

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82467

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

JUN 20 2018

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Comore Development, Inc.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

JUN 20 2018

Department of Water Resources
Eastern Region

Name of Applicant(s) Comore Development, Inc. Phone _____
Mailing address 3920 E. Sunnyside Rd., Idaho Falls, ID 83406 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Luke H. Marchant Phone (208) 523-0620
Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 _____ Signature of Applicant or Authorized Representative	<u>Luke H. Marchant, Attorney</u> _____ Print Name and Title if applicable	<u>05/09/2018</u> _____ Date
_____ Signature of Applicant or Authorized Representative	_____ Print Name and Title if applicable	_____ Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
- The purpose of this Application for Transfer is to add an additional point of diversion to Water Right Nos. 25-14240, 25-14242, 25-14243, and 25-14340.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	25-14240	3.83/953.6	Irrigation	04/01 to 10/31	Ground water
☒ ☐	25-14242	0.29/116.8	Irrigation	04/01 to 10/31	Ground water
☒ ☐	25-14243	0.53/156	Irrigation	04/01 to 11/01	Ground water
☒ ☐	25-14340	0.56/114.8	Irrigation	04/01 to 10/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.21 cfs and/or 1341.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.21 cubic feet per second and/or 1341.2 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	SE	01	01N	38E	Bonneville	Ground water	

See included supplement for a list of diversion points that existed at the time of Transfer submittal.

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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.

[illegible]

Page _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

A new well will be drilled that will pump water into the existing water system. Measuring and controlling devices will be installed.

- b. Who owns the property at the point(s) of diversion? BDS, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The president of Comore Development, Inc. is also the manager of BDS, LLC.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The Comore Loma subdivision has multiple water rights that are authorized to be diverted from the wells within the Comore diversion system.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/9/2018

WATER RIGHT NO. 25-14240

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COMORE DEVELOPMENT INC 3920 E SUNNYSIDE RD IDAHO FALLS, ID 83406 2085293672
Original Owner	EVERT H PRESCOTT RT 3 BOX 92 BLACKFOOT, ID 83221

Priority Date: 06/01/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.83 CFS	953.6 AFA
Total Diversion			3.83 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE Lt 1	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWSE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNE	Sec. 12	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNW Lt 4	Sec. 06	Township 01N	Range 39E	BONNEVILLE County
GROUND WATER	SESE	Sec. 06	Township 01N	Range 39E	BONNEVILLE County

Licensed Diversion Capacity: 5.11

IRRIGATION Use:
Acre Limit: 238.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	38E	1	1	NENE	40		SWNE	35		SENE	40			
				SESW	16									
				NESE	40		NWSE	40		SWSE	40		SESE	40
		12		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		SWNW	31		SENE	40			
				NESW	40		SESW	40						
				NESE	40		NWSE	40		SWSE	40			
	39E	5	2	NWNE	42		SWNE	40		SENE	40			
			3	NENW	42	4	NWNW	42		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		6	1	NENE	42	2	NWNE	42		SWNE	40		SENE	40
			3	NENW	42	4	NWNW	39	5	SWNW	37		SENE	40
				NESW	40	6	NWSW	36	7	SWSW	36		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		7		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40	1	NWNW	36	2	SWNW	36		SENE	40
				NESW	40									
				NESE	40		NWSE	40		SWSE	40			
		8		NENW	40		NWNW	40		SWNW	40		SENE	40

Total Acres: 2634

Conditions of Approval:

1. X27 This right is limited to the irrigation of 238.4 acres within the place of use described above in a single irrigation season.
2. The irrigation occurring under this water right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. This right is limited to the irrigation of specific lots, which have been uniquely identified and designated to receive irrigation water, within the place of use authorized by this right in a single irrigation season. The specific lots to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the Department. Before irrigation can occur on a lot within the place of use not previously identified on the land list or

