

09/30/2004

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

RIGHT NUMBER: 25-136B

NAME AND ADDRESS: FOSTER CO
PO BOX 308
RIGBY ID 83442-0308

SOURCE: WILLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.310 CFS
68.000 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T03N R40E S16 SWNWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.310 CFS
68.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R40E S21	NESE	30.0	T03N R40E S21	NWSE	12.0
T03N R40E S21	SWSE	35.0	T03N R40E S21	SESE	40.0
T03N R40E S22	NWSW	12.0	T03N R40E S22	SWSW	35.0
T03N R40E S27	NWNW	28.0	T03N R40E S28	NENE	40.0
T03N R40E S28	NWNE	28.0	T03N R40E S28	SENE	6.0

266 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 266 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 25-00057A, 25-00059, 25-00136B, 25-00137B

This right is limited to the irrigation of 17 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: Decreed

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 25-00137B, 25-00057A, 25-00057B, 25-00059,
25-00136B

Water Right 25-136B

SCANNED
OCT 20 2004
PROFILED

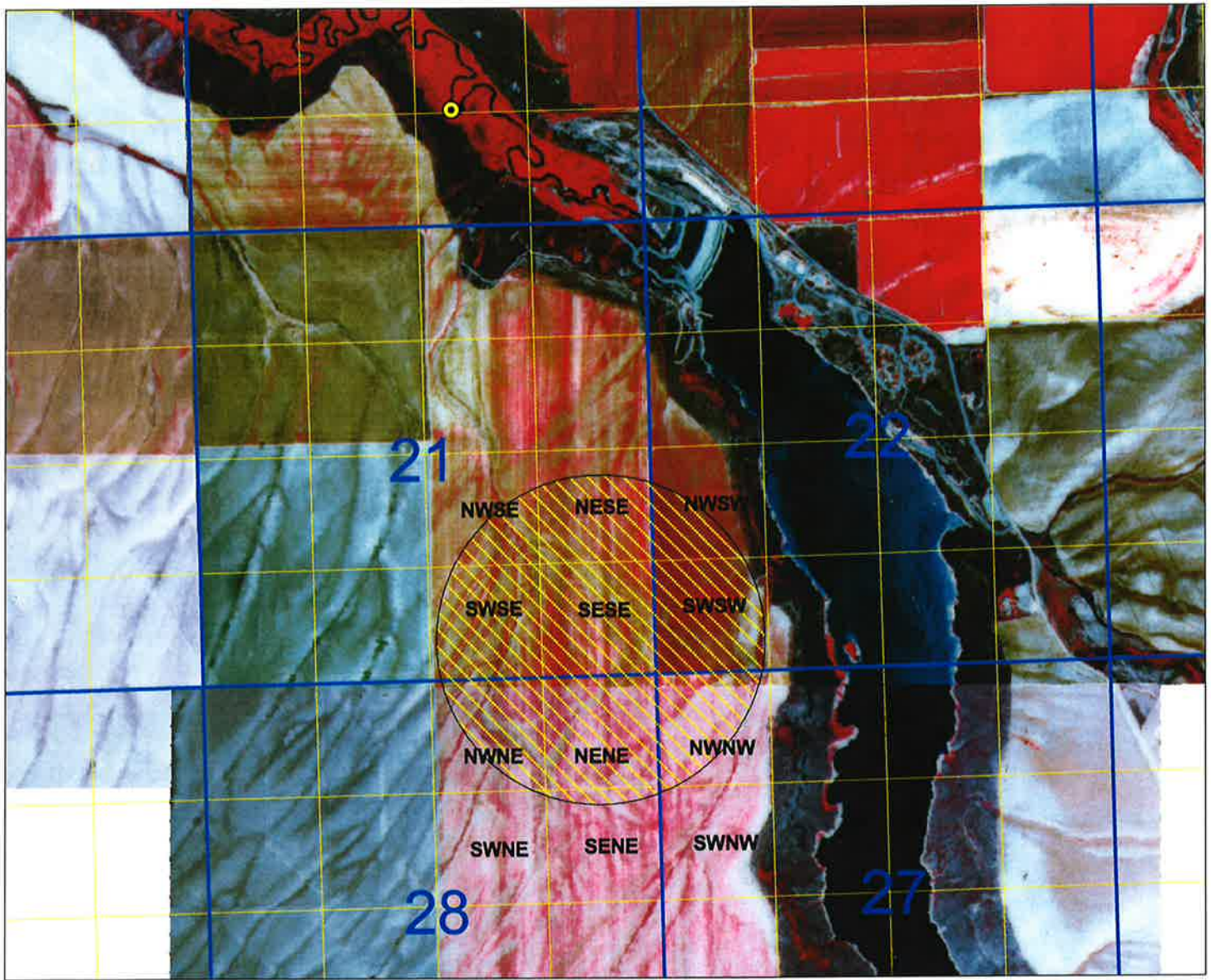


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-00057A, 25-00059, 25-00136B, 25-00137B



1320 0 1320 2640 3960 5280 Feet

