

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70089**

This is to certify that: FOSTER LAND & CATTLE CO
C/O HOLDEN, KIDWELL, HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
(208)523-0620

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-7337	WR/Decreed	10/10/1973	5.45 cfs	N/A	318.0	554.0	GROUND WATER
35-7509B	WR/Decreed	05/23/1975	1.58 cfs	N/A	79.0	554.0	GROUND WATER
35-7335B	WR/Decreed	10/10/1973	0.98 cfs	N/A	77.0	554.0	GROUND WATER
35-7628	WR/Decreed	07/27/1976	1.6 cfs	N/A	80.0	554.0	GROUND WATER
35-7500	WR/Decreed	04/08/1975	12.8 cfs	N/A	640.0	2,290.0	GROUND WATER
35-7328	WR/Decreed	09/25/1973	12.8 cfs	N/A	640.0	2,290.0	GROUND WATER
35-7509A	WR/Decreed	05/23/1975	6.4 cfs	N/A	320.0	2,290.0	GROUND WATER
35-7329	WR/Decreed	09/25/1973	12.64 cfs	N/A	632.0	2,290.0	GROUND WATER
35-7416C	WR/Decreed	04/18/1974	1.6 cfs	N/A	80.0	2,290.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7337	NO	NO	YES	YES	NO	NO
35-7509B	NO	NO	YES	YES	NO	NO
35-7335B	NO	NO	YES	YES	NO	NO
35-7628	NO	NO	YES	YES	NO	NO
35-7500	YES	NO	YES	YES	NO	NO
35-7328	YES	NO	YES	YES	NO	NO
35-7509A	YES	NO	YES	YES	NO	NO
35-7329	YES	NO	YES	YES	NO	NO
35-7416C	YES	NO	YES	YES	NO	NO

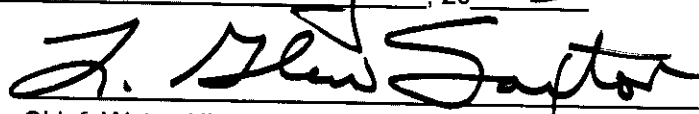
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70089

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-7337	35-7337	5.45 cfs	1272 af	318.0	2,310		N/A	N/A	N/A	N/A
35-7509B	35-7509B	1.58 cfs	316 af	79.0	2,310		N/A	N/A	N/A	N/A
35-7335B	35-7335B	0.98 cfs	308 af	77.0	2,310		N/A	N/A	N/A	N/A
35-7628	35-7628	1.6 cfs	320 af	80.0	2,310		N/A	N/A	N/A	N/A
35-7500	35-13405	12.41 cfs	2484 af	621.0	2,310	35-13404	0.39 cfs	N/A	19.0	70.0
35-7328	35-13399	12.41 cfs	2484 af	621.0	2,310	35-13398	0.39 cfs	N/A	19.0	70.0
35-7509A	35-13407	6.2 cfs	1240 af	310.0	2,310	35-13406	0.20 cfs	N/A	10.0	70.0
35-7329	35-13401	12.25 cfs	2452 af	613.0	2,310	35-13400	0.39 cfs	N/A	19.0	70.0
35-7416C	35-13403	1.55 cfs	308 af	77.0	2,310	35-13402	0.05 cfs	N/A	3.0	70.0
TOTALS		22.58 cfs	9240 af	2310	2310		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7335B
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-7335B is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: October 10, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.98 CFS	308.0 AF
			0.98 CFS	308.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW	Sec. 29	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE	Sec. 31	Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

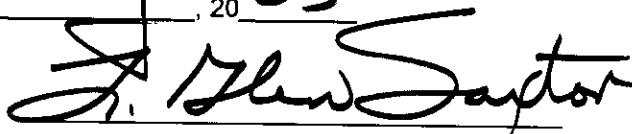
WATER RIGHT NO. 35-7335B
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Rights 35-7335B, 35-7337, 35-7509B and 35-7628 when combined shall not exceed a total diversion rate of 7.29 cfs, a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554 acres.
12. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7337
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-7337 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: October 10, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.45 CFS	1,272.0 AF
			5.45 CFS	1,272.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N 35E 21	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
04N 35E 28	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	462.0
04N 35E 29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

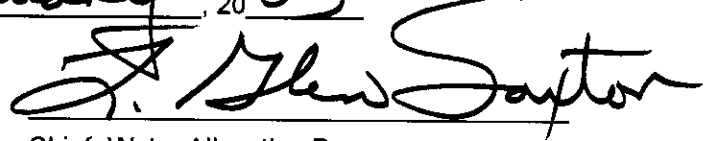
WATER RIGHT NO. 35-7337
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Rights 35-7335B, 35-7337, 35-7509B and 35-7628 when combined shall not exceed a total diversion rate of 7.29 cfs, a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554 acres.
12. This right is limited to the irrigation of 318 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7509B
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-7509B is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: May 23, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.58 CFS	316.0 AF
			1.58 CFS	316.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

