

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13949

WATER RIGHT NUMBER: 35-13949

|                   |                                                         |
|-------------------|---------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                 |
| Current Owner     | FOSTER LAND & CATTLE CO<br>PO BOX 40<br>RIRIE, ID 83443 |

Priority Date: 05/23/1975

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 04/01 to 11/01          | 0.540 CFS             | 107.20 AF            |
|                       | <u>Total Diversion:</u> | 0.540 CFS             | 107.20 AF            |

Location of Point(s) of Diversion

|                  |                 |                                 |
|------------------|-----------------|---------------------------------|
| GROUND WATER     | SE1/4NE1/4SW1/4 | Sec. 16, Twp 04N, Rge 35E, B.M. |
| JEFFERSON County |                 |                                 |
| GROUND WATER     | NE1/4NE1/4SW1/4 | Sec. 20, Twp 04N, Rge 35E, B.M. |
| JEFFERSON County |                 |                                 |
| GROUND WATER     | NE1/4NE1/4SW1/4 | Sec. 21, Twp 04N, Rge 35E, B.M. |
| JEFFERSON County |                 |                                 |
| GROUND WATER     | NW1/4NW1/4SE1/4 | Sec. 28, Twp 04N, Rge 35E, B.M. |
| JEFFERSON County |                 |                                 |
| GROUND WATER     | NW1/4SW1/4      | Sec. 29, Twp 04N, Rge 35E, B.M. |
| JEFFERSON County |                 |                                 |
| GROUND WATER     | NE1/4NE1/4SE1/4 | Sec. 31, Twp 04N, Rge 35E, B.M. |
| JEFFERSON 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   |        |
| 04N | 35E | 16  |      |      |      |      |      |      |      |      | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 264.0  |
| 04N | 35E | 20  | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 528.0  |

Total Acres: 792

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Conditions of Approval:

1. Rights 35-13941, 35-13949 and 35-13951 when combined shall not exceed a total diversion rate of 0.69 cfs, a total annual maximum diversion volume of 293.4 af at the field headgate, and the irrigation of 89.6 acres.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R64 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.
6. 214 Prior to the diversion and use of water under Transfer approval 75094, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. X27 This right is limited to the irrigation of 26.8 acres within the place of use described above in a single irrigation season.
8. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. X35 Rights 35-13403, 35-13933, 35-13935, 35-13937, 35-13939, 35-13941, 35-13949 and 35-13951 when combined shall not exceed 7.74 cfs, nor total combined annual volume of 3300.8 af for the irrigation of a total of 792 acres.
10. R05 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. 120.
11. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Remarks:Comments:

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Dates and Other Information:

Licensed Date:  
Decreed Date: 1/31/2002  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number: 120  
Generic Max Rate Per Acre: 0.02  
Generic Max Volume Per Acre: 4  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 7.74        | 3300.8        | 792          |

Combined Water Rights: 35-13403 , 35-13933 , 35-13935 , 35-13937 ,  
35-13939 , 35-13941 , 35-13949 , 35-13951

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 0.69        | 293.4         | 89.6         |

Combined Water Rights: 35-13941 , 35-13949 , 35-13951

Water Supply Bank: