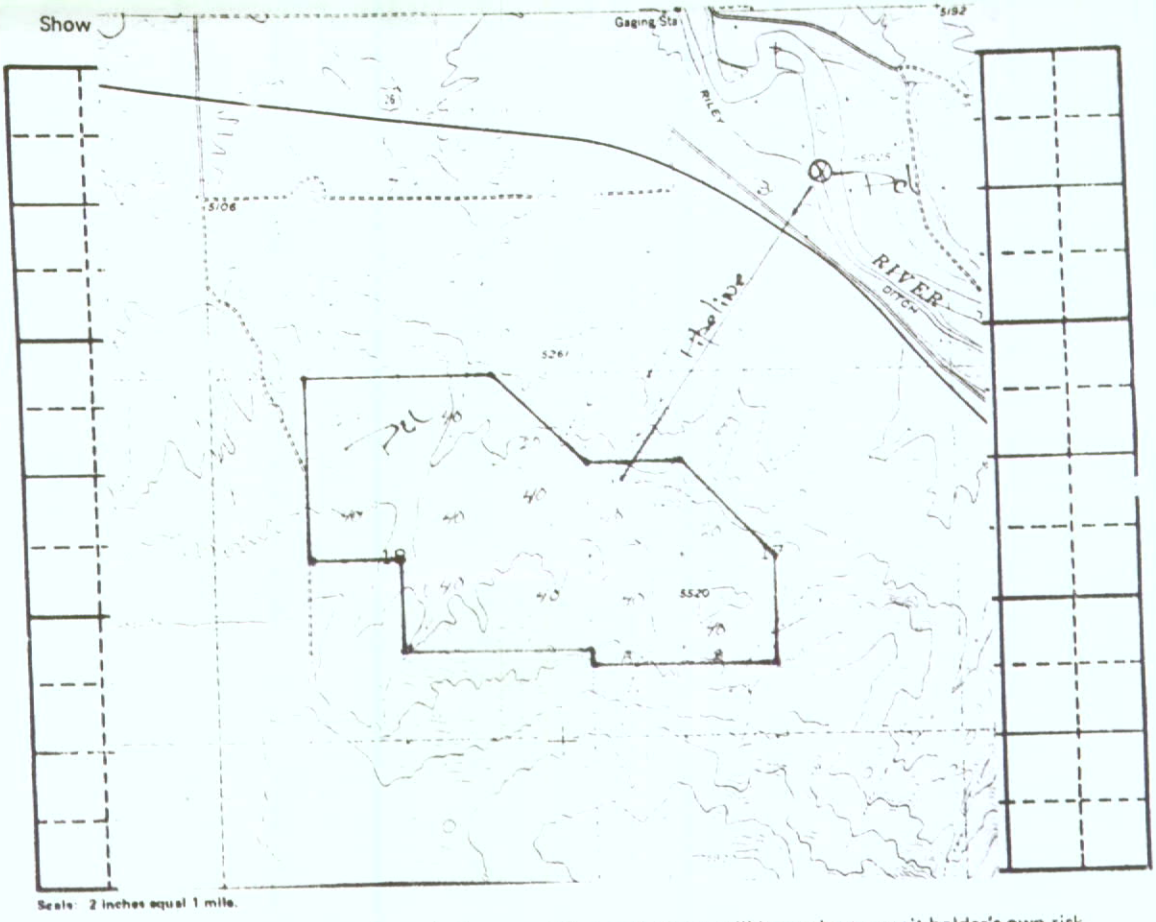
Complete the following map by showing land and point of diversion as proposed by this amendment.

Show



Scale: 2 inches equal 1 mile.

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

Signed at Foster Hole Canal Joint, this 1 day of July, 1991.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = $20.00 Receipted by RB Date 7-2-91 E016304

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

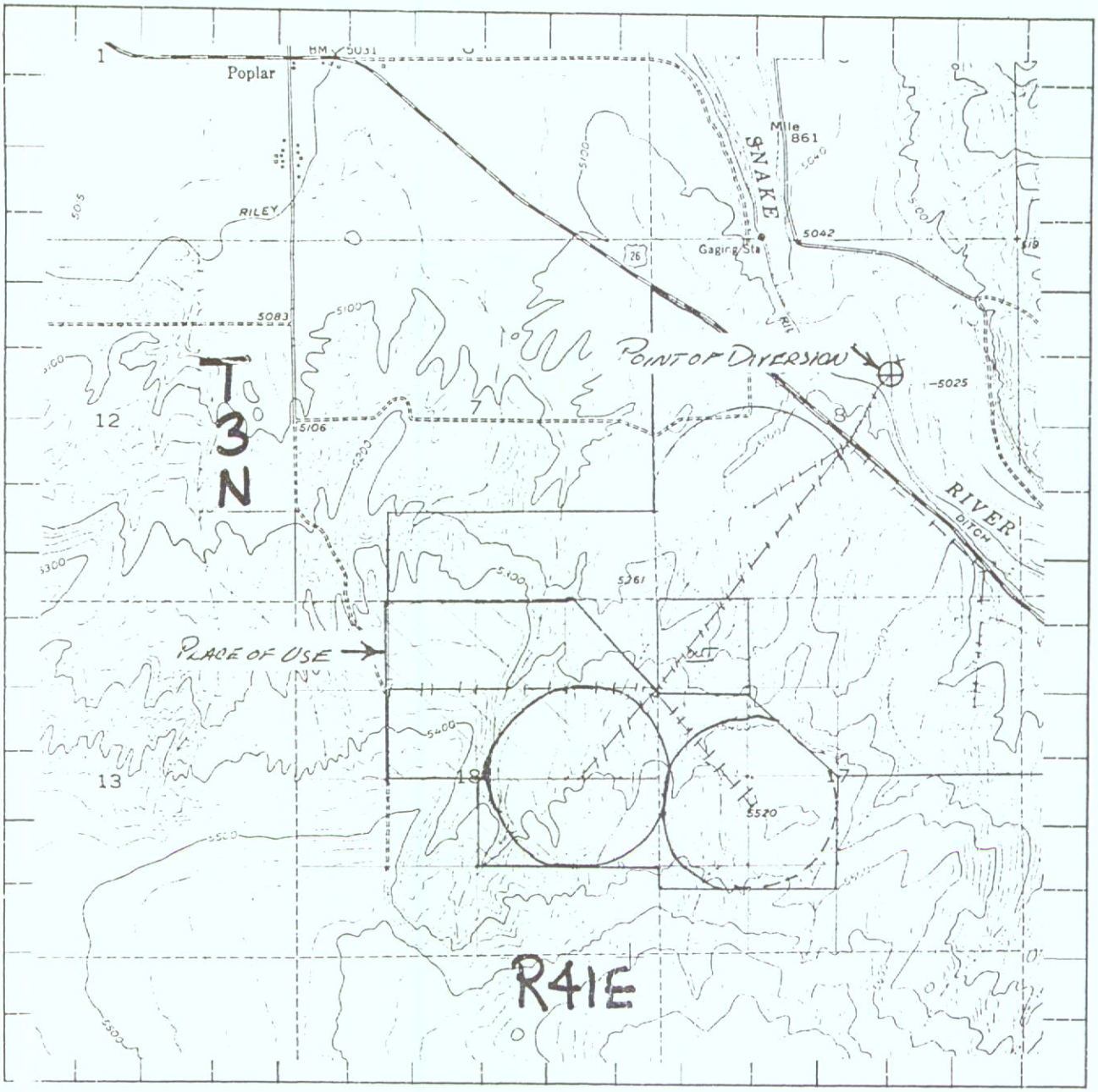
I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment provided the conditions as set forth in Permit No. 01-07091 are met.

Witness my hand this 29th day of July, 1991

L. Glen Saxton

CHIEF, WATER ALLOCATION BUREAU

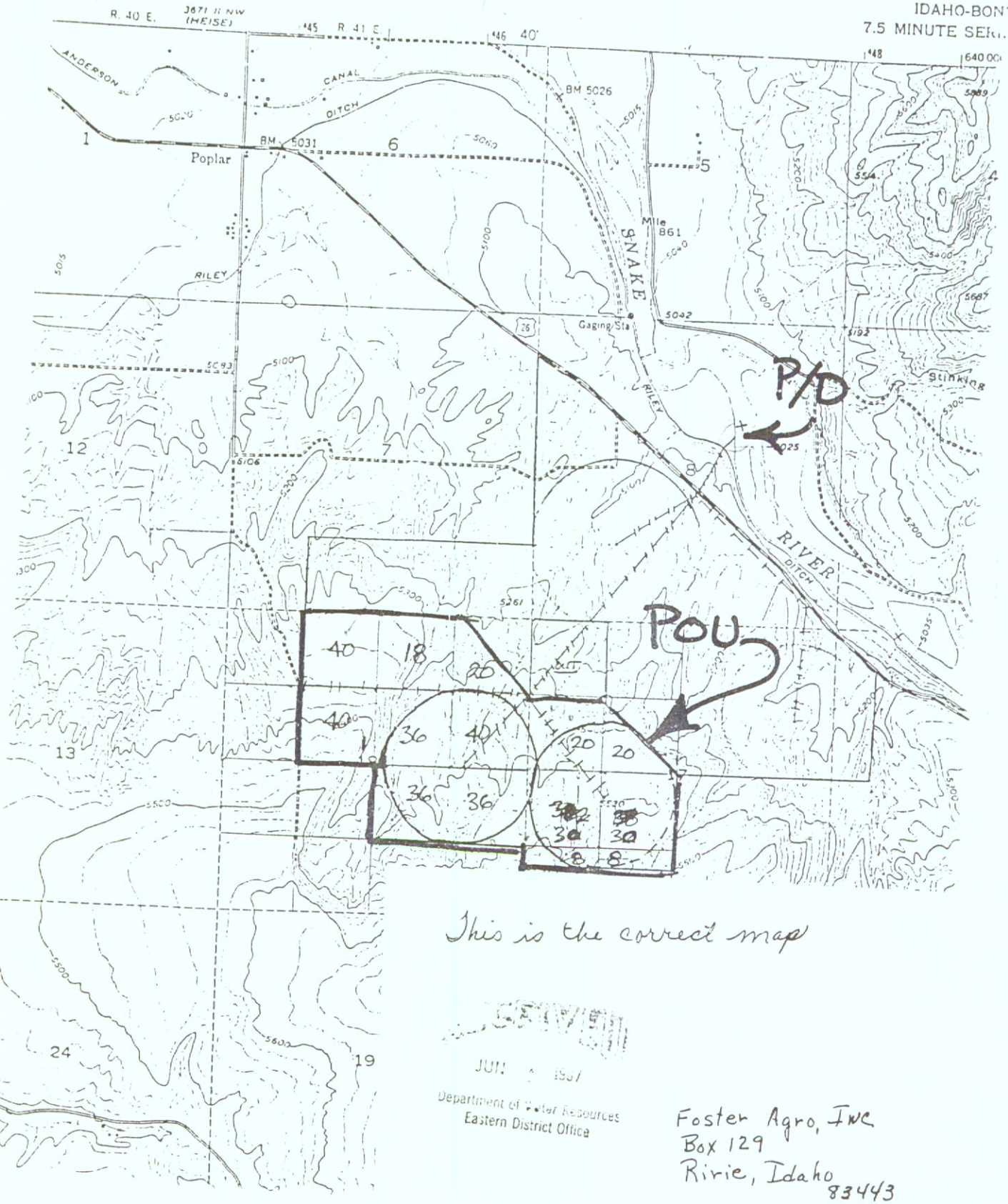
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

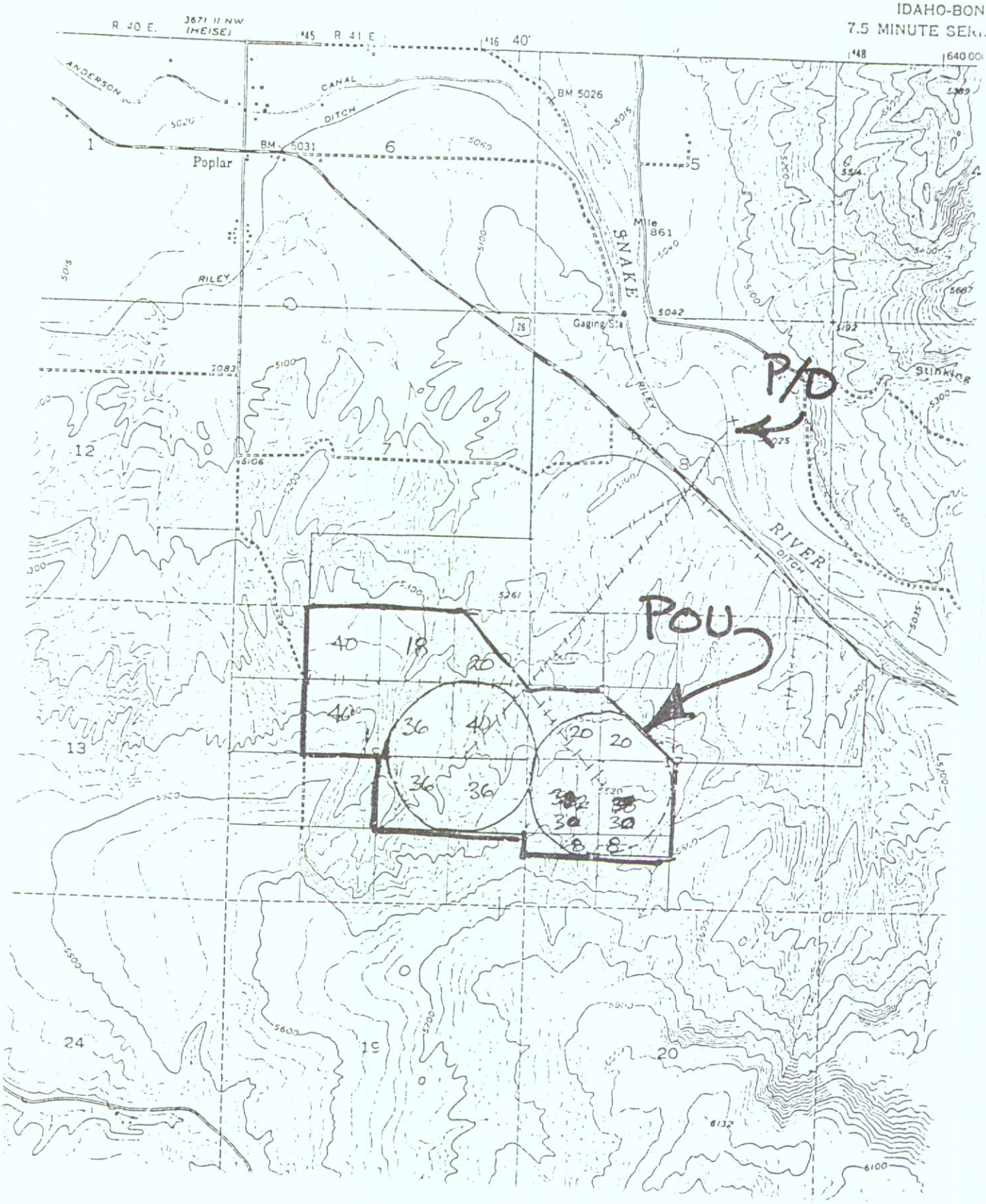


Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Sink Taylor (Reed)
(Applicant)


R. 40 E.
3671 II NW (HEISE)
R. 41 E.
IDAHO-BON
7.5 MINUTE SER
ANDERSON
CANAL
DITCH
BM 5026
BM 5031
Poplar
SNAKE
RIVER
RILEY
Gaging Sta
P/D
POU
RIVER DITCH
This is the correct map
RECEIVED
JUN
Department of Water Resources
Eastern District Office
Foster Agro, Inc
Box 129
Ririe, Idaho
83443


IDAHO-BON
7.5 MINUTE SER
R 40 E.
3671 II NW
(HEISE)
R 41 E
ANDERSON
CANAL
DITCH
BM 5026
BM 5031
Poplar
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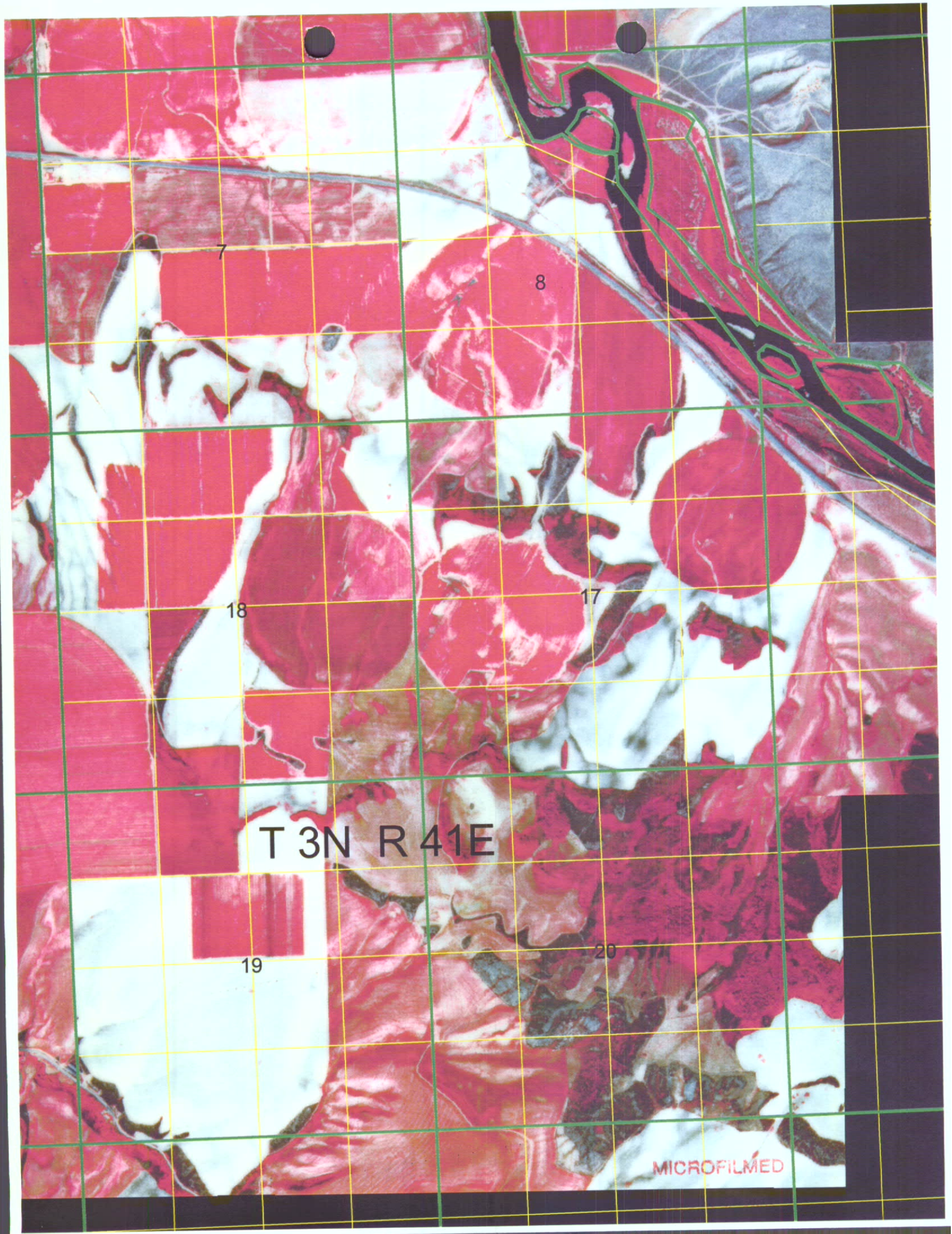
7
8
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T 3N R 41E
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MICROFILMED

12 | 7
13 | 18

HEL

2137
T1883

① 93.3

② 9.6

HEL HEL

CRP 2B 10.1

HEL HEL

③ 40.3

4a 3.6

4 6.3 HEL

⑤ CRP 4.3 HEL

⑥ 136.7

7 | 8
18 | 17

9 1.8 CRP

10 CRP 2.4

⑨ 119.9

82
0

③ 17.6

④ 12.4 CRP

⑤ 45.9

CRP ⑦ 5.9 HEL HEL

HEL

② 158.1

⑧ CRP 8.6

HEL HEL

3361
328

⑭ CRP Early Out 78.5

⑥ 36.8

HEL

⑤ CRP HEL 12.6

HEL

13 | 18
24 | 19

② 140.3

④ 40.9

③ 16.0

HEL HEL HEL

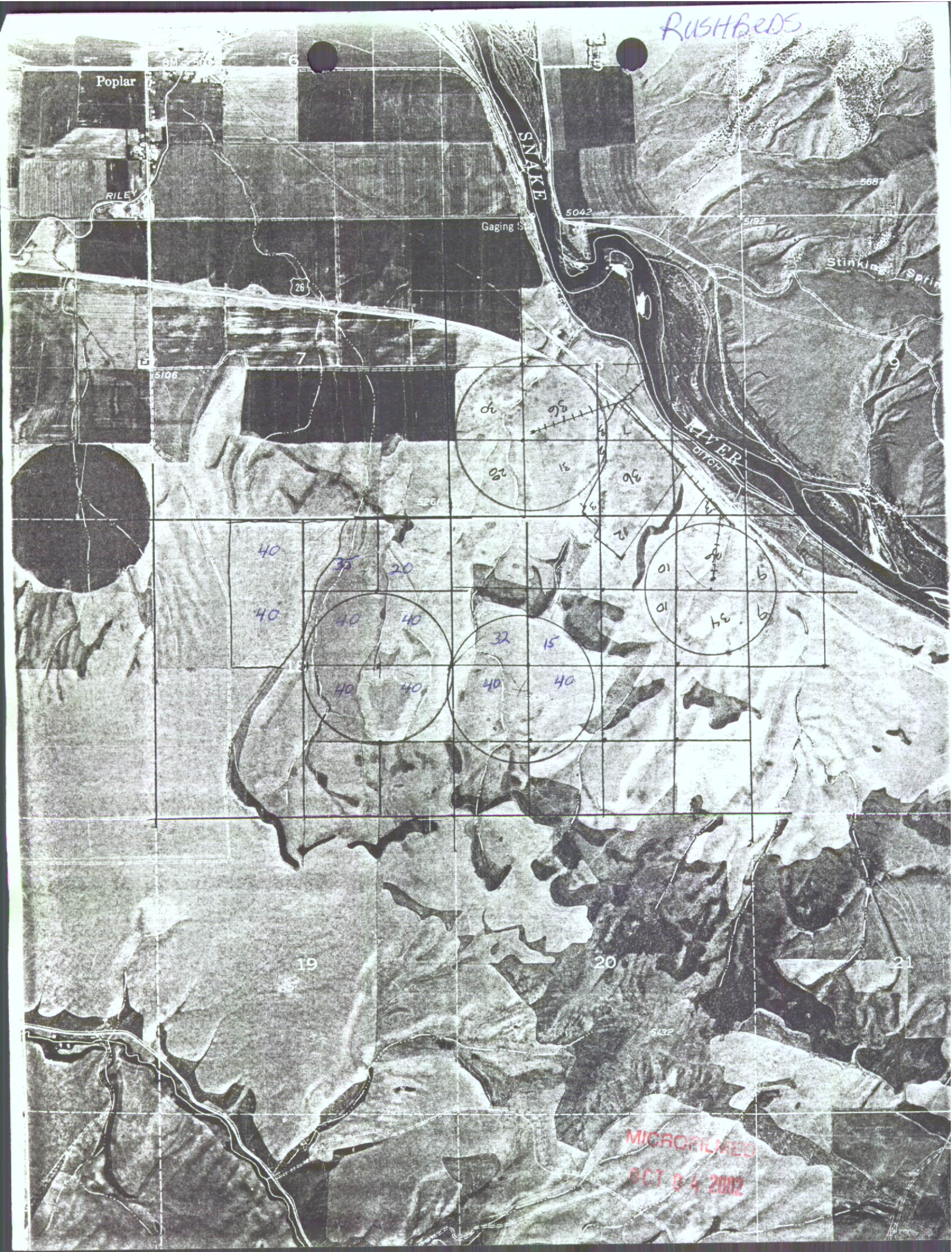
18 | 17
19 | 20

Map CC-1

Map BB-3

BONNEVILLE COUNTY FSA
1120 E LINCOLN RD STE B
IDAHO FALLS, ID 83401-2122

MICROFILMED
OCT 04 2002


RUSHBEDS
Poplar
RILEY
SNAKE
RIVER
DITCH
Gaging Sta
Stinking Spring
5042
5192
5687
5106
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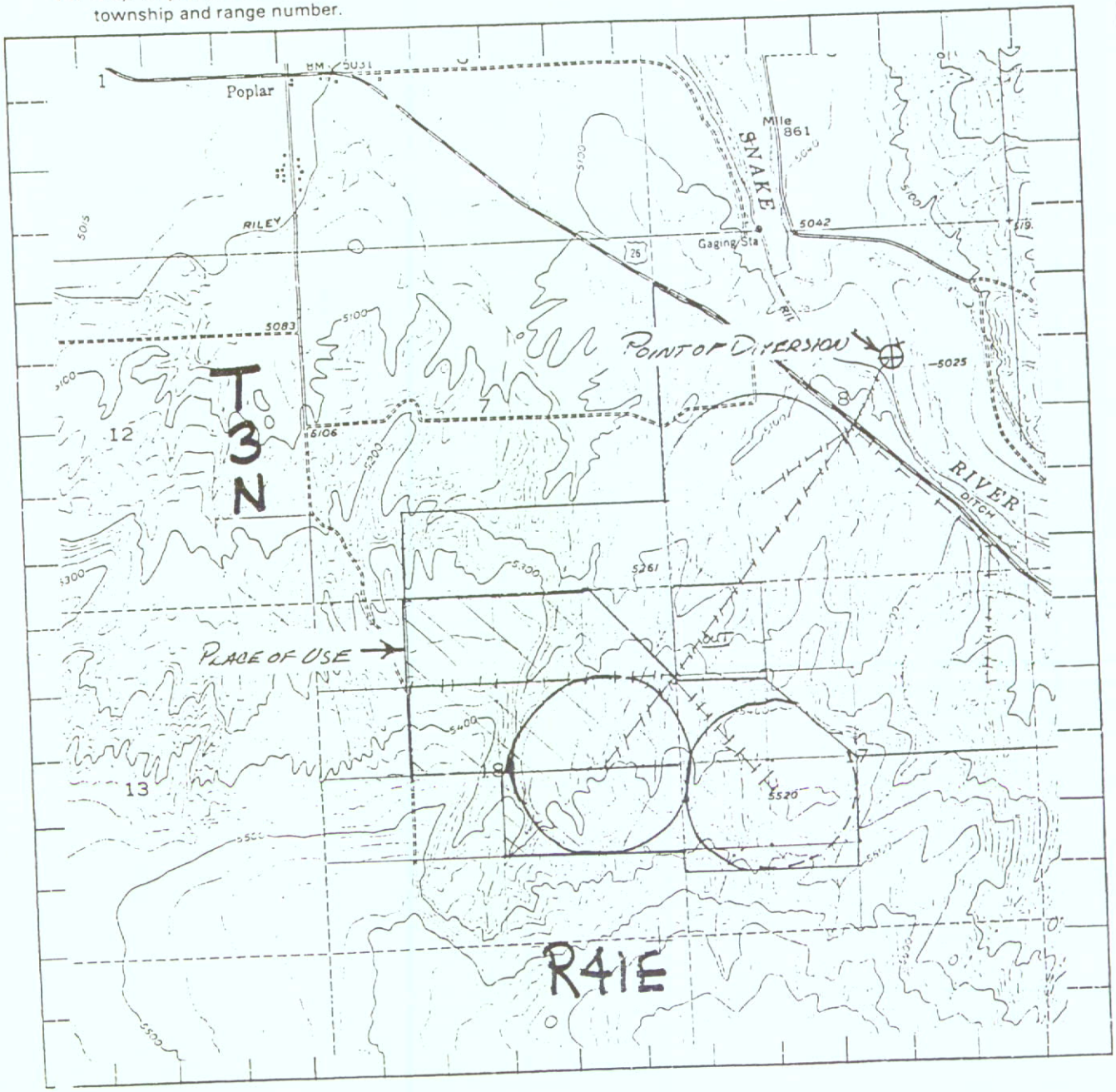
MICROFILMED
OCT 04 2002

