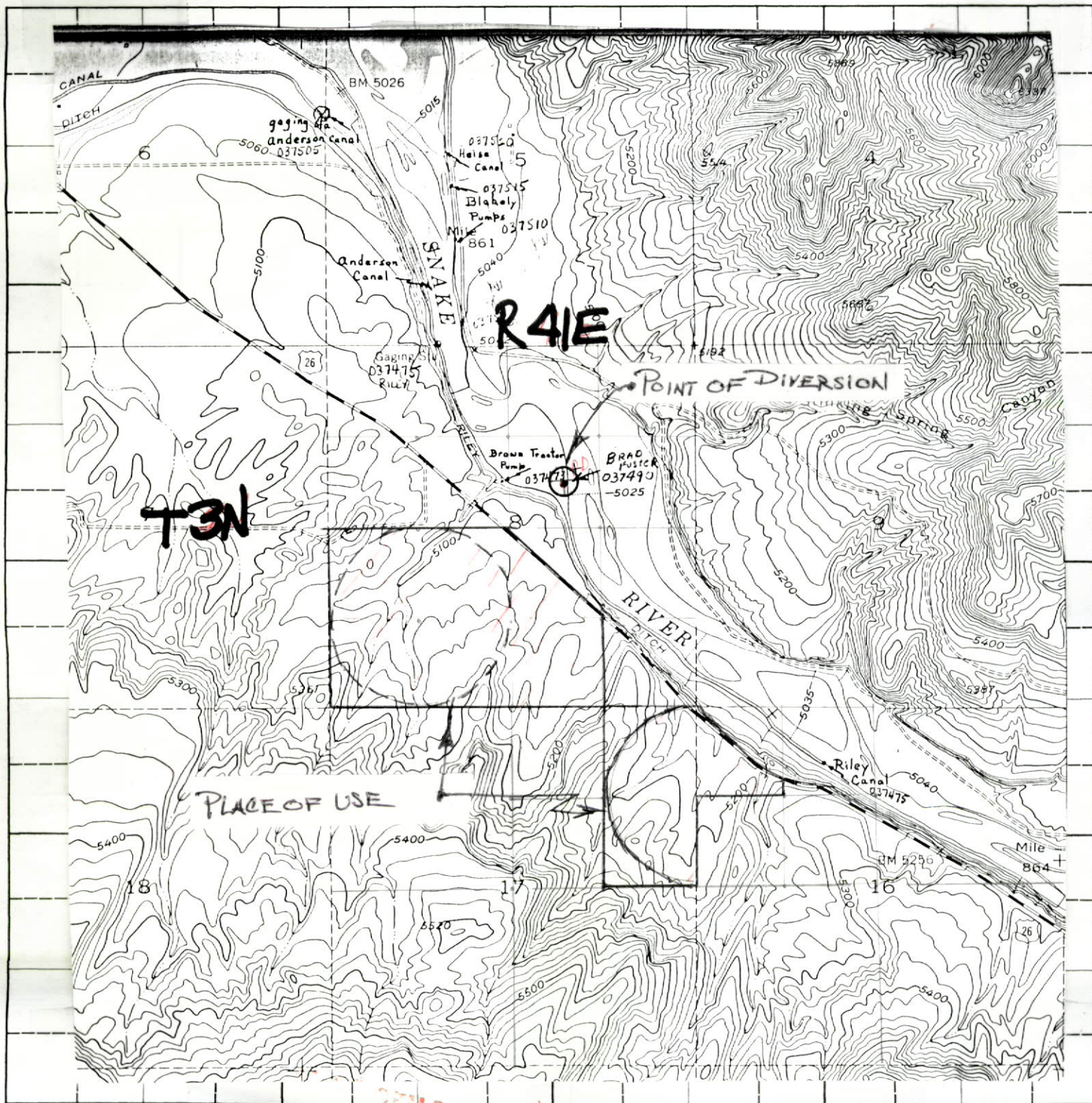


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

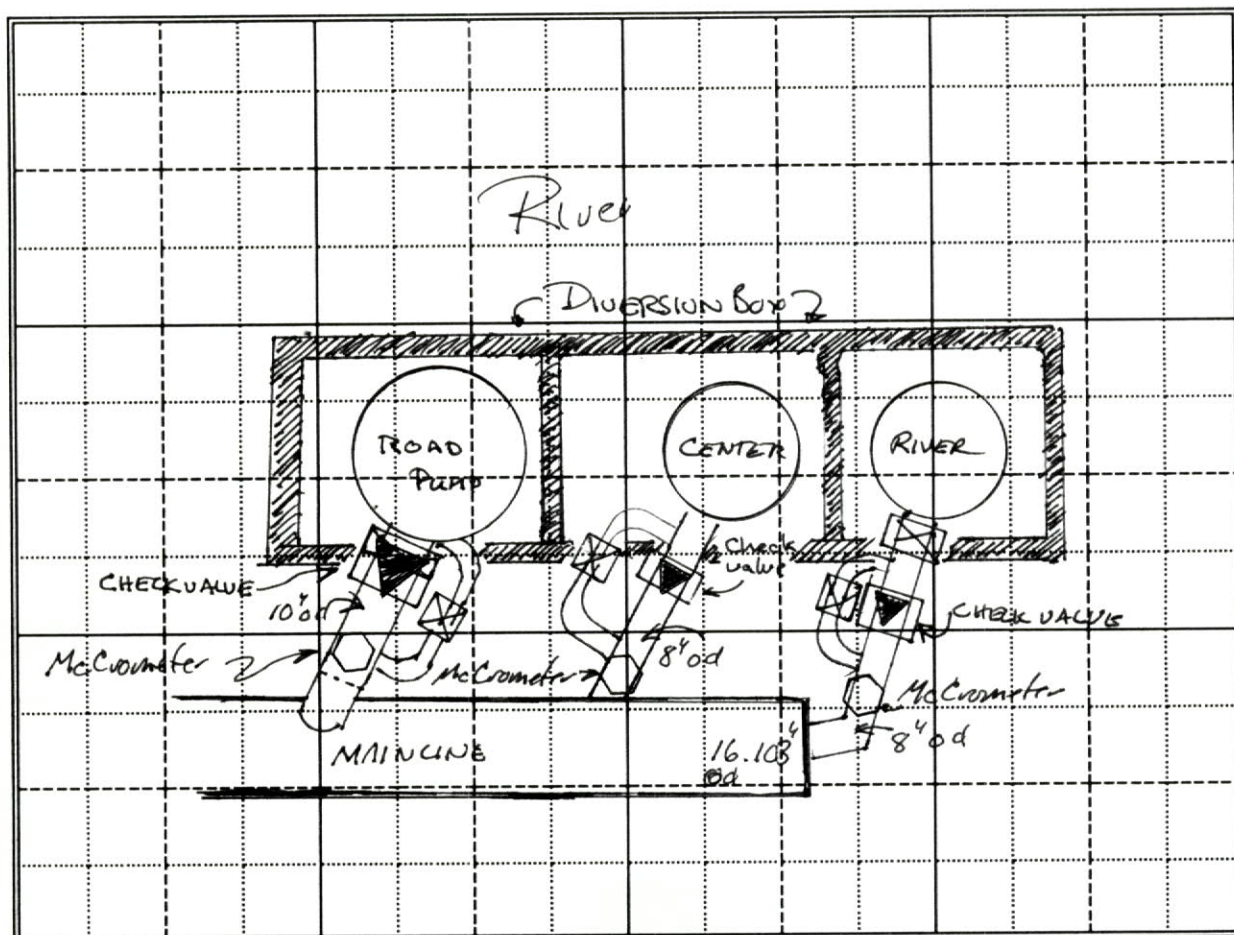


Scale: 2 inches equal 1 mile.

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.

Rainbow Inc
 (Applicant)
Rich Wheeler Pres.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River	GE	200	BXJ229113	Verlime Aurora	3x470133
CENTER	GE	100	BXJ229296	Verlime Aurora	3x4701341
Road	GE	200	CLJ319118	JOHNSON	PG14134

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
FLOW METER (Road)	Totalizing	McCrometer	-	76-8-2272		
FLOW METER (Center)	Totalizing	McCrometer	-	76-8-2268		BROKEN
FLOW METER (River)	Totalizing	McCrometer		76-8-2273		

2. Measurements:

total 2850 gpm measured 1400gpm (river) 900 (mid) 550gpm ROAD

$$CFS = \frac{2850 \text{ gpm}}{448.83} = 6.35 \text{ cfs}$$

18 | 17
19 | 20

17 | 16
20 | 21

7 | 8
18 | 17

6 | 5
7 | 8

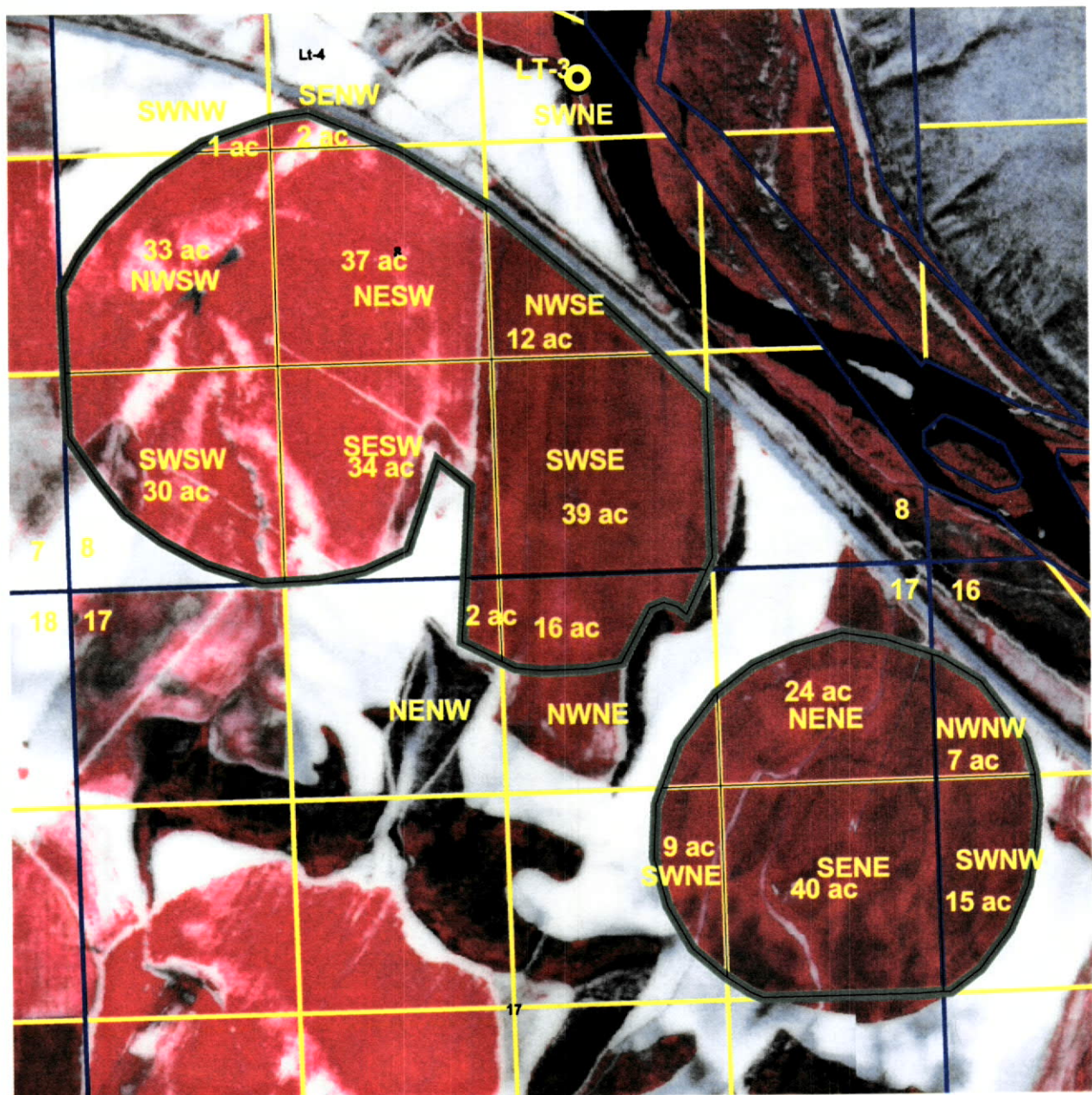
11 | 10
12 | 13

01-07090



01-07090

03N 41E SEC. 8,17,18

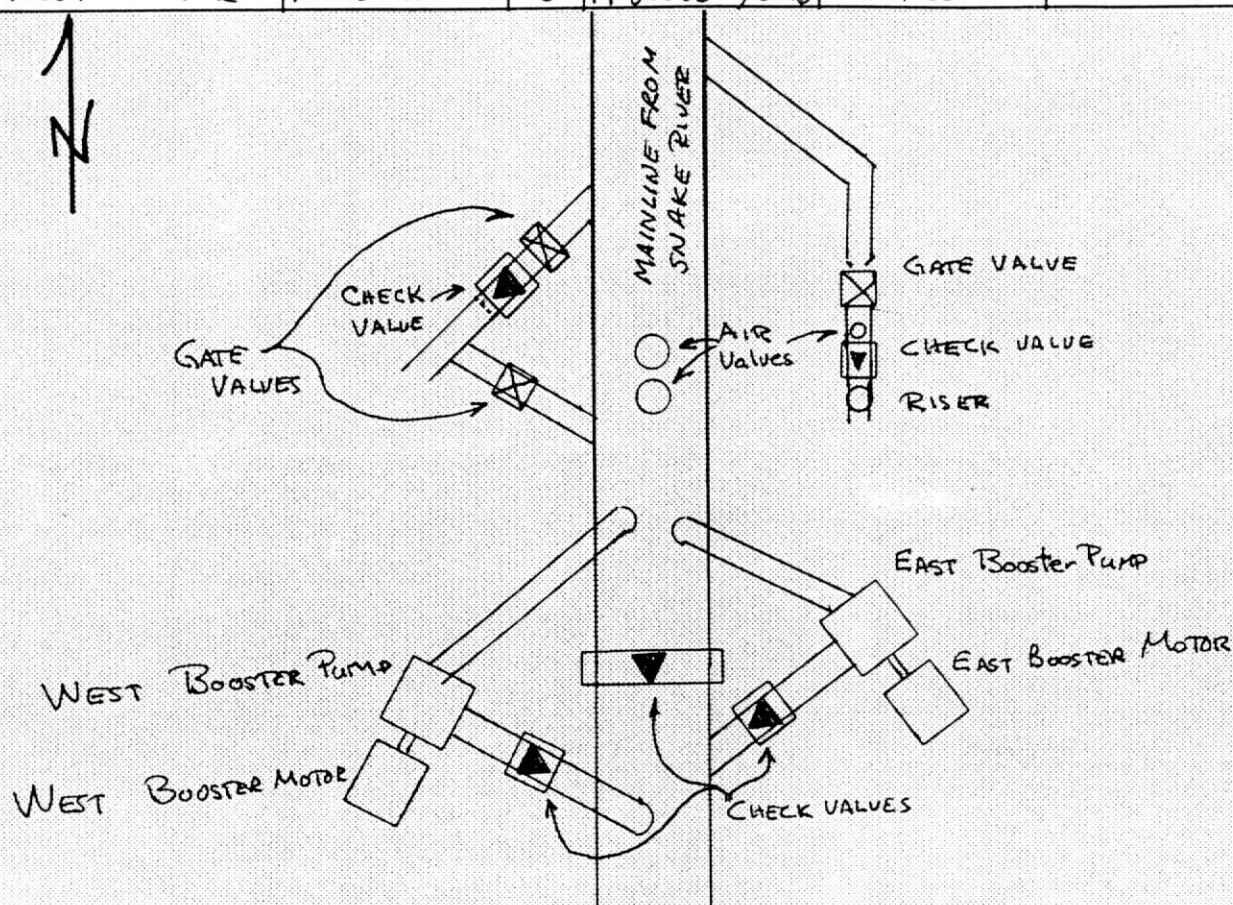


POINT OF DIVERSION



PLACE OF USE

BOOSTER Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
EAST BOOSTER	Marathon	100	19-03700-6/18-02	CORNELL	75314
WEST BOOSTER	Marathon	75	19-00836-12/20-16	CORNELL	42470