PROFILED

- Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: September 2004

Log for claim 25-00136B

Spatial Dynamics CAT

11/27/00

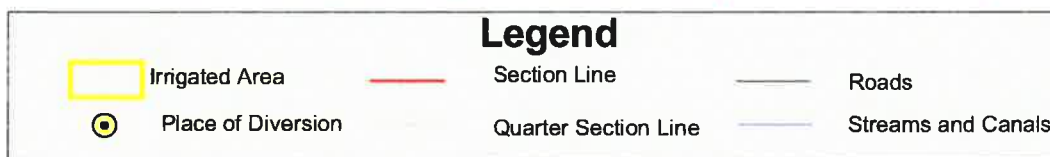
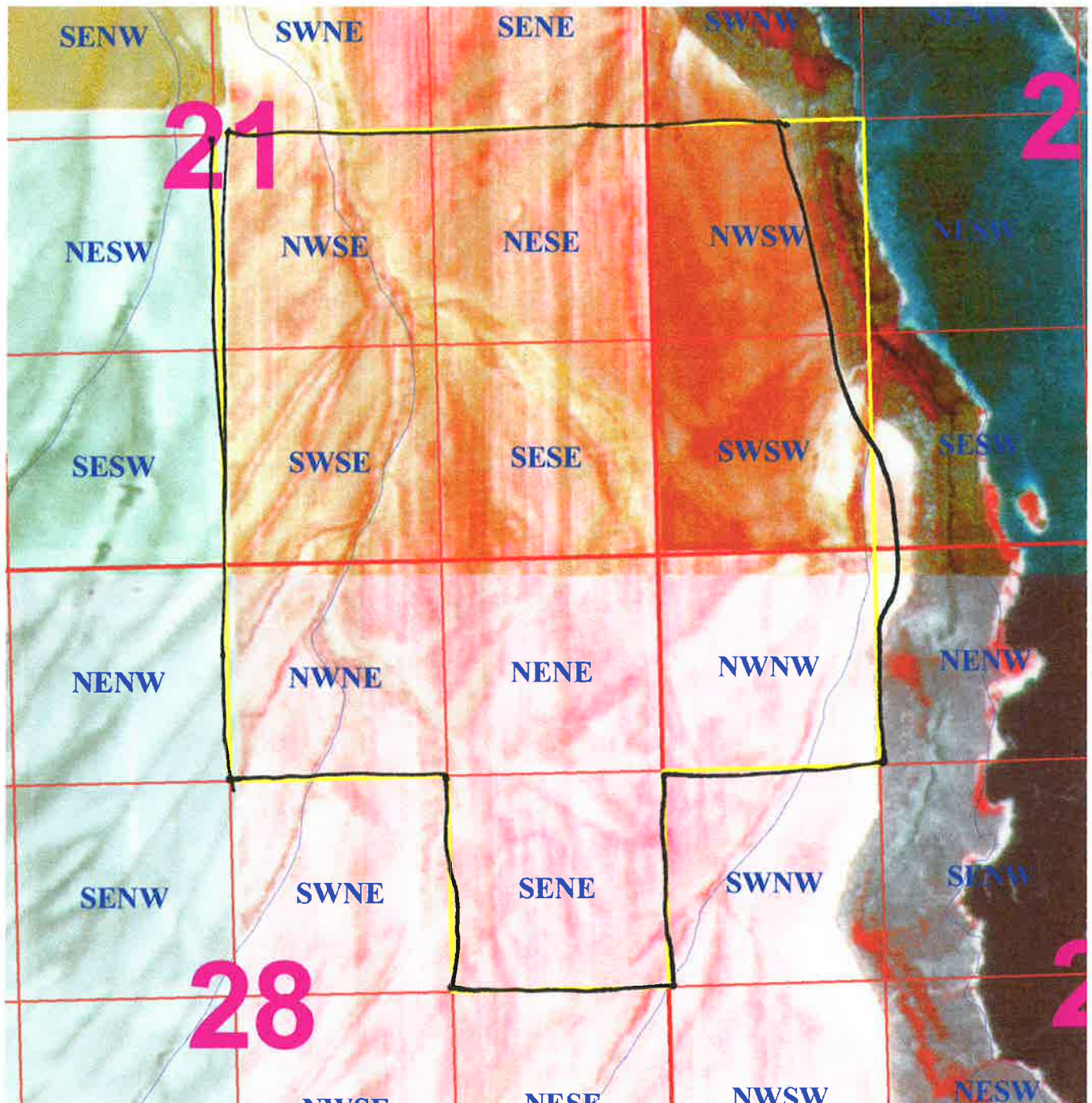
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n40e	21	NESE	30	40	Indiscernible
03n40e	21	NWSE	12	40	Indiscernible
03n40e	21	SWSE	35	40	Indiscernible
03n40e	21	SESE	40	40	
03n40e	22	NWSW	12	40	Indiscernible
03n40e	22	SWSW	35	40	Indiscernible
03n40e	27	NWNW	28	40	Indiscernible
03n40e	28	NENE	40	40	
03n40e	28	NWNE	28	40	Indiscernible
03n40e	28	SENE	6	40	Indiscernible
Totals:			266	400	



