

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

JUN 13 1996

Department of Water Resources
Eastern Region

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:

* 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

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

J. Glen Saxton
 Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 25-00136 & 25-00137

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4748

DATE: June 7, 1996

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Transfer No. 4748 was filed to accomplish two changes under Right Nos. 25-00136 and 25-00137; 1) change the place of use and point of diversion for 51 acres (Part B's), and 2) identify current location and point of diversion for the remaining 148 acres (Part A's).

These rights were decreed identifying separate places of use in different quarter-quarters. Sometime in the past they were combined to serve a single system, each providing a portion of the diversion rate and acres. Under Part B's these rights provide for irrigation of 51 acres within a larger system serving 266 acres.

Irrigation is the sole use under these rights per the transfer application. Season of use and diversion volume were adjusted to current standards.

Recommended conditions include watermaster control, measuring device & lockable controlling works, permissible place of use, irrigation overlap, right-of-way and standard transfer conditions.

S.O. 5-10-96

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4248**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	
"A"	3N	39E	15	34	40	38		36												148
"B"	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

6. 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:
"A" SENW 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.

"B" 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 WD01 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

9. 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 COvs. 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 _____

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

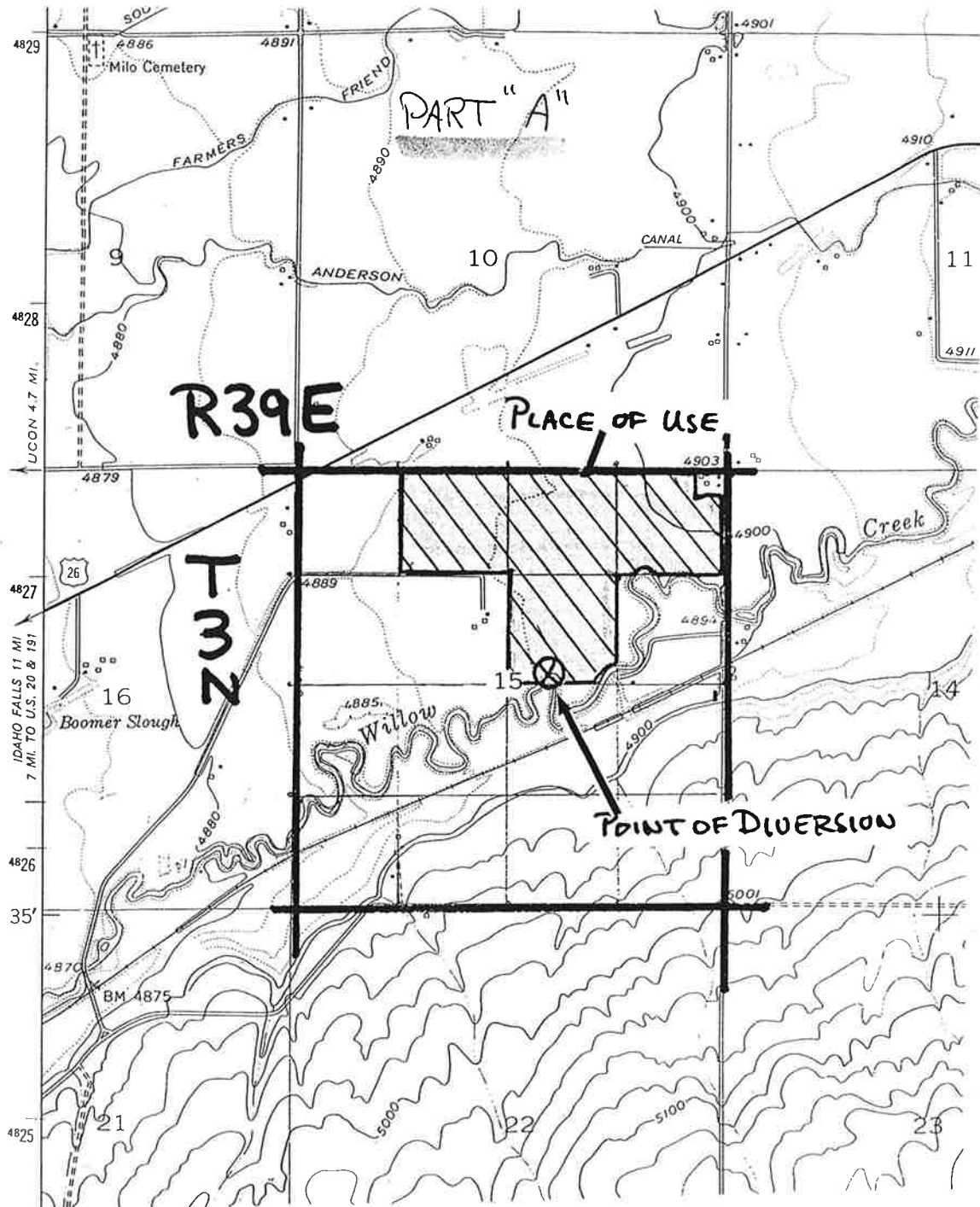
3. Lands irrigated or place of use:

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 _____

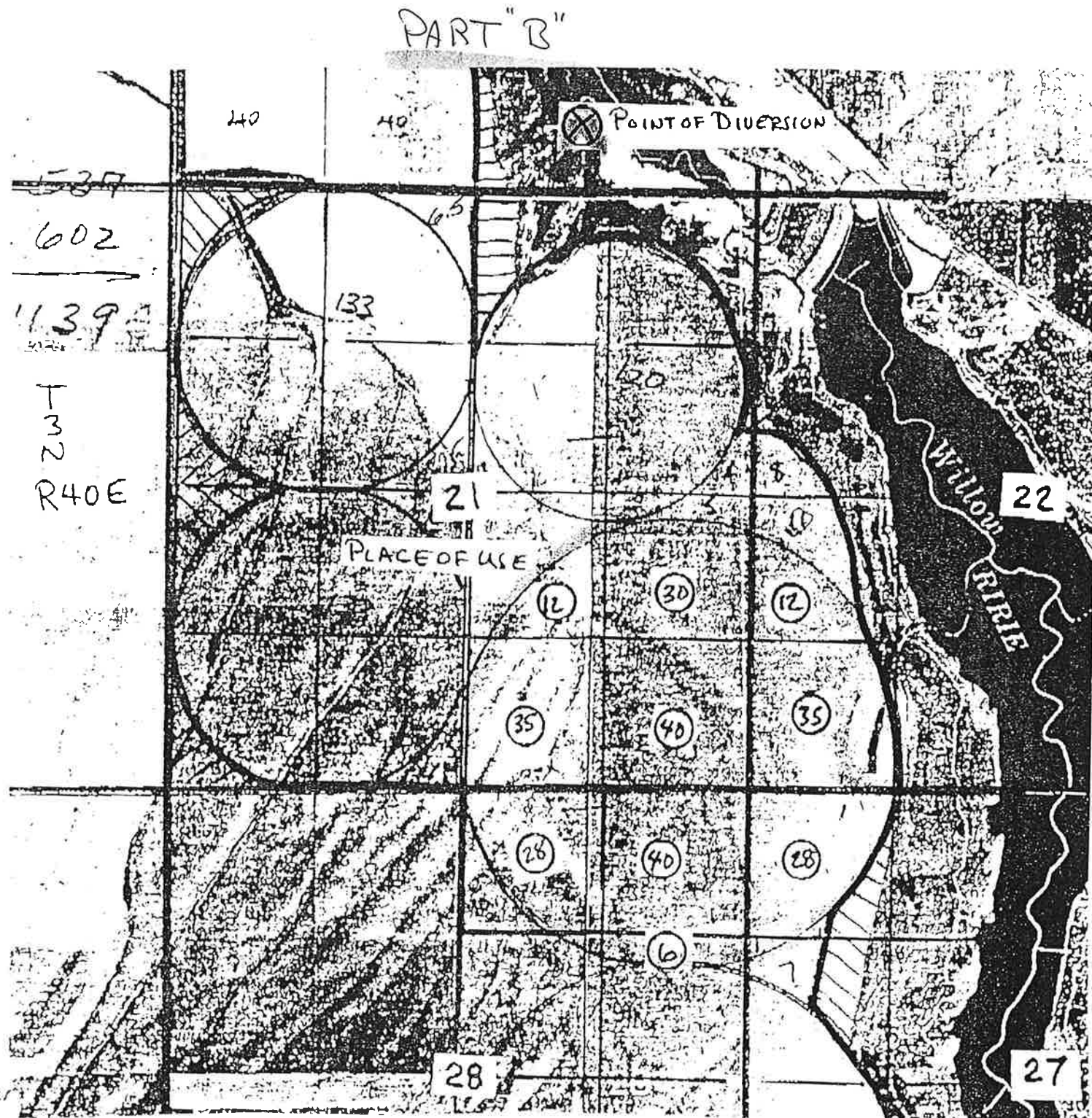
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. 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.



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

- A. 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.



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

- A. 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 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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 _____
NOTARY PUBLIC, IDAHO
MY COMMISSION EXPIRES 7 OF 2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

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

Prelim. check by _____ Fee _____

Received by KCW Date 11-22-95 # EO2727

Published 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 _____