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT NO. 01-07091 IN THE NAME OF FOSTER AGRO	))))	**AMENDED REINSTATEMENT ORDER**

This matter came before the Idaho Department of Water Resources ("Department") as a request to reinstate a lapsed permit. On August 21, 2002, the Department issued a REINSTATEMENT ORDER for the permit showing the source of water as ground water. The source of water for the permit should be South Fork Snake River tributary to Snake River. Hence, the Department makes the following Findings of Fact, Conclusions of Law and Amended Reinstatement Order:

FINDINGS OF FACT

1. On April 10, 1991, the Department issued Permit No. 01-07091 to Foster Agro, c/o Brad Foster ("permit holder") authorizing the diversion of 8.0 cubic feet per second (cfs) of water from the South Fork Snake River to be diverted for irrigation of 456 acres within parts of Sections 17 and 18,Township 3 North, Range 41 East, Bonneville County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before April 1, 1992.

2. On January 31, 1992, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or an extension of time request.

3. On April 6, 1992, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension of time request.

4. On August 1, 2002, the permit holder submitted a Proof of Beneficial Use with the required license examination fee to the Department. The permit holder also submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

MICROFILMED
OCT 0 4 2002

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

> That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting an Affidavit by Sylvan F. Seeley of Golden West Idaho Falls, Inc., and an aerial map from Bonneville County FSA, taken in 1987 showing the two irrigated parcels.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 01-07091 in the name of Foster Agro is **REINSTATED** with the priority advanced to **August 1, 2002**.

Dated this 29th day of August, 2002.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

MICROFILMED
OCT 04 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT NO. 01-07091 IN THE NAME OF FOSTER AGRO	))))	**REINSTATEMENT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 10, 1991, the Department issued Permit No. 01-07091 to Foster Agro, c/o Brad Foster ("permit holder") authorizing the diversion of 8.0 cubic feet per second (cfs) of water from Groundwater to be diverted for irrigation of 456 acres within parts of Sections 17 and 18,Township 3 North, Range 41 East, Bonneville County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before April 1, 1992.

2. On January 31, 1992, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or an extension of time request.

3. On April 6, 1992, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension of time request.

4. On August 1, 2002, the permit holder submitted a Proof of Beneficial Use with the required license examination fee to the Department. The permit holder also submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

MICROFILMED
OCT 0 4 2002

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

> That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting an Affidavit by Sylvan F. Seeley of Golden West Idaho Falls, Inc., and an aerial map from Bonneville County FSA, taken in 1987 showing the two irrigated parcels.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 01-07091 in the name of Foster Agro is **REINSTATED** with the priority advanced to **August 1, 2002**.

Dated this 21st day of August, 2002.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

MICROFILMED
OCT 0 4 2002

Form 217
07/90

For Office Use Only
Amt. of Fee $ 275.00
Date 8-2-02
Receipt No. CC05692
Received by pmcg

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG - 1 2002
Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 01-07091 Telephone No. 538-5170
2. Name(s) of Permit Holder(s): Foster Agro
3. Post Office Address: P.O. Box 308
4. Source of Water: Snake River (South Fork)
   a. If ground water, well driller's name: _____ Date drilled: _____
   b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:
   Domestic _____ (No. of households) Irrigation 456 (No. of acres)
   Stockwater _____ (No. and type of stock) Other _____
6. Total rate and/or volume for which proof is submitted 8 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:
   Measuring device: Required? X Yes __No Installed? X Yes __No
   OR
   Flow Measurement Port: Required? X Yes __No Installed? X Yes __No
8. Fee Enclosed: $ 275.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:
   Boyd Foster 538-5170
   Name Telephone No.
   P.O. Box 308 Ryby Ida 83445
   Address
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7-25-02 Boyd Foster Foster Agro.
Date Signature (and title if on behalf of a company or organization)

MICROFILMED
OCT 04 2002

NOTICE

This file has been REPRODUCED

from MICROFICHE [redacted]

For a possible Reinstatement.

Darla J Block
Person Recreating File

Aug. 26, 2002
Date

Form 211
2/80

Ident. No. _____

STATE OF IDAHO

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Foster Agro Co. Brad Foster Phone 745:6170

of (address) PO Box 308 Rigby Id. 83442, 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. CI:07091, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ NE ¼, Section 8, Township 3N, Range 41E, B.M., County of Bonneville. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 8.00 (cfs or acre feet per annum) for Irrigation purposes from 05/15 to 09/01 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	41E	17							40	20	40	40	8	8					156
		18	20	40	40	40	40	40		40					40	40			300

Total number of acres to be irrigated = 456

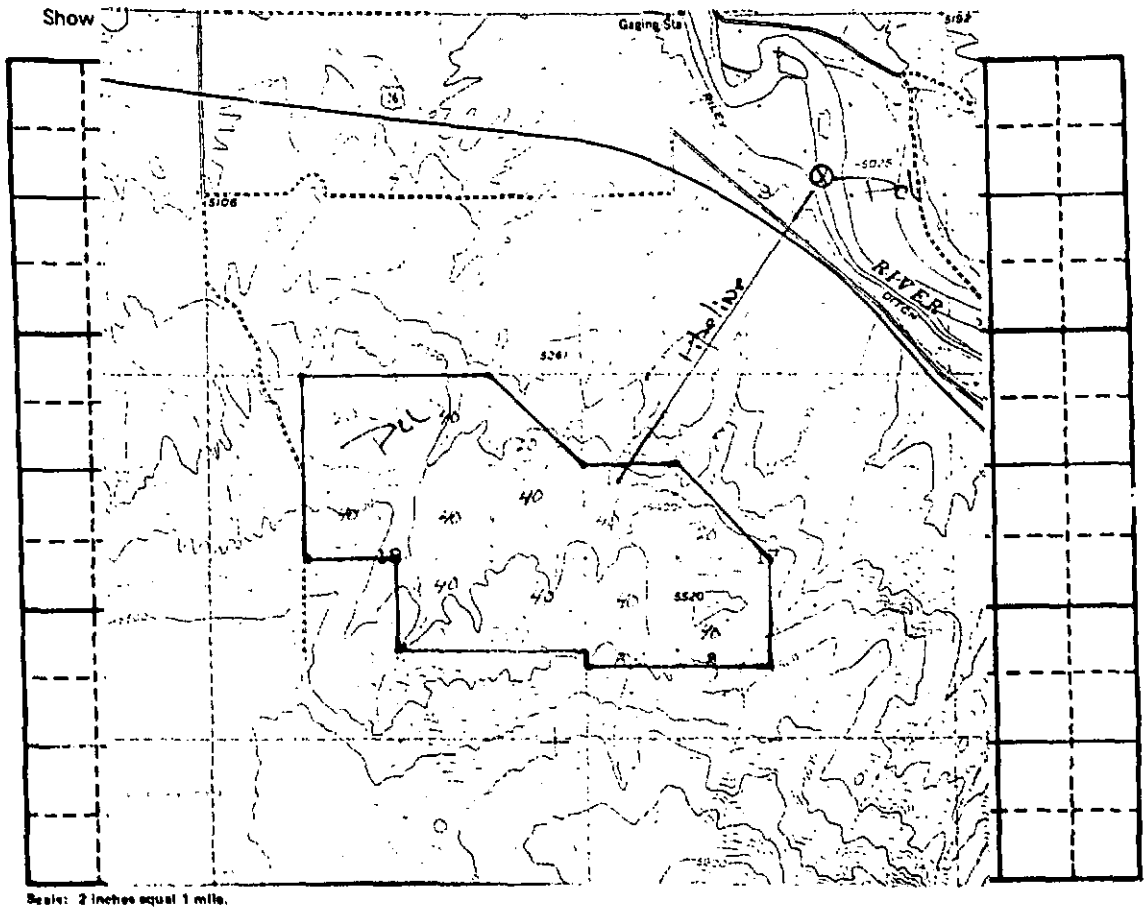
4. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or the place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show



Scale: 2 inches equal 1 mile.

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

Signed at Foster Hyle Ford Foster, this 1 day of July, 19 91.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = $20.00 Receipted by RB Date 7-2-91 E016304

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment provided the conditions as set forth in Permit No. 01-07091 are met.

Witness my hand this 29th day of July, 1991.

L. Glen Saxton

CHIEF, WATER ALLOCATION BUREAU

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 01-07091

Proposed Priority: March 31, 1987 Maximum Diversion Rate: 8.00 CFS

This is to certify, that FOSTER AGRO
C/O BRAD FOSTER
P.O. BOX 308
RIGBY, ID 83442

has applied for a permit to appropriate water from:

SNAKE RIVER, SOUTH FORK tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	05/15 to 09/01	8.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SESWNE Sec. 8, Township 03N, Range 41E
BONNEVILLE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03N	41E	17	SWNW	40	SENW	20	NESW	40	
			NWSW	40	SWSW	8	SESW	8	156
		18	NENE	20	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			SWSE	40	SESE	40			300

Total number of acres irrigated: 456

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
4. 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 prior to diversion of water under this permit.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 01-07091

CONDITIONS/REMARKS:

7. No water may be diverted under this permit until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 10th day of April, 1991.

R. Keith Higginson, Director

for

01 7091

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Foster Agro Phone 745-6170
   c/o Brad Foster
   Post office address ~~Rt. 2, Box 84,~~ Rigby, Idaho 83442
   P.O. Box 308
2. Source of water supply South Fork Snake River which is a tributary of Snake River
3. Location of point of diversion is SE ¼ of SW ¼ of NE ¼, Govt. Lot _____
   Sec. 8 Township 3N Range 41E B.M. Bonneville County; additional
   points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 8.00 cfs (cfs or acre-feet per annum) for Irrigation purposes from 5/15 to 9/1 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 8.00 cfs (cubic feet per second) and/or (b) _____ (acre-feet per annum)
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. 2 - 100 HP Turbine pumps
   2 - Quarter section center pivots & 3 - Hand laterals.
   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total
   reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
   _____ to _____ inclusive.
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
   1 years (*minimum 1 year*).

8. Description of proposed uses (*if irrigation only, go to item 9*).

a Hydropower: show total feet of head and proposed capacity in KW. _____

b. Stockwatering, list number and kind of livestock _____

c Municipal, show name of municipality _____

d Domestic, show number of households _____

e Other, describe fully _____

9 Description of place of use

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~31~~	~~41E~~	~~18~~		~~18~~	~~28~~	~~20~~	~~40~~				~~15~~			~~30~~	~~36~~	~~36~~	~~36~~	~~36~~	~~295~~
		~~17~~									~~36~~	~~36~~	~~36~~	~~36~~					~~144~~
23N	41E	18	20	40	40	40	40			40							40	40	300*
		17							40	20	40	40	8	8					156*

Total number of acres to be irrigated ~~439~~ 456*

* Changes made per telecon ESV 5/20/87 (also on letter received 6/1/87 ESV)

10 Describe any other water rights used for the same purposes as described above 330 shares of Palisades Water Users & 600 shares leased from M & M Cattle Co.