pump information in Claim A2500057A

Water Right Claim Number 25-00136B
Township , 3N40E

11/27/2000



SPATIAL DYNAMICS



09/30/2004

**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: 25-136B

FOSTER CO

PO BOX 308

RIGBY ID 83442-0308

Telephone Number: (208)538-5170

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:

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: 11-17-04

SIGNATURE:

Boyd Foster

Please print your name:

Boyd Foster/Foster Co.

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

PROFILED

RECEIVED

SCANNED

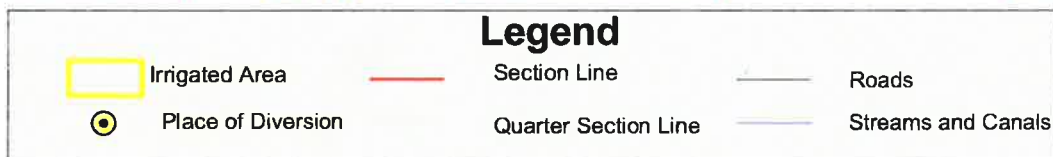
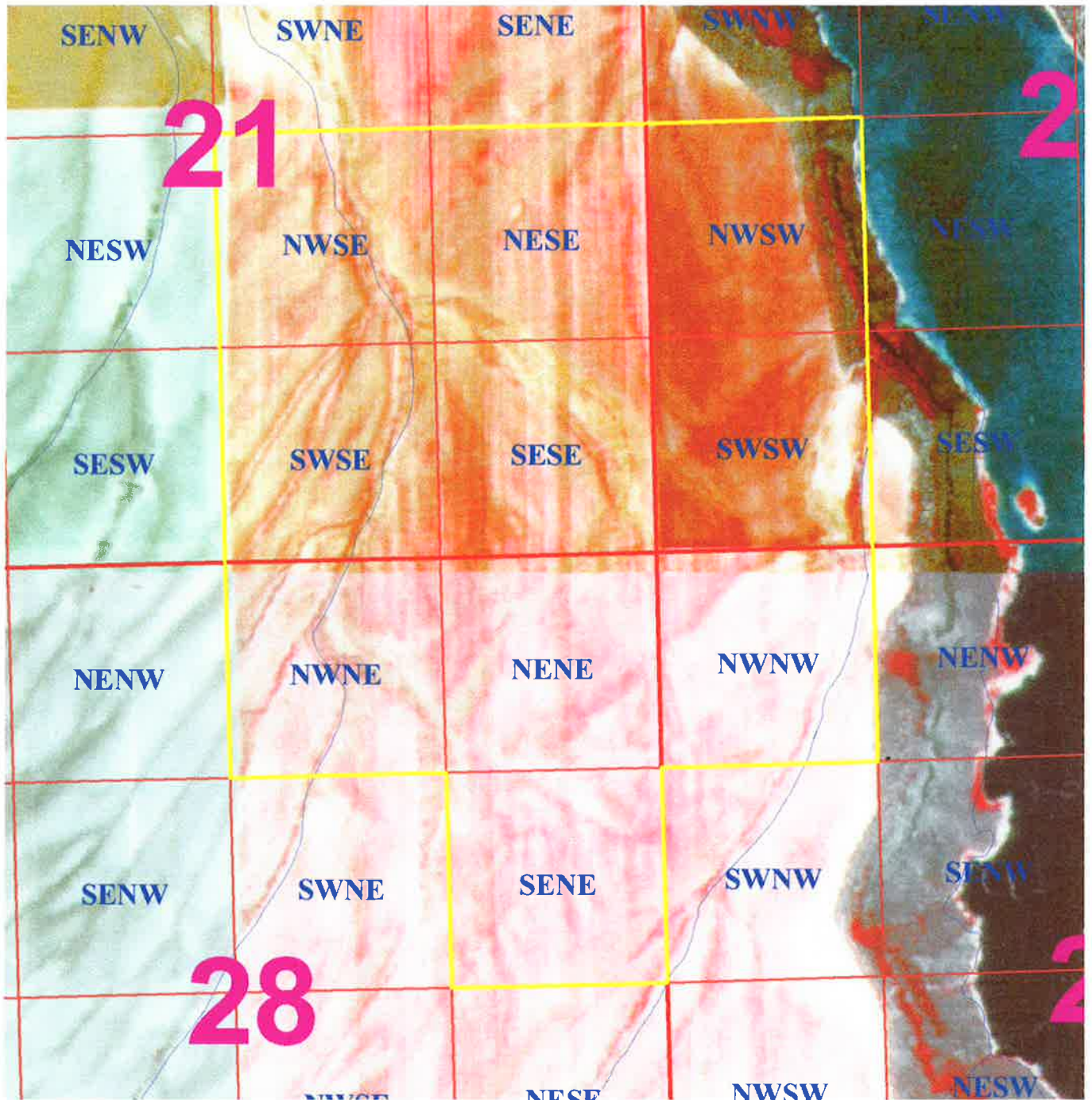
DEC 08 2004

