

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07592

Priority: April 23, 1991

Maximum Diversion Rate: 7.90 CFS

It is hereby certified that FOSTER LAND & CATTLE
PO BOX 40
RIRIE ID 83443 has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated April 23, 1991; and has submitted Proof of Beneficial Use
on July 13, 1995; and a water right has been established as follows:

SOURCE

WILLOW CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

7.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

WILLOW CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16 Twp 03N Rge 40E, B.M. BONNEVILLE County

PLACE OF USE:

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	40E	16									9.6	.9	36.0	40.0			4.6		91.1
03N	40E	20	37.0	36.0	37.0	40.0									40.0	31.0	34.0	40.0	295.0
03N	40E	21	15.0	16.0	40.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	588.0
03N	40E	22							5.4			30.0	38.0						73.4
03N	40E	27						29.0	18.0			39.0	40.0						126.0
03N	40E	28	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	639.0
03N	40E	29	40.0	31.0	33.0	40.0									40.0	30.0	32.0	40.0	286.0
03N	40E	32	25.0	.7		15.0													40.7
03N	40E	33	40.0	40.0	40.0	22.0	40.0	40.0	31.0	24.0					2.3				279.3
03N	40E	34						33.0	5.6										38.6

Total Acres: 2457.1

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CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 564.0 acres within the authorized place of use in a single irrigation season.
2. Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 9.78 cfs and the irrigation of 1635.0 acres.
3. Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 25-7567 and 25-7592 when combined shall not exceed a total diversion rate of 31.78 cfs and the irrigation of 2457.1 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
5. 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(s).
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. 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 place of use.
8. Prior to diversion of water under this right, the right holder must obtain adequate supplemental water for the irrigation season when the natural flow is not available. Supplemental water may include leased storage water from the Upper Snake River Supply Bank but shall only be diverted when there is sufficient water available for release from Ririe Reservoir.
Diversion of water under this right or diversion of supplemental water must not reduce flows of Willow Creek below 32 cfs from the point of diversion to the Johnson Road crossing of Willow Creek. Water diverted under this right and any supplemental water acquired shall be subject to the control of the watermaster of State Water District 01, Snake River.
9. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 13th day of September, 2011.


for GARY SPACKMAN
Interim Director