

09/29/2004

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

RIGHT NUMBER: 25-137B
NAME AND ADDRESS: FOSTER CO
PO BOX 308
RIGBY ID 83442-0308
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.610 CFS
136.000 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.610 CFS 136.00 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 34 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

PROFILED
SCANNED
OCT 20 2004



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

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

PROFILED



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

JUL 25 2001

Log for claim 25-00137B

Spatial Dynamics CAT

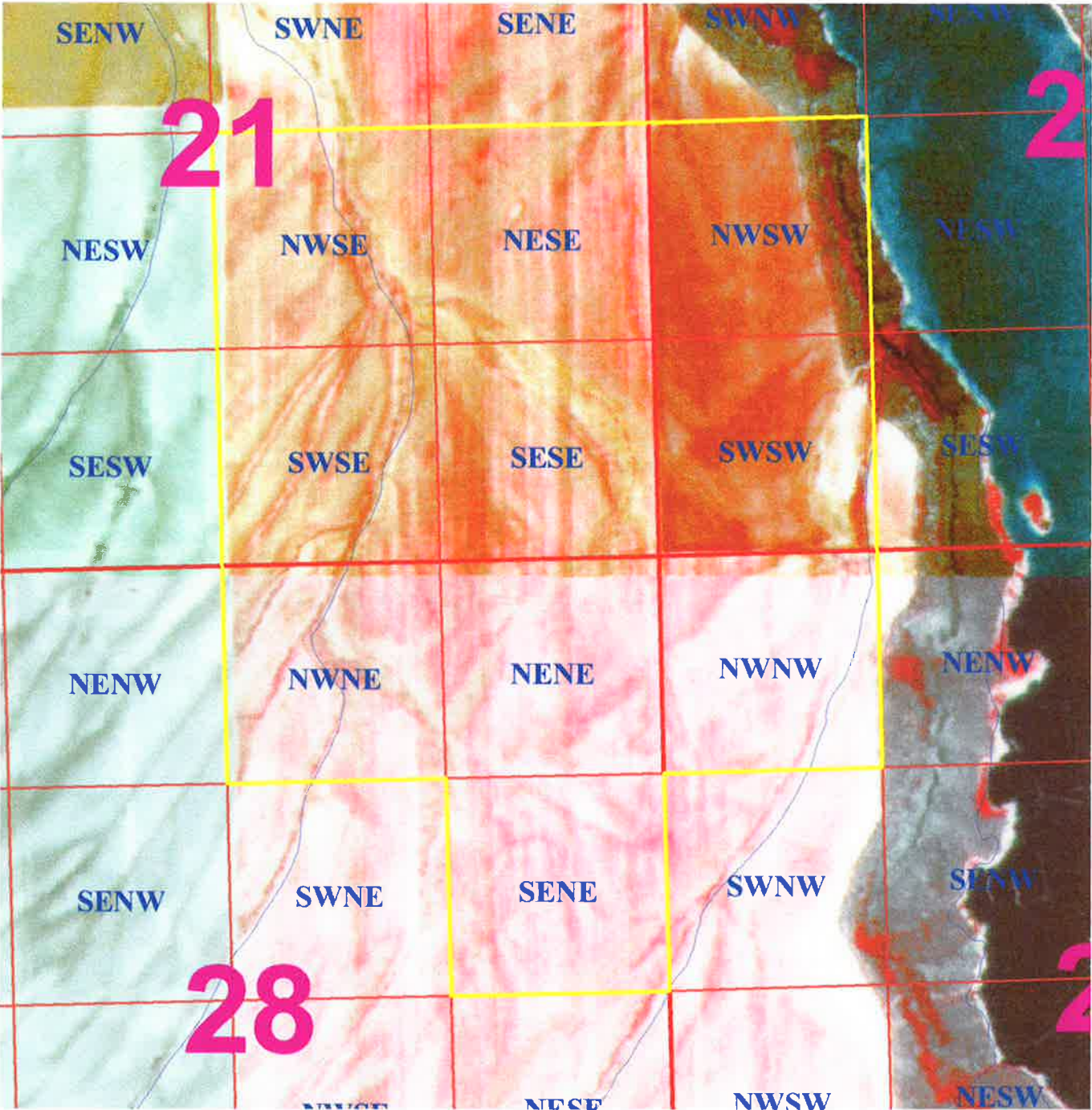
11/28/00

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 + photo in claim
A 25 000 57A*

