

12/08/2000

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

RIGHT NUMBER: 35-2727A
NAME AND ADDRESS: ROY E HINCKS
2851 W 900 S
STERLING, ID 83210

SOURCE: GROUND WATER

QUANTITY: 2.12 CFS
408 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-7603C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.12 CFS.

PRIORITY DATE: 03/13/1965

POINT OF DIVERSION: T04S R31E S17 NESWNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	2.12 CFS 408.00 AFY

PLACE OF USE:

<u>IRRIGATION Within BINGHAM County</u>					
T04S R31E S17	NWNE	40	T04S R31E S17	SWNE	36
T04S R31E S17	NENW	39	T04S R31E S17	NWNW	7
T04S R31E S17	SENE	32	T04S R31E S18	SENE	27

181 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 102 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 - License

PROFILED

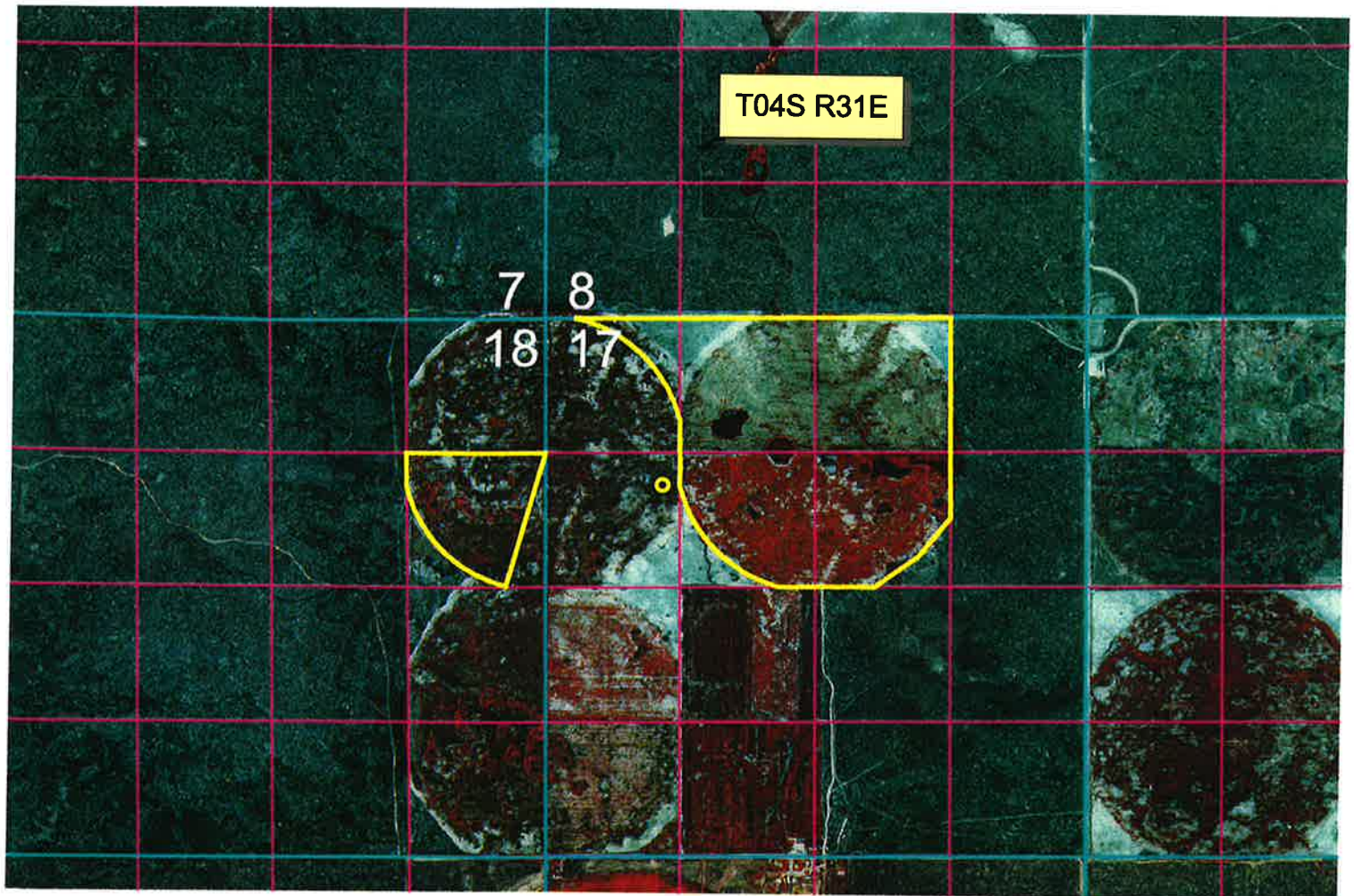
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AUG 11 2005



STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-2727A
35-7603C



0 1320 2640 3960 5280 6600 7920 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



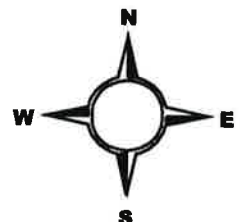
Quarter-section line

Acres Irrigated = 181

PROFILE

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GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: December 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 12, 2001

FOSTER FARMS
C/O MARC FOSTER
3018 W 1700 S
ABERDEEN ID 83210

RE: Transfer #5688 (water right 35-2727, 35-2727A and 35-2727B and overlapping right 35-7603C) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Foster:

On May 4, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5688, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 12, 2001

ROY E HINCKS
2851 W 900 S
STERLING ID 83210

RE: Transfer #5688 (water right 35-2727, 35-2727A and 35-2727B and overlapping right 35-7603C) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Hincks:

On May 4, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5688, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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CERTIFICATE OF MAILING

I certify that on April 13, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ROY E HINCKS
2851 W 900 S
STERLING ID 83210

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:	
FOSTER FARMS	ROY E HINCKS
C/O MARC FOSTER	2851 W 900 S
3018 W 1700 S	STERLING ID 83210
ABERDEEN ID 83210	

4. One copy to:

Each party in the subcase, or attorney of record	
JEFFREY C FEREDAY	JOHN ROSHOLT
GIVENS PURSLEY LAW OFFICE	ROSHOLT ROBERTSON & TUCKER
PO BOX 2720	PO BOX 1906
BOISE ID 83701-2720	TWIN FALLS ID 83303-1906

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Cheri Undermeiden
Signature of person or attorney mailing the form
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Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5688
WATER RIGHT NO. 35-02727B

RECEIVED

MAY 10 2000

This is to certify that: FOSTER FARMS
C/O MARC FOSTER
3018 W 1700 S
ABERDEEN ID 83210

Department of Water Resources
Eastern Region

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	04/01 to 11/01	1.54 CFS	345.4 AF

SOURCE
GROUNDWATER

Priority: 03/13/1965

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 5, Township 06S, Range 30E
BINGHAM County

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>
06S	30E	5	NESW 33	NWSW 33	SWSW 33	132
			SESW 33			132
Total number of acres irrigated:						132

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 4th day of May, 2000

PROFIT

[Signature]
Chief, Water Allocation Bureau

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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 35-2727A
Date Received: 11/17/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROY E HINCKS Phone: (208) 328-2440

2851 W 900 S
STERLING ID USA 83210

2. Date of Priority: 03/13/1965

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
04S	31E	17	NE SW NW	BINGHAM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.12	

7. Total Quantity Appropriated is:
2.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04S	31E	17	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	36
			NE	NW		IRRIGATION	39
			NW	NW		IRRIGATION	7
			SE	NW		IRRIGATION	32
						Section Acres	154
04S	31E	18	SE	NE		IRRIGATION	27
						Section Acres	27
						Total Acres	181

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

CLAIM CREATED AS A RESULT OF TRX 5469

15. Basis of Claim: License

PROFILE

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AUG 11 2005



WR5809NP
No. 35-02727A

A3502727A

PARTMENT OF WATER RESOURCES
RIGHT PROFILE REPORT

DATE: 05/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROY E HINCKS 2851 W 900 S STERLING ID 83210 (208) 328-2440	03/13/1965	IRRIGATION	04/01 11/01	2.120 CFS	
TOTAL DIVERSION:					2.120 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04S R31E S17 NESWNW

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
04S	31E	17			40		36				39		07		32						154.0			
04S	31E	18						27													27.0			
TOTAL ACRES																				181.0				

Pou County: BINGHAM

Other Rights: 35-07603C

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
35-02727 35-07603C T35-02727A1 T35-07603D

Other Water Rights Listing Overlapping Place(s) of use:
35-02727 35-07603C T35-02727A1 T35-07603D

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: GEN USE OF THIS RIGHT WITH RIGHT NO. 35-07603C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.12 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 724 AF.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 102 ACRES WITHIN

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PROFILE

WR5809NP
No. X35-02727A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/18/00
PAGE: 2

Remarks: THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 35-07603C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 181 ACRES IN A SINGLE
IRRIGATION SEASON.
RIGHT NO. 35-07603C IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: App. Received: Priority Date: 03/13/1965
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/1998 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 06/10/1999 User-ID: MBALDWIN Subject: TRANSFER NO. 5469
T# 5469 filed on 4/8/99 proposes to split off portions of the
rights and move to Jerome County for irrigation within Big Little
Ranches Subdivision Unit 3. A total of 0.39 cfs is being moved.
Rights involved are 35-02727 and 35-07603.

Date: 06/23/1999 User-ID: MBALDWIN Subject: PROTESTS
Two protests were received on 6/22/99.

Date: 03/15/2000 User-ID: SCOX Subject: TRANSFER NO. 5688
WE ARE BUYING 132 ACRES WORTH OF THIS WATER RIGHT BUT NOT THE
REAL PROPERTY. WE INTEND TO PUT THIS ON A PIVOT OF OUR OWN.

Audit: 05/04/00 KWALKER

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— Add a comment that
claim created as a
result of TRX 5469

PROFILE

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/21/00 09:19:17
Page 5

Water right number - 35-02727A

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

NO RECORD WAS FOUND FOR 3502727A

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