

10/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-7161

NAME AND ADDRESS: COMORE LOMA WATER CO INC
5395 MARBRISA
IDAHO FALLS ID 83406

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.980 CFS
31.800 AFY

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T01N R38E S1 NENE Lot 1 Within BONNEVILLE County

T01N R38E S1 NESE Within BONNEVILLE County

T01N R38E S1 NWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.980 CFS 31.80 AFY
Domestic use is for 53 homes.		

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T01N R38E S01 Lot 1 NENE	T01N R38E S01	SWNE
T01N R38E S01 SENE	T01N R38E S01	SESW
T01N R38E S01 NWSE	T01N R38E S01	SWSE
T01N R38E S12 NWNE	T01N R38E S12	NENW

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

Place of use also known as Comore Loma Subdivision.

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: BASIS OF CLAIM - License

02/10/2004

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.980 CFS
31.80 AFY

Domestic use is for 53 homes.

PLACE OF USE:

DOMESTIC Within BONNEVILLE County

T01N R38E S01 Lot 1 NENE

T01N R38E S01

SWNE

T01N R38E S01 SENE

T01N R38E S01

SESW

T01N R38E S01 NWSE

T01N R38E S01

SWSE

T01N R38E S12 NWNE

T01N R38E S12

NENW

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EXPLANATORY MATERIAL: License

Water Right 25-7161

PROFILED

SCANNED

NOV 12 2004

COPY

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 25-7161

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 27 2005

SOURCES

1. Name of Claimant(s) Comore Loma Water Co., Inc. Phone (208) 523-2478

Mailing Address 5395 Marbrisa, Idaho Falls, ID Zip 83406

2. Date of Priority (Only (1) per claim) Sept. 29, 1978

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing point of diversion is:

Township 01N Range 38E Section 1, 1/4 of NE 1/4 of NE 1/4, Govt. Lot 1,
County of Bonneville

Additional points of diversion if any: T.01N., R.38E., SEC.01, NESE, NWSE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 01/01 to 12/31 amount 0.98 cfs or 31.8 afa

7. Total quantity claimed (a) 0.98 (cfs) and/or (b) 31.8 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

SCANNED

OCT 04 2005

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	12	D			D					D			D	D	D	D		
	39E	6	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
		7	D				D	D	D	D									

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? 25-7040, 25-7042, 25-7161, 25-7578 AND 25-7652

12. Do you own the property listed above as place of use? Yes X No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Place of use also known as Comore Loma Subdivision.

15. Basis of Claim (Check one) Beneficial Use ____ Posted Notice ____ Permit ____ Decree ____ License X
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

Last Name Comore Loma Water Co., Inc. Ident. Number 25-7161

SCANNED

OCT 04 2005

For Organizations: I do solemnly swear or affirm that I am System Operator of
(Title)

Comore Loma Water Co., Inc., that I have signed the foregoing document in the space below as
(Organization)

System Operator of Comore Loma Water Co., Inc. and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

Signature of Authorized Agent Dennis Bell

Title and Organization Comore Loma Water Co., Inc. Date 4-20-05

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 20 day of April, 2005.



Cheri Vandermeulen
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires 7-1-09

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address 1701 Box 50130 Idaho Falls, ID 83405
Date 4/20/05

8/48⁰⁰ +

SCANNED

JUL 25 2001

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: A25-07161
Date Received: 9/11/1989
Receipt No: E010257/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COMORE LOMA WATER CO. INC.
Address: 5395 MARBRISA
IDAHO FALLS, ID 83406

208-523-2478

A2507161

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	38E	1	NE	NE	NE	1	BONNEVILLE
			NE	SE			BONNEVILLE
			NW	SE			BONNEVILLE

5. Description of diverting works:
WELL/PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.980		31.80

7. Total Quantity Appropriated is:
0.980 C.F.S. (and/or) 31.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/53 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	38E	1	NE	NE	1	DOMEST	

A25-07161

Page 1

Date: 09/14/89

MICROFILMED
NOV 10 1992

PROFILED

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	38E	1	SW		NE		DOMEST	
			SE		NE		DOMEST	
			SE		SW		DOMEST	
			NW		SE		DOMEST	
			SW		SE		DOMEST	
		12	NW		NE		DOMEST	
			NE		NW		DOMEST	

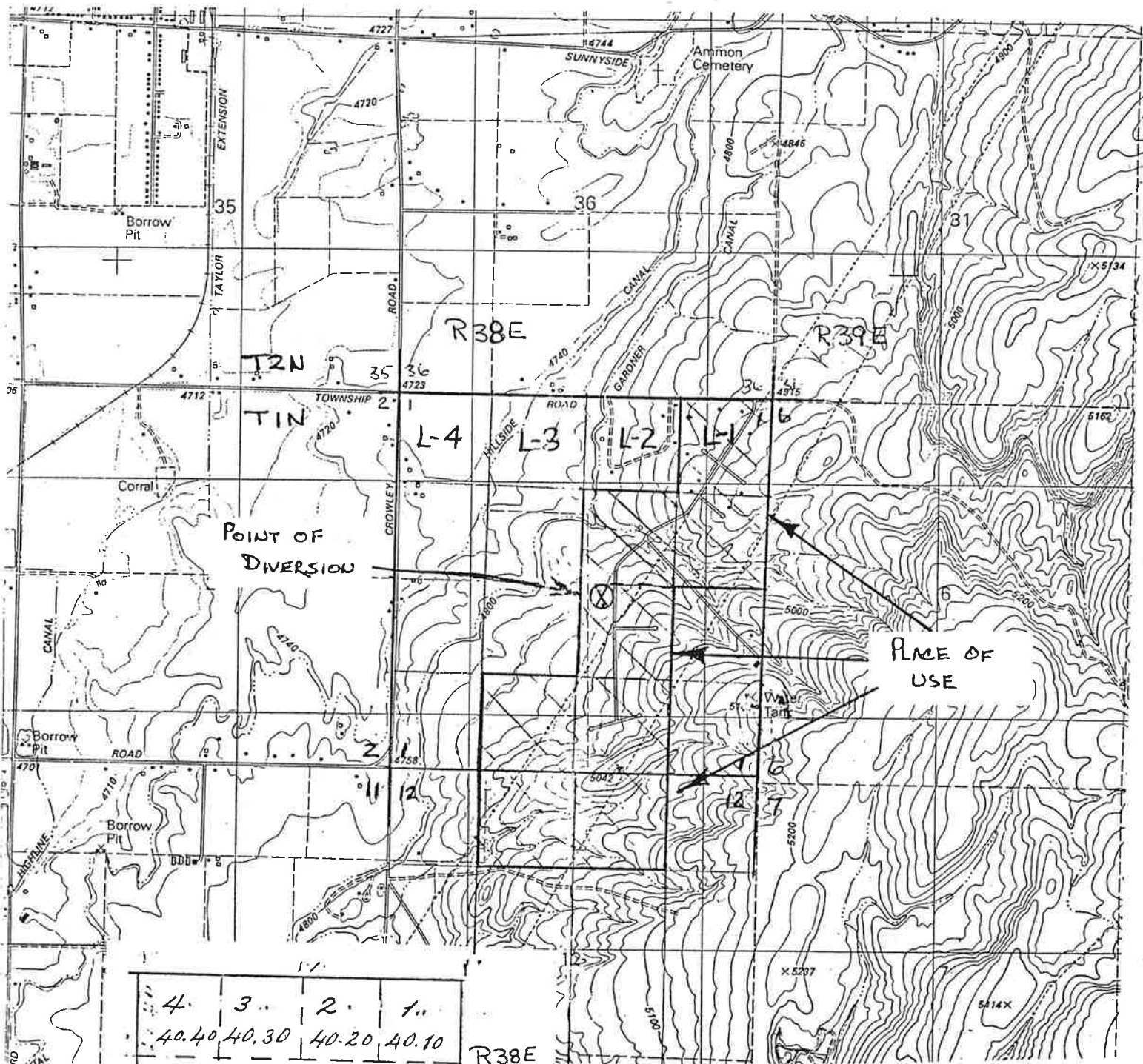
11. Place of use in counties: BONNEVILLE

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

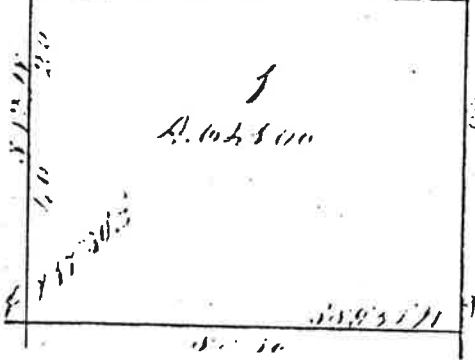
13. Other Water Rights Used:
A25-07040, A25-07042

14. Remarks:
Place of use also known as Comore Loma Subdivision.

15. Basis of Claim: LICENSE



4	3	2	1
40.40	40.30	40.20	40.10



PROFILES

MICROFILMED
NOV 10 1992

25-7161

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Accountant of
Title
Comore Loma Water Co. Inc, that I have signed the foregoing
Organization
document in the space below as Accountant of
Title

Comore Loma Water Co. Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Dennis R Bell
Signature of Authorized Agent
Accountant
Comore Loma Water Co. Inc
Title and Organization

Sept. 11, 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept 19 89

Betty J. Thompson
Notary Public

Seal

Residing at ZETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires SEPTEMBER 11, 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-7161

Priority: September 29, 1978 Amount: .98 CFS 31.8 AFA

This is to certify, that RICHARD T. SKIDMORE
3445 MAIBEN AVE.

IDAHO FALLS, ID 83401 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 29, 1978, and has submitted proof to the Department of Water Resources on September 8, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.04 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.98 cfs	31.8 afa

LOCATION OF POINT OF DIVERSION(S): LOT 1(NENE), Sec. 1, Township 1N, Range 38E
NESE, Sec. 1
NWSE, Sec. 1

Bonneville County

PLACE OF USE: Domestic

TWN RGE SEC

1N 38E 1	LOT 1(NENE)	SWNE	SENE	SESW
	NWSE	SWSE		
12	NWNE	NENW		

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 53 homes.
5. Place of use also known as Comore Loma Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6th day of April, 1987.

MICROFILMED

Acting for the

Director

Norman C. Young

APR 10 1987

FILED

E-Vault

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

April 26, 2005

RECEIVED
APR 27 2005
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Attn: Jennifer
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Amended Notices of Claim - Water Rights Nos. 25-7652, 25-7040, 25-7042, 25-7161 and 25-7578

Dear Jennifer:

Enclosed are 5 amended claims for the above mentioned water right numbers.

Thank you for your kind attention to this matter. If you have questions or if there is something further needed, please feel free to contact us at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\12559 Comore\JDWR ltr 042605.wpd:cdv

FILED

SCANNED
MAY 11 2005

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

In Re SRBA

Case No. 35976

A. Subcase 25-7161

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Comore Loma Water Co., Inc.

Address: 5353 Skidmore Dr.

Idaho Falls, ID 83406

Daytime Phone: 208-523-2478

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130

Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Comore Loma Water Co., Inc.

Address: 5353 Skidmore Dr.

Idaho Falls, ID 83406

PROFILED

SCANNED

JUN 28 2005

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	12	D			D					D			D	D	D	D		
	39E	6	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
		7	D				D	D	D	D									

10. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Original claim was filed showing the place of use listed in the license. It should have included the place of use the water has actually been used for many years.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

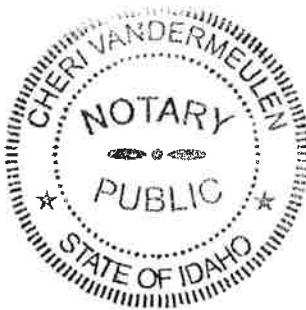
Dennis Bell, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Dennis Bell
Dennis Bell

Kent W. Foster
Kent W. Foster

Subscribed and sworn to before me on: 10/24/97



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: July 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on June 17, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: SELF

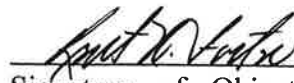
Address: _____

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\AKWF\12559 Comore\Objection 7161.wpd

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-7161

Priority: September 29, 1978 Amount: .98 CFS 31.8 AFA

This is to certify, that RICHARD T. SKIDMORE
3445 MAIBEN AVE.

IDAHO FALLS, ID 83401

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NESE, Sec. 1
NWSE, Sec. 1

Bonneville County

PLACE OF USE: Domestic

TWN RGE SEC

1N 38E 1 LOT 1(NENE)
NWSE
12 NWNE

SWNE
SWSE
NENW

SENE

SESW

CONDITIONS/REMARKS:

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4. Domestic use is for 53 homes.
5. Place of use also known as Comore Loma Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6TH day of April, 1987.

MICROFILMED

Acting for the

Director

Norman C. Young

APR 10 1987