BOOSTER SYSTEM

PERMIT # 01-07090



POINT OF
DIVERSION

SNAKE RIVER

SNAKE RIVER



01-07090

BOOSTER SYSTEM

EAST
Booster

WEST
Booster

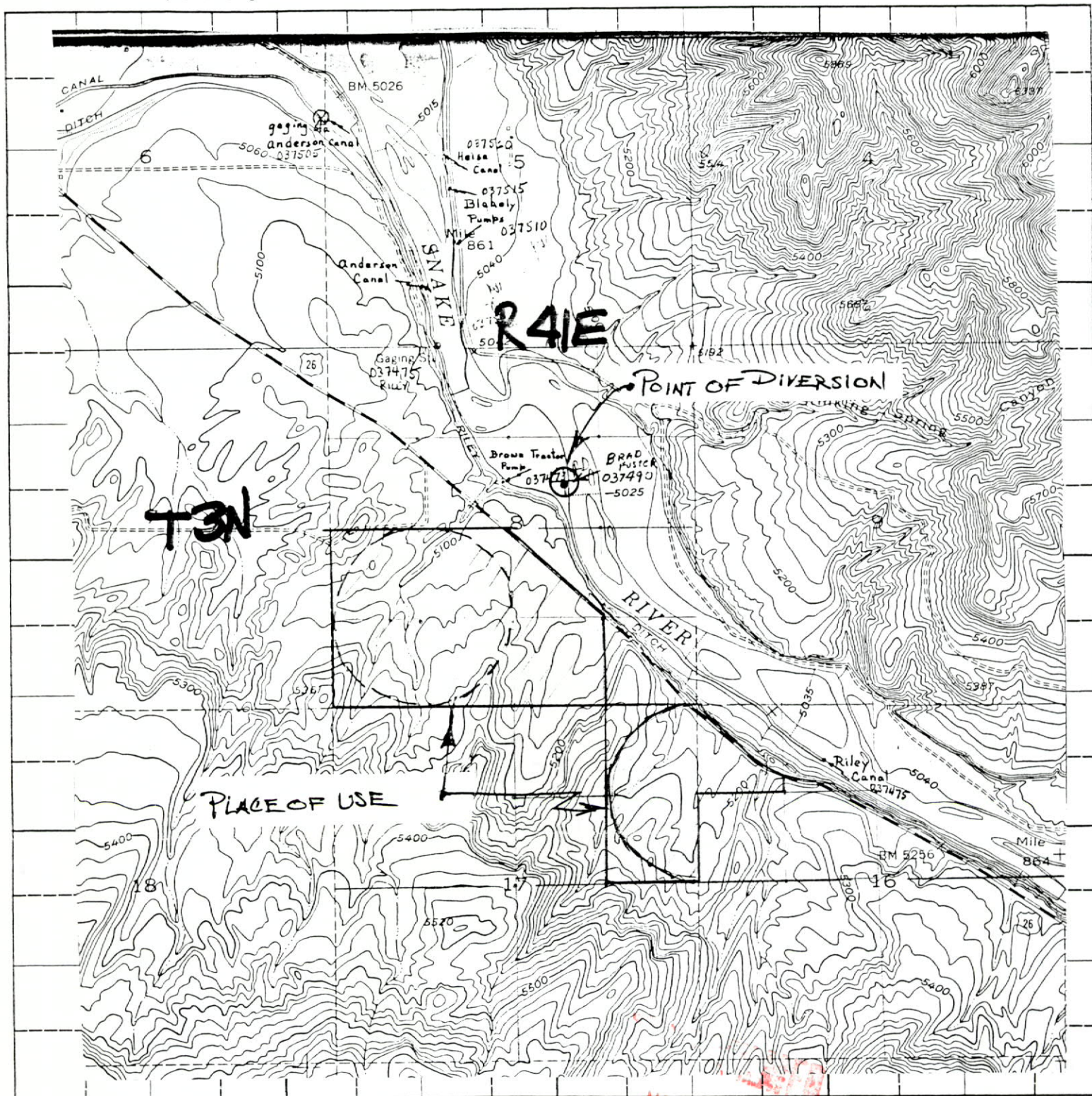
MAINLINE FROM
Snake River



VIEW TO SOUTH

01-07090

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.

NOV 08 1991

Rainbow Inc
 (Applicant)
Deik Wheeler Pres.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 01-07090

Proposed Priority: April 30, 1987 Maximum Diversion Rate: 6.00 CFS
This is to certify, that FOSTER LAND & CATTLE
PO BOX 308
RIGBY ID 83442
has applied for a permit to appropriate water from:

SNAKE RIVER tributary of COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	6.00 CFS

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

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 41E 8	NESW 36	NWSW 36	SWSW 36	
	SESW 36	NWSE 25	SWSE 40	209
16	NWNW 20			20
17	NENE 36	SENE 36		72

Total number of acres irrigated: 301

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this right 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 right.
5. 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.
6. 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.
7. No water may be diverted under this right until adequate supplemental water is obtained for the irrigation seasons when the natural flow is not available.

NOV 08 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

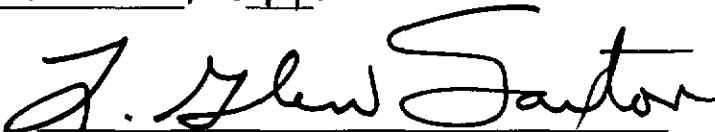
NO. 01-07090

CONDITIONS/REMARKS:

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 right 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

3rd day of October, 1991.

for 
R. Keith Higginson, Director

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NOV 08 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	01-07090	Rainbow Inc.	6.00
Full Assignment	01-07090	Foster Land & Cattle	6.00

RECORDED

NOV 08 1991

RECEIVED
SEP 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources ASSIGNMENT OF APPLICATION FOR PERMIT

I, Rainbow Inc., hereby assign to Foster Land & Cattle
of, P.O. Box 308 Rigby, Idaho 83442
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 01-7090 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 26TH day of SEPTEMBER, 1991

[Signature]
Rainbow Inc.

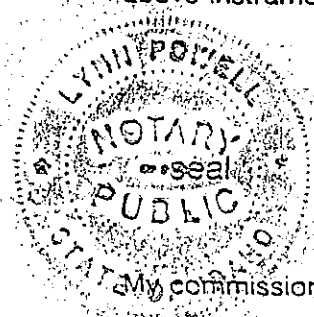
Pres
Applicant

State of Idaho)

SS

County of JEFFERSON)

On this 26TH day of SEPTEMBER 91, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.



My commission expires: 5/1/96

[Signature]

Notary Public

NOV 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Rainbow, Inc. Phone 529-9095
Post office address c/o Dick Wheeler, Rt. 3, Box 274, Idaho Falls, ID 83401 ⁴
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 6.00cfs for Irrigation purposes from 5/15 to 9/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.00 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2 - 100 HP turbine pumps.
1 - Quarter section 2 - Handlines 1- 90 acre pivot
 - 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).

NOV 08 1991

8. Description of proposed uses (if irrigation only, go to item 9): 301 06 201

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	8									36	36	36	36		25	40		209
		17	36			36													72
		16						20											20

Total number of acres to be irrigated 301

10. Describe any other water rights used for the same purposes as described above. 373 Shares of Palisades Waterusers, Inc.

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? Rainbow Inc., Dick Wheeler

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

12. Remarks: _____

NOV 08 1991

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.

Rainbow Inc
(Applicant)
Dick Wheeler Pres.

Assisted by RDC

Received by MD Date 4-30-1987 Time 10:45 A Preliminary check by EE
Fee \$ 145.00 Receipted by MD # 41167 Date 4-30-1987
Publication prepared by RB Date 2-18-90 Published in Last Register
Publication approved ew Date 2-20-90

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.

