11/18/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-60

NAME AND ADDRESS: CO-MORE DEVELOPMENT INC
3920 E SUNNYSIDE
IDAHO FALLS ID 83406

SOURCE: SNAKE RIVER — TRIBUTARY: COLUMBIA RIVER
DEER CREEK — TRIBUTARY: SOUTH FORK SNAKE RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SNAKE RIVER.

QUANTITY: 1.200 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-59 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.42 CFS.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T01N R44E S34 Lot 5 Within BONNEVILLE County

T01N R44E S35 Lot 6 Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.200 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S34 Lot	5	SENE	4.8	T01N R44E S35 Lot	6	NESW	38.0
T01N R44E S35		NWSW	5.3	T01N R44E S35 Lot	2	NWSW	8.9
T01N R44E S35 Lot	7	SESW	14.0				

71 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-59 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WHEN WATER IS AVAILABLE FROM DEER CREEK FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT AT THE ORIGINAL POINT OF DIVERSION IN T1N, R44E, SEC. 34 SENE (LOT 5). WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO SNAKE RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM SNAKE RIVER AT THE POINT OF REDIVERSION DESCRIBED ABOVE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

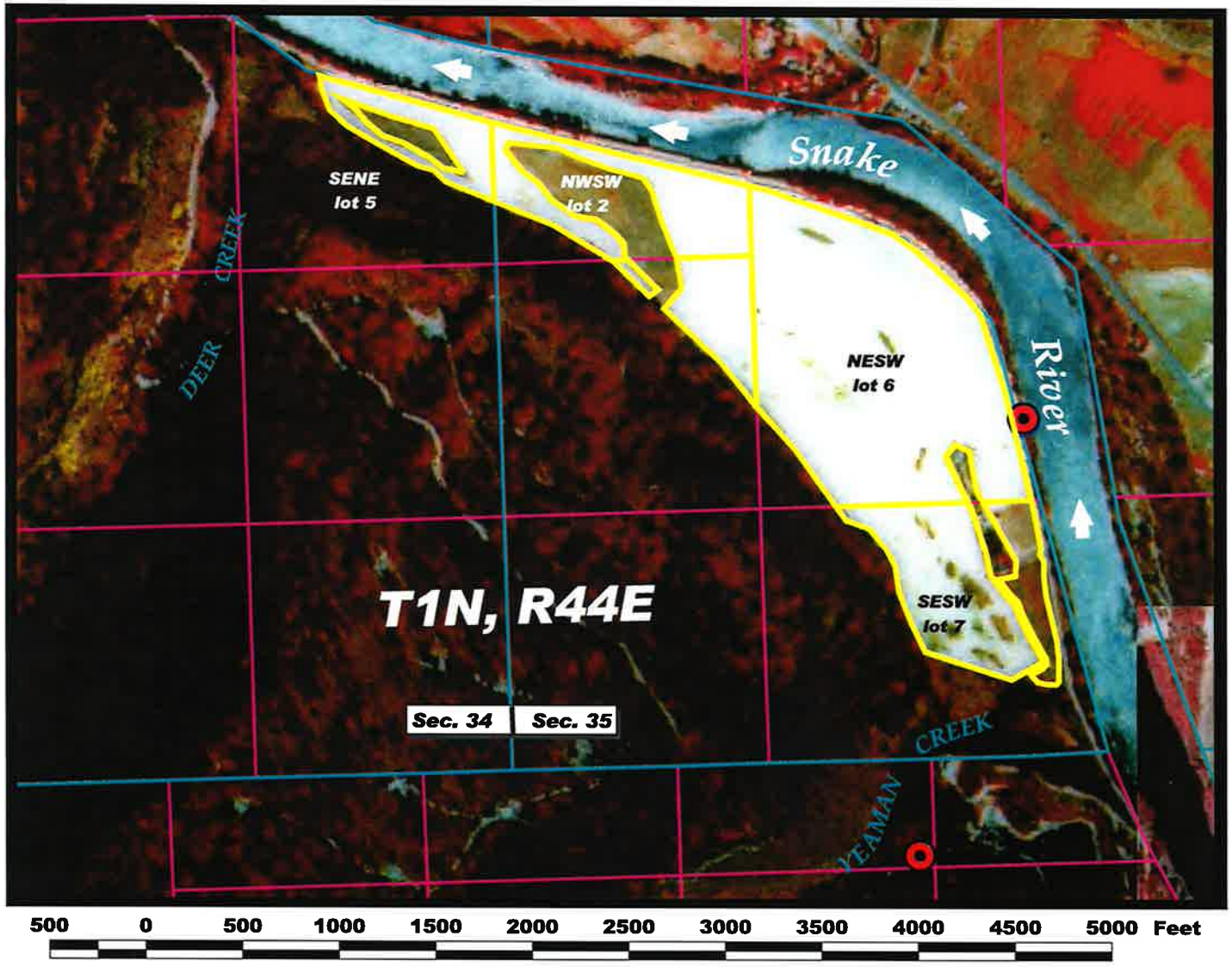
RIGHT NO. 23-59 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED
JUL 0 8 2004

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-00059
23-00060

Place of Use: (parts of)
T1N, R44E Sec. 34 SENE (L5),
T3N, R42E Sec. 35 NWSW (L2),
NESW (L6), SESW (L7), NWSW

Point(s) of Diversion:
T1N, R44E Sec. 35
SENESW (L6)

N
W E
S

LEGEND

- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: November 2003

Recommended as Claimed

1. See notes in 23-00059
2. Some question of Delivery from WD01.
3. No Tx moving rt from Deer Ck to River.
   Pump in River is Ok for storage water only.

   Accepted Xchange from Snake Riv. since 1978 - per Lyle Swanke WD01.
4. Exchange language and AC/Q limits apply.
5. Field Exam 8/19/03 - GPS Tag # A0009502
6. * Change of Ownership in 23-00059

Log for claim 23-00060 **Spatial Dynamics BTD** **5/29/01**

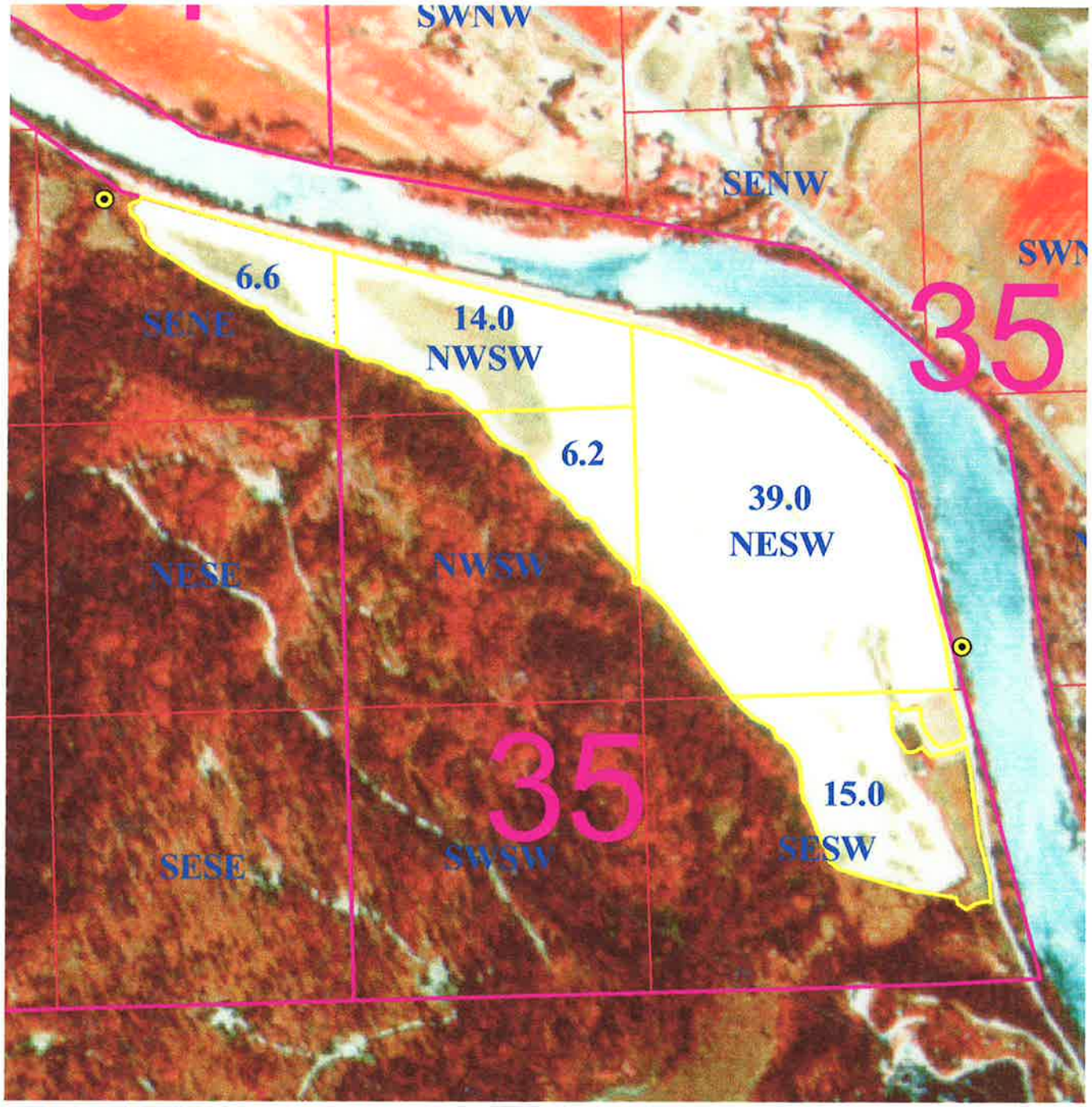
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	34	SENE	9	6.6	
01n44e	35	NESW	37	39	
01n44e	35	NWSW	9	14	
01n44e	35	NWSW	5	6.2	
01n44e	35	SESW	26	15	
Totals:			86	80.8	