Water Right Claim Number 25-00137B
Township , 3N40E

11/28/2000



Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals

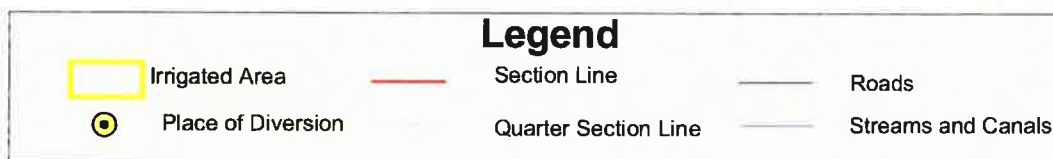
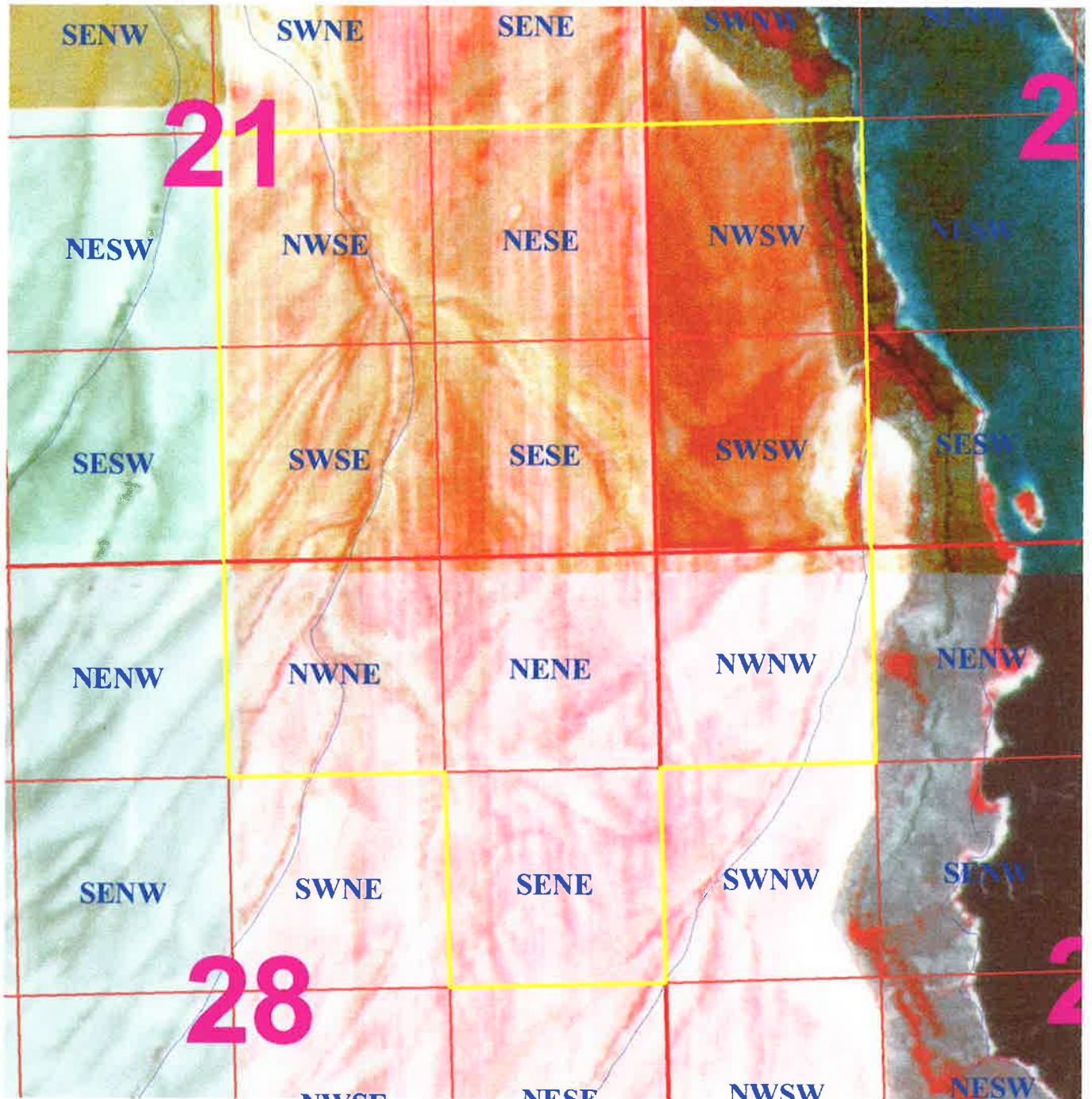