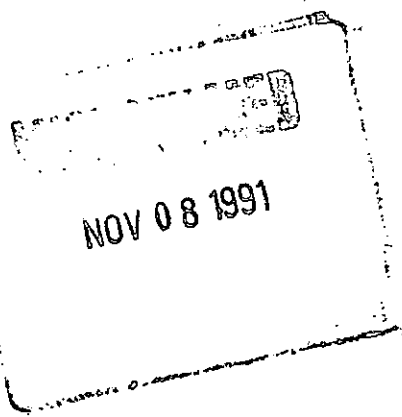
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 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:



State of Idaho and described as follows: Bonneville,

TRACT I

Rain Inc

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 7:

SE1/4SW1/4; SW1/4SE1/4; SE1/4SE1/4.

Section 8:

SW1/4NW1/4; W1/2SW1/4; SE1/4SW1/4; Lot 1 (SE1/4SE1/4), all lying South of the South right of way line of U. S. Highway No. 26.

Section 16:

The West 650 feet of the Northwest Quarter lying South of the South right of way line of U. S. Highway No. 26.

(Continued)

Section 17:

Northeast Quarter lying South of the South right of way line of U. S. Highway No. 26; NE1/4NW1/4; and the SE1/4NW1/4 lying North and East of the diagonal line running from the Northwest Corner of the SE1/4NW1/4 to the Southeast Corner of the SE1/4NW1/4.

Section 18:

NE1/4NE1/4 lying North and East of the diagonal line running from the Northwest Corner of the NE1/4NE1/4 to the Southeast Corner of the NE1/4NE1/4.

EXCEPTING THEREFROM THE ABOVE DESCRIBED PARCELS OF LAND: Any highway or county road right of ways.

TRACT II

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho.

Section 8:

NE1/4SW1/4 and W1/2SE1/4 lying South of the South right of way line of U.S. Highway No. 26.

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

The following parcel of land to be included in the mortgage: Together with a plot of land containing the motor and pump facility located in and being part of the SW1/4 of the NE1/4 of Section 8, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, described as follows: Beginning at the SW corner of the NE1/4 of said Section 8 and running thence East 479 feet more or less along the East-West center line through Section 8; thence North 27° 25' East 197 feet more or less to the canyon rim of the Snake River Gorge; thence North 39° 26' East 106 feet, more or less, to the true point of beginning and running thence South 30° 34' East 85.8 feet; thence North 12° 26' East 117.3 feet; thence North 30° 34' West 70.0 feet; thence South 59° 26' West 80 feet; thence South 30° 34' East 70 feet to the true point of beginning containing 0.2 acres more or less.

Together with such rights of access and egress as Grantor may now possess to said motor and pump facility over the existing abandoned U.S. Highway 26, county roads and the Riley Ditch access road.

RECORDED
NOV 08 1991

**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 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
SESW 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 cri-
teria 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: February 1, 8, 1990

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NOV 08 1991

Proof of Publication
The Post-Register

RECEIVED

FEB 15 1990

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene, first being duly sworn, depose and say: That I am the
..... Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for ... two consecutive weeks, first publication having been made
on the 1st day of February 19⁹⁰, last publication
having been made on the 8th day of February 19⁹⁰, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ... 13th ... day of

..... Ted Delezene
..... Leon R. Napier
Notary Public

My commission expires . September . 30 , 19⁹⁴ ..

B10

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NOV 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 13 2002
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 01-07090

1. Owner: FOSTER LAND & CATTLE Phone No. 745-7795

Current Address: PO BOX 308 RIGBY, ID

2. Accompanied by: NONE EXAM DATE: 9-7-1997

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Snake River, South Fork tributary to Snake River

B. OVERLAP REVIEW

- Other water rights with the same place of use: 01-10214 Snake River Palisade Water Users
- Other water rights with the same point of diversion: 01-10214 (CALLED REDIVERSION PUMP)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	3		SW	NE	8	3N	4E	Bonneville	FE/ASCS map

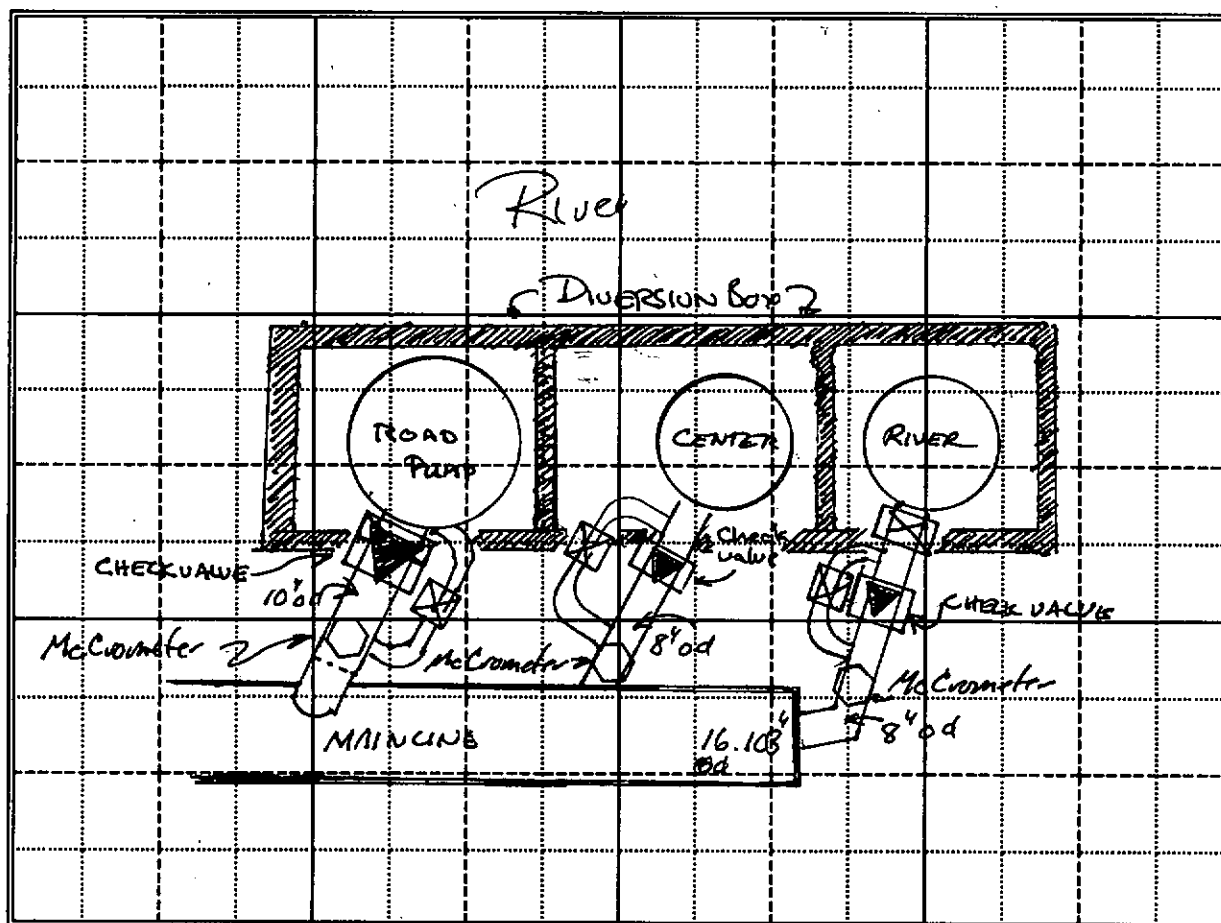
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4E	8							1	2	37	33	30	34		12	39		188
									LT-4										
		16						7	15										22
								LT 4											
		17	24	16	9	40	2												91

301

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River	GE	200	BxJ229113	Verilim Aurora	3x470133
CENTER	GE	100	BxJ229296	Verilim Aurora	3x4701341
Road	GE	200	CLT319118	JOHNSON	PG14134

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter (Road)	Totalizing	McCombs	-	76-8-2272		
Flow Meter (Center)	Totalizing	McCombs	-	76-8-2268		BROKEN