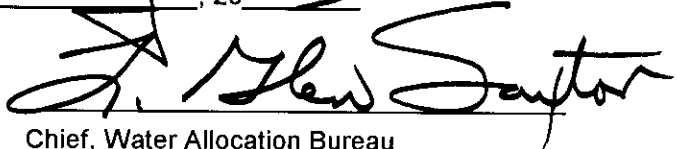
WATER RIGHT NO. 35-7509B
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Rights 35-7335B, 35-7337, 35-7509B and 35-7628 when combined shall not exceed a total diversion rate of 7.29 cfs, a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554 acres.
12. This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7628
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-7628 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: July 27, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.60 CFS	320.0 AF
			1.60 CFS	320.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N 35E 21	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
04N 35E 28	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	462.0
04N 35E 29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

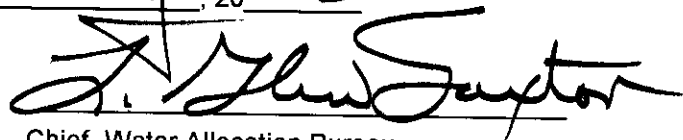
WATER RIGHT NO. 35-7628
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Rights 35-7335B, 35-7337, 35-7509B and 35-7628 when combined shall not exceed a total diversion rate of 7.29 cfs, a total annual maximum diversion volume of 2216.0 af at the field headgate, and the irrigation of 554 acres.
12. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13401
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13401 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: September 25, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	12.25 CFS	2,452.0 AF
			12.25 CFS	2,452.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE	Sec. 31 Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

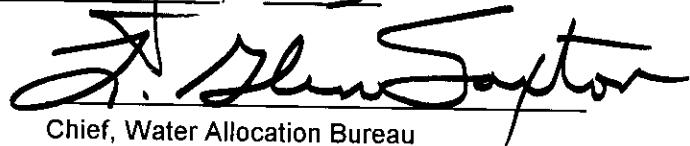
WATER RIGHT NO. 35-13401
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right is limited to the irrigation of 613 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13403
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13403 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: April 18, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.55 CFS	308.0 AF
			1.55 CFS	308.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 16	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 20	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW	Sec. 21	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 28	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW	Sec. 29	Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE	Sec. 31	Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

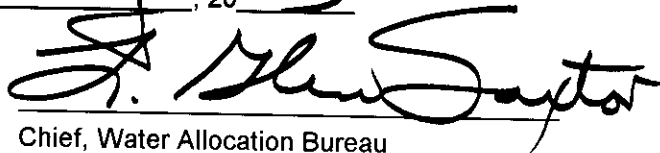
WATER RIGHT NO. 35-13403
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13398
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13398 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: September 25, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.39 CFS
			0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	SENE	Sec. 31 Twp 04N	Rge 35E	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	
03N	35E	6	7.0	7.0	7.0	7.0													28.0
			L1	L2															
04N	35E	31		7.0	7.0										7.0	7.0	7.0	7.0	42.0

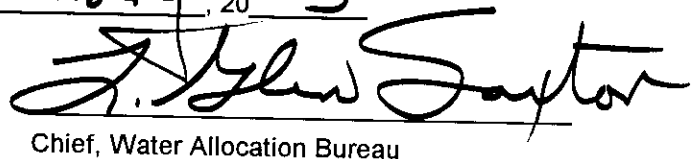
Total Acres: 70

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.
2. Rights 35-13398, 35-13400, 35-13402, 35-13404 and 35-13406 when combined shall not exceed a total diversion rate of 0.48 cfs and the irrigation of 70 acres.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13399
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13399 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: September 25, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	12.41 CFS	2,484.0 AF
			12.41 CFS	2,484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

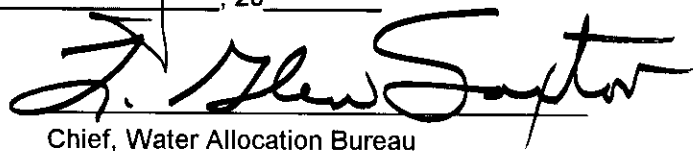
WATER RIGHT NO. 35-13399
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right is limited to the irrigation of 621 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13402
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13402 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: April 18, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.05 CFS
			0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	SENE	Sec. 31 Twp 04N	Rge 35E	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	
03N	35E	6	7.0	7.0	7.0	7.0													28.0
			L1	L2															
04N	35E	31		7.0	7.0									7.0	7.0	7.0	7.0		42.0