DEC 22 2004

Department of Water Resources
Eastern Region

Water Right Claim Number 25-00136B
Township , 3N40E

11/27/2000

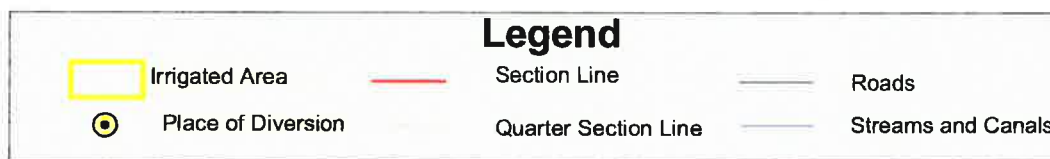
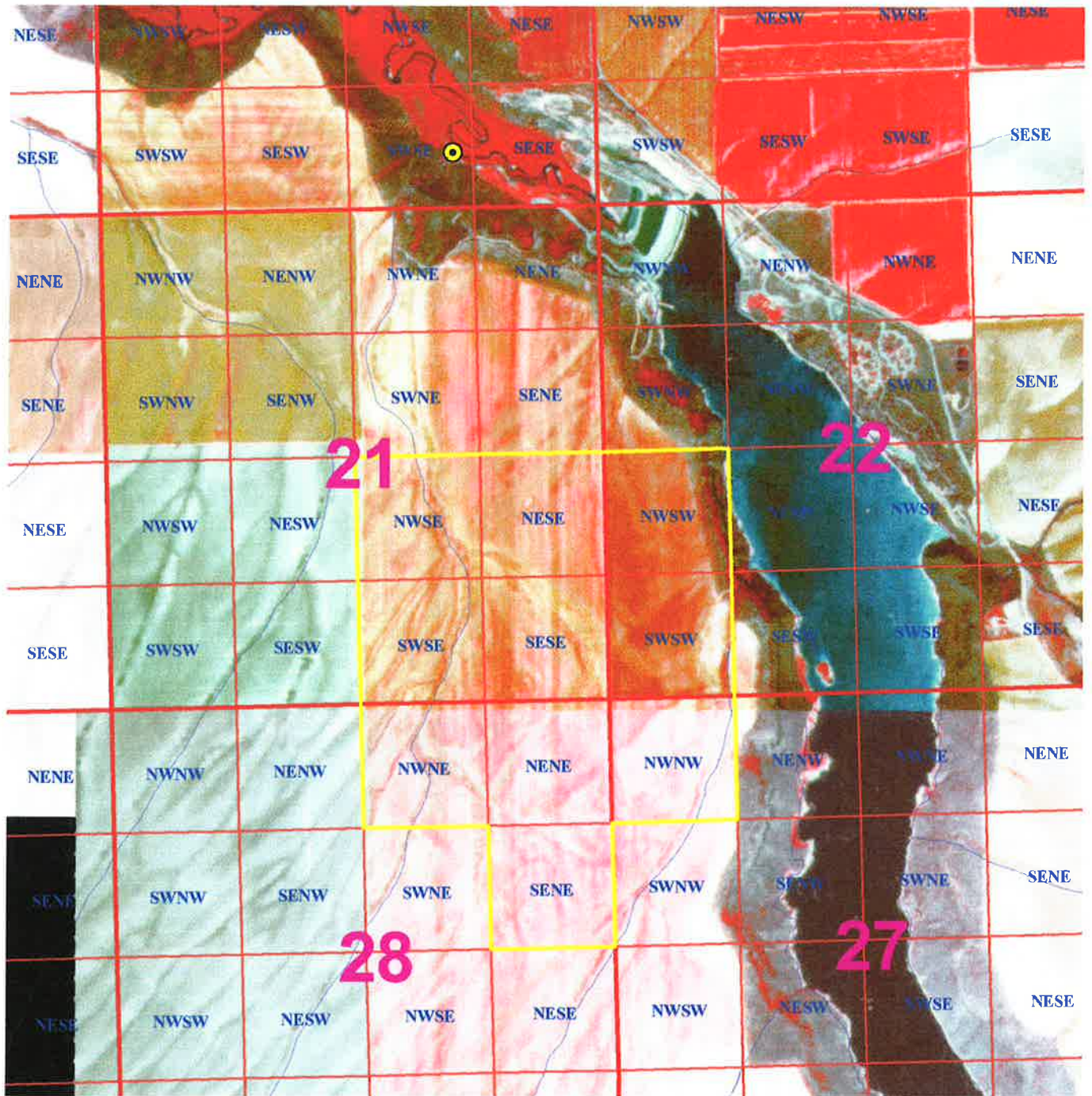


