

10/26/2005

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

RIGHT NUMBER: 25-7042

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
2.400 AFY

PRIORITY DATE: 10/26/1973

POINT OF DIVERSION:

T01N R38E S1 NESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.080 CFS

Domestic use is for 2 homes.

2.40 AFY

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T01N R38E S01

NESE

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

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.

Place of use also known as Comore Loma Subdivision.

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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EXPLANATORY MATERIAL: License

Water Right 25-7042

SCANNED

1

NOV 12 2004

PROFILED

RECEIVED

OCT 03 2005

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 25-7042

Date Received _____

Receipt Number _____

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

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) October 26, 1973

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 SE 1/4, Govt. Lot _____,
County of Bonneville

Additional points of diversion if any: _____

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 0.08 cfs or 2.4 afa

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) 2.4 (acre feet)

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

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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:

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 25-7042

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OCT 04 2005

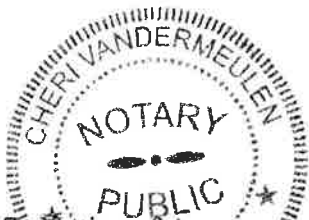
For Organizations: I do solemnly swear or affirm that I am System Operator of
(Title)
Comore Loma Water Co., Inc., that I have signed the foregoing document in the space below as
(Organization)
System Operator of Comore Loma Water Co., Inc. and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

Signature of Authorized Agent [Signature]

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

State of Idaho)
) SS.
County of Bonanza)

Subscribed and sworn (or affirmed) before me this 2nd day of April, 2005.



Cheri Vandermeulen
Notary Public [Signature]
Residing at Idaho Falls
My Commission Expires July 19

17 Notice of Appearance:

Notice is hereby given that I, Kevin N. 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 [Signature]
Address PO Box 50130 Idaho Falls, ID 83405
Date 4/20/05

858-00
X

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: A25-07042
Date Received: 9/11/1989
Receipt No: E010257/9
Received By: JP

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

A2507042

2. Date of Priority: OCT 26, 1973

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	38E	1	NE	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	0.080		2.40

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) 2.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES.

10. Place of Use:

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

11. Place of use in counties: BONNEVILLE

A25-07042

Page 1

Date: 09/11/89

MICROFILMED
NOV 10 1992

PROFILE

R238E

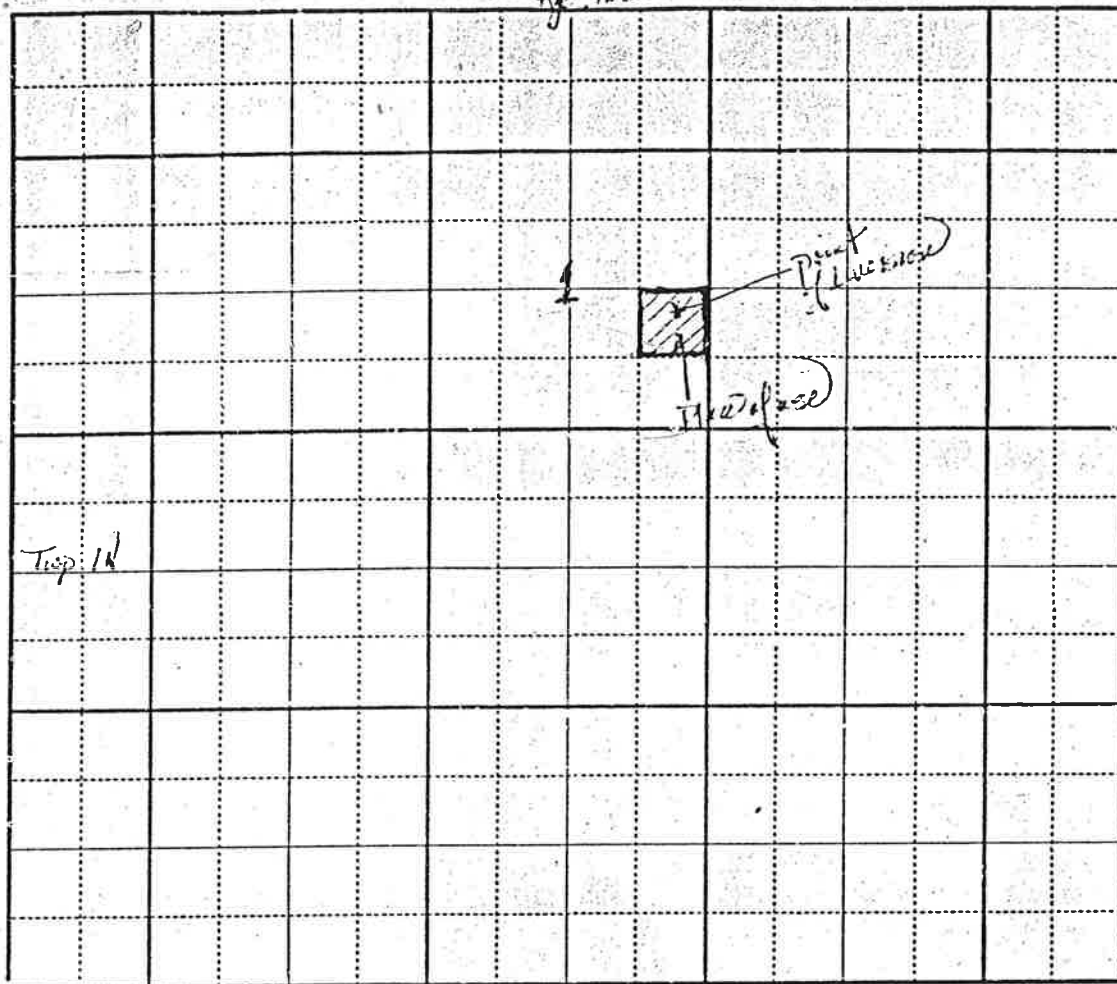
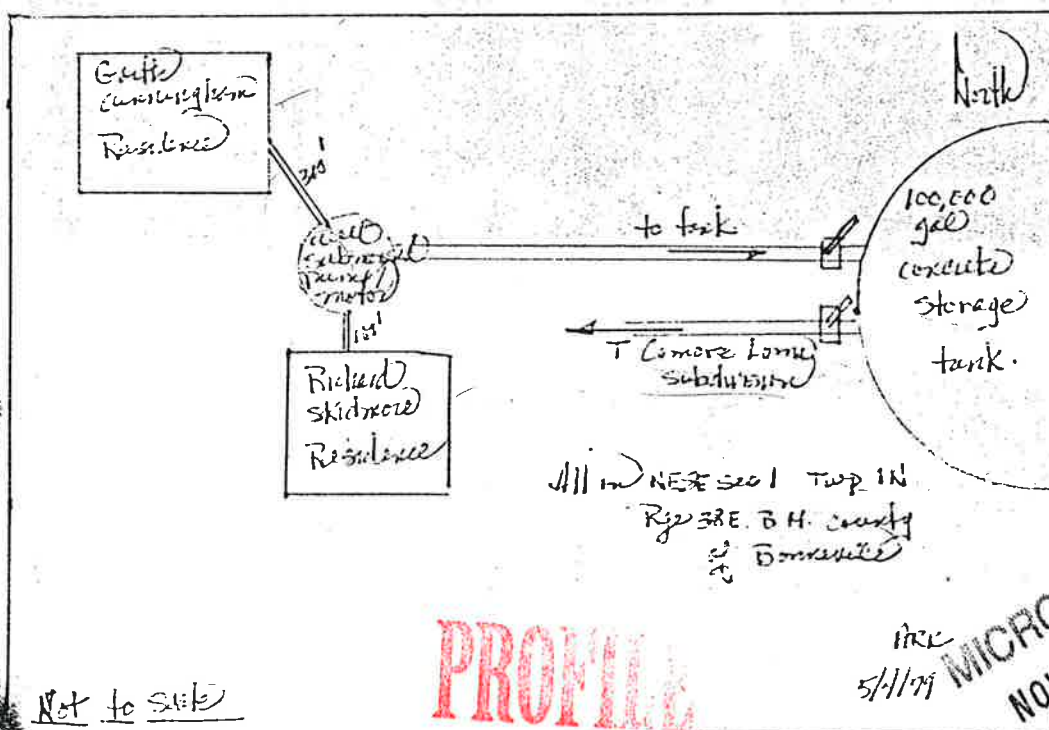


Diagram of System



Not to scale

PROFILL

5/1/79 MICROFILMED NOV 10 1992

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

13. Other Water Rights Used:
A25-07040, A25-07161.

14. Remarks:

15. Basis of Claim: LICENSE

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

Cornore Loma Water Co. Inc. , that I have signed the foregoing Organization

document in the space below as Accountant of _____ Title

Cornore 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

Cornore 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 BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires 09-30-91

Date: 09/11/89

A25-07042

Page

2

MICROFILMED
NOV 10 1992

PROFILED

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that RICHARD T. SKIDMORE & GARTH CUNNINGHAM

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (2 units)	from January 1 to December 31	at .08 cfs and	2.4 acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Description and location of place of use:

Total number of acres irrigated _____

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of February, 19 81.

Director

PRO

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\IDWR ltr 042605.wpd:cdv

PROFILED

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 25-7042

**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

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	
IN	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.

SCANNED

JUN 28 2005

PROFILED

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: May 25, 2005



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 2 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\KWF\12559 Comore\Objection.wpd

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that RICHARD T. SKIDMORE & GARTH CUNNINGHAM
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 25-7042 issued pursuant to Application for Permit dated October 26, 1973,
and has submitted proof to the Department of Water Resources on October 5, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .11 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than .08 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 1N, Rge. 38E, B.M. in the County of Bonneville

[illegible]

Total number of acres irrigated _____

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of February, 19 81.

Director