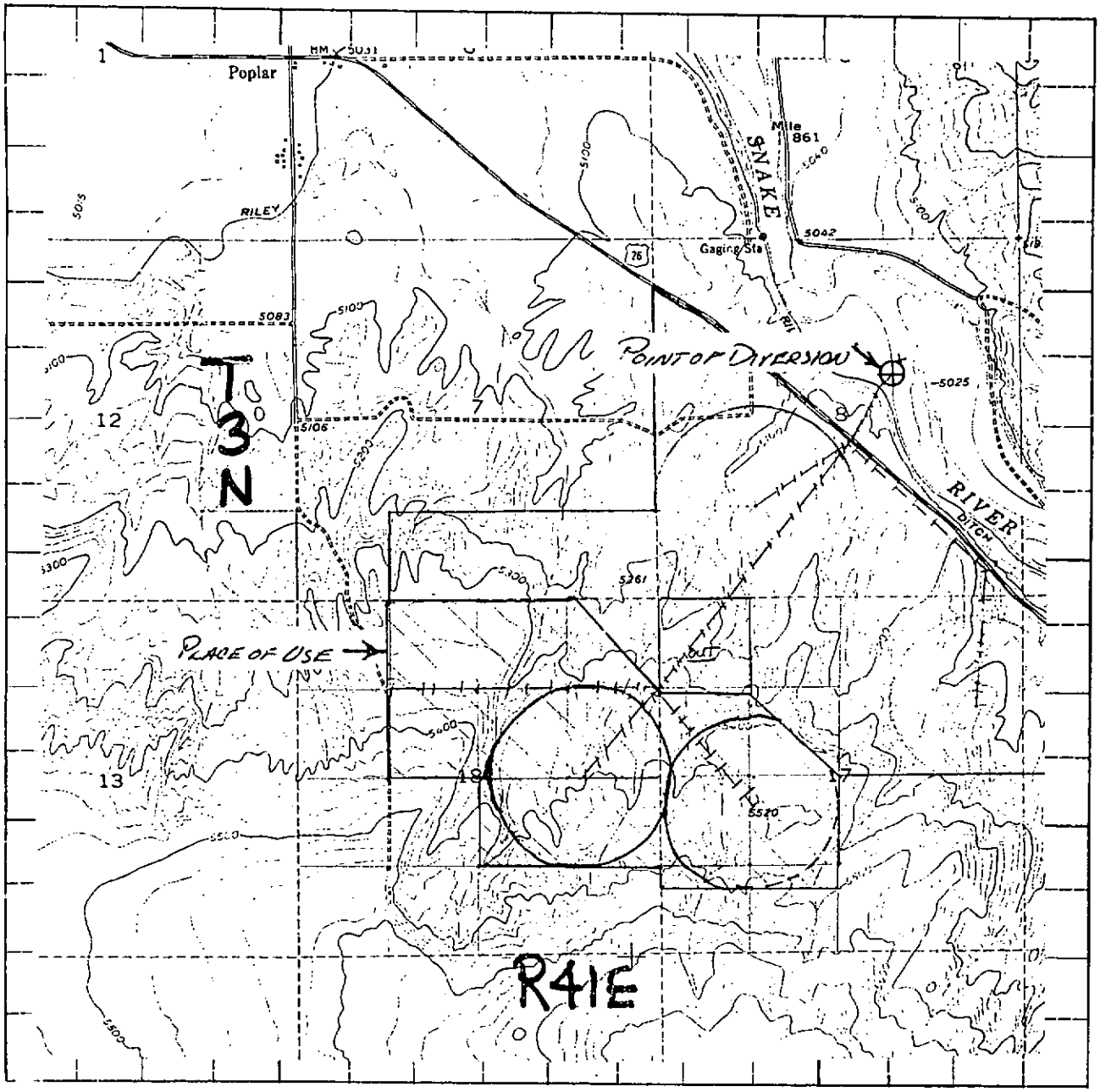
11. a. Who owns the property at the point of diversion? L - Bar Acres (Neil Brown)

b. Who owns the land to be irrigated or place of use? Foster Agro Inc.

c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicants have an easement to locate diversion works on property of L-Bar acres.

12 Remarks _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Scott Taylor (Trees)
(Applicant)

Received by ROC Date 4-2-87 Time _____ Preliminary check by ESV

Fee $ 125.00 Receipted by _____ # 41134 Date 3-31-1987

Publication prepared by dlg RB Date 2-18-96 Published in Post-Register

Publication approved _____ Date 2-20-96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

3. Title to said estate or interest in said land is at the effective date hereof vested in:
Rainbow, Inc.

Foster Agro Inc.

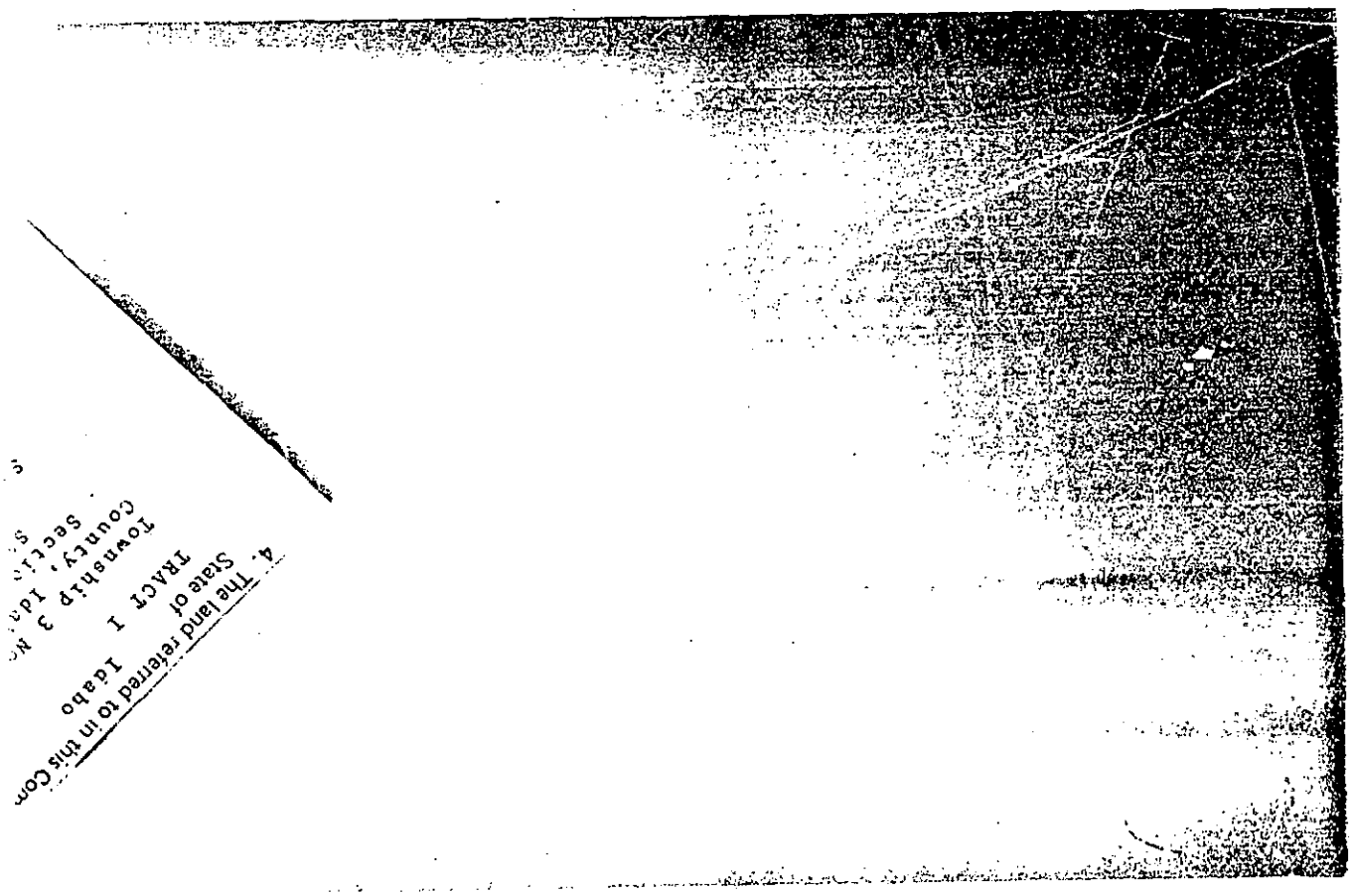
4. The land referred to in this Commitment is located in the County of Bonneville,
State of Idaho and described as follows:
Township 3 North Range 41 East of the Boise Meridian, County of Bonneville, State of Idaho:

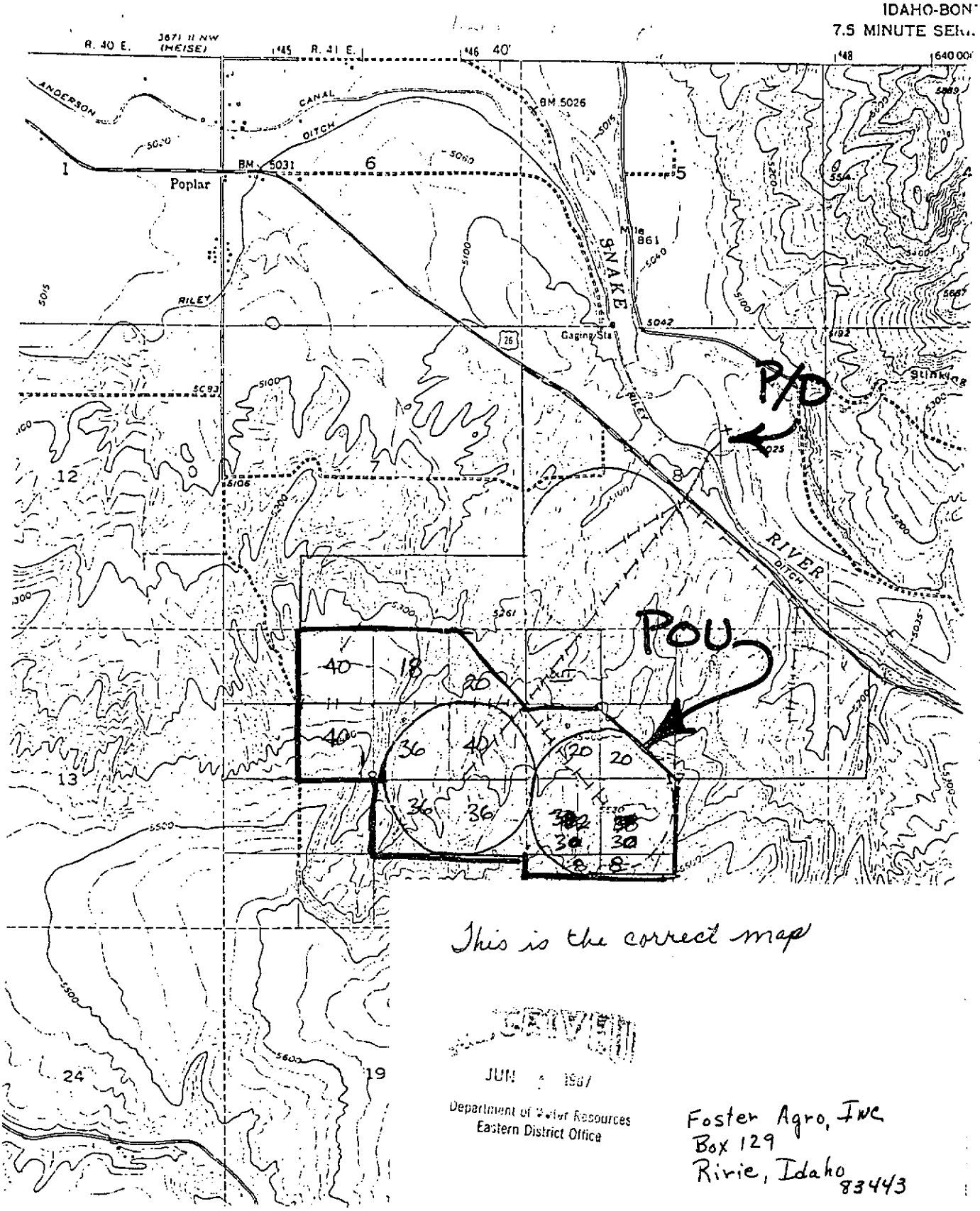
Section 17: SW1/4 NW1/4; N1/2 SW1/4;
that part of the SE1/4 NW1/4 lying South and West of the diagonal line running between the Northwest corner and the Southeast corner of the SE1/4 NW1/4; the North 350 feet of the S1/2 SW1/4.

Section 18: E1/2 NW1/4; S1/2 NE1/4; NW1/4 NE1/4; N1/2 SE1/4; that part of the NE1/4 NE1/4 lying South and West of the diagonal line running between the Northwest corner and the Southeast corner of the NE1/4 NE1/4.

EXCEPTING THEREFROM: Any highway or county road right of ways.

The premium specified in Schedule A is the entire charge for the Title Search, Title Examination and Title Insurance.




IDAHO-BON
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(HEISE)
R. 41 E.
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DITCH
BM 5026
BM 5031
Poplar
SNAKE
RIVER
RILEY
Gaging Sta
Stinker
P/D
POU
This is the correct map
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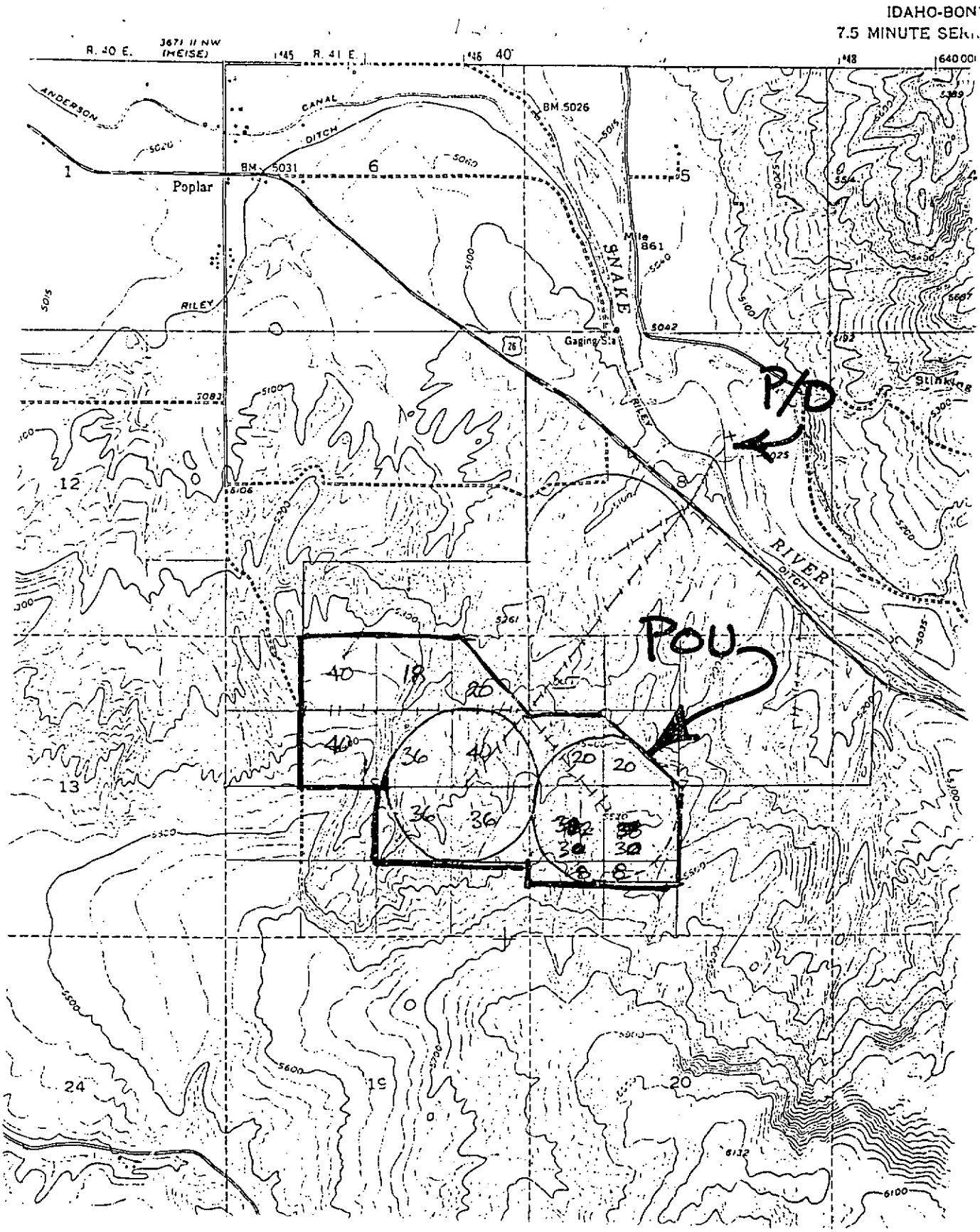
Department of Water Resources
Eastern District Office
Foster Agro, Inc
Box 129
Ririe, Idaho 83443


IDAHO-BON
7.5 MINUTE SER
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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 29, 2002

Foster Agro
c/o Brad Foster
P.O. Box 308
Rigby, ID 83442

Re: Reinstated Permit No. 01-07091

Dear Mr. Foster:

Enclosed is an Amended Reinstatement Order revising the previous order issued on August 21, 2002. The previous order referred to the source of water as Groundwater, which was not correct.

If you have any questions, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Water Allocation Bureau
Administrative Assistant

Encl.
cc: Eastern Region

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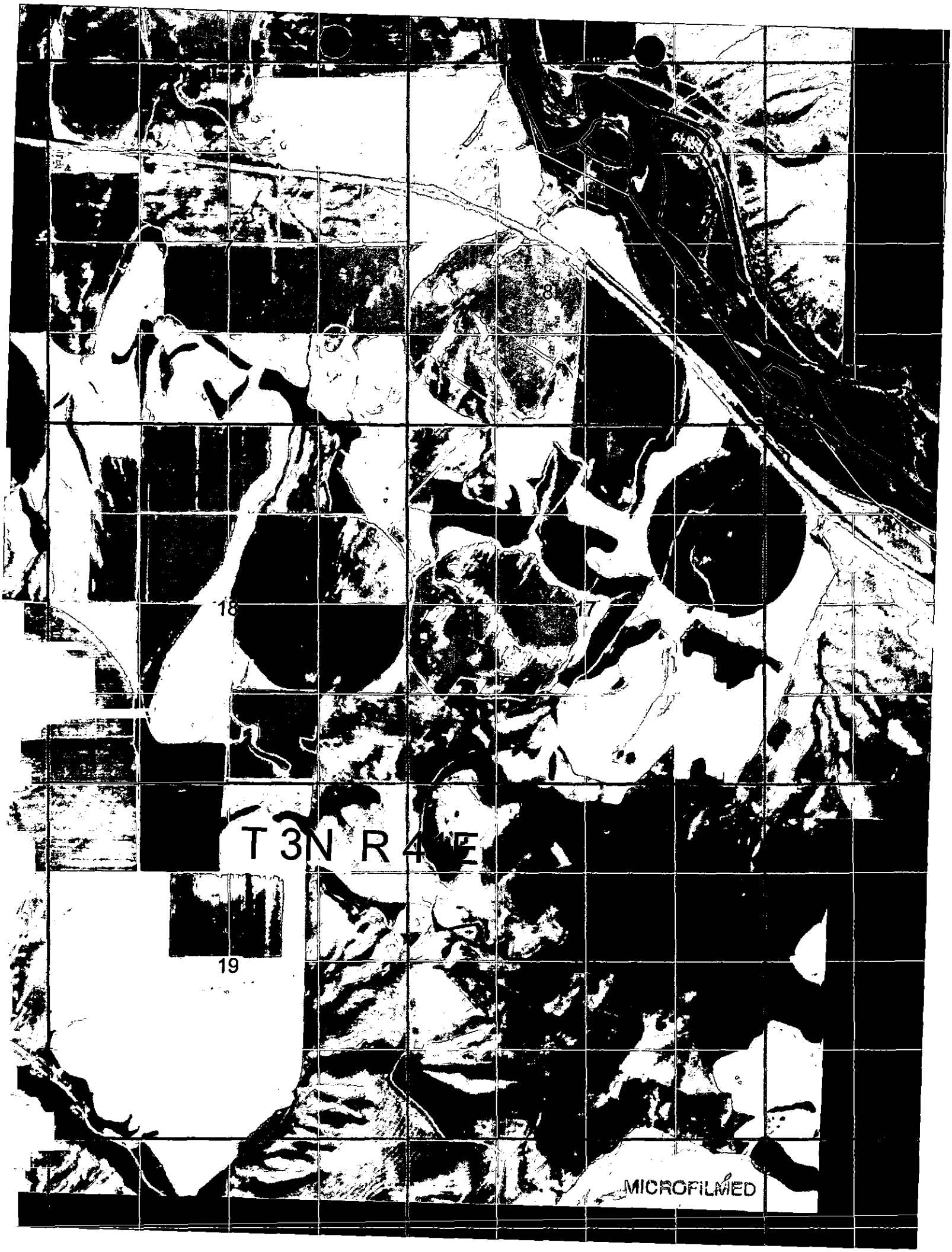
Debbie, this is the 1989 NAPP Photo. As you can see, the SW 1/4 of Sec 17 & E 1/2 of Sec 18 were being irrigated. This area conforms heavily to the amendment filed by Foster Agro on 01-7091.

Also attached is field exam for 01-7090 which uses the same pumps.

Skip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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

August 22, 2002

FOSTER AGRO
C/O BRAD FOSTER
PO BOX 308
RIGBY ID 83442

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 01-07091

Dear Permit Holder:

The department acknowledges receipt of documentation you have provided the department with which to substantiate evidence of development of your permit. Therefore, enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **August 1, 2002**, as provided in Section 42-218a(2), Idaho Code, which was the date you filed your proof of beneficial use with the department.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Additionally, please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

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OCT 04 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

August 8, 2002

BRAD FOSTER
FOSTER AGRO INC
PO BOX 308
RIGBY ID 83442

RE: Lapsed Permit No. 01-07091

Dear Permit Holder:

This letter is in response to the Proof of Beneficial Use you filed on August 1, 2002, regarding the above Lapsed Permit. Pursuant to Section 42-218a, Idaho Code, the permit can be reinstated only if you submit the following information for department consideration:

- **Two (2) pieces of evidence** to show that beneficial use of the water did commence, and to show the extent of the use of water, during the authorized permit period. This documentation must show evidence from the time the permit was issued (July 29, 1991), until the proof due date (April 1, 1992), and;

- Reasonable cause why the Proof of Beneficial Use was submitted late.

I appreciate the documents you have provided to me thus far. The affidavit by Sylvan F. Seely, dated March 18, 1993, and your letter explaining the cause for late submittal are key documents that fill part of the above requirements. However, the department requires one additional document to complete the evidence requirement. The aerial photo stamped by Bonneville County FSA could be used as the final requirement of evidence. However, this photo has no proof of the date it was taken, and would only fill the requirement if were taken during the development period. If you can verify the date that photo was taken, and if was taken during the authorized development period you should submit that information. If you have any other information that could verify beneficial use within the development period, you may submit that instead.

Please be aware that this permit has **lapsed** and is of no force nor effect unless it is reinstated. Upon receipt of the above requested documentation, if the information meets the department's criteria, an order will be issued reinstating your

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permit, however, your priority date will have changed to the date of the filing of the Proof of Beneficial Use. Therefore, I must receive the requested information, sent to my attention, within **30-days** from the date of this letter.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

cc: IDWR - Region

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RECEIVED
AUG - 1 2002
Department of Water Resources

FOSTER AGRO, INC.

400 Market Street
P.O. Box 308
FAX (208) 538-5173

Ririe, ID 83443
Rigby, ID 83442

Office (208) 538-5170
Brad (208) 589-6170
Boyd (208) 243-6936

July 29, 2002

Idaho Dept of Water Resources
Att: Debbie Gibson
1301 W Orchard
Boise, ID 83706

RE: Water Right Permit 01-07091

Dear Ms Gibson:

We recently discovered that the above referenced water right permit we thought had been licensed with a companion permit several years ago, actually lapsed in 1992. We were shocked to discover the problem, and hope to be able to reinstate the permit and to have a license issued as soon as possible. We understand that the time that has expired since the permit lapsed would need to be deducted from the proposed priority date, and while that is very disappointing, we are prepared to live with that consequence, if we can reinstate the permit. We hope the following information will provide a satisfactory explanation of the problem and the reason for the long delay.

We originally developed the farm land which we call the "Rush Bed" property, in Sections 8, 16, 17 and 18 of Township 3 North, Range 41 East beginning at about 1984. All of the land was, and is, irrigated from the same pump station on the Snake River. We were able to acquire storage water rights through Palisades Water Users, Inc., and filed two (2) applications for permit at about the same time, one in the name of Foster Agro, Inc., and on in the name of Foster Land and Cattle, because title to the respective tracts were held in those names. Until the recent passing of our mother, she, my brother Boyd, and I, were the principals in both entities and we operated both from the same office.

In about 1987 or 1988, we employed a man by the name of Lynn Powell, whom we knew and trusted, to manage our office, and especially to take care of the receipt, proper response to and filing of all documents and correspondence to free us up for the operation of the farms, cattle operation and businesses of the family. Then, from June of 1992 until July of 1995, I served as a full-time mission president in California for The Church of Jesus

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Christ of Latter Day Saints, and during that time we relied even more heavily on Mr. Powell because my brother, Boyd, had to look after all the farming, cattle and business operations in my absence.

Sometime after my return from California, our bookkeeper began raising questions that resulted in a thorough investigation which led to our discovery that Mr. Powell had been acquiring properties over the years while he was our employee, with money and funds he misappropriated from us and our business entities. As you can imagine, this was a very difficult and sad time. We eventually entered into a settlement agreement with Mr. Powell and recovered some of the misappropriated funds and properties he had acquired with such funds. A copy of that settlement agreement is enclosed with this letter.

We also discovered that many problems existed with our businesses because while Mr. Powell was busy with his secret and illegally financed enterprises, he had been neglecting much of the paperwork and other matters for which we had made him responsible in our farming, cattle and business operations.

It appears that the April 6, 1992 lapse notice (and we assume also the notice that proof of beneficial use was due) for permit no. 01-07091 came in during the time Mr. Powell was responsible for receiving and making sure such things had proper responses. We have found a file containing the lapse notice for this right. For whatever reason proof of beneficial use was apparently filed for the companion right 01-07091. It appears that Mr. Powell may have been working on trying to reinstate this permit in 1993 (during the time I was away from the are) but that is only speculation. We do not know if a copy of this affidavit ever made its way into the IDWR file, but the original was in ours. (A copy is enclosed with this letter).

In spite of these unfortunate circumstances, we have continued to irrigate the land under the two pivots which were the subject of permit no. 01-07091, from when we first began to do so in 1984, every season until the present time. We are also enclosing information to document this annual use of water from the two pivots on the land shown in permit no. 01-07091.

We have enclosed an area map from Farm Services Agency taken in 1987 on which you can see all the pivots and those being watered. Farms Services Agency has any other information we might need.