SPATIAL
DYNAMICS



Water Right Claim Number 25-00136B
Township , 3N40E

11/27/2000

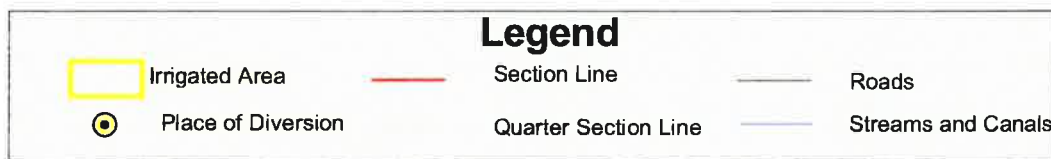
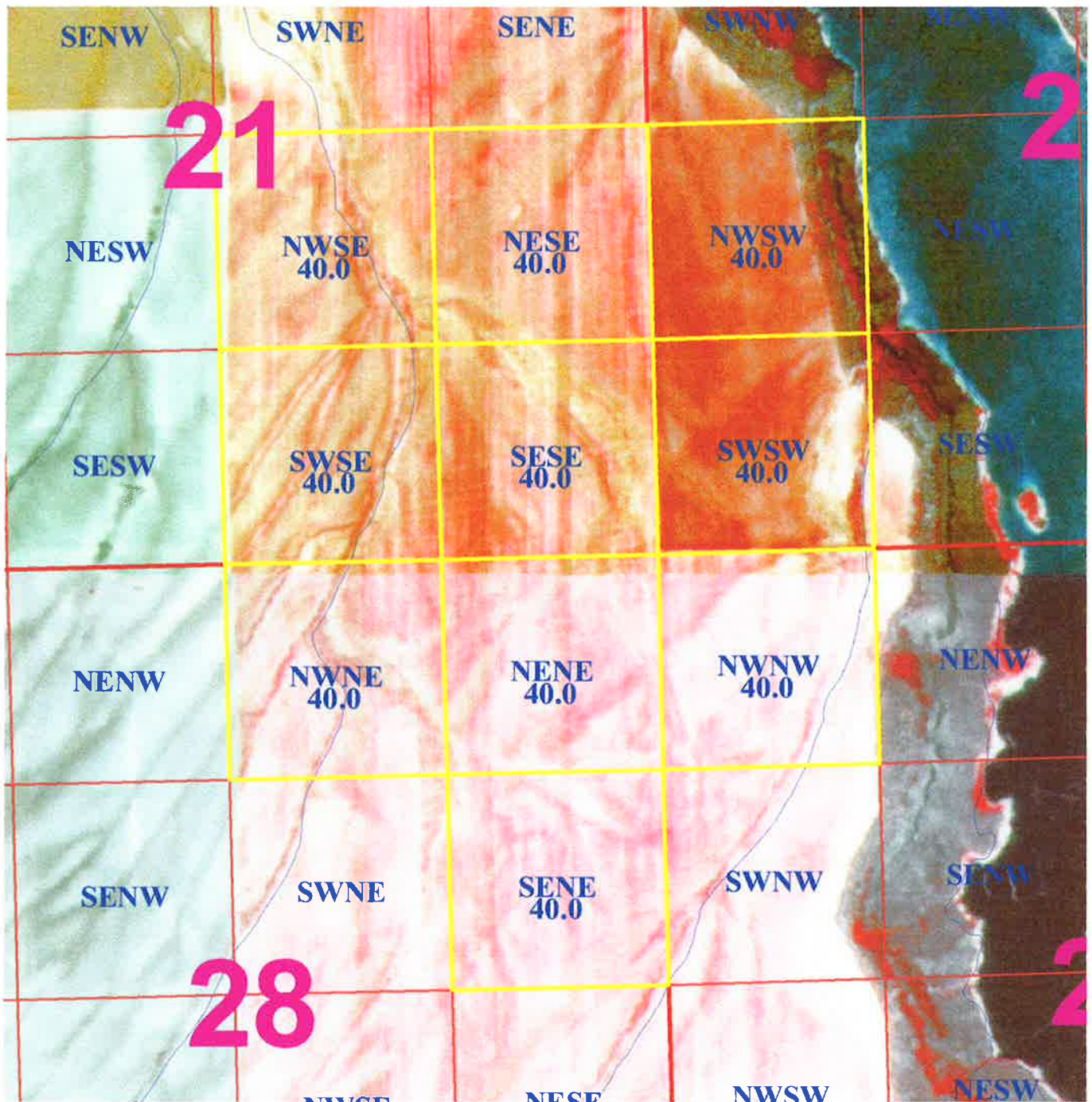


SPATIAL
DYNAMICS



Water Right Claim Number 25-00136B
Township , 3N40E

11/27/2000



 SPATIAL
DYNAMICS



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FOSTER COMPANY PO BOX 308 RIGBY ID 83442 (208) 538-5170	05/01/1888	IRRIGATION	04-01 10-31	0.310 CFS	68.00 AFA
TOTAL DIVERSION:					0.310 CFS	68.00 AFA

Water Source: WILLOW CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R40E S16 SWSE BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
03N	40E	21	:					:						:						30	12	35	40	:	117.0	
03N	40E	22	:					:						:			12	35						:	47.0	
03N	40E	27	:					:			28			:										:	28.0	
03N	40E	28	:	40		28		:						:										:	74.0	
																							TOTAL ACRES		266.0	

POU County: BONNEVILLE

Other Rights: 25-00137B

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

A25-00057A A25-00057B A25-00059 A25-00137B

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

A25-00057A A25-00137B

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for

Conditions of Approval:

- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: GEN Right No. 25-00136B is limited to the irrigation of 17.0 acres in
the place of use described above in a single irrigation season.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/06/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4748
Transfer No. 4748 was filed to change the point of diversion,
place of use and describe the remaining acres more accurately
under Right Nos. 25-00136 & 25-00137, splitting the rights into
parts A & B.

Audit: 01/04/00 DCARLSON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4748
WATER RIGHT NO(S). 25-00136A & B/25-00137A & B

This is to certify that: FOSTER CO
PO BOX 308
RIGBY ID 83442

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>
Right No. 25-00136A :			
IRRIGATION	04/01 to 10/31	0.89 CFS	197.2 AF
Priority: 05/01/1888			
Right No. 25-00137A :			
IRRIGATION	04/01 to 10/31	1.79 CFS	394.8 AF
Priority: 05/01/1888			
TOTAL:		2.68 CFS	592.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 15, Township 03N, Range 39E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 39E 15	NENE 34	NWNE 40	SWNE 38	148
	NENW 36			
		Total number of acres irrigated:		* 148

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 25-00136B :			
IRRIGATION	04/01 to 10/31	0.31 CFS	68.0 AF
Priority: 05/01/1888			
Right No. 25-00137B :			
IRRIGATION	04/01 to 10/31	0.61 CFS	136.0 AF
Priority: 05/01/1888			
TOTAL:		0.92 CFS	204.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 16, Township 03N, Range 40E
BONNEVILLE County

JUN 27 1996

TRANSFER NO. 4748
WATER RIGHT NO(S). 25-00136A & B/25-00137A & B

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	40E	21	NESE 30	NWSE 12	SWSE 35	
			SESE 40			117
		22	NWSW 12	SWSW 35		47
		27	NWNW 28			28
		28	NENE 40	NWNE 28	SENE 6	74
Total number of acres irrigated:						** 266

SOURCE

WILLOW CREEK

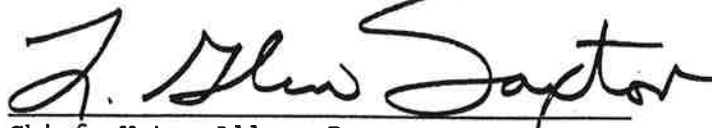
TRIBUTARY OF

SNAKE RIVER

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right No. 25-00136A is limited to the irrigation of 49.3 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 25-00137A is limited to the irrigation of 98.7 acres in the place of use described above in a single irrigation season.
- ** 10. Right No. 25-00136B is limited to the irrigation of 17.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right No. 25-00137B is limited to the irrigation of 34.0 acres in the place of use described above in a single irrigation season.

Dated this 11th day of June, 1996.


Chief, Water Alloc. Bureau

JUN 27 1996

E-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

JUN 13 1986

TRANSFER NO. 4748
WATER RIGHT NO(S). 25-00136A & B/25-00137A & Department of Water Resources
Eastern Region

This is to certify that: FOSTER CO
PO BOX 308
RIGBY ID 83442

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>
Right No. 25-00136A :			
IRRIGATION	04/01 to 10/31	0.89 CFS	197.2 AF
Priority: 05/01/1888			
Right No. 25-00137A :			
IRRIGATION	04/01 to 10/31	1.79 CFS	394.8 AF
Priority: 05/01/1888			
TOTAL:		2.68 CFS	592.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 15, Township 03N, Range 39E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 39E 15	NENE 34	NWNE 40	SWNE 38	148
	NENW 36			* 148

Total number of acres irrigated: * 148

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 25-00136B :			
IRRIGATION	04/01 to 10/31	0.31 CFS	68.0 AF
Priority: 05/01/1888			
Right No. 25-00137B :			
IRRIGATION	04/01 to 10/31	0.61 CFS	136.0 AF
Priority: 05/01/1888			
TOTAL:		0.92 CFS	204.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 16, Township 03N, Range 40E
BONNEVILLE County

13497

8/29/1989 * 199

TRANSFER NO. 4748
WATER RIGHT NO(S). 25-00136A & B/25-00137A & B

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	40E	21	NESE 30	NWSE 12	SWSE 35	
			SESE 40			117
		22	NWSW 12	SWSW 35		47
		27	NWNW 28			28
		28	NENE 40	NWNE 28	SENE 6	74
Total number of acres irrigated:						** 266

SOURCE

WILLOW CREEK

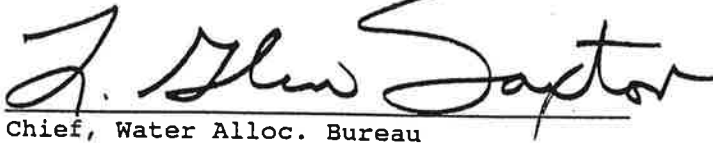
TRIBUTARY OF

SNAKE RIVER

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right No. 25-00136A is limited to the irrigation of 49.3 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 25-00137A is limited to the irrigation of 98.7 acres in the place of use described above in a single irrigation season.
- ** 10. Right No. 25-00136B is limited to the irrigation of 17.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right No. 25-00137B is limited to the irrigation of 34.0 acres in the place of use described above in a single irrigation season.

Dated this 11th day of June, 1996.


Chief, Water Alloc. Bureau

SCANNED

JUL 7 1989

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A25-00136B**

Date Received: 8/29/1989

Receipt No: X777777

Received By: _____

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

1. Name: FOSTER COMPANY 208-538-5170
Address: PO BOX 308
RIGBY ID 83442

2. Date of Priority: MAY 1, 1888

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	40E	16	SW	SE			BONNEVILLE

5. Description of diverting works:
HEADGATE/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.310		68.00

7. Total Quantity Appropriated is:
0.310 C.F.S. (and/or) 68.00 A.F.A.

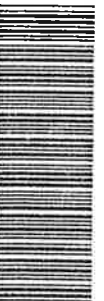
8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	40E	21	NE	SE		IRR	30.0
			NW	SE		IRR	12.0
			SW	SE		IRR	35.0
			SE	SE		IRR	40.0

A2500136A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	117.0
		22	NW	SW		IRR	12.0
			SW	SW		IRR	35.0
						Section Acres	47.0
		27	NW	NW		IRR	28.0
						Section Acres	28.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	28.0
			SE	NE		IRR	6.0
						Section Acres	74.0
						Total Acres	266.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
25-00137B

14. Remarks:
Right No. 25-00136B is limited to the irrigation of 17.0 acres in the place of use described above in a single irrigation season.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 7/20/1901

EAGLE ROCK & WILLOW CK. WATER
Decree Plaintiff

H. KIEFER, ET AL
vs Decree Defendant