2. Measurements: Flow Meter (River) Totalizing, McCombs

76-8-2273

total 2850 gpm measured 1400gpm (river) 900 (m.i.o) 550gpm ROAD

$$CFS = \frac{2850 \text{ gpm}}{448.83} = 6.35 \text{ CFS}$$

01-07090



17 16
20 21

18 19
19 20

18 17
7 8

6 5
7 8

Booster System

Point of Diversion

See Map BB-2

19.49
19.328

6.0
8.3

Route of Diversion

103.0

T 2432

21.3

47.8

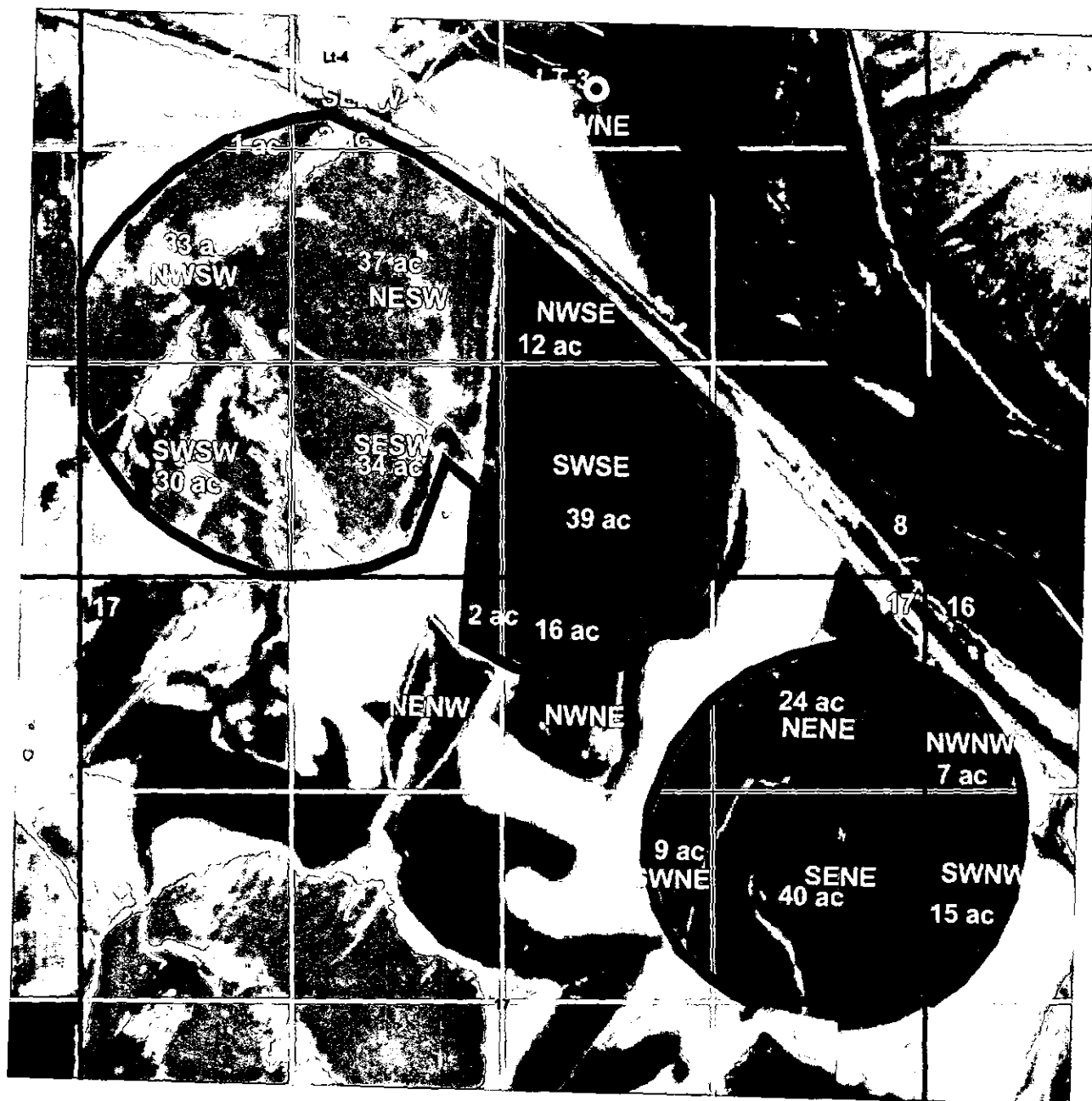
23.7

16.9

63.3

01-07090

03N 41E SEC. 8,17,18

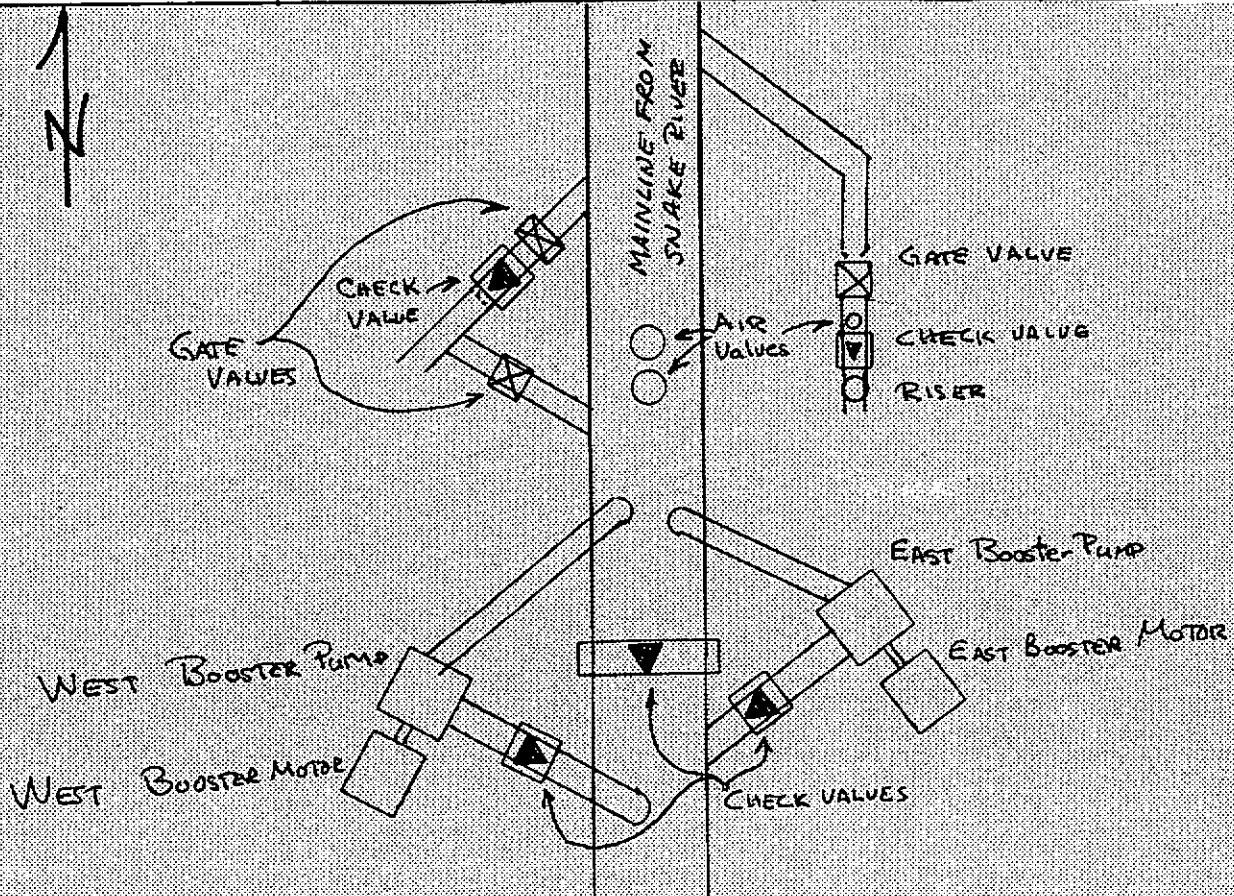


⊙ POINT OF DIVERSION



PLACE OF USE

BOOSTER Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
EAST BOOSTER	Marathon	100	19-03700-6/18-02	CORNELL	75314
WEST BOOSTER	Marathon	75	19-00836-12/20-16	CORNELL	42470