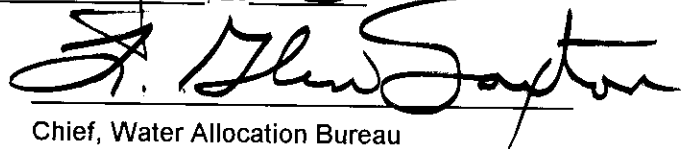
Total Acres: 70

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.
2. Rights 35-13398, 35-13400, 35-13402, 35-13404 and 35-13406 when combined shall not exceed a total diversion rate of 0.48 cfs and the irrigation of 70 acres.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13404
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13404 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: April 08, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.39 CFS
			0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	SENE	Sec. 31 Twp 04N	Rge 35E	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	
03N	35E	6	7.0	7.0	7.0	7.0													28.0
			L1	L2															
04N	35E	31		7.0	7.0									7.0	7.0	7.0	7.0		42.0

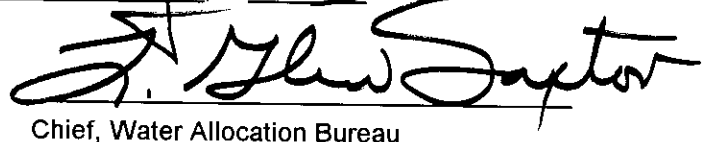
Total Acres: 70

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.
2. Rights 35-13398, 35-13400, 35-13402, 35-13404 and 35-13406 when combined shall not exceed a total diversion rate of 0.48 cfs and the irrigation of 70 acres.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 20 03


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13405
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13405 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: April 08, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	12.41 CFS	2,484.0 AF
			12.41 CFS	2,484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	33.0	33.0	33.0	33.0					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

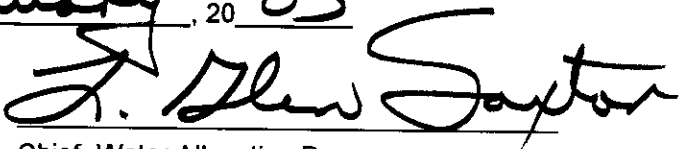
WATER RIGHT NO. 35-13405
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right is limited to the irrigation of 621 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13400
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13400 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: September 25, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.39 CFS
			0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	SENE	Sec. 31 Twp 04N	Rge 35E	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	
03N	35E	6	7.0	7.0	7.0	7.0													28.0
			L1	L2															
04N	35E	31		7.0	7.0										7.0	7.0	7.0	7.0	42.0

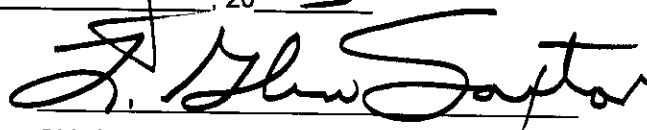
Total Acres: 70

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.
2. Rights 35-13398, 35-13400, 35-13402, 35-13404 and 35-13406 when combined shall not exceed a total diversion rate of 0.48 cfs and the irrigation of 70 acres.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13406
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13406 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: May 23, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.20 CFS
			0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESW	Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWSW	Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	SENE	Sec. 31 Twp 04N	Rge 35E	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	
03N	35E	6	7.0	7.0	7.0	7.0													28.0
			L1	L2															
04N	35E	31		7.0	7.0										7.0	7.0	7.0	7.0	42.0

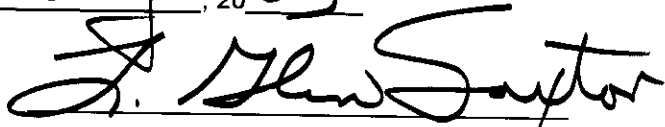
Total Acres: 70

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
2. Rights 35-13398, 35-13400, 35-13402, 35-13404 and 35-13406 when combined shall not exceed a total diversion rate of 0.48 cfs and the irrigation of 70 acres.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13407
As Modified by Transfer No. 70089

In accordance with the approval of Transfer No. 70089, Water Right No. 35-13407 is now described as follows.

Right Holder: FOSTER LAND & CATTLE CO
 PO BOX 308
 RIGBY ID 83442

Priority Date: May 23, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	6.20 CFS	1,240.0 AF
			6.20 CFS	1,240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESEW Sec. 16 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 20 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENESW Sec. 21 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWSE Sec. 28 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NENWSW Sec. 29 Twp 04N	Rge 35E	JEFFERSON County
GROUND WATER	NESENE Sec. 31 Twp 04N	Rge 35E	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
04N	35E	21	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
04N	35E	28	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	462.0
04N	35E	29	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: 2310

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

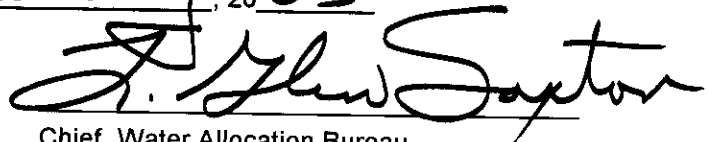
WATER RIGHT NO. 35-13407
As Modified by Transfer No. 70089

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7335, 35-7337, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13404, 35-13405 and 35-13407 shall not exceed 22.58 cfs, nor total combined annual volume of 9240.0 af for the irrigation of a total of 2310 acres..
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 lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. This right is limited to the irrigation of 310 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau