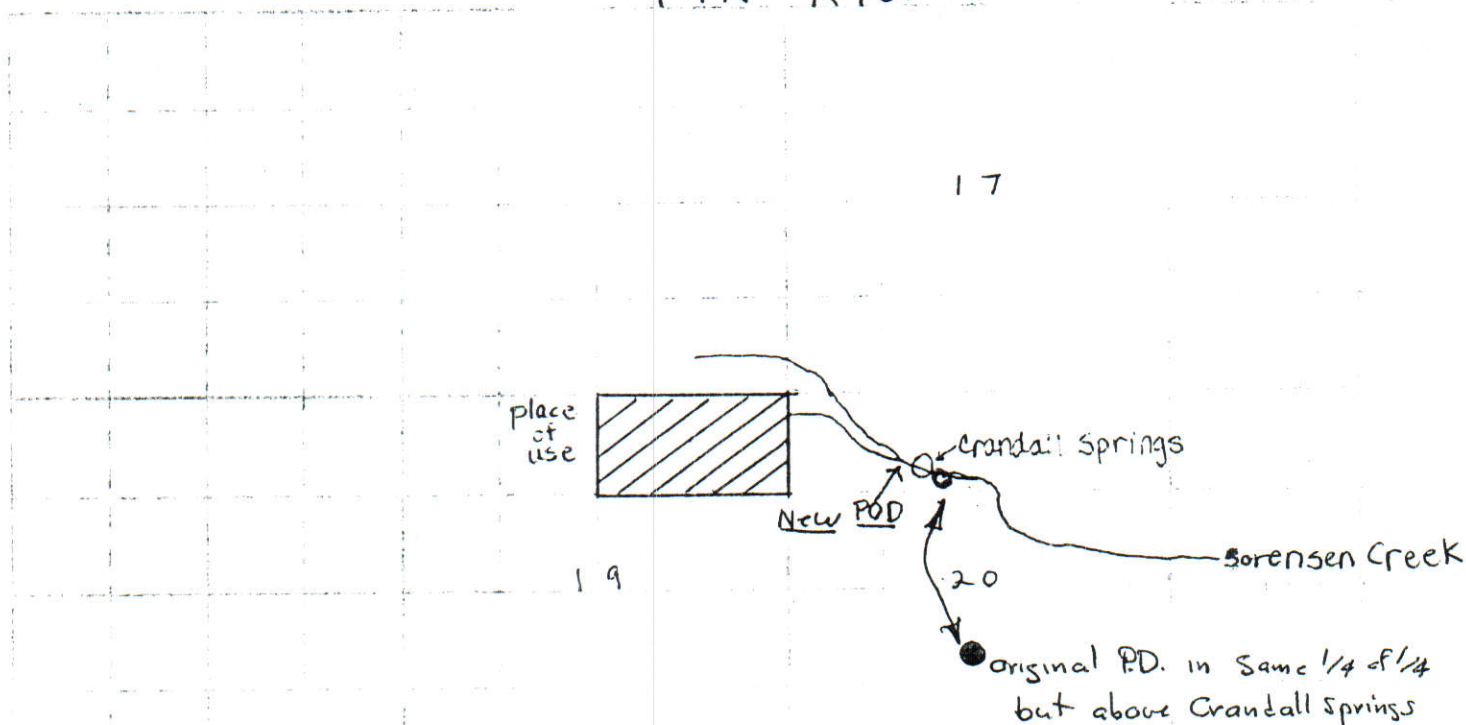


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.

T4N R46E



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JAN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3720

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MAY - 7 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Department of Water Resources

Name of applicant Vernal J. FosterPhone (208) 483-2072Post Office address P.O. Box 116, Swan Valley, Idaho 83449

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 The current point of diversion is on Sorensen Creek above where Crandall Springs flows into the Creek. I want to move this diversion below where the Springs flows into the Creek so that I can use the increased water pressure for a gravity flow irrigation pipe system, for maximum utilization. The pipe will also protect the purity of the water for domestic use.

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 |
|------------------|----------------------|--------------------|-------------------|-----------------------------|
| <u>22-00689</u> | <u>Dec. 17, 1910</u> | <u>.23 cfs</u> | <u>irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| <u>22-00529B</u> | <u>June 1, 1989</u> | <u>.74 cfs</u> | <u>irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred .90 ^{DMD} .97 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Sorensen Creek/Crandall Springs tributary to Darby Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	20	4N	46E	Teton	
		SW	SW	17	04N	46E	Teton	

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	46E	19	25	8.5			Rt. 22-00529B												45 ^{DMD} 33.5
4N	46E	19	11.5				Rt. 22-00689												11.5

Total acres 45 ^{DMD}

PART 1

6. General Information:

- a. Description of diversion system Pipe for gravity flow irrigation system.
- 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:
No change in place of use.
- d. Remarks:
See attached Schedule A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-00689/00529B
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this 13th day of November, 1990

[Signature]
Chief, Water Alloc. Bureau

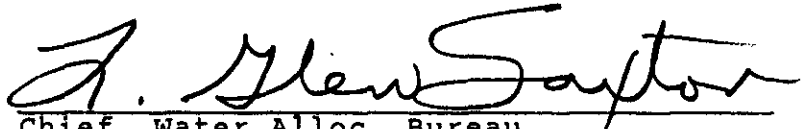
FILED
JAN 28 1991

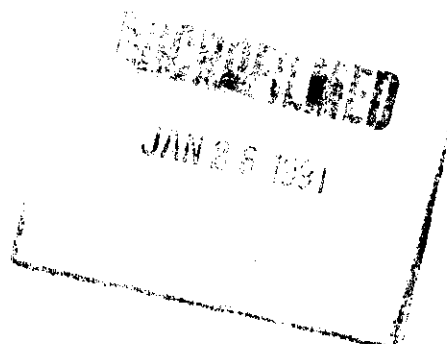
ATTACHMENT TO CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 22-0529 and 22-0689

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 13th day of November, 1990.


Chief, Water Alloc. Bureau



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-00529B Decreed to Vernal J. Foster
in case of Silverstein vs. Carlson & Foster
dated June 5, 1989 in 7th Judicial District county of Teton
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Sorensen Creek/Crandall Springs tributary to Darby Creek

4. Date or priority June 1, 1899

5. Water is used for the following purpose:

amount .74 cfs for irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount .03 cfs for stockwater purposes from 1/1 to 12/31
(cfs/ac-ft)
amount .04 cfs for domestic purposes from 1/1 to 12/31
(cfs/ac-ft)

6. Total amount of water under right .74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	17	4N	46E	Teton	
		NE	NW	20	4N	46E	Teton	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	46E	19	DS 25	S 8.5															33.5

Total acres 33.5 DmD

9. Describe any other water rights used for the same purpose as described above Right to irrigate additional
11.5 acres in NE 1/4 NE 1/4 Section 19 - See attached judgment.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-00689 Decreed to Vernal J. Foster
in case of Silverstein vs. Carlson & Foster
dated June 5, 1989 in 7th Judicial District county of Teton
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Sorensen Creek/Crandall Springs tributary to Darby Creek

4. Date or priority December 17, 1910

5. Water is used for the following purpose:

amount .23 for irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .23 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	8	NE	NW	20	4N	46E	Teton	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	46E	19	11.5																11.5

Total acres 11.5

9. Describe any other water rights used for the same purpose as described above See attached judgment.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

TETON COUNTY TAX COLLECTOR

1988

BONNIE C. HATCH
DRIGGS, ID 83422

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
53488	4-00	RP04N46E190010A	3486

4- 7560

N2NE4

45928* SEC 19 T4N R46E

25174

23650

4664

80.000 FOSTER, VERNAL

OT ACRES

RT 1 BOX 3165

DELINQUENT CERT.

DRIGGS, ID 83422

STATE
COUNTY
SCHOOL DISTRICT
CEM VICTOR-ED
LIBRARY

.003143

144.36

FULL

.004318

198.32

TAX

.000098

4.50

PEN.

.000148

6.80

SUB TOT

INT.

TOT.

1ST D

TAX

PEN.

SUB TOT

INT.

TOT.

2ND D

WATER DISTRICT

15.00

LANDFILL USE FEE

15.00

TAX

PEN.

SUB TOT

INT.

TOT.

TOTAL

.007707

383.98

PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1988 RP04N46E190010A
FOSTER, VERNAL
RT 1 BOX 3165 3486

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
7.50			176.99		191.99
7.50					
					PEN.
					SUB TOT.
					INT.
					TOT.

4-00

2nd
1T

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE

MAKE CHECKS PAYABLE TO

TETON COUNTY TAX COLLECTOR
BONNIE C. HATCH
PO BOX 177 DRIGGS, ID 83422
PHONE: 208-354-2254

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1988 RP04N46E19
FOSTER, VERNAL
RT 1 BOX 3165

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
92	15.00		353.98		383.98
93	15.00				
					PEN.
					SUB TOT.
					INT.
					TOT.

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
92	7.50		176.99		191.99
93	7.50				
					PEN.
					SUB TOT.
					INT.
					TOT.

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1989

DATE PAID

CHECK #

PAID BY

CASH

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20,

DATE PAID

CHECK #194

PAID BY

CASH

Bud
12-7-88

BH

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SCHEDULE A

APPLICATION FOR TRANSFER OF WATER RIGHT
(Vernal J. Foster)

Page 2 of Part 1:

6. d. Remarks: I do not want to change a second point of diversion. I use, further downstream, Sorensen Creek. This second diversion provides domestic and stockwater; and irrigation water when the Creek flows at high water levels; or when I am not using all my irrigation water at the new point of diversion. My water right with the 1899 priority covers both this second point of diversion and the one I wish to change.

645.1/EWPD

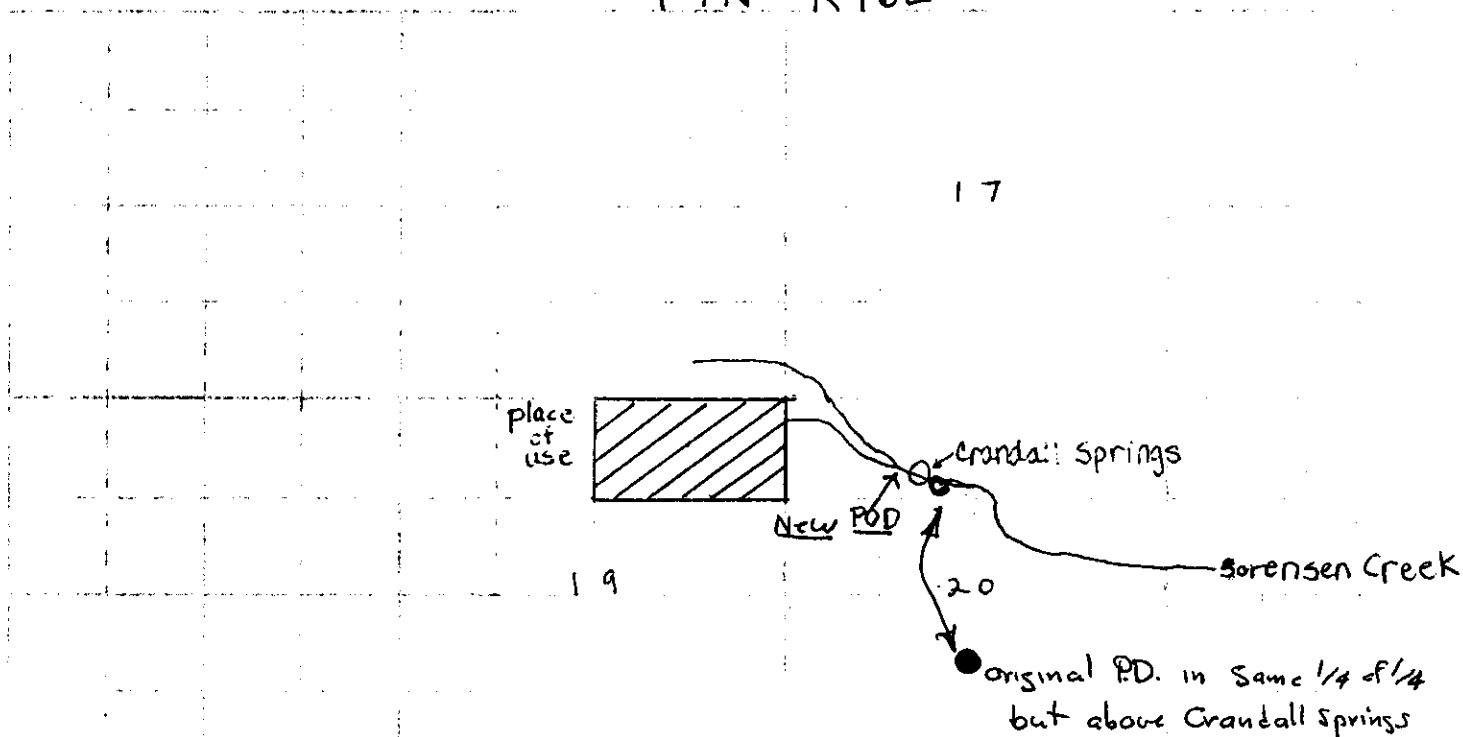
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JAN 28 1991

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.

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PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 7th day of May, 1990.

My commission expires 3/1/92

(Signature of Applicant)

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by KW Date 7 May 1990

Protest filed by _____

Prelim. check by DMS Fee 50⁰⁰Receipted by KCW Date 7 May 1990 E014214Published in Teton Valley News

Copies of protest forwarded by _____

Pub. dates June 21 & 28 - 1990

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denialby BDC

Copy of transfer sent to lien holder _____

JAN 28 1991

①
E. W. Pike
Margaret B. Hinman
ANDERSON, PIKE & BUSH
490 Memorial Drive
P.O. Box 51630
Idaho Falls, Idaho 83405-1630
(208) 522-3001

Attorneys for Defendant Vernal Foster

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, on file in my office.

June 9, 1989

E. Wayne Schiess
Ex-Officio Auditor & Recorder
Clerk of the District Court

By: Bonnie Sece
Deputy Clerk

FILED

AT 05 MINUTES PAST 9 A M.

DATE June 6, 1989

E. Wayne Schiess
CLERK OF DIST. COURT

BY Bonnie Sece
DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

BARRY SILVERSTEIN,
Plaintiff,

vs.

RONALD D. CARLSON, Watermaster;
DEE O'BRIEN, Deputy Watermaster;
and VERNAL FOSTER,
Defendants.

Case No. 1885

JUDGMENT

JUN 13 1989

Department of Water Resources

The above-entitled case having been tried before
this Court on January 12, 1989, and the Court having issued
Amended Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as
follows:

It is the judgment of this Court that the defendant
Vernal Foster shall have the following rights to use of the
water of Sorensen Creek/Crandall Springs:

RECORDED
FILMED

JAN 28 1991

1. JUDGMENT

22-00529B 1. Defendant Foster's first right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs
- b. date of priority: June 1, 1899
- c. rate of diversion: 0.04 cfs (domestic)
0.03 cfs (stockwater)
0.67 cfs (irrigation)
0.74 cfs total
- d. nature of use: Domestic, Stockwater, Irrigation
- e. points of diversion:
SW 1/4 SW 1/4 Sec. 17 (domestic, stockwater, and 25 acres irrigation)
NE 1/4 NW 1/4 Sec. 20 (8.5 acres irrigation)
All in T. 4 N., R. 46 E., B.M.
- f. places of use:
NE 1/4 NE 1/4 (domestic and stockwater and 25 acres irrigation)
NW 1/4 NE 1/4 (stockwater and 8.5 acres irrigation)
All in Sec. 19, T. 4 N., R. 46 E., B.M.
- g. period of use:
April 15 to October 15 (irrigation)
January 1 to December 31 (domestic and stockwater)
- h. maximum annual volume of consumptive use: 62.3 af
- i. basis of right: Decree.

22-0689 2. Defendant Foster's second right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs.

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JAN 28 1991

- b. date of priority: December 17, 1910
- c. rate of diversion: 0.23 cfs
- d. nature of use: Irrigation
- e. point of diversion: NE 1/4 NW 1/4 Sec. 20,
T. 4 N., R. 46 E., B.M.
- f. place of use: NE 1/4 NE 1/4 Sec. 19,
T. 4 N., R. 46 E., B.M.
(11.5 acres)
- g. period of use: April 15 to October 15
- h. maximum annual volume of consumptive use:
21.4 af
- i. basis of right: Beneficial Use.

IT IS HEREBY ADJUDGED that plaintiff Silverstein's right to the use of the water of Sorensen Creek/Crandall Springs shall be as follows:

22-0690 3. Plaintiff Silverstein's first right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs
- b. date of priority: September 27, 1901
- c. rate of diversion: 0.12 cfs (domestic)
0.05 cfs (stockwater)
0.63 cfs (irrigation)
0.80 cfs total
- d. nature of use: Domestic, Stockwater, Irrigation
- e. points of diversion:
SW 1/4 SW 1/4 Sec. 17 (3 - uppermost domestic, middle stockwater, lowermost irrigation.) [2 uppermost points of diversion are upstream from Defendant

MICROFILMED

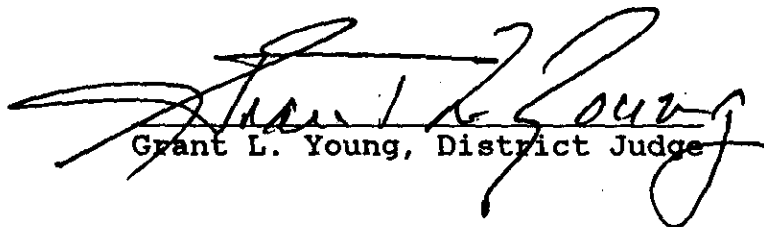
Section 17, and shall be required to maintain the headgate at his point of diversion in Section 20 in accordance with § 42-701.

5. The preliminary injunction obtained by the Plaintiff Silverstein against Defendant Foster is dissolved.

6. Defendant Foster is awarded costs.

7. There is no award of attorney fees to any party.

DATED this 5th day of ~~April~~ ^{June}, 1988.


Grant L. Young, District Judge

MICROFILMED

JAN 28 1981

JUDGMENT

January 22, 1991

RE: Transfer of Water Right No. 22-0529/0689

Vernal J. Foster
P.O. Box 116
Swan Valley, ID 83449

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3720). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JAN 28 1991

MEMORANDUM

TO: File 22-0689
FROM: Brenda
DATE: November 15, 1990
RE: Transfer No. 3720

See file 22-0529 for all correspondence regarding the above referenced transfer.

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