 SPATIAL DYNAMICS



Water Right Claim Number 25-00137B
Township , 3N40E

11/28/2000



600 0 600 1200 1800 Feet

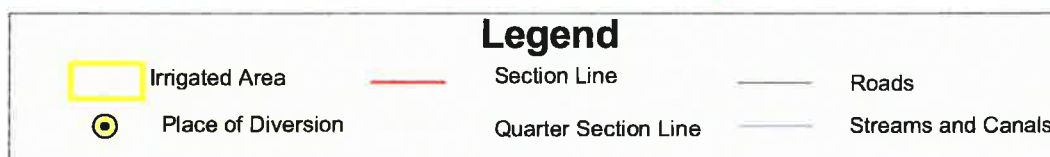
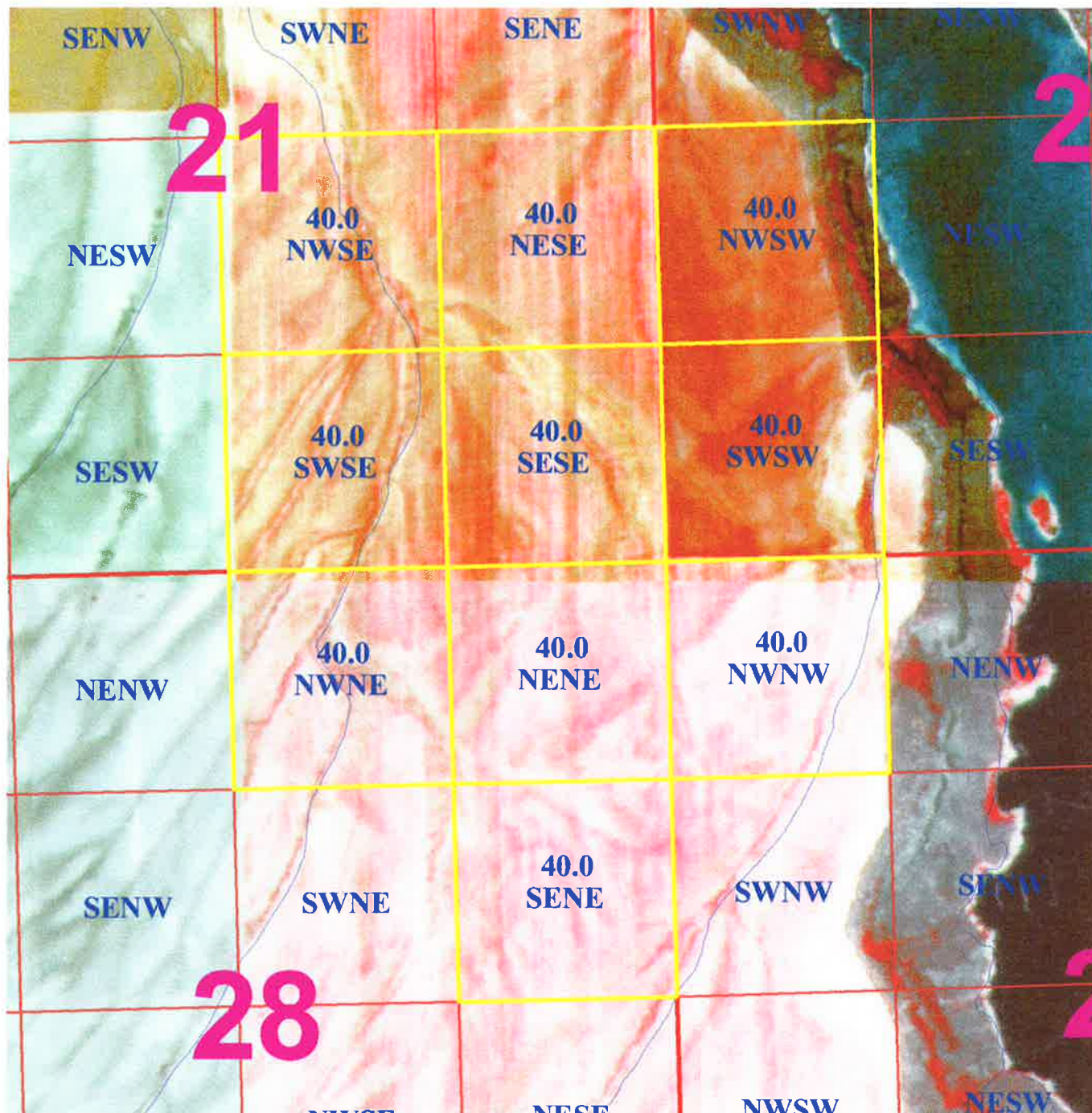


