

T5347 FOSTER AGRO

5/10/02
ABR

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 1999

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 5347
WATER RIGHT NO. 35-07629A

RECEIVED

OCT 21 1999

Department of Water Resources
Southern Region

This is to certify that: **FOSTER AGRO**
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>
IRRIGATION	04/01 to 10/31	0.31 CFS	132.2 AF

SOURCE

GROUNDWATER

Priority: 07/27/1976

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 28, Township 04N, Range 35E
JEFFERSON 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>
04N	35E	33	SWSE	35		35
Total number of acres irrigated:						35

CONDITIONS OF APPROVAL AND REMARKS

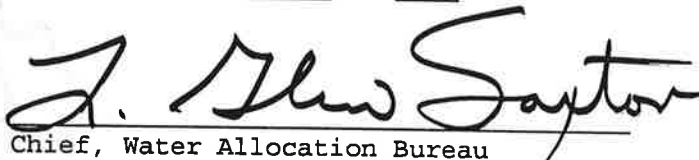
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5347
WATER RIGHT NO. 35-07629A

CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. In the near future IDWR will recommend a general provision for this sub-basin regarding the interconnection of water resources within the Snake River Basin. An opportunity will be provided at that time to file an objection with the District Court to that provision. This water right will be subject to such general provisions as the District Court determines necessary for the definition of the rights or for the efficient administration of water rights.
6. Rights 35-07335B, 35-07337, 35-07509B and 35-07628 are also diverted through the point of diversion described above.

Dated this 18th day of October, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 35-07629

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5347

DATE: October 18, 1999

Transfer 5347 changes the point of diversion under Right 35-07629A as recommended in the SRBA. The applicant has purchased the land and wants to divert the right from an existing well on his property. The applicant has confirmed that the new well is the same as used under Rights 35-07335B, 35-07337, 35-07509B and 35-07628.

This right had a point of diversion overlap condition limiting the combined diversion rate between this right and a senior right from the same well. The application proposed to transfer 0.44 cfs, while only the balance of the diversion rate from the original well has been recommended for approval in order to avoid expansion of use. As a result of the rate adjustment, the annual diversion volume was limited to 132.2 af. I also discussed these adjustments with the applicant prior to preparing the approval.

Total capacity of 7.40 cfs – 7.09 cfs under Right 35-07335A = balance of 0.31 cfs.
 $0.31 \text{ cfs} \times 215 \text{ days} \times 1.9835 = 132.2 \text{ af}$

Recommended conditions include measuring & annual reporting, irrigation overlap and standard transfer conditions.

*5/10/02 35-1629A READY FOR PD, BY SRBA WEBSITE.
RECOMM REFLLECTS TX. , ARCHIVE OK*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

5347

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

NOV 13 1998

Department of Water Resources
Eastern Region

Name of applicant FOSTER AGRO Phone (208) 538-5170
Post Office address P.O. 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 _____
2. Describe the reason for the proposed changes We have purchased the place of use but the original well is on our neighbors property. We want to move the point of diversion to an existing well we own in Section 28 T4N R3SE.

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 |
|-----------------|-----------|----------------------|---------------|---------------|
| 35-07629A | 7/27/1976 | ~~0.44~~ 0.31 | Irrigation | 4-01 to 10-31 |
| | | | | |
| | | | | |
| | | | | |
2. Total amount of water being transferred ~~0.44~~ 0.31 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	SE	28	4N	3SE	Jefferson	

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	
4N	3SE	33															35		35

Total acres 35

PART 1

6. General Information:

a. Description of diversion system well + 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:
N.A.

d. Remarks:

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. 5347

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-07629A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.70 CFS	140.0 AF

SOURCE

GROUNDWATER

Priority: 07/27/1976

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 34, Township 04N, Range 35E
JEFFERSON 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>
04N	35E	33	SWSE	35		35
Total number of acres irrigated:						35

CONDITIONS/REMARKS:

1. IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF WATER RIGHTS.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07335A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.40 CFS.
3. RIGHT NO. 35-07335A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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.