- by the electronic shape file, the right holder shall submit a new land list and representative electronic shape file or map to the Department, defining any changes, prior to the irrigation season in which the change will occur.
4. 212 Prior to diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion in accordance with Department specifications.
5. Records verifying the diversion of water as described in these conditions must be maintained and compiled into an annual report. Annual reports must be maintained for a minimum of five years and made available to the Department upon request.
6. The approval of this Transfer 74088 and Transfer 72674 fulfills the requirement of the Protest Agreement associated with water right permits 25-14166 and 25-14167 that the consumptive component of water use associated with both water right permits be mitigated by the transferred water or directly supplied by the transferred water.
7. In the event of a delivery call filed by surface water users or ground water users in or above the Shelley to Near Blackfoot reach of the Snake River as defined in the ESPA Model, or in regards to localized incidences of groundwater or surface water injury due to the use of water under this transfer, this water right is subordinate to all water rights with a priority date earlier than February 16, 2006.
8. X60 Place of use is located within Comora Loma Subdivision.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. X59 Points of diversion are located within Lot 1-A, Block 20, Comore Loma Subdivision #10; Lot 5, Block 2, Comore Loma Subdivision; Lot 1, Block 6, Comore Loma Subdivision #2; Lot 20, Block 4, Comore Loma Subdivision #3; Lot 31, Block 4 Comore Loma Subdivision #13; and unplatted ground located in the SE quarter of the SE quarter of Section 6, Township 1N, Range 39E.
12. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date: 10/13/1994

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

5/9/2018

Water Right Report

Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/9/2018

WATER RIGHT NO. 25-14242

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COMORE DEVELOPMENT INC 3920 E SUNNYSIDE RD IDAHO FALLS, ID 83406 2085293672
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 2086843999

Priority Date: 05/01/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.29 CFS	116.8 AFA
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE Lt 1	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWSE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNE	Sec. 12	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNW Lt 4	Sec. 06	Township 01N	Range 39E	BONNEVILLE County
GROUND WATER	SESE	Sec. 06	Township 01N	Range 39E	BONNEVILLE County

IRRIGATION Use:
Acre Limit: 29.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	38E	1	1	NENE	40		SWNE	35		SENE	40			
				SESW	16									
				NESE	40		NWSE	40		SWSE	40		SESE	40
		12		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		SWNW	31		SENE	40			
				NESW	40		SESW	40						
				NESE	40		NWSE	40		SWSE	40			
	39E	5	2	NWNE	42		SWNE	40		SENE	40			
			3	NENW	42	4	NWNW	42		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		6	1	NENE	42	2	NWNE	42		SWNE	40		SENE	40
			3	NENW	42	4	NWNW	39	5	SWNW	37		SENE	40
				NESW	40	6	NWSW	36	7	SWSW	36		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		7		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40	1	NWNW	36	2	SWNW	36		SENE	40
				NESW	40									
				NESE	40		NWSE	40		SWSE	40			
		8		NENW	40		NWNW	40		SWNW	40		SENE	40

Total Acres: 2634

Conditions of Approval:

1. X59 Points of diversion are located within Lot 1-A, Block 20, Comore Loma Subdivision #10; Lot 5, Block 2, Comore Loma Subdivision; Lot 1, Block 6, Comore Loma Subdivision #2; Lot 20, Block 4, Comore Loma Subdivision #3; Lot 31, Block 4 Comore Loma Subdivision #13; and unplatted ground located in the SE quarter of the SE quarter of Section 6, Township 1N, Range 39E.
2. X60 Place of use is located within Comora Loma Subdivision.
3. K09 This right is for an enlargement of 29.2 acres within the place of use described for this right.
4. X35 Rights 25-14340 and 25-14242 when combined shall not exceed a total diversion rate of 0.56 cfs, a total annual maximum diversion volume of 231.6 af at the field headgate, and the irrigation of 57.9 acres. Rights 25-12706, 25-14340, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.22 cfs, a total annual maximum diversion volume of 393.2 af at the field headgate, and the irrigation of 98.4 acres.
5. Prior to diversion and use of water under this right, the right holder shall install and maintain acceptable
6. 212

- measuring device(s), including data logger(s), at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The irrigation occurring under this water right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
9. Records verifying the diversion of water as described in these conditions must be maintained and compiled into an annual report. Annual reports must be maintained for a minimum of five years and made available to the Department upon request.
10. In the event of a delivery call filed by surface water users or ground water users in or above the Shelley to Near Blackfoot reach of the Snake River as defined in the ESPA Model, or in regards to localized incidences of groundwater or surface water injury due to the use of water under this transfer, this water right is subordinate to all water rights with a priority date earlier than February 16, 2006.
11. This right is limited to the irrigation of specific lots, which have been uniquely identified and designated to receive irrigation water, within the place of use authorized by this right in a single irrigation season. The specific lots to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the Department. Before irrigation can occur on a lot within the place of use not previously identified on the land list or by the electronic shape file, the right holder shall submit a new land list and representative electronic shape file or map to the Department, defining any changes, prior to the irrigation season in which the change will occur.
12. K02 This right is based upon an enlargement of Right No. 25-14241 pursuant to Section 42-1426, Idaho Code.
13. The approval of this Transfer 74088 and Transfer 72674 fulfills the requirement of the Protest Agreement associated with water right permits 25-14166 and 25-14167 that the consumptive component of water use associated with both water right permits be mitigated by the transferred water or directly supplied by the transferred water.
14. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
15. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. 004 This right does not grant any right-of-way or easement across the land of another.
17. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
18. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector: Or
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 98.4
Combined Volume Limit: 393.2
Combined Rate Limit: 1.22
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/9/2018

WATER RIGHT NO. 25-14243

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COMORE DEVELOPMENT INC 3920 E SUNNYSIDE RD IDAHO FALLS, ID 83406 2085293672
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 2086843999

Priority Date: 05/06/1957

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.53 CFS	156 AFA
Total Diversion			0.53 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE Lt 1	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWSE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNE	Sec. 12	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNW Lt 4	Sec. 06	Township 01N	Range 39E	BONNEVILLE County
GROUND WATER	SESE	Sec. 06	Township 01N	Range 39E	BONNEVILLE County

IRRIGATION Use:
Acre Limit: 40.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	38E	1	1	NENE	40		SWNE	35		SENE	40			
				SESW	16									
				NESE	40		NWSE	40		SWSE	40		SESE	40
			12	NENE	40		NWNE	40		SWNE	40		SENE	40
		5		NENW	40		SWNW	31		SENE	40			
				NESW	40		SESW	40						
				NESE	40		NWSE	40		SWSE	40			
			2	NWNE	42		SWNE	40		SENE	40			
			3	NENW	42	4	NWNW	42		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		6	1	NENE	42	2	NWNE	42		SWNE	40		SENE	40
			3	NENW	42	4	NWNW	39	5	SWNW	37		SENE	40
				NESW	40	6	NWSW	36	7	SWSW	36		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
	39E	7		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40	1	NWNW	36	2	SWNW	36		SENE	40
				NESW	40									
				NESE	40		NWSE	40		SWSE	40			
		8		NENW	40		NWNW	40		SWNW	40		SENE	40

Total Acres: 2634

Conditions of Approval:

1. X59 Points of diversion are located within Lot 1-A, Block 20, Comore Loma Subdivision #10; Lot 5, Block 2, Comore Loma Subdivision; Lot 1, Block 6, Comore Loma Subdivision #2; Lot 20, Block 4, Comore Loma Subdivision #3; Lot 31, Block 4 Comore Loma Subdivision #13; and unplatted ground located in the SE quarter of the SE quarter of Section 6, Township 1N, Range 39E.
2. X60 Place of use is located within Comora Loma Subdivision.
3. K06 This right is limited to the irrigation of 40.1 acres within the place of use described above in a single irrigation season.
4. Rights 25-12706, 25-14340, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.22 cfs, a total annual maximum diversion volume of 393.2 af at the field headgate, and the irrigation of 98.4 acres.
5. 212 Prior to diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion in accordance with

- Department specifications.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
This right is limited to the irrigation of specific lots, which have been uniquely identified and designated to receive irrigation water, within the place of use authorized by this right in a single irrigation season. The specific lots to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the Department.
 7. Before irrigation can occur on a lot within the place of use not previously identified on the land list or by the electronic shape file, the right holder shall submit a new land list and representative electronic shape file or map to the Department, defining any changes, prior to the irrigation season in which the change will occur.
 8. The irrigation occurring under this water right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
 9. The approval of this Transfer 74088 and Transfer 72674 fulfills the requirement of the Protest Agreement associated with water right permits 25-14166 and 25-14167 that the consumptive component of water use associated with both water right permits be mitigated by the transferred water or directly supplied by the transferred water.
 10. In the event of a delivery call filed by surface water users or ground water users in or above the Shelley to Near Blackfoot reach of the Snake River as defined in the ESPA Model, or in regards to localized incidences of groundwater or surface water injury due to the use of water under this transfer, this water right is subordinate to all water rights with a priority date earlier than February 16, 2006.
 11. Records verifying the diversion of water as described in these conditions must be maintained and compiled into an annual report. Annual reports must be maintained for a minimum of five years and made available to the Department upon request.
 12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 13. 004 This right does not grant any right-of-way or easement across the land of another.
 14. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
 15. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 16. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector: Or
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 98.4
Combined Volume Limit: 393.2
Combined Rate Limit: 1.22
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/9/2018

WATER RIGHT NO. 25-14340

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COMORE DEVELOPMENT INC 3920 E SUNNYSIDE RD IDAHO FALLS, ID 83406 2085293672
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 2086843999