SPATIAL
DYNAMICS



Water Right Claim Number 25-00137B
Township , 3N40E

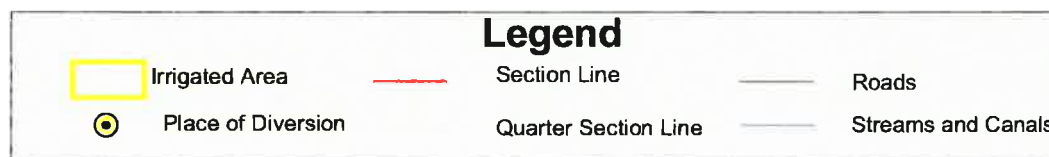
11/28/2000



Spatial
DYNAMICS



11/28/2000



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	0.610 CFS	136.00 AFA
TOTAL DIVERSION:					0.610 CFS	136.00 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		06	:						:										:	74.0	
																							TOTAL ACRES		266.0	

POU County: BONNEVILLE

Other Rights: 25-00136B

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

A25-00057A A25-00057B A25-00059 A25-00136B

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

A25-00057A A25-00136B

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. 25-00137B is limited to the irrigation of 34.0 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			* 148
Total number of acres irrigated:				

<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

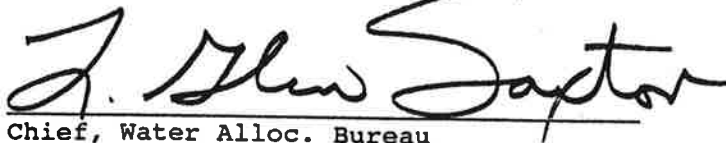
TRIBUTARY OF

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 & B 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.

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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	
	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

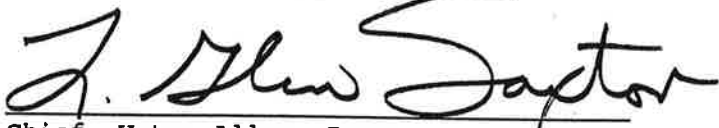
TRIBUTARY OF

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

S.O. 5-12-96

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4**COPY**
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant FOSTER COMPANY Phone (208) 538-5170
 Post Office address PO BOX 308 RIGBY ID 83442

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 CONSOLIDATE RIGHT UNDER PIVOTS
 2. Describe the reason for the proposed changes TO TAKE WATER OUT OF WILLOW CREEK AND PUMP
DIRECTLY INTO MAINLINE IRRIGATION SYSTEM.