Finally, we have completed and are enclosing a Proof of Beneficial Use form and our formal request for reinstatement. Anything you can do to assist us in overcoming this disaster will be greatly appreciated. If we can provide anything further that would be helpful, please feel free to call upon us at your convenience.

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Very truly yours,

Brad Foster

Enclosures

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GOLDEN WEST IDAHO FALLS, INC.
P.O. BOX 488 356-9318 REXBURG, IDAHO 83440

March 18, 1993

To Whom It May Concern:

Golden West Irrigation installed 2 Model 4971 Valley Pivots @ 1293', and 2 Model 4971 Valley Pivots @ 1198' in length on the Rush Bed property for Foster Agro Inc. This work was done in February of 1984.

Any further information needed please contact us.

Sincerely,

Sylvan F. Seely

Sylvan F. Seely Known to me personaly signed this on March 18, 1993.

Sandy Edwards
Notary for State of Idaho
Commission Expires: February 24, 1998

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⑭ CRP Early Out 78.5

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Map BB-3

Map CC

HEL HEL HEL

BONNEVILLE COUNTY FSA
1120 E LINCOLN RD STE B
IDAHO FALLS, ID 83401-2135

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OCT 04 2002

SETTLEMENT AGREEMENT

AGREEMENT, made this _____ day of February, 1998, by and between LYNN POWELL, whose address is 167 North 2nd West, Rigby, Idaho, 83442, herein called "POWELL," and FOSTER AGRO, INC., herein called "FOSTER";

WHEREAS, Powell has been employed by Foster for the past nine years;

WHEREAS, Foster discovered certain discrepancies with respect to funds and monies expended by and in the care. custody and control of Powell while purportedly acting in the course and scope of his employment by Foster;

WHEREAS, certain disputes and differences have arisen between the parties with respect to the circumstances surrounding such discrepancies and the responsibility of Powell therefor;

WHEREAS, the parties desire to settle and resolve their differences;

W I T N E S S E T H:

NOW, THEREFORE, the parties agree as follows:

1. Powell hereby agrees to pay to Foster the sum of $335,000.00, payable as follows:

a. The sum of $25,000.00, payable by the execution and immediate delivery of a Warranty Deed in substantially the same form as set forth in Exhibit "A", attached hereto and by this reference made a part hereof, and by the execution and delivery to Foster of a Quitclaim Deed by Powell's wife, Candice Powell. in

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substantially the same form as set forth in Exhibit "B" attached hereto and by this reference made a part hereof. Powell agrees to obtain and deliver said Quitclaim Deed to Foster within three (3) days after the date of this Agreement, and upon Powell's failure to execute and deliver such deed to Foster, then and in such event, Foster may declare this Agreement to be null and void. Within ten (10) days after the execution of this Agreement, Powell may pay to Foster the sum of $25,000.00 cash, and Foster shall reconvey to Powell by Quitclaim Deed Tract 3 of the property described in Exhibit "A", together with an easement for ingress and egress to and from said tract over and across Tract 5.

b. The sum of $55,000.00 payable by Powell's assignment of all right, title and interest in and to 110 shares of stock in the Davis Lake Land and Livestock Company and a certain U. S. Forest Service Grazing Lease, Permit No. _____, subject to Powell's obligations under that certain Agreement dated April 14, 1995, by and between Lynn Powell, d/b/a Sawtelle Cattle Company as Purchaser, and Frank Sharp and Merlin F. Sharp, d/b/a S & S Cattle Company as Sellers (the "Sharp Agreement"). Powell specifically warrants and represents that the unpaid principal balance and accrued interest owed on the Sharp Agreement as of the date hereof is the sum of $16.827.28, and that he is not now in default of the performance of his obligations and duties under the Sharp Agreement and that nothing herein constitutes a breach of the Sharp Agreement. Powell further warrants and represents that he has the right to assign his interest in the Sharp Agreement and in and to said stock

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certificates, subject only to the approval of the stockholders in said Davis Lake Land and Livestock Company ("Davis") and that there is no restriction, impediment, or other reason that would impede or otherwise prevent assignment of such stock certificate and their interest in the grazing permit. Powell agrees to forthwith execute and deliver to Foster an Assignment of his interest in said stock and grazing permit, said Assignment to be in the form of Exhibit "C" attached hereto, and to execute all documents, instruments, waivers or other writings required by Davis or the U. S. Forest Service, all as necessary to fully, completely and forever transfer said stock and grazing permit to Foster. Upon execution of said Assignment and satisfactory execution by all parties concerned of all other documents necessary to effect such transfer, Foster shall assume the payment of the balance of the Sharp Agreement, and will fully perform the terms and conditions thereof. Upon payment of such unpaid balance by Fosters, approval of the transfer by the Davis stockholders and transfer of the stock certificates and grazing permit to Foster sufficient to provide absolute and completely unencumbered title therein to Foster, the sum of $55,000.00 shall be credited against Powell's obligation hereunder.

c. The sum of $45,000.00, payable by the execution and immediate delivery of a Warranty Deed in substantially the same form as set forth in Exhibit "D", attached hereto and by this reference made a part hereof, and by the execution and delivery to Foster of a Quitclaim Deed by Powell's wife, Candice Powell, in substantially the same form as set forth in Exhibit "E", attached hereto and by this

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OCT 04 2002

reference made a part hereof. Powell agrees to obtain and deliver said Quitclaim Deed to Foster within three (3) days after the date of this Agreement, and upon Powell's failure to execute and deliver such deed to Foster, then and in such event, Foster may declare this Agreement to be null and void. Said property is subject to a Mortgage in favor of Federal Land Bank. Powell specifically warrants and represents that the unpaid principal balance and accrued interest on the Federal Land Bank obligation as of the date hereof is the sum of $21,000.00, that he is not now in default of the performance of his obligations and duties under said Mortgage, and that nothing in this Agreement shall constitute a violation of any term or condition of said Promissory Note and Mortgage. The property described hereunder is subject to an easement in favor of Federal Land Bank of Spokane, recorded as Instrument No. 212271, records of Jefferson County, Idaho. Powell shall cause said easement to be extended for the benefit of Foster and Foster's successors in interest.

d. The sum of $10,000 payable by the immediate transfer of the pipe trailer, tractor and other equipment identified on the Bill of Sale attached hereto as Exhibit "F", attached hereto and by this reference made a part hereof.

e. The sum of $200,000.00 cash, payable upon execution of this Agreement. In lieu of making the cash payment upon execution of this Agreement, Powell shall execute and deliver a Warranty Deed in substantially the same form as Exhibit "G", attached hereto and by this reference made a part hereof, by the execution and delivery to Foster of a Quitclaim Deed by Powell's wife, Candice

OCT 0 4 2002

Powell, in substantially the same form as set forth in Exhibit "H", attached hereto and by this reference made a part hereof. Powell agrees to obtain and deliver such Quitclaim Deed to Foster within three (3) days after the date of this Agreement, and upon Powell's failure to execute and deliver such deed to Foster, then in such event, Foster may declare this Agreement to be null and void. Within ten (10) days after the execution of this Agreement. Powell may pay to Foster the sum of $200,000.00 cash, and Foster shall reconvey to Powell by Quitclaim Deed the property subject to this paragraph.

2. Powell specifically warrants and represents that he has good and merchantable title to all of the assets transferred hereunder, that he is the sole owner of the Grazing Lease and stock certificates, that there are no other liens, encumbrances, mortgages (except as described in paragraph 1.c.), deeds of trust, prior unrecorded leases, assignments or other defects of any kind in and to the assets transferred hereunder and that he has not sold, encumbered, assigned or otherwise conveyed, mortgaged or encumbered his interest in and to said Grazing Lease. except as noted in paragraph 1.b. above, and that he is not in default in the terms and conditions of the Sharp Agreement. In the event said warranties or representations are deemed to be untrue or inaccurate in any respect, then Foster shall have no obligation to deliver the Release contemplated in paragraph 4 hereof, nor shall Foster have any obligation to comply with paragraph 7 hereof.

3. Within thirty (30) days after the date hereof, Powell agrees to provide an Owner's Policy of Title Insurance to Foster insuring the title to the real property described

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OCT 0 4 2002

in paragraphs 1.a. and 1.c. in the amount of $70,000.00. in accordance with that certain Commitment for Title Insurance, issued by First American Title Company, Order No. J-019831, a copy of which is attached hereto as Exhibit "I", except that Powell shall obtain the deletion of the items referenced in Schedule B, Section 1, item (e), and Schedule B, Section 2, Part 2, items 7, 11, 12 and 14, prior to the issuance of such policy. Powell shall pay and be entirely responsible for the premium for such Policy of Title Insurance.

Powell shall pay and be entirely responsible for the premium for such Policy of Title Insurance.

4. In consideration for Powell's payment of cash and the execution and delivery of said Deeds, Assignment and Bill of Sale. Foster hereby agrees that upon the performance of all of Powell's obligations and duties set forth in this Agreement and in said Assignment, Foster will execute and deliver a written Release releasing Powell from any and all claims, demands. suits actions or causes of action, arising out of the performance of his duties as an employee and related to any claim of fraud. embezzlement. misappropriation or breach of fiduciary duties with respect to any funds misappropriated or allegedly misappropriated by Powell while employed by Foster. It is specifically understood and agreed that such Release shall be delivered only upon the condition that Powell has fully and completely performed his obligations under the terms and conditions of said Deeds. Assignment, Bill of Sale and this Agreement.

5. Powell specifically agrees that the obligation evidenced by this Agreement shall be excepted from any discharge granted to Powell under the U. S. Bankruptcy Code,

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OCT 0 4 2002

all as provided and allowed under the provisions of Sections 523, 1228 and 1328 of the U. S. Bankruptcy Code (11 USC §§ 523, 1228 and 1328).

6. Powell further agrees to pay all of Foster's reasonable attorney fees and costs incurred in preparing this Agreement, the Warranty and Quitclaim Deeds, Assignment, Bill of Sale and other documents necessary to effectuate the purposes of this Agreement. Such payment shall be due within thirty (30) days after the date Foster delivers Powell an itemized statement reflecting the cost for such services. Delivery of such itemized statement shall be deemed complete upon its deposit in the U. S. mail, postage prepaid, certified mail, return receipt requested, addressed to Powell at the address set forth above, or such other address as shall be communicated to Foster in writing.

7. So long as Powell shall be in full compliance with the terms and conditions of this Agreement and the Assignment, neither Foster nor its officers or directors shall affirmatively initiate any criminal proceeding against Powell seeking to prosecute him for any act, omission, statement or representation arising out of Powell's alleged embezzlement, misappropriation of monies, theft or fraud arising out of Powell's use or misappropriation of funds or monies while employed by Foster. Nothing herein shall prevent Foster or its officers or directors from cooperating with or providing information to any law enforcement officer or otherwise from fully cooperating with any officer or investigator thereof if Foster or its officers of directors are contacted by said law enforcement officers.

8. Powell further expressly warrants that he has fully disclosed all books, accounts and records in his possession with respect to all accounts kept by him while

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OCT 04 2002

employed by Foster and that all of the accounts referenced in Exhibit "J" attached hereto represent a fair and accurate accounting for all amounts which were misappropriated during his employment. In the event that Powell has not completely and accurately made such disclosures, then and in such event, Foster shall have no obligation to deliver the Release contemplated in paragraph 4 hereof.

9. This writing evidences the complete and final agreement of the parties hereto and no other statement, representation or understanding shall be binding except as expressly set forth herein.

10. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Lynn Powell

FOSTER AGRO, INC.

By: _____
Brad Foster
President

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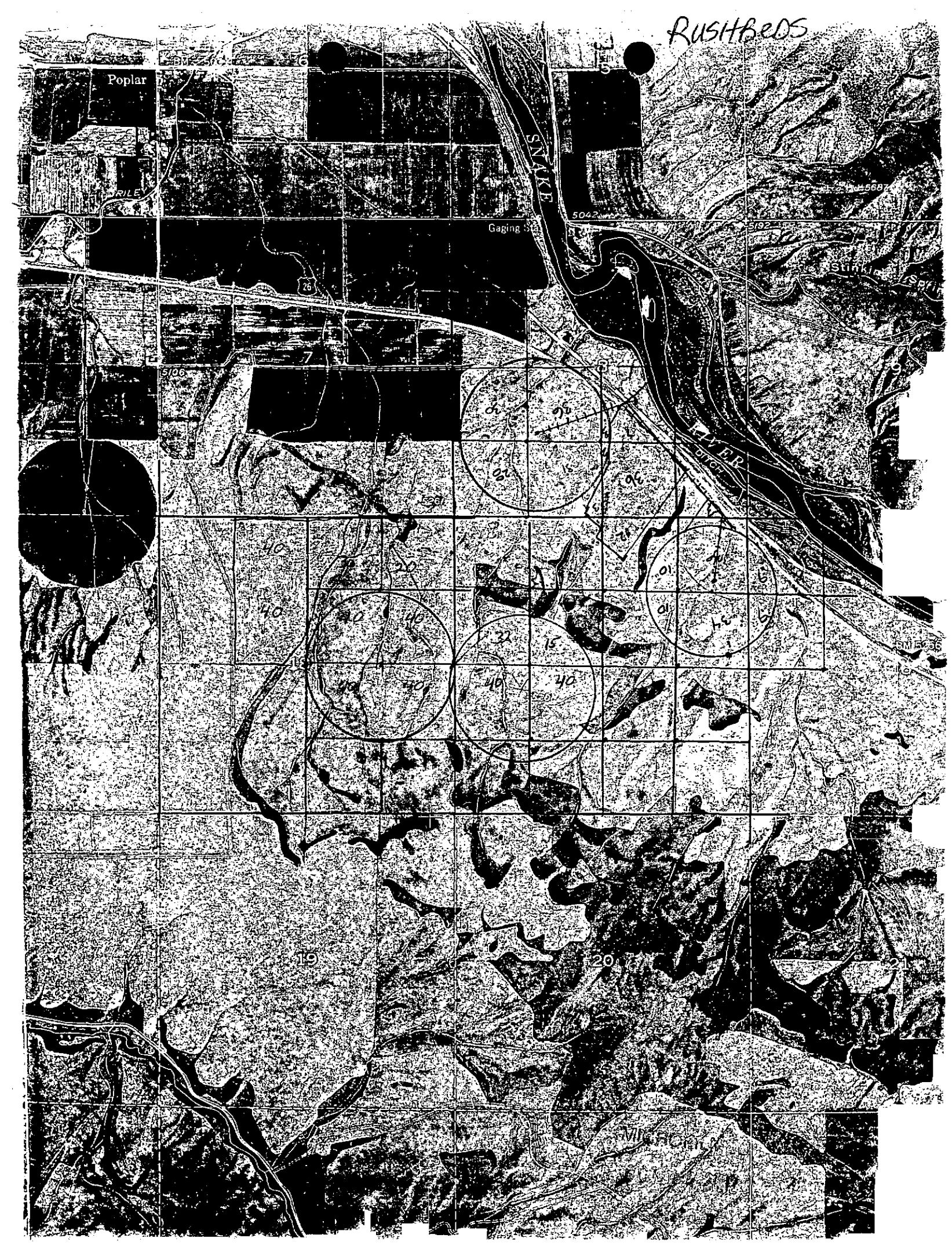
OCT 04 2002


RUSHBEDS
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NOTICE

This file has been REPRODUCED

from MICROFICHE [redacted]

for a possible Reinstatement.

