

T5361

PROTESTED - SEE PROTEST DRAWER

5/10/21
per

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5361
WATER RIGHT NO. 35-07837C

Eastern
RECEIVED
MAR 06 2000
Department of Water Resources
Eastern Region

This is to certify that: **MARK B FOSTER**
BRUCE C FOSTER
DBA FOSTER FARMS
3018 W 1700 S
ABERDEEN ID 83210

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 10/31	2.59 CFS	600.0 AF

SOURCE

GROUNDWATER

Priority: 02/16/1979

LOCATION OF POINT(S) OF DIVERSION: NWNWNE , Sec. 8, Township 06N, 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	8	NWNE 26	NENW 31	NWNW 31	
			SWNW 31	SEnw 31		150
				Total number of acres irrigated:		150

CONDITIONS OF APPROVAL AND REMARKS

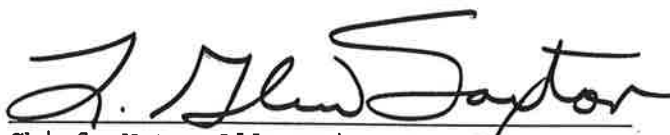
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. 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.

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WATER RIGHT NO. 35-07837C

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 1st day of March, 2000.


Chief, Water Allocation Bureau

5/10/02 No SRBA claim - See Lapsed Permit History.

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5361

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MARK B. or Bruce C. Foster d/b/a Foster Farms 397-8222
Phone (208) 397-5232
Post Office address 3018 W. 1700 S. Aberdeen, ID 83210

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 We wish to put this right into
pivots on better farm ground.

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

1. Right Number 35-07837C Priority 2/16/1979 Amount (cfs/ac-ft) 2.59 cfs Nature of Use Irrigation Period of Use 4-01 to 10-31
2. Total amount of water being transferred 2.59 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	8	6S	30E	Bingham	

5. Lands irrigated or place of use:

Twp.	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	
6S	30E	8		26			31	31	31	31									150

Total acres 150

PART 1

6. General Information:

a. Description of diversion system well + pump to 2 pivots (low pressure)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ 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: .

Land will be dry farm.

d. Remarks:

Additional water rights will be transferred to fill in the pivot in the NE 1/4 Sec 8

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 _____.

PART 2

TRANS NO. 5361

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-07837C

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.59 CFS	600.0 AF

SOURCE

GROUNDWATER

Priority: 02/16/1979

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 28, Township 05S, Range 29E
POWER CountyPLACE OF USE: IRRIGATION

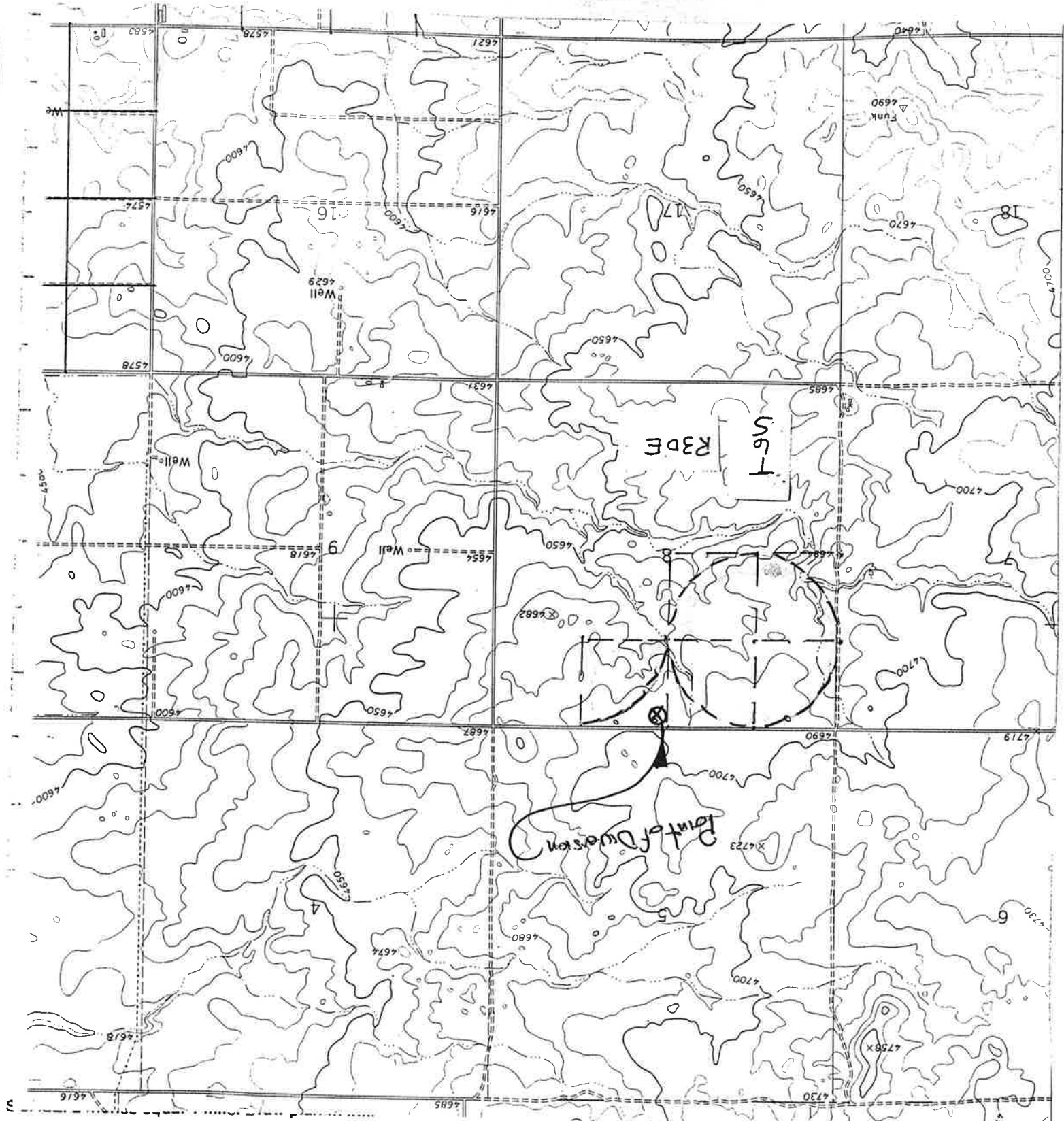
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	29E	21	NENE 8	NWNE 3	SWNE 20	
			SENE 33	NESE 31.5	NWSE 16.5	
			SWSE 13	SESE 18		143
	28		NENE 7			7
Total number of acres irrigated:						150

CONDITIONS/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. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

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.

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



✓ Marc B Foster for Foster Farms
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of December, 19 98.

Gregory J Taylor
(Notary Public)

My commission expires 4/28/2004

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 12-16-98 Protest filed by _____Prelim. check by _____ Fee 100^{XX} _____Received by HWS #E024681 Date 12-16-98 _____Published in The Morning News Copies of protest forwarded by _____Pub. dates Dec 24 & 31 1998 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____