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 |
|-----|--------------|----------|-----------------------|------------------|---------------|
| "A" | 25-00136A | 5-1-1888 | 0.89 cfs | IRRIGATION | 4-1 to 10-31 |
| | 25-00137A | 5-1-1888 | 1.79 cfs | IRRIGATION | 4-1 to 10-31 |
| "B" | 25-00136B | 5-1-1888 | 0.31 cfs | IRRIGATION | 4-1 to 10-31 |
| | 25-00137B | 5-1-1888 | 0.61 cfs | IRRIGATION | 4-1 to 10-31 |
2. Total amount of water being transferred 3.60 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water WILLOW CREEK tributary to SNAKE RIVER
 4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	15	3N	39E	BONNEVILLE	A
		SW	SE	16	3N	40E	BONNEVILLE	B

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1"	3N	39E	15	34	40	38		36											148
3"	3N	40E	21												30	12	35	40	117
		22									12	35							47
		27						28											28
		28	40	28		6													74

Total acres 266
 *PERMISSABLE
 PLACE OF USE

*LIMITED TO 51 ACRES WITHIN LAND LIST "B"

PART 1

General Information:

a. Description of diversion system WELL AND PUMP TO SPRINKLERS

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:

1" SENE AND NESW SEC 15 T3N R 39E HAS BEEN SOLD WITHOUT ANY OF RIGHTS
25-00136/137 (A25-13497) BUT HAS RETAINED CANAL SHARES. NEW PLACE OF
USE ALSO HAS CANAL SHARES IN ENTERPRISE CANAL COMPANY.

3" T3N R40E SEC 21 AND 28 (IN PART) HAVE RIGHTS 25-00057A AND 25-00059
APPURTENANT.

d. Remarks:

RIGHTS 25-00136/137 REFLECTED BY COMBINED CLAIM A25-13497.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 25-00136 Decreed to CAROLINE HEATH
 in case of EAGLE ROCK & WILLOW CREEK CO vs. H. KEIFFER, ET AL
 dated 7-20-1901 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water WILLOW CREEK tributary to SNAKE RIVER

4. Date or priority 5-01-1888

5. Water is used for the following purpose:

amount 1.20 cfs for IRRIGATION purposes from NOT LISTED to _____
 (cfs/ac-ft)
 amount _____ for STOCKWATER purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for DOMESTIC purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	11	3N	39E	BONNEVILLE	* AS PER WDO1 RECORDS

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	39E	15	A	A															

Total acres 80

Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 25-00137 Decreed to O. S. LEE
in case of EAGLE ROCK AND WILLOW CREEK CO vs. H. KEIFER, ET AL
dated 7-20-1901 in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water WILLOW CREEK tributary to SNAKE RIVER

4. Date or priority 5-01-1888

5. Water is used for the following purpose:

amount 2.40 cfs for IRRIGATION purposes from NOT LISTED to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	11	3N	39E	BONNEVILLE	*AS PER WD 01 RECORDS

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	39E	15			A					A	A	A							

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Transfer No. _____

our knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-
 use? If yes, describe _____

10 _____ If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

Int _____ for _____ purposes from _____ to _____
 ac-ft)
 Int _____ for _____ purposes from _____ to _____
 ac-ft)
 Int _____ for _____ purposes from _____ to _____
 ac-ft)

(s) of Diversion:

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

Is irrigated or place of use:

Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

Int _____ for _____ purposes from _____ to _____
 ac-ft)
 Int _____ for _____ purposes from _____ to _____
 ac-ft)
 Int _____ for _____ purposes from _____ to _____
 ac-ft)

(s) of Diversion:

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

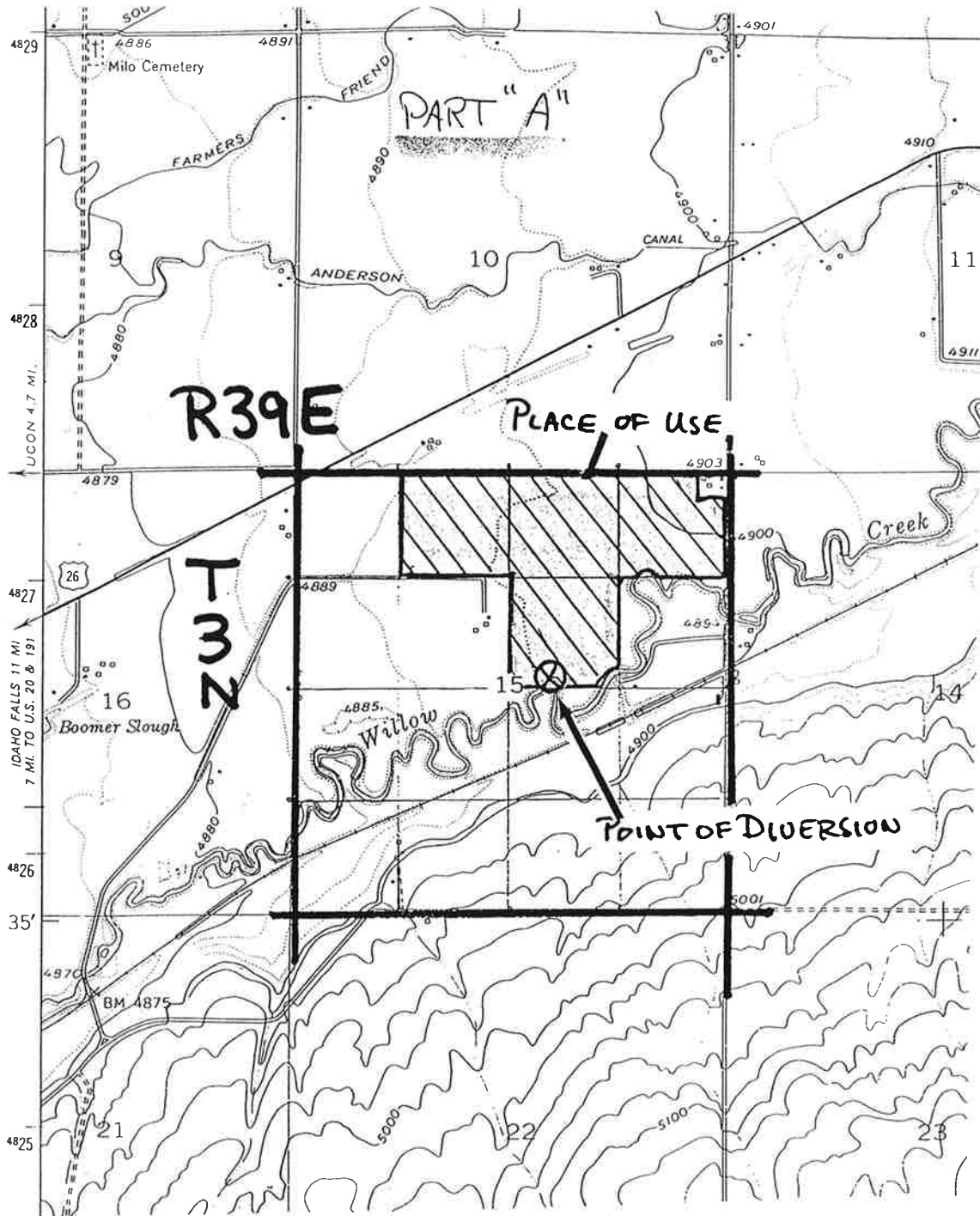
Is irrigated or place of use:

Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

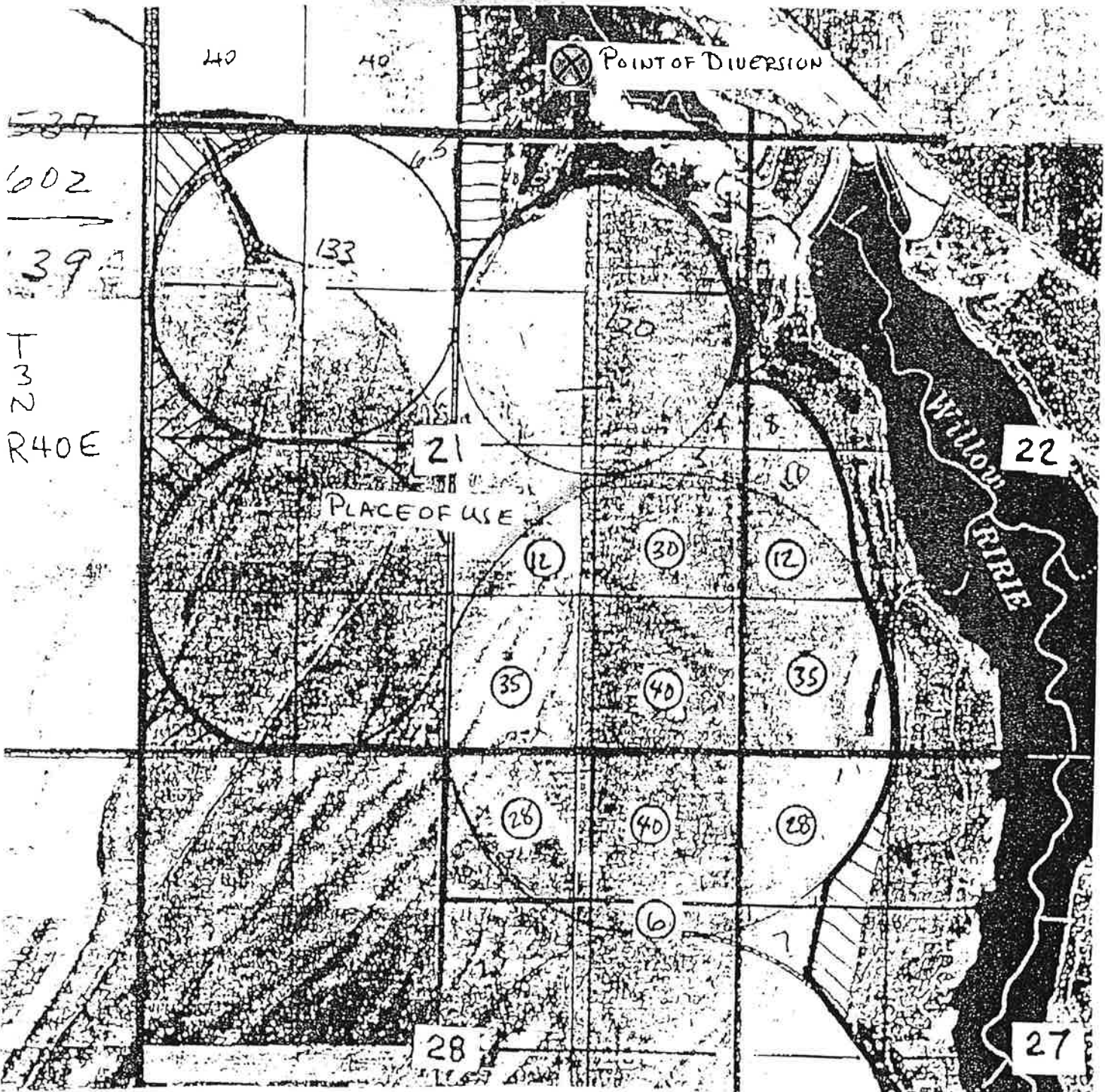
map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described
1. Clearly depict the land by section, township and range number.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

PART "B"



age _____ of _____

Transfer No. 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

1

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Boyd Foster - "Partner" - Foster Co.
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of December, 19 95.

Betty J. Thompson
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by #WJ KCW Date 12-7-95 Protest filed by _____

Prelim. check by _____ Fee _____

Received by KCW Date 11-22-95 # EO2727Published in Post Register Copies of protest forwarded by _____Pub. dates 1-4, 11-96 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

09/29/2004

**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: 25-137B

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**
DEC 08 2004
Department of Water Resources
Eastern Region**SCANNED****DEC 22 2004**

JUL 25 2001

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: **A25-00137B**
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	0.610		136.00

7. Total Quantity Appropriated is:
0.610 C.F.S. (and/or) 136.00 A.F.A.

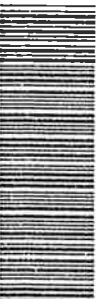
8. Total consumptive use is Acre Feet Per Annum.

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

A25001368



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:
25-00136B

14. Remarks:
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.

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