Dana A Block
Person Recreating File

Aug. 26 2002
Date

I certify that file No. 01-07091

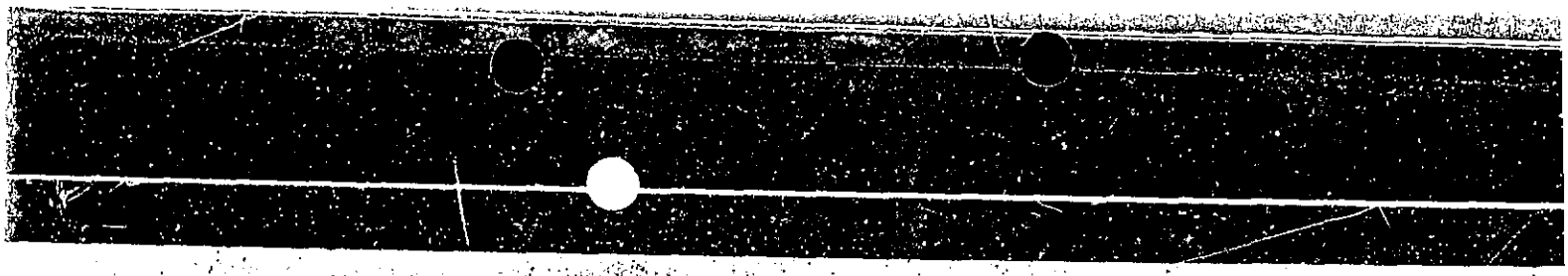
has been reviewed and is ready to be MICROFILMED

and DESTROYED.

Brenda Miller
Signature

8-10-92
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.



Water Right Number - 01-07091 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** FOSTER AGRO		1 - C/O BRAD FOSTER 2 - P.O. BOX 308 3 - City- RIGBY State- ID Zip- 83442 Phone - 208-745-6170

Priority Date	Region	Stage	Status
03/31/1987	15 EASTERN	P - PERMIT	

Source	Tributary
SNAKE RIVER, SOUTH FORK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
03N	41E	8	SE SW NE			(19) BONNEVILLE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/15	09/01	8.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
8.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	41E	17	SW NW		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	17	SE NW		20.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	17	NE SW		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	17	NW SW		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	17	SW SW		8.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	17	SE SW		8.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	NE NE		20.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	NW NE		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	SW NE		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	SE NE		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	NE NW		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	SE NW		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	NE SE		40.0	01	IRRIGATION	(19) BONNEVILLE
03N	41E	18	NW SE		40.0	01	IRRIGATION	(19) BONNEVILLE

Total Acres: 456.0

Diversion Means - 2 PUMPS, 2 PIVOTS, & 3 HAND LATERALS.

Non-Irrigation Use -

Other Rights for Same Use - PALISADES WATER USERS 330 SHARES, PW USERS, M&M CATTLE 600 SHARES

Water right number - 01-07091 Prefix Translation: WATER RIGHT

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

005 - Use of water under this right is subject to control by the watermaster of State Water District No. 01.
01J - 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 prior to diversion of water under this right.
048 - 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.
049 - The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
11A - No water may be diverted under this right until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Decree Plaintiff | Decree Defendant | Decree Date - 00/00/0000

Comments

Date: 04/06/1992 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Audit Fields - 09/14/87 CONVERT 05/21/88 CONVERT 02/20/90 BODELL 07/31/90 CURTIS 04/03/91 SKAGGS 04/04/91 SKAGGS 07/23/91 SKAGGS 07/26/91 SKAGGS 04/06/92 COMMENTS

Water Rights Dates and Flags Area

Proof Due Date	- 04/01/1992	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 04/11/1991	Protested Date	- 00/00/0000	Swan Falls	- 1
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 01
Licensed Date	- 00/00/0000	Appl Received	- 03/31/1987	Transfer/Amended	- A
Decree Date	- 00/00/0000	Presumption Flag	-		

April 6, 1992

FOSTER AGRO
C/O BRAD FOSTER
P.O. BOX 308
RIGBY ID 83442

LAPSE NOTICE

RE: PERMIT NO. 01-07091

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar ($15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 4/6/92
~~a copy~~ an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.
LGS

January 31, 1992

FOSTER AGRO
C/O BRAD FOSTER
P.O. BOX 308
RIGBY ID 83442

PROOF DUE NOTICE

RE: PERMIT NO. 01-07091

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 13418

July 30, 1991

RE: Permit No. 01-07091

Foster Agro
C/O Brad Foster
P.O. Box 308
Rigby, ID 83442

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 27, 1991

Michael D. Crapo
P.O. Box 50130
Idaho Falls, ID 83405

RE: Foster Water Bank Lease Addendum/Second Addendum

Dear Sen. Crapo:

I have again compared the above lease addendum with the place of use legal descriptions on water rights filings 01-7090 and 01-7091. Attached to this letter is a summary of discrepancies between the place of use descriptions in the above filings and the lease addendum.

As I understand, these lands will also be covered by the 20 year water bank lease agreement approved by the Board's January 17, 1991 resolution. The land list with the original lease agreement identified lands adjacent to Willow Creek and Ririe Reservoir. Much of the land under the original land list is covered by approved permit no. 25-7567. To my knowledge, the remaining land under the original list still has no appurtenant surface water right filing. Our permit approval notice for permit no. 25-7567 dated March 13, 1991 warned that the permit holder was prohibited from using the leased storage water on lands other than those described under permit no. 25-7567. Should the land list addendum omit certain lands near Willow Creek not covered by permit 25-7567? If not, then I believe your client has to file a new application to cover those other lands if he intends to irrigate those lands with storage water.

Water right filings 01-7090 and 01-7091 indicate that there are shares from the Palisades Waterusers and other shares leased from M&M Cattle Co used on the same land. I am concerned now that the 3200 acre-feet identified under the 1991 water bank lease may not be adequate for all of the lands listed under these filings, permit 25-7567, and other lands identified on the original land list which are not yet covered by any new permits or applications. Will the above sources of storage water continuously be used, or will there be a need to acquire other sources of storage? Perhaps your lease addendum should mention other storage sources or address how the 3200 acre-feet will be spread over all of the Willow Creek and Rush Beds properties.

Please be reminded also that we are still holding application no. 01-7090 until we receive an assignment from Rainbow, Inc. to Mr. Foster. Please contact me if I can be of further assistance.

Sincerely,

Tim Luke

Tim Luke
Sr. Water Resource Spec.

Lower Rush Bed:

Section 17:
W1/2NE SEC 17; this tract (outlined in red on attached map) appears to be included on the lease, but is not on either of the two applications. I am not certain this tract was intended to be on the lease addendum.

Section 18:
NENE lying north and east of the diagonal line running from the NW corner of NENE to the SE corner of the NENE; (outlined in red on map for app. no. 01-7091) this particular 20 acre tract is not included on either application.

Upper Rush Bed

Section 17:
To be consistent with applications, lease needs to identify N1/2SW1/4. In addition to the 8 acres in the SESW, lease also needs to identify 8 acres in SWSW.
Also, the S1/2NW1/4 should be described instead as SWNW and 20 acres of SENW lying south and west of right-of-way running from the northwest corner in the SENW to the center of section 17.

Section 18:
E1/2NW is OK; SENE should be omitted and replaced with S1/2NE1/4.
Also, lease needs to identity the NW1/4/NE1/4; and 20 acres of the NENE lying south and west of the right-of-way running from the northwest corner of the NENE to the southeast corner of the NENE of section 18.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7860

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 18, 1991

FOSTER AGRO
C/O BRAD FOSTER
P.O. BOX 308
RIGBY, ID 83442

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 01-07091

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please be advised that there is insufficient natural flow available from the source identified on your permit to provide water throughout the entire season. You may want to arrange for a supplemental supply from a different source.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

APPLICATION FOR PERMIT REVIEW

Application #: 61-7091 Reviewer: Pam Skaggs
Date: 4-3-91

✓Existing:
- No - 26A-P17
- Complete in 1 year - P16

✓Yes
- ✓Proof not submitted - (P16)
- Proof submitted - N/A

Groundwater:
- GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
- LT. 0.7 cfs - N/A

Drilling Permit:
- Approved w/permit - P99
- Not included - 046-P23(All GW, even existing wells)

✓Location:
- ✓Water Districts - WD No. 61
- ✓Surface water - 005, ~~005-01H-P01~~(LT.7 w/pump) (005-01J-P08(GT.7)
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- ✓Swan Falls Flag - 1 (1, Blank or Other)
- Trust - ~~051-052~~-053-P74(Cons.), 041(DCMI, w/Irr or Irr & Dom)
- ✓Non Trust - (048-049)

✓River Basins:
(Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - ~~047-P04~~, 059-P71
- ✓Snake (01, 02 & 03) - (11A-P04(01)), 061-P07(02/03 No W.D.Cond.)

Use:
- Fish Propagation - 06A, 09E-P10 & 010 (Choose One), 042(req.) 002-P06(M.D.), 007(Spec.), 044(Policy 5G)
- Power - _____ Use Power Review
- Mining - 06A or 010, 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
- Rec. & Aesthetic - 027(Non-Consumptive)
- Domestic - 021(restricted areas)

✓Ownership:
- ✓Non land owner - (004)

Protested:
- Agreement - 020

Minimum Stream Flow:
- Overlapping uses - 029-P20

✓Beneficial Use Due Date: - 04-01-1992

Other Conditions Recommended 4.5.3 Data Reviewed & Waived by Tim Luke's Memo. 4-2-91

4-8-91

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO.s 01-7090 & 01-7091/Rule 4,5,3. Information

DATE: 4-2-91

The above applications were recently forwarded to the state office by the regional office. The region requested additional information as required under Water Appropriation Rule 4,5,3. These applications were filed in 1987 but were apparently upheld with the Swan Falls backlog.

I have reviewed the additional information and find that some of the rules were not addressed and that some information was ommitted. In particular, rule 4,5,3,3., 4,5,3,4., and 4,5,3,5. were not addressed. The applicant either did not realize that information was due for these latter rules or the regional office did not submit a copy of thes specific rules to the applicant. The information which was submitted lacks some detail but is basically acceptable.

These applications are for appropriation of natural flow from the Snake River. Because of the late priority dates, natural flow will generally be available to these permits for only a very limited portion of the irrigation season. The applicants have obtained storage water for the uses represented by these applications and Water District 01 reports confirm that the applicants have diverted storage water from the same point of diversion described under these applications for the past several years. Although the Rule 4,5,3. information is somewhat incomplete, it is not entirely applicable in this case since only a relatively small amount of the seasonal diversion will actually be attributed to natural flow, and natural flow will only be diverted when there is high runoff and all other rights are deliverable. I recommend continued processing of these applications without further review or concern of the information required by rule 4,5,3.

01 7091

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Foster Agro Phone 745-6170
   Post office address c/o Brad Foster ~~Rt. 2, Box 84,~~ Rigby, Idaho 83442 P.O. Box 308
2. Source of water supply South Fork Snake River which is a tributary of Snake River
3. Location of point of diversion is SE ¼ of SW ¼ of NE ¼, Govt. Lot _____
   Sec. 9 Township 3N Range 41E B.M. Bonneville County; additional points of diversion if any: _____
4. Water will be used for the following purposes:

   Amount 8.00 cfs (cfs or acre-feet per annum) for Irrigation purposes from 5/15 to 9/1 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 8.00 cfs (cubic feet per second) and/or (b) _____ (acre feet per annum)
6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. 2 - 100 HP Turbine pumps
   2 - Quarter section center pivots & 3 - Hand laterals.