BOOSTER SYSTEM

PERMIT # 01-07090



POINT OF
DIVERSION

SNAKE RIVER

SNAKE RIVER



01-07090

BOOSTER SYSTEM

EAST
Booster

WEST
Booster

MAINLINE FROM
Snake River



VIEW TO SOUTH

01-07090

E. NARRATIVE/REMARKS/COMMENTS

3 pumps in the river - booster up on highway
to 2 pivots and handlines

0.15 mile Road to diversion

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONSMeasured Method: totalizing meter _____ Additional Computation Sheets Attached

$$\frac{2850 \text{ gpm}}{448.83} = 6.35 \quad \text{MAX permit} = 6.00$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 301 \times 4 = 1204$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.00(214)(1.9835) = 2547 \text{ AF/A}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1204 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	6.00 cfs	1204 AF/A
Totals:			6.00 cfs	1204 AF/A

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

DAVE CARLSON

Date

5/7/2002

Reviewer

J. W. Jones

Date

5-7-02

SEAL

October 2, 1992

FOSTER LAND & CATTLE
PO BOX 308
RIGBY ID 83442

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 01-07090

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
OCT 22 1992

RECEIVED
SEP 25 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 01-07090 Telephone No. (208) 745-7745
2. Name(s) of Permit Holder(s): FOSTER LAND & CATTLE
3. Mailing Address: P.O. Box 308 RIGBY, IDAHO 83442
4. Source of Water: SNAKE RIVER SERVICE WATER

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 301 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 6.00 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? L Yes _____ No Installed? ✓ Yes _____ No

4 Rockable

OR

Flow Measurement Port: Required? _____ Yes ✓ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 225.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Boyd Foster Telephone No. 745-6936 (Home) 525-3510 (MOBILE)

Address 353 NORTH 4300 E. RIGBY, IDAHO 83442

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.

RECEIVED
OCT 22 1992

Date 9/15/92 Signature (and title, if on behalf of a company or organization) FOSTER LAND & CATTLE Co, By Boyd Foster (PARTNER)

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 01-07090

Reviewed by Klg

Date 9/25/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate - 301
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
225 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 9/25/92
10/2/92 Klg

July 31, 1992

FOSTER LAND & CATTLE
PO BOX 308
RIGBY ID 83442

PROOF DUE NOTICE

RE: PERMIT NO. 01-07090

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 October 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.

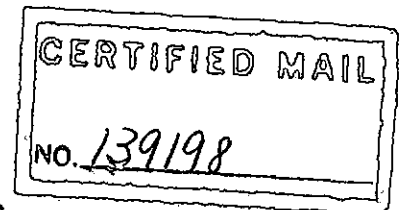
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



MICROFILMED

OCT 22 1992



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

October 9, 1991

FOSTER LAND & CATTLE
PO BOX 308
RIGBY ID 83442

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 01-07090

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.

We also acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

RECEIVED
NOV 14 1991

NOV 08 1991

DATE 10-01-91

FROM Cam Skaggs

TO File # 01-7090

SUBJECT Assignment Signature

Rea telecon of Tim Luke & Mike Crapo, Neil Brown is current owner of Rainbow Inc. and holds title of President of the Corporation.

RECEIVED
NOV 08 1991

NOV 28 1991

Cam Skaggs

SIGNATURE

*Tim
Holden*

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 51030
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

September 27, 1991

Tim Luke
Sr. Water Resource Spec.
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Tim:

Enclosed please find the signed "Assignment of Application for Permit" whereby Rainbow, Inc., has assigned to Foster Land and Cattle Company all of its right, title and interest in Application for Permit No. 01-7090.

Please advise me if anything further is needed in this regard.

Very truly yours,

Mike

Michael D. Crapo

MDC/2608j/sb
Enc.

NOV 08 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 16, 1991

Rainbow, Inc.
Dick Wheeler
4349 So. Holmes
Idaho Falls, ID 83404

RE: Application for Permit No. 01-07090

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On April 30, 1987 you filed with the Department of Water Resources (Department) Application for Permit No. 01-7090 which proposed the diversion of 6.00 cubic feet per second from the Snake River for the irrigation of 301 acres.

Since receiving the application, the Department has received correspondence concerning this application from Foster Agro, c/o Boyd Foster. On April 3, April 29, May 21, and June 27, 1991, the Department sent correspondence to Mr. Foster requesting an assignment from Rainbow, Inc., to Foster Agro. The Department's notice of May 21, 1991 advised Foster that failure to obtain the assignment within thirty (30) days was cause for the Department to void the application.

The purpose of this notice is to provide a final opportunity for you to submit the assignment. Pursuant to Section 42-204, Idaho Code, the Department may void applications for which requested information is not submitted. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Section 42-204, Idaho Code.

Please contact me if you have questions concerning this matter.

Sincerely,

TIM LUKE

Sr. Water Resource Spec.

NOV 08 1991

Enclosure

cc: Boyd Foster
Sen. Michael Crapo



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.

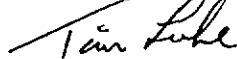
As I understand, these lands will also be covered by the 20 year water bank lease agreement approved by the Board's January 17, 1991 resolution. The land list with the original lease agreement identified lands adjacent to Willow Creek and Ririe Reservoir. Much of the land under the original land list 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.

RECEIVED
NOV 08 1991

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,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

Sr. Water Resource Spec.

MAILED
NOV 08 1991

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
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WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

June 18, 1991

RECEIVED
JUN 20 1991

Department of Water Resources

Mr. Tim Luke
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Foster--Water Bank Addendum/Second Addendum

Dear Tim:

Last May, you provided me your review of the proposed Second Addendum to the Foster--Water Bank Lease. In your review, you attached a summary of the place of use water right overlap report which you made. You had placed check marks on those tracts which are listed in the Addendum and which are also covered by an appurtenant water right filing owned by the Fosters. You circled however locations that did not have any appurtenant filings or which had only appurtenant ground water filings owned by other individuals.

I have reviewed these matters with the Fosters and we have determined that each of the portions of the legal description which you circled are actually farmed as dry ground in the Foster operation. Accordingly, I was in error in including them in the proposed Second Addendum to Lease Agreement. I have included herewith a new proposed Second Addendum to Lease Agreement which deletes the following property:

Section 7: SE1/4SW1/4; SW1/4SE1/4; SE1/4SE1/4. ✓

Section 8: SW1/4NW1/4 and Lot 1 (SE1/4SE1/4), all ✓
lying South of the South right of way of U. S.
Highway No. 26.

Section 17: NE1/4NW1/4. ✓

MISFILED
NOV 08 1991

Mr. Tim Luke
Page Two
June 18, 1991

With these changes, I believe that the Second Addendum to Lease Agreement should now be satisfactory. You also had raised the question as to whether it was correct that the Rainbow filing covers only eight acres in the southeast quarter of the southwest quarter of Section 17. Mr. Foster indicates to me that it is correct that only eight acres are covered in that quarter. You also raised the question as to whether the Rainbow, Inc. filing needs to be amended to include any additional lands in the northeast quarters of Section 17. This may necessitate an additional filing or an amendment to the Rainbow, Inc. filing.

Could you please call me when you have reviewed the present form of the Second Addendum to Lease Agreement so that we can discuss any further actions that need to be taken before submitting.

Thank you for your assistance on this matter.

Very truly yours,



Michael D. Crapo

MDC:as
#5388.00
3907h

Enclosure

cc: Mr. Brad Foster

25-7567
- 7494B
- 7592
01-7091
NOV 08 1991

DRAFT

Date 6-18-91

SECOND ADDENDUM TO LEASE AGREEMENT

This is a Second Addendum to Lease Agreement, entered into by and between the IDAHO WATER RESOURCE BOARD acting through its duly appointed local committee, the Committee of Nine, functioning as the Advisory Committee for the State Water District 01, whose mailing address is 150 Shoup Avenue #15, Idaho Falls, Idaho, 83402, hereinafter referred to as the "Local Committee", and BRAD FOSTER, an individual, and BOYD FOSTER, an individual, whose mailing is P. O. Box 308, Rigby, Idaho, 83442, hereinafter referred to collectively as "Lessee".

