

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07494C

Priority: April 05, 1989

Maximum Diversion Rate: 22.00 CFS
Maximum Diversion Volume: 9,140.0 AF

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 5, 1989; has submitted Proof of Beneficial Use on
October 11, 1996; and a water right has been established as follows:

SOURCE

GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	22.00 CFS	9,140.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW¼NW¼	Sec. 5	Twp 03N	Rge 40E, B.M.	BONNEVILLE County
GROUND WATER	NW¼SE¼	Sec. 16	Twp 03N	Rge 40E, B.M.	BONNEVILLE County
(Rediversion)					
GROUND WATER	NW¼NE¼	Sec. 28	Twp 03N	Rge 40E, B.M.	BONNEVILLE County
GROUND WATER	SW¼NW¼	Sec. 5	Twp 03N	Rge 40E, B.M.	BONNEVILLE County
(Injection)					

PLACE OF USE:

Twp	Rge	Sec	IRRIGATION				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	40.0	40.0	40.0	40.0			588.0
03N	40E	22																							73.4
03N	40E	27																							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	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 2285.0 acres within the authorized place of use in a single irrigation season.
2. Rights 25-57A, 25-57B, 25-59, 25-136B, 25-137B, 25-7494C, 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.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Water diverted under this right from the well located in the SWNW, Sec. 5, T03N, R40E, is exchanged by injecting water into the Anderson Canal, and diverting an equal amount from Willow Creek at the point of rediversion described above.
5. 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.
6. 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.
7. 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