JUL 0 8 2004
SCANNED

Water Right Claim Number 23-00060

05/29/2001

Townships , 5N38E, 1N44E, 1N44E



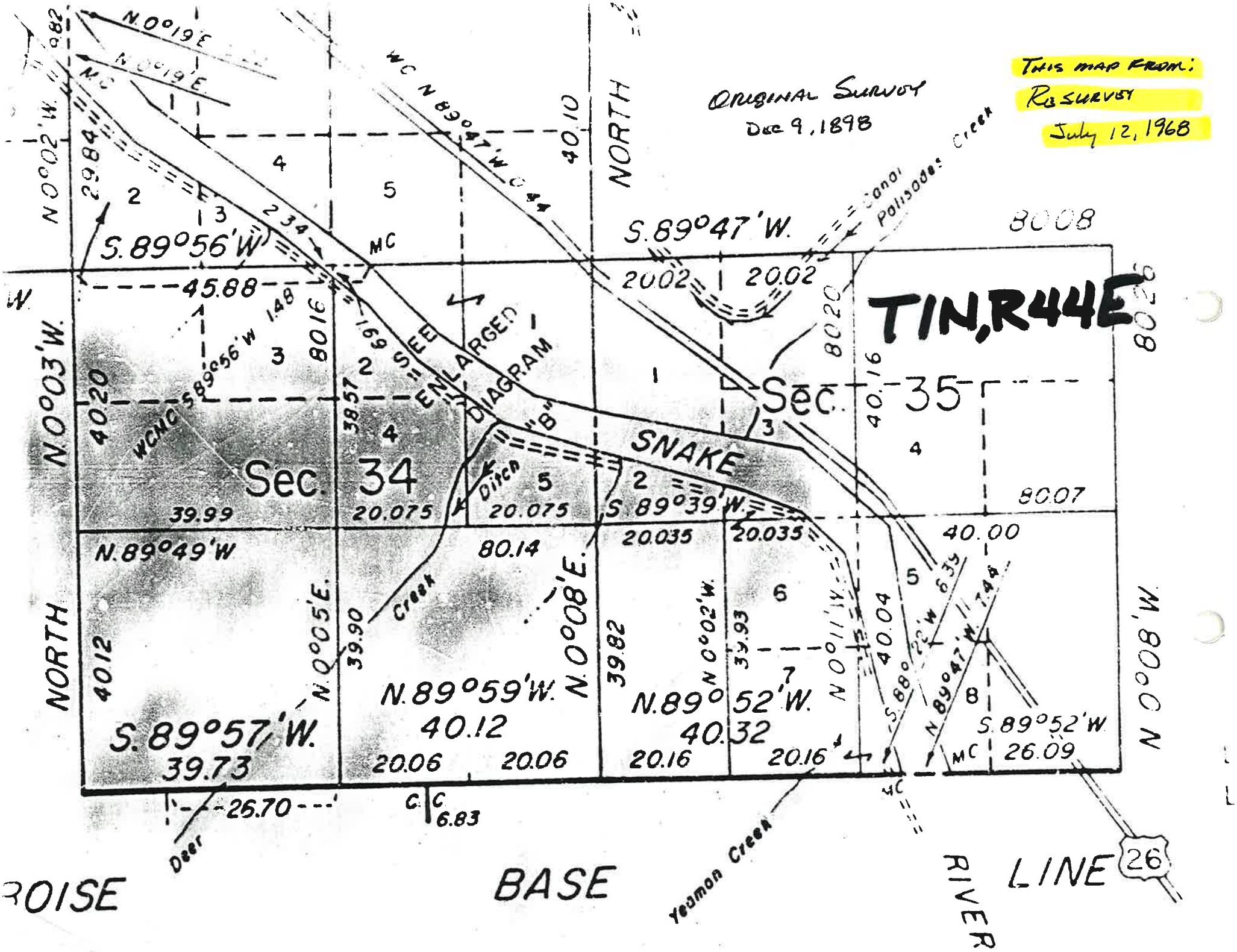
Legend

- Irrigated Area
- Place of Diversion
- Section Line
- Quarter Section Line
- Roads
- Streams and Canals

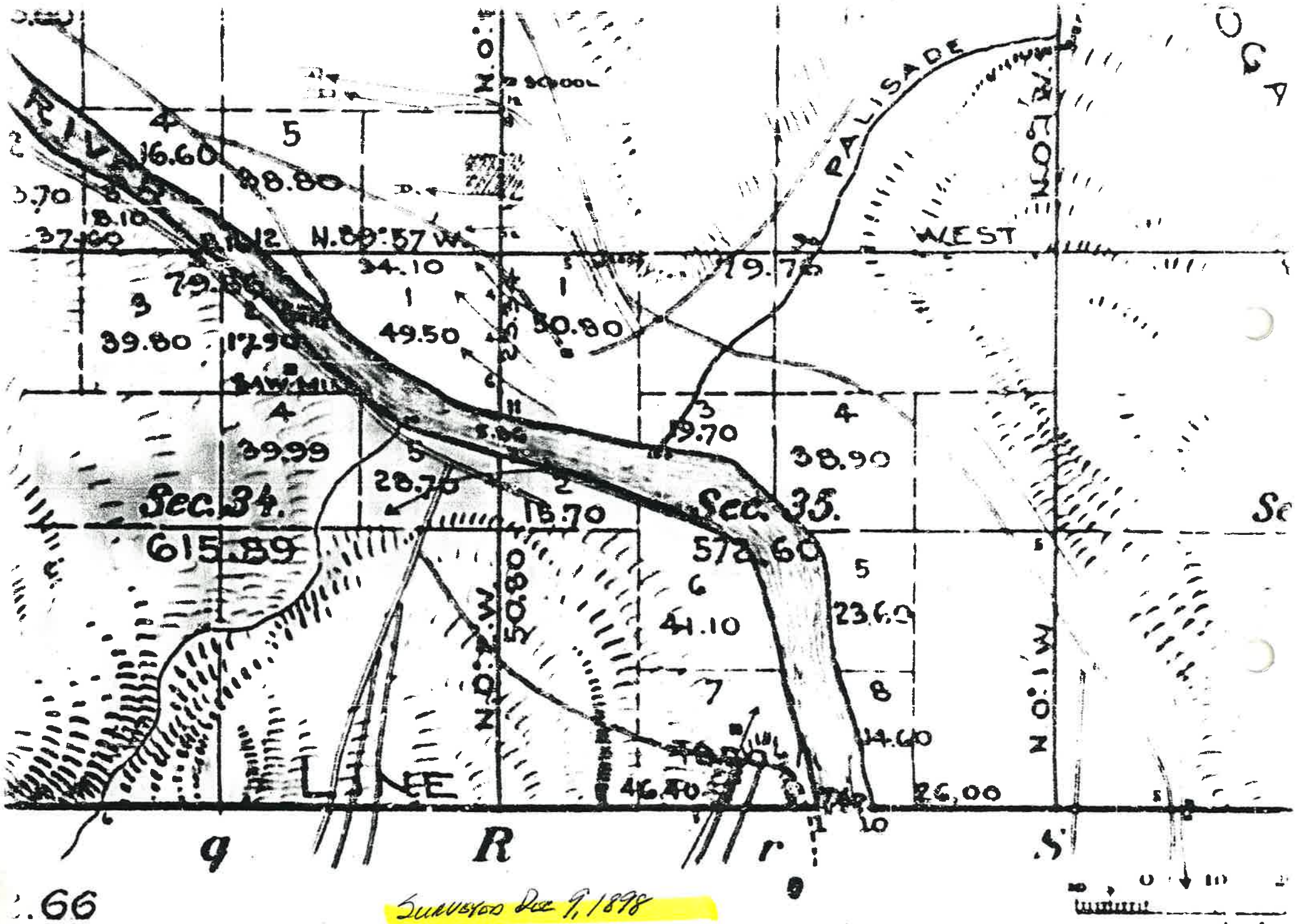
N

400 0 400 800 Feet

SPATIAL DYNAMICS



THIS MAP FROM:
RESURVEY
July 12, 1968
ORIGINAL SURVEY
Dec 9, 1898
TIN, R44E
Sec. 34
Sec. 35
SEE ENLARGED DIAGRAM "B"
SNAKE
Canal
Palisades Creek
Ditch
Creek
Deer
Yeaman Creek
S. 89°56'W
S. 89°47'W.
S. 89°39'W.
S. 89°57'W.
39.73
N. 89°49'W
N. 89°59'W.
40.12
N. 89°52'W.
40.32
S. 89°52'W
26.09
N. 0°19'E
N. 0°02'W.
N. 0°03'W.
N. 0°05'E.
N. 0°08'E.
N. 0°11'W.
N. 0°08'W.
NORTH
BASE
LINE
RIVER
ROISE
26



Surveyed Dec 9, 1898

State of Idano
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 6, 1997

Mark Rockefeller
PO Box 604
Driggs ID 83422

Re: Rostad Water Rights.

Mr. Rockefeller:

Enclosed is a computer generated copy of Notice of Claim No. A23-00059. The ownership of this claim was changed to Rostad, from Cushman, at the same time as A23-00060. A23-00059 does claim Yeaman Creek as the source of the water. We do not have any records of a use by Little Lemhi Boy Scout Camp.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

Gregory J. Taylor
Sr. Water Agent, Adjudications

Enclosures: copy of A23-00059

TETON VALLEY REALTY

REAL ESTATE BROKERAGE & DEVELOPMENT

Rockefeller & Associates, Inc.
P.O. Box 604
Driggs, Idaho 83422
(208) 354-2439
FAX: (208) 354-8588

Facsimile

To Fax: 525-7177 Date: 10-4-97 Time:

To Company: Idaho DWR From: Mark Rockefeller

Attention: Jo Yhonpson From Fax: 208-354-8588

Total Pages (Including Cover Sheet): 4 Urgent:

Message:

Hi Jo:

As agent for Rostsads, I had prior conversation with the DWR and recall being told that this acreage also had water rights from Yeahman Creek located on east side of acreage. Yeahman also passes throgh Little Lemhi Boy Scout Camp and the prior Owners Cushmans told me that Lemhi has right to fill their pond by consent of Cushmans, but that Cushmans/Rostads have the actual water right from Yeahman.

Please clarify this issue and advise in writing, as the attached info. does not mention same. My Fax number is 354-8588. Thank you.

Sincerely,

Mark Rockefeller
Agent for Rostads

FILE

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 17, 1996

ASBJORN ROSTAD
1120 N MEYLER ST
SAN PEDRO CA 90731

RE: CHANGE IN OWNERSHIP FOR A23-00059, A23-00060

Dear Mr. Rostad:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

cc: Roy L Cushman

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 1999

CO-MORE DEVELOPMENT INC
3920 E SUNNYSIDE
IDAHO FALLS ID 83406

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A23-00059,
A23-00060

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

Enclosure

DELOG SVH 2-2-99

RECEIVED

JAN 27 1999

Department of Water Resources
Eastern Region

OK SVH 2-2-99

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Incomplete forms will be returned.

1. Water Right Number(s) 23-00059 and 23-00060

   Adjudication Claim Number(s) A23-00059 and A23-00060

2. The following **REQUIRED** information must be submitted with this form.

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s): Asbjorn S. Rostad and Barbara K. Rostad
   9950 North Hauser View Road
   Post Falls, Idaho 83854

4. New Owner/Claimant(s) Co-More Development, Incorporated

   Name connector (check one): [ ] AND [ ] OR, [ ] AND/OR

   New Mailing Address: 3920 East Sunnyside

   City, State and ZIP Code: Idaho Falls, Idaho 83406

   New Telephone Number: (208) 522-3309

5. Date you acquired the property 1/22/99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 17, 1996

ASBJORN ROSTAD
1120 N MEYLER ST
SAN PEDRO CA 90731

RE: CHANGE IN OWNERSHIP FOR A23-00059, A23-00060

Dear Mr. Rostad:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Noticse for your records.

Respectfully submitted,

Jo Thompson

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

cc: Roy L Cushman

MICROFILMED
NOV 07 1996

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

OCT 16 1996

Department of Water Resources
Eastern Service Office

1. Water Right Number(s) _____ OK

   Adjudication Claim Number(s) A23-00059 OR & A23-00060

2. The following **REQUIRED** information must be submitted with this form.

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Roy L. Cushman
   P.O Box 196 Irwin, ID 83428

4. New Owner/Claimant(s) Asbjorn Rostad
   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR
   New Mailing Address 1120 N. Meyler St
   City, State and ZIP Code San Pedro, CA 90731
   New Telephone Number (310) 831-1978

5. Date you acquired the property Jan 3 - 1994

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

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   NOV 01 1996

7. Signature of New Owner/Claimant(s) Asbjorn S Rostad Date 10-13-96
   Barbara K. Rostad Date 10-13-96

   (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A23-00060**
Date Received: 6/29/1989
Receipt No: E009324
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: ASBJORN ROSTAD 310-831-1978
   Address: 1120 N MEYLER ST
   SAN PEDRO CA 90731

2. Date of Priority: MAY 1, 1892

3. Source: DEER CREEK Trib. to: SNAKE RIVER, SOUTH FORK
   SNAKE RIVER, SOUTH FORK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	44E	34		5	BONNEVILLE
		35		6	BONNEVILLE

5. Description of diverting works:
   PUMP IN RIVER FOR SPRINKLER IRR., DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
   1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 215.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   N/A

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	44E	34		5	IRR	9.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		9.0
		35			2	IRR	9.0
					6	IRR	37.0
					7	IRR	26.0
			NW	SW		IRR	5.0
					Section Acres		77.0
					Total Acres		86.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A23-00059

14. Remarks:
THIS CLAIM IS BASED ON WATER DISTRICT 01 RECORDS. WATER FROM DEER CREEK IS DELIVERED FROM PUMP IN SNAKE RIVER UNTIL DEER CREEK IS NO LONGER TRIB. TO SNAKE RIVER. STORAGE WATER FROM PALISADES RESERVOIR IS USED FROM THAT POINT ON. CLAIMANT ALSO USES SMALL DITCH SYSTEM TO DIVERT DIRECTLY FROM DEER CREEK TO IRRIGATE ~5 ACRES. FIVE ACRES LISTED AS PLACE OF USE IN NWSW SEC 35, T1N, R44E IS LEASED FROM USDA FOREST SERVICE.
CHANGED OWNERSHIP 10/17/96/JT/GT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

MICROFILMED
NOV 07 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A23-00060**
Date Received: 6/29/1989
Receipt No: E009324
Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A2300060

1. Name: ROY LYMAN CUSHMAN 208-483-2872
   Address: P. O. BOX 196
   IRWIN, ID 83428
   OR
   Name: JOYCE E. CUSHMAN 208-483-2872
   Address: P. O. BOX 196
   IRWIN, ID 83428

2. Date of Priority: MAY 01, 1892

3. Source: DEER CREEK Trib. to: SNAKE RIVER, SOUTH F
   SNAKE RIVER, SOUTH FORK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	44E	34		5	BONNEVILLE
		35		6	BONNEVILLE

5. Description of diverting works:
   PUMP IN RIVER FOR SPRINKLER IRR., DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
   1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 215.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   N/A

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NOV 0 7 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01N	44E	34			5	IRR	9.0
					Section Acres		9.0
		35			2	IRR	9.0
					6	IRR	37.0
					7	IRR	26.0
			NW	SW		IRR	5.0
					Section Acres		77.0
					Total Acres		86.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A23-00059

14. Remarks:
THIS CLAIM IS BASED ON WATER DISTRICT 01 RECORDS. WATER FROM DEER CREEK IS DELIVERED FROM PUMP IN SNAKE RIVER UNTIL DEER CREEK IS NO LONGER TRIB. TO SNAKE RIVER. STORAGE WATER FROM PALISADES RESERVOIR IS USED FROM THAT POINT ON. CLAIMANT ALSO USES SMALL DITCH SYSTEM TO DIVERT DIRECTLY FROM DEER CREEK TO IRRIGATE ~5 ACRES. FIVE ACRES LISTED AS PLACE OF USE IN NWSW SEC 35, T1N, R44E IS LEASED FROM USDA FOREST SERVICE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRR. CO ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

MICROFILMED
NOV 0 7 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Roy Lyman Cushman Date: 6/29/1989

_____ Date: _____

State of Idaho)
) SS.
County of BONNEVILLE)

Subscribed and sworn (or affirmed) before me this 29 day of JUNE 19 89

Notary Public

Seal

PAUL R. MEYER NOTARY PUBLIC STATE OF IDAHO

Residing at IDAHO FALLS

My Commission Expires 9-12-94

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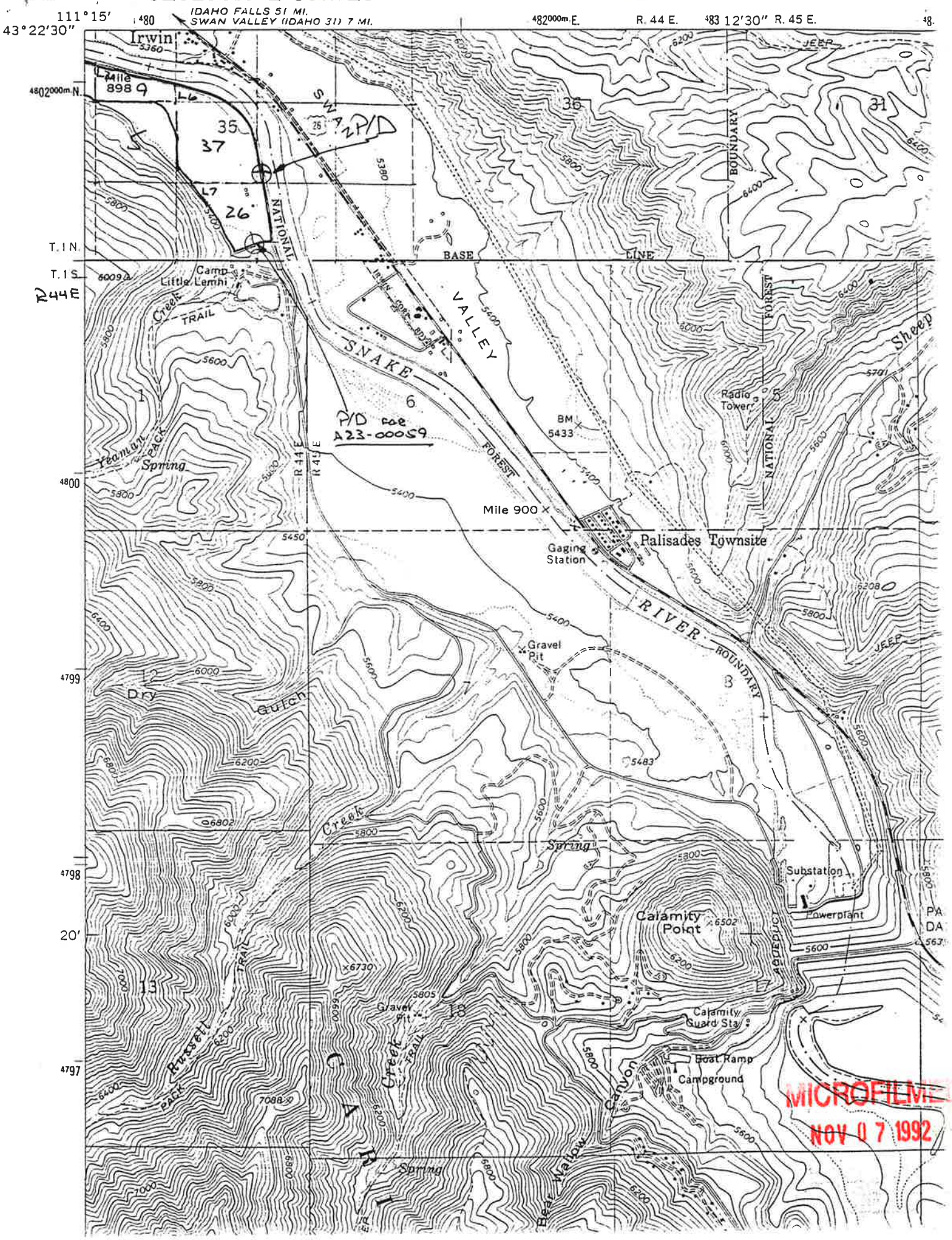
NOV 0 7 1992

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

A23-00060

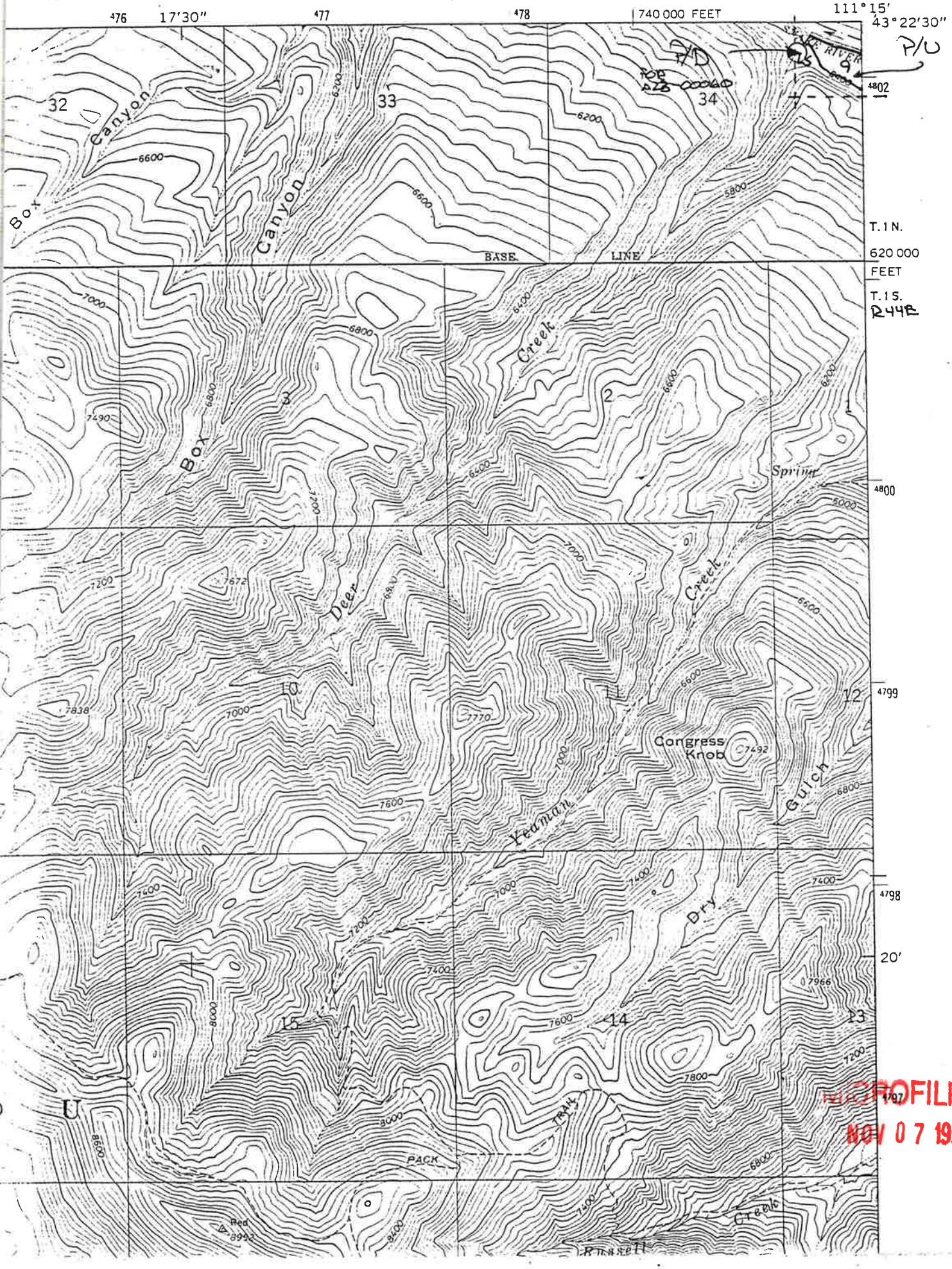


MICROFILMED
NOV 07 1992

A23-00064

RED RIDGE QUADRANGLE
IDAHO—BONNEVILLE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3770 I NW (THOMPSON PEAK)



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NOV 07 1992