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (*minimum 1 year*).

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~3N~~	~~41E~~	~~18~~		~~18~~	28	~~20~~	~~40~~				~~15~~			~~30~~	~~36~~	~~36~~	~~36~~	~~36~~	~~295~~
		~~17~~									~~36~~	~~36~~	~~36~~	~~36~~					~~144~~
3N	41E	18	20	40	40	40	40			40							40	40	300*
		17							40	20	40	40	8	8					156*

Total number of acres to be irrigated ~~439~~ 456*

* Changes made per telecon ESV 5/20/87 Also letter received 4/1/87 ESV

10. Describe any other water rights used for the same purposes as described above. 330 shares of Palisades Water Users & 600 shares leased from M & M Cattle Co.

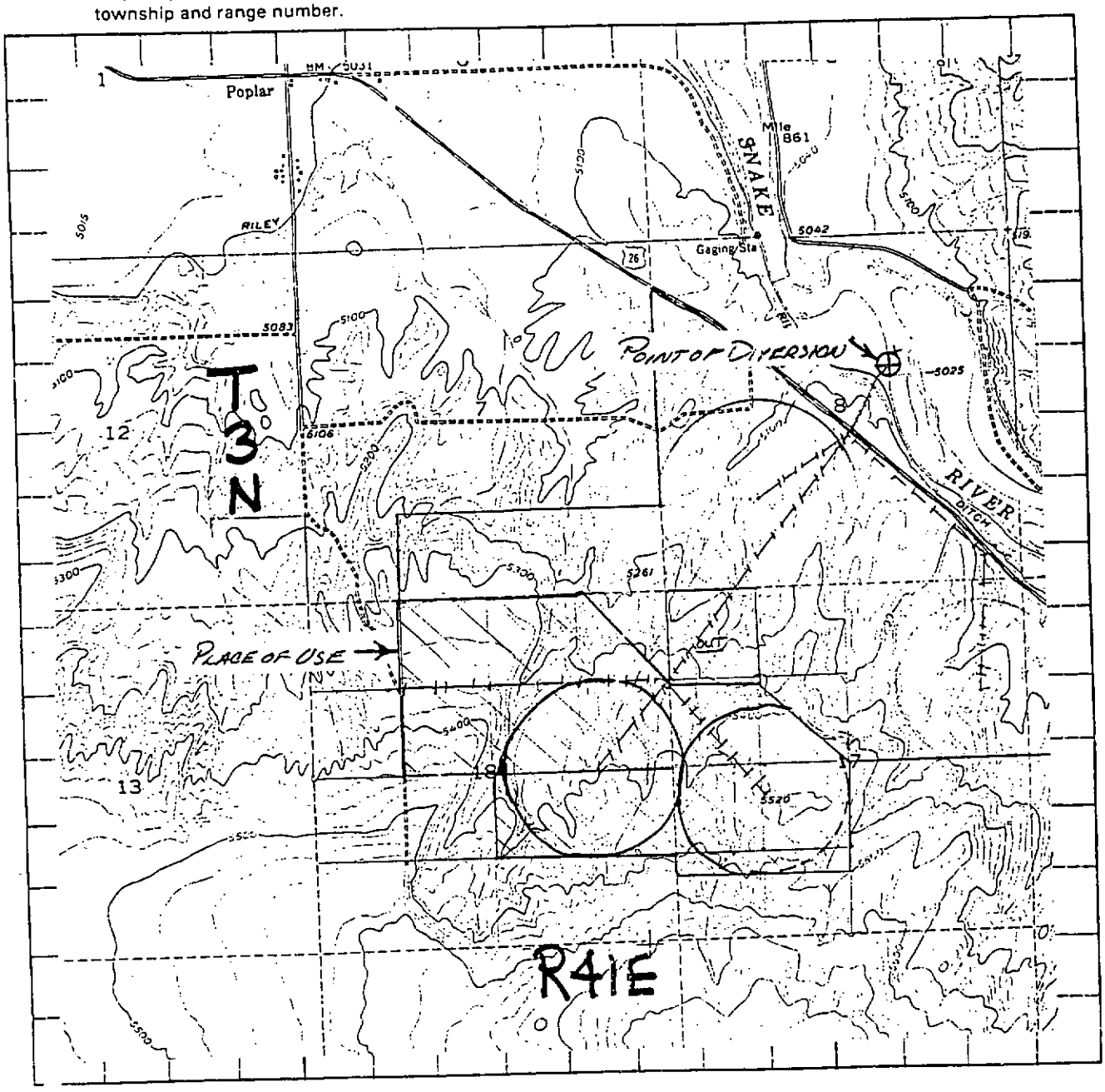
11. a. Who owns the property at the point of diversion? L - Bar Acres (Neil Brown)

b. Who owns the land to be irrigated or place of use? Foster Agro Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicants have an easement to locate diversion works on property of L-Bar acres.

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Received by RJC Date 4-2-87 Time _____ Preliminary check by ESV

Fee $ 125.00 Receipted by _____ # 41134 Date 3-31-1987

Publication prepared by dlg RB Date 2-18-90 Published in Post-Register

Publication approved _____ Date 2-22-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

RECEIVED
MAR 22 1991
Department of Water Resources

March 20, 1991

Tim Luke
Sr. Water Resource Agent
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Luke:

In response to your letter requesting more information relative to Application For Permit #017091:

1. Rule 4,5,3. The purpose of this letter is to submit the information that you have requested to the best of my ability in order to answer these questions. If any other information is needed, please feel free to let me know.

2. Rule 4,5,3,1,3. This project consists of a pumping station at designated point of diversion. There is an approved Water District 1 flow meter delivery system to monitor making sure that infringement on any other entity's water rights does not happen.

3. Rule 4,5,3,2,1. The consumptive use per year will be 480 acre feet. The peak demand per year will be 8 cfs which will be diverted throughout the season at point of diversion from 5/15/91 to 9/1/91.

4. Rule 4,5,3,2,2. The quntity of water is dependent on how the Palisade Reservoir fills throughout the year. The source of supply is the Snake River which is adequate and is not an underground source.

Sincerely,

Boyd Foster

Boyd Foster
FOSTER AGRO, INC.

BF/lf

FOSTER AGRO
C/O BRAD FOSTER
P.O. BOX 308
RIGBY, ID 83442

MR FOSTER:

YOU FILED APPLICATION NO. 01-07091 WITH THE DEPARTMENT OF WATER RESOURCES SEEKING APPROPRIATION OF 8.00 CFS FROM GROUNDWATER FOR IRRIGATION OF 456 ACRES.

AS PART OF THE APPLICATION PROCESSING, THIS OFFICE REQUESTED THAT YOU SUBMIT INFORMATION PURSUANT TO RULE 4,5. OF THE WATER APPROPRIATION RULES AND REGULATIONS. I HAVE ENCLOSED A COPY OF THE PERTINENT RULES FOR YOUR REFERENCE.

TO DATE, THE DEPARTMENT HAS NOT RECEIVED A RESPONSE TO THE REQUEST FOR SUBMITTAL OF INFORMATION. WE CANNOT APPROVE YOUR APPLICATION UNTIL THE INFORMATION IS SUBMITTED. IN FACT, FAILURE TO SUBMIT THE REQUESTED INFORMATION COULD JEOPARDIZE THE VALIDITY OF YOUR APPLICATION.

PLEASE SUBMIT ALL INFORMATION REQUIRED BY RULE 4,5. ON OR BEFORE APRIL 1, 1990. FAILURE TO DO SO MAY RESULT IN THE VOIDING OF YOUR APPLICATION.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

FEB. 23, 1990

BRAD FOSTER
P.O. BOX 308
RIGBY, ID 83442

DEAR MR. FOSTER:

WE ARE CURRENTLY PROCESSING YOUR APPLICATIONS 01-07091 FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS 200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE. PLEASE TRY TO ANSWER THE HIGHLITED QUESTIONS TO THE BEST OF YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE ME A CALL AT 525-7161.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 01-7091 and have the following comments/objections to the approval of this application for permit:

This permit should only be granted if the applicant has an adequate storage supply for the irrigation of the described lands. Most years he will be unable to divert any water under this right.

JAN 23, 1990
Date

Ronald D. Carlson
RONALD D. CARLSON, WATERMASTER
Water District No. 01

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 23, 1990

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

The Following appli :ion(s) have been filed t pppropriate the public waters of the State of Idaho:

01-07091

FOSTER AGRO
C/O BRAD FOSTER
RT. 2 BOX 84
RIGBY, ID 834420000

Source: SNAKE RIVER, SOUTH FORK Tributary: SNAKE RIVER

Diversion Pt: SESWNE Sec 8 T 03N R 41E

Use: IRRIGATION (8.000 CFS)
Total Diversion: (8.000 CFS)

Date Filed: 4/02/1987

In: T03N R41E S17		SWNW	SENW	NESW	NWSW
		SWSW	SESW		
	S18	NENE	NWNE	SWNE	SENE
		NENW	SENW	SWSE	SESE

456.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based o he criteria of Sec. 42-20 , Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 19, 1990.

R. Keith Higginson, Director

Published 2/01/1990 & 2/08/1990

24-Jan-1990

Brad Foster
Rt. 2, Box 84
Rigby, ID 83442

RE: Application for Permit No. 01-7091

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register on. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

Ron — FLB

Glen Leak was in and wanted to know the outcome of your discussion with Brad Foster. The attached map shows the irrigated land.

Apparently there is only 300 shares of Palisade water used on the land.

Sh

April 10, 1987

Foster Argo
c/o Brad Foster
Rt. 2, Box 84
Rigby, Idaho 83442

RE: Application for permit to divert water

Dear Mr. Foster:

During review of the water application you submitted I received a map submitted by the Land Bank showing the acreages you applied on. The map shows the layout of a water system and outlines the acres irrigated. Their map is significantly different from what your application shows as acres irrigated. I need you to please check their map against what you believe to be the correct place of use.

I have enclosed the map with a description of acres irrigated as far as I could determine. Please verify my land list and if there are any discrepancies (i.e. are corners on center pivots watered?) please indicate on the map I have enclosed.

Our office can not continue processing your application until we clarify the place of use, so your prompt attention will be appreciated.

If I can be of further assistance please let me know.

Sincerely,

Eric S. Verner
Water Resource Agent

ESV/md

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

01-07090
RAINBOW, INC.
C/O DICK WHEELER
RT. 3 BOX 274
IDAHO FALLS, ID 834010000
Source: SNAKE RIVER; Tributary: COLUMBIA RIVER
Diversion Pt: SESWNE Sec 8 T 03N R 41E
Use: IRRIGATION (6.000 CFS)
Total Diversion: (6.000 CFS)
Date Filed: 4/30/1987
In: T03N R41E S08 NESW NWSW SWSW SESW NWSE SWSE
S16 NWNW
S17 NENE SENE
301.0 ACRES TOTAL

01-07091
FOSTER AGRO
C/O BRAD FOSTER
RT. 2 BOX E4
RIGBY, ID 834420000
Source: SNAKE RIVER, SOUTH FORK; Tributary: SNAKE RIVER
Diversion Pt: SESWNE Sec 8 T 03N R 41E
Use: IRRIGATION (8.000 CFS)
Total Diversion: (8.000 CFS)
Date Filed: 4/02/1987
In: T03N R41E S17 SWNW SENW NESW NWSW SWSW SESW
S18 NENE NWNE SWNE SENE NENW SENW SWSE SESE
456.0 ACRES TOTAL

25-07426
VRONTIKIS, NICK M.
5577 SOUTH 5TH STREET
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW) Sec 6 T 01N R 38E
Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)
Date Filed: 5/20/1988
In: T01N R38E S06 Lot 4 (NWNW)
6.0 ACRES TOTAL

25-07546
PARKER, JERRY L.
P.O. BOX 358
RIRIE, ID 83443
Source: GROUNDWATER
Diversion Pt: NENW Sec 28 T 03N R 39E
Use: IRRIGATION (9.000 CFS)
Total Diversion: (9.000 CFS)
Date Filed: 11/02/1989
In: T03N R39E S21 SWSE SESE
S22 SWSW
S27 NWNW SWNW NWSW SWSW
S28 NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESE NWSE SWSE SESE
491.0 ACRES TOTAL

25-07549
LATTA, FRANCIS A.
177 E. 49 S.
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: SESWSE Sec 31 T 02N R 38E
Use: IRRIGATION (.040 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.100 CFS)
Date Filed: 9/27/1989
In: T02N R38E S31 SWSE
2.0 ACRES TOTAL

35-08825
IDAHO GEM POTATOE CO.
P.O. BOX 77
MENAN, ID 83434
Source: GROUNDWATER
Diversion Pt: SENE Sec 1 T 03N R 35E
Use: STOCKWATER (.050 CFS)
COMMERCIAL (.060 CFS)
DOMESTIC (.060 CFS)
Total Diversion: (.170 CFS)
Date Filed: 8/31/1989
In: T03N R35E S01 SENE
S06 NWSW

35-08870
MARTIN, HAROLD D.
484 E. 1500 N.
SHELLEY, ID 83274
Source: GROUNDWATER
Diversion Pt: NENWNE Sec 23 T 01N R 36E
Use: IRRIGATION (.080 CFS)
DOMESTIC (.120 CFS)
RECREATION (.120 CFS)
Total Diversion: (.200 CFS)
Date Filed: 12/27/1989
In: T01N R36E S23 NWNE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 19, 1990.

R. Keith Higginson, Director

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