWNERSHIP 12/12/96/JT/SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/ 5/1989

SILVERSTEIN
Decree Plaintiff

CARLSON, ET AL
vs Decree Defendant

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: A22-00689

Date Received: 7/07/1989

Receipt No: C008076

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNAL J. FOSTER
Address: P.O. BOX 116
SWAN VALLEY, ID

208-483-2072

83449

2. Date of Priority: DEC 17, 1910

3. Source: SORENSEN CREEK
CRANDALL SPRINGS

Trib. to: DARBY CREEK
DARBY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	46E	20	NE NW		TETON

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.230		

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

A.F.A.

8. Total consumptive use is 21.4 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	46E	19	NE NE		IRR	11.5
Section Acres						11.5

A2200689



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10. Place of Use: Continued

Total Acres 11.5

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
DECREED RIGHTS TO ADDITIONAL WATER

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/05/1989

SILVERSTEIN

Decree Plaintiff

vs

CARLSON, 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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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

A22-00689

Date Received

7-7-89

Receipt Number

C008076

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 07 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Vernal J. Foster Phone (208) 483-2072Mailing Address P.O. Box 116, Swan Valley, Idaho Zip 834492. Date of Priority (Only one (1) per claim) December 17, 19103. Source of water supply (a) Sorensen Creek/Crandall Springswhich is tributary to (b) Darby Creek4. a. Location of existing point of diversion is: Township 4 N. Range 46 E. Section 20,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Teton

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Ditch

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount .23 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .23 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 21.4 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	46E.	20	11.5																11.5

Total number of acres irrigated 11.5

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Decreed rights to additional water or None ()

14. Remarks:

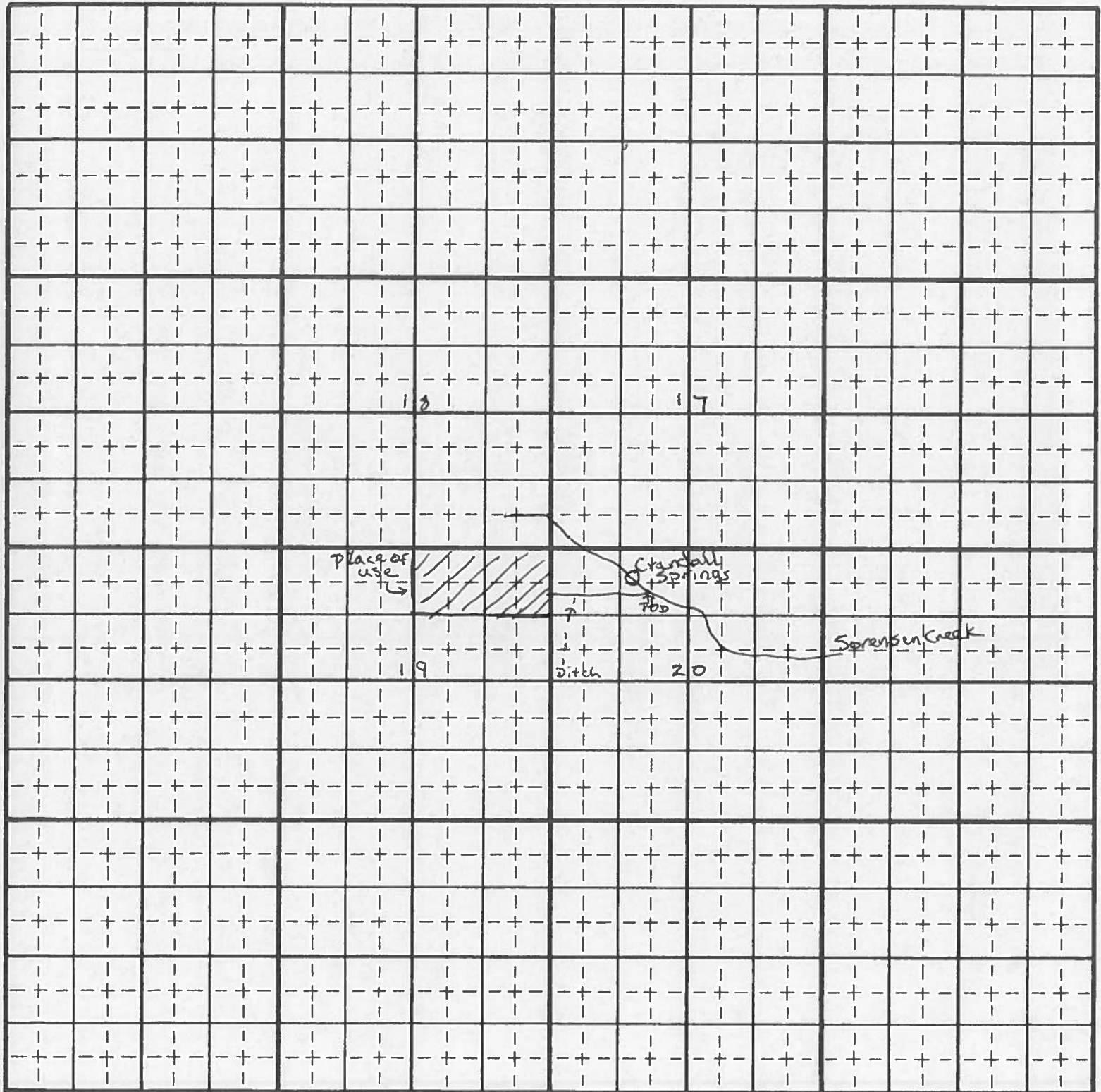
Last Name Foster Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T4N R46E



Last Name Foster

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court Teton County Case Number 1885 Decree Date 6/5/89

Plaintiff vs Defendant Silverstein v. Foster

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

Signature of Claimant (s) Vernal J. Foster

Date 6-27-89

Vernal Foster

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title _____

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

27th

day of

June

19

89

SEAL

Notary Public E. W. Pike

Residing at Idaho Falls Id

My Commission Expires 3/6/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, E. W. Pike will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature E. W. Pike

Address P.O. Box 51630, Idaho Falls, ID 83405-1630

Date 3/6/92

Last Name Foster

Ident. Number _____

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Copies White State, Yellow Claim