

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 25-07567**RECEIVED****JUL 13 2011**Department of Water Resources
Eastern Region**Date of Priority:** November 09, 1992**Maximum Diversion Rate:** 9.50 CFS**Maximum Diversion Volume:**

Comes now FOSTER LAND & CATTLE

PO BOX 40

RIRIE ID 83443

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07567, and requests that the permit be changed as follows:

Source: WILLOW CREEK**Tributary:** SNAKE RIVER**BENEFICIAL USE****PERIOD OF USE****RATE OF DIVERSION**

IRRIGATION

06/01 to 09/01

9.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

WILLOW CREEK NW ¼ SE ¼ 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

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 13 day of July, 2011.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07567

.....
FOR DEPARTMENT USE ONLY
Preliminary check by HW Fee = \$ 100 Received by JB # E036817 Date 7/13/2011

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 25-07567 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 790.0 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.

Witness my hand this 2nd day of August, 2011.


for GARY SPACKMAN
Interim Director