RECITALS

A. The parties entered into a Lease Agreement on November 19, 1990, for the rental of water by Lessee from the Upper Snake River Rental Pool for a 20-year term subject to approval by the Idaho Water Resource Board.

B. The Idaho Water Resource Board by resolution passed on January 17, 1991, approved the November 19, 1990, Lease Agreement, provided that it be modified as necessary to include seven specific provisions listed in the resolution.

C. The modifications required by the Water Resource Board were included in an Addendum to Lease Agreement which was approved and executed by R. Keith Higginson, Director of the Idaho Department of Water Resources on April 22, 1991.

D. The parties desire to enter this Second Addendum to the Lease Agreement to add additional real property upon which the lease water may be utilized. No other changes to the lease agreement are made hereby.

In consideration of the promises stated, the parties agree that the Lease Agreement of November 19, 1990, entered into by and between the parties is amended by the addition of the following terms and conditions:

1. The legal description in Exhibit "A" is hereby amended by adding the following:

RECEIVED

NOV 08 1991

Recommend submitting maps w/ these

Lower Rush Bed.

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho.

Section 8:

W1/2SW1/4; SE1/4SW1/4, all lying South of the South right of way line of U. S. Highway No. 26; NE1/4SW1/4 and W1/2SE1/4 lying South of the South right of way line of U. S. Highway No. 26; ✓

Also beginning at the SW corner of the NE1/4 of said Section 8 and running thence East 479 feet more or less along the East-West center line through Section 8; thence North 27°25' East 197 feet more or less to the canyon rim of the Snake River Gorge; thence North 39°26' East 106 feet, more or less, to the true point of beginning and running thence South 30°34' East 85.8 feet; thence North 12°26' East 117.3 feet; thence North 30°34' West 70.0 feet; thence South 59°26' West 80 feet; thence South 30°34' East 70 feet to the true point of beginning containing 0.2 acres more or less.

Section 16:

The West 650 feet of the Northwest Quarter lying South of the South right of way line of U. S. Highway No. 26. ✓

Section 17:

Northeast Quarter lying South of the South right of way line of U. S. Highway No. 26; (and the SE1/4NW1/4 lying North and East of the diagonal line running from the Northwest Corner of the SE1/4NW1/4 to the Southeast Corner of the SE1/4NW1/4.)

*need to cover:
W 1/2 NE 1/4
not covered
also what about
NE NW 1/4*

OK ✓

Section 18:

NE1/4NE1/4 lying North and East of the diagonal line running from the Northwest Corner of the NE1/4NE1/4 to the Southeast Corner of the NE1/4NE1/4.

*this is 20 acres
abt on
either App.*

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NOV 08 1991

Upper Rush Bed.

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho.

Section 17:

SE1/4SW1/4; S1/2NW1/4

Section 18:

~~SE1/4NE1/4; E1/2NW1/4~~

Replace w/ S1/2 NE; Also NW NE, & NENE lying south of ROW;
N1/2 SE

2. All other provisions of the Lease Agreement and the Addendum to Lease Agreement shall remain in full force and effect.

3. This Second Addendum to Lease Agreement is executed in duplicate. Each of the two documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have caused their names to be subscribed as of the dates set forth below.

THE COMMITTEE OF NINE IN ITS
CAPACITY AS THE LOCAL COMMITTEE FOR
THE IDAHO WATER RESOURCE BOARD WATER
SUPPLY BANK

DATED: _____

By: _____
Ronald D. Carlson, Watermaster
of Water District 01, Special
Member of the Committee of Nine
and Manager of the Upper Snake
Rental Pool

DATED: _____

Brad Foster

DATED: _____

Boyd Foster

NOV 08 1991

IDAHO DEPARTMENT OF WATER RESOURCES
APPROVAL AS TO COMPLIANCE WITH IDAHO
CODE §42-1763

DATED: _____

By: _____
R. Keith Higginson, Director

STATE OF IDAHO)
)ss.
County of Bonneville)

On this _____ day of _____, in the year 1991,
before me, the undersigned, a Notary Public in and for said
state, personally appeared RONALD D. CARLSON, known or
identified to me to be the Watermaster of Water District 01 and
a Special Member of the Committee of Nine, the entity that
executed the instrument or the person who executed the
instrument on behalf of said entity, and acknowledged to me
that such entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

(seal)

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

RECEIVED

NOV 08 1991

STATE OF IDAHO)
) ss.
County of _____)

On the _____ day of _____, in the year of 1991,
before me, the undersigned, a Notary Public, in and for said
State, personally appeared BRAD FOSTER, known or identified to
me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of _____)

On the _____ day of _____, in the year of 1991,
before me, the undersigned, a Notary Public, in and for said
State, personally appeared BOYD FOSTER, known or identified to
me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

RECORDED
NOV 08 1991

STATE OF IDAHO)
)ss.
County of Ada)

On this _____ day of _____, in the year 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared R. KEITH HIGGINSON, known or identified to me to be the Director of the Idaho Department of Water Resources, the entity that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: _____

884li/as

NOV 08 1991

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 identify 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.

MINNESOTA

NOV 08 1991



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

May 21, 1991

Foster Agro
Boyd Foster
P.O. Box 308
Rigby, ID 83442

RE: Application for Permit No. 01-7090

Dear Mr. Foster:

The Department has contacted you twice previously concerning the above referenced application for permit. Before this application can be approved, an assignment from the applicant of record, Rainbow Inc., c/o Dick Wheeler, to Foster Agro must be filed with this office.

In the event the previous letters have been lost in the mail or misplaced, I am again enclosing an assignment form for your convenience. If the assignment is not received within the next 30 days, I will assume you have no further interest in the application and will take steps to void it. Thank you for your cooperation in this matter.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Technical Records Specialist

Enclosure

NOV 08 1991



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

April 29, 1991

Foster Agro
Boyd Foster
P.O. Box 308
Rigby, ID 83442

RE: Application for Permit #01-7090

Dear Mr. Foster:

The above referenced application for permit reached my office for final review and processing. Tim Luke from our State Office has been corresponding with you concerning this application. His letter of April 3, 1991 noted that the records of the Department still list Rainbow, Inc., c/o Dick Wheeler as applicant of record and that this application should be assigned to you prior to our approving the application. The assignment has not been received by the Department as of this date.

The application is being held pending receipt of the assignment. In the event the assignment has been lost in the mail, I am enclosing another form for your convenience. Please have Mr. Wheeler complete and return the form to our office in Boise and mark it to my attention. I will continue to hold the application for 15 days pending your reply or receipt of the assignment, before taking further action. Thank you for your cooperation in this matter.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

Enclosure

RECEIVED

NOV 08 1991

ACTION REQUIRED

FROM:

Tim

TO:

Pam

Apps. 01-7080 & 01-7091

These apps. are eligible for further processing. I have reviewed Rule 4, 5. info. - see my memo of 4-2-91. I would suggest using Condition No. 035 for both records - you may want to check w/ Jim or Skipper first. Delay final processing of 01-7080 until we receive Assignment.

SEARCHED
SERIALIZED
INDEXED
FILED

NOV 08 1991

APPLICATION FOR PERMIT REVIEW

Application #: 01-7090
Date: 4-3-91

Reviewer: Pam Skaggs ²⁸

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. 01
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 10-01-1992 ²⁸

Other Conditions Recommended 4.5.3 Data reviewed & waived per Jim Luke's Memo
4-2-91



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

April 3, 1991

Foster Agro
Boyd Foster
P.O. Box 308
Rigby, ID 83442

RE: Application for Permit No. 01-7090

Dear Mr. Foster:

The above referenced application along with application no. 01-7091 has been forwarded to the state office for final review and processing.

I note from the records of the department that Rainbow, Inc., c/o Dick Wheeler, is still listed as the applicant of record for application no. 01-7090. This application should be assigned to you by Mr. Wheeler prior to our approving the application to permit. I have enclosed an assignment form for your use. Please have Mr. Wheeler complete and return the form to our office in Boise and mark the same to my attention.

The assignment should be returned to our office as soon as possible in order to avoid further delays in approval of the application. I will recommend continued processing of application no. 01-7091.

Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

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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 omitted. 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 these 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.

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March 20, 1991

MAR 27 1991

Department of Water Resources
Eastern District Office

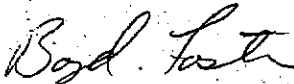
Tim Luke
Sr. Water Resource Agent
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Luke:

In response to your letter requesting more information relative to Application For Permit #017090.

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 320 acre feet. The peak demand per year will be 6 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 quantity 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
FOSTER AGRO, INC.

BF/lf

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Rainbow, Inc. Phone 529-9095
Post office address c/o Dick Wheeler, Rt. 37, Box 274, 4349 S. Holmes, Idaho Falls, ID 83401
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 6.00 cfs for Irrigation purposes from 5/15 to 9/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.00 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.
1 - Quarter section 2 - Handlines 1- 90 acre pivot
 - 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).

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	8									36	36	36	36		25	40		209
		17	36			36													72
		16					20												20

Total number of acres to be irrigated 301

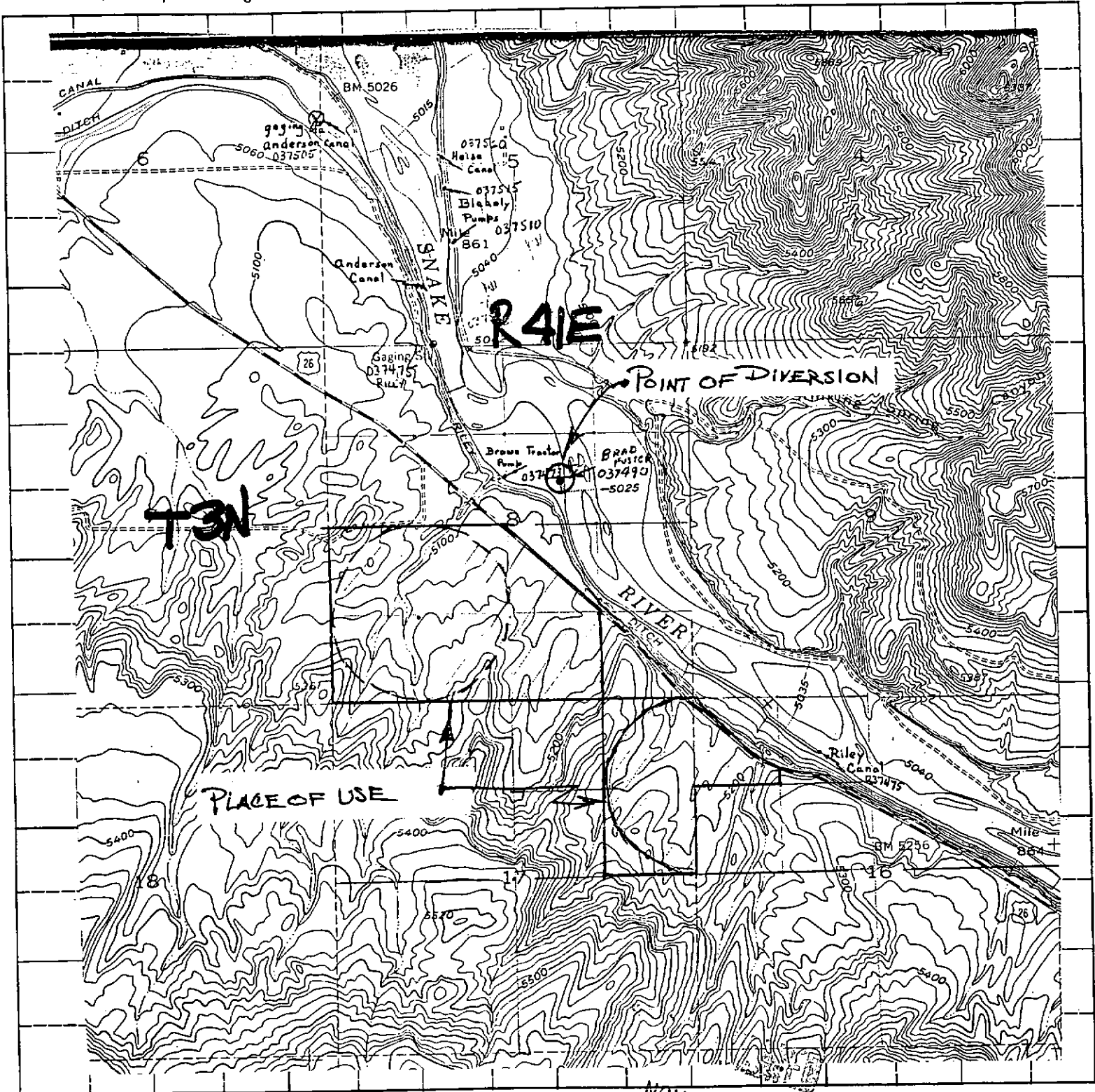
10. Describe any other water rights used for the same purposes as described above. 373 Shares of Palisades Waterusers, Inc.

- Who owns the property at the point of diversion? L - Bar Acres (Neil Brown)
- Who owns the land to be irrigated or place of use? Rainbow Inc., Dick Wheeler
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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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.

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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.

Rainbow Inc
Rich Wheeler Pres.
 (Applicant)

RAINBOW INC.
C/O DICK WHEELER
4349 S. HOLMES
IDAHO FALLS, ID 83404

MR WHEELER:

YOU FILED APPLICATION NO. 01-07090 WITH THE DEPARTMENT OF WATER RESOURCES SEEKING APPROPRIATION OF 6.00 CFS FROM GROUNDWATER FOR IRRIGATION OF 301 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 MARCH 31, 1990. FAILURE TO DO SO MAY RESULT IN THE VOIDING OF YOUR APPLICATION.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: [Signature]

APPLICATION NUMBER: 0157090

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

*SWAN FALLS HOLD FILE

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other DWR

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 373 shares of Palisades water
☐ Yes ☒ No* In form for advertising.
☐ Yes ☒ No Final date for protests: 2-19-90
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2-15-90
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
4-30-1987 Date of priority recommended.
Special conditions of approval or cover letter. <015>, <05> 4001 Snake River,
<11A>

By: HWT

Date: 3-27-91

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MAR 29 1991

STATE OFFICE REVIEW:

Need Rule 4, 5, 6 data - Received

Department of Water Resources

- ☐ See attached sheet for more information.

By: _____

Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

4349 S. Holmes
J. F. 83404
Has been changed
in computer
RB

01g&049

FEB. 23, 1990

DICK WHEELER
4349 S. HOLMES
IDAHO FALLS, ID 83404

DEAR MR. WHEELER:

WE ARE CURRENTLY PROCESSING YOUR APPLICATIONS 01-07090
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 HIGHLIGHTED 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

NOV 08 1991

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 01-7090 and have the following comments/objections to the approval of this application for permit:

A 1987 permit on the south fork Snake river will only receive water early in the spring or above normal water years. The approval of this application should be tied to an adequate storage supply.

Jan 23, 90

Date


RONALD D. CARLSON, WATERMASTER
Water District No. 01

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STATE OF IDAHO
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.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

NOV 08 1991

Tributary: COLUMBIA RIVER

```

Use: IRRIGATION          ( 6.000 CFS)
      Total Diversion: ( 6.000 CFS)

```

In: T03N R41E S08	NESW	NWSW	SWSW	SESW
	NWSE	SWSE		
S16	NWNW			
S17	NENE	SENE		

301.0 ACRES TOTAL



NOV 08 1964

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

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

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24-Jan-1990

Dick Wheeler
Rt. 3, Box 274
Idaho Falls, ID 83401

RE: Application for Permit No. 01-7090

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

MAILED

NOV 08 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVE. N.
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

DATE:

6/1/87

TO:

Don Carlson

SEND COPY
TO ROSHOLT.

RE:

01-7090 - Rainbow, Inc.

Dear Ron,

Is This A Pay Back
Type Proposal or Just
A direct diversion?

MAYBE YOU BETTER SEND ME
A COPY OF THIS APALIZATION

Remains.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

8 1991

BY

Tom Rosholt

Sent
6-4-87
aw