Priority Date: 03/20/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/01	0.56 CFS	114.8 AFA
Total Diversion			0.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE Lt 1	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWSE	Sec. 01	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNE	Sec. 12	Township 01N	Range 38E	BONNEVILLE County
GROUND WATER	NWNW Lt 4	Sec. 06	Township 01N	Range 39E	BONNEVILLE County
GROUND WATER	SESE	Sec. 06	Township 01N	Range 39E	BONNEVILLE County

IRRIGATION Use:
Acre Limit: 28.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	38E	1	1	NENE	40		SWNE	35		SENE	40			
				SESW	16									
				NESE	40		NWSE	40		SWSE	40		SESE	40
			12	NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		SWNW	31		SENE	40			
				NESW	40		SESW	40						
				NESE	40		NWSE	40		SWSE	40			
		5	2	NWNE	42		SWNE	40		SENE	40			
			3	NENW	42	4	NWNW	42		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		6	1	NENE	42	2	NWNE	42		SWNE	40		SENE	40
			3	NENW	42	4	NWNW	39	5	SWNW	37		SENE	40
				NESW	40	6	NWSW	36	7	SWSW	36		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		7		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40	1	NWNW	36	2	SWNW	36		SENE	40
				NESW	40									
				NESE	40		NWSE	40		SWSE	40			
		8		NENW	40		NWNW	40		SWNW	40		SENE	40

Total Acres: 2634

Conditions of Approval:

1. X59 Points of diversion are located within Lot 1-A, Block 20, Comore Loma Subdivision #10; Lot 5, Block 2, Comore Loma Subdivision; Lot 1, Block 6, Comore Loma Subdivision #2; Lot 20, Block 4, Comore Loma Subdivision #3; Lot 31, Block 4 Comore Loma Subdivision #13; and unplatted ground located in the SE quarter of the SE quarter of Section 6, Township 1N, Range 39E.
2. X60 Place of use is located within Comora Loma Subdivision.
3. K06 This right is limited to the irrigation of 28.7 acres within the place of use described above in a single irrigation season.
4. X35 Rights 25-14340 and 25-14242 when combined shall not exceed a total diversion rate of 0.56 cfs, a total annual maximum diversion volume of 231.6 af at the field headgate, and the irrigation of 57.9 acres. Rights 25-12706, 25-14340, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.22 cfs, a total annual maximum diversion volume of 393.2 af at the field headgate, and the irrigation of 98.4 acres.
- 5.

6. 212 Prior to diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion in accordance with Department specifications.
- This right is limited to the irrigation of specific lots, which have been uniquely identified and designated to receive irrigation water, within the place of use authorized by this right in a single irrigation season. The specific lots to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the Department.
7. Before irrigation can occur on a lot within the place of use not previously identified on the land list or by the electronic shape file, the right holder shall submit a new land list and representative electronic shape file or map to the Department, defining any changes, prior to the irrigation season in which the change will occur.
8. The irrigation occurring under this water right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. The approval of this Transfer 74088 and Transfer 72674 fulfills the requirement of the Protest Agreement associated with water right permits 25-14166 and 25-14167 that the consumptive component of water use associated with both water right permits be mitigated by the transferred water or directly supplied by the transferred water.
12. In the event of a delivery call filed by surface water users or ground water users in or above the Shelley to Near Blackfoot reach of the Snake River as defined in the ESPA Model, or in regards to localized incidences of groundwater or surface water injury due to the use of water under this transfer, this water right is subordinate to all water rights with a priority date earlier than February 16, 2006.
13. Records verifying the diversion of water as described in these conditions must be maintained and compiled into an annual report. Annual reports must be maintained for a minimum of five years and made available to the Department upon request.
14. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
16. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 98.4

Combined Volume Limit: 393.2

Combined Rate Limit: 1.22

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

Page 6
8 2 4 6 7 1

Attachment No. 4

Power of Attorney

82467

[Search again](#)**Results (as of 5/4/18)****Luke Hyrum Marchant****Status**

Active

ISB Membership Number

7944

Admittance Date

09/30/2008

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130 Idaho Falls, ID 83405

Phone

(208) 523-0620

Phone Ext**Fax**

(208) 523-9518

Email Address

lmarchant@holdenlegal.com

Website Address

www.holdenlegal.com

Need a correction?Is something not correct? Please use the [Address Change Form](#)

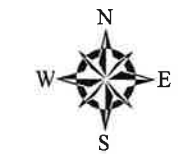
The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your

Attachment No. 7a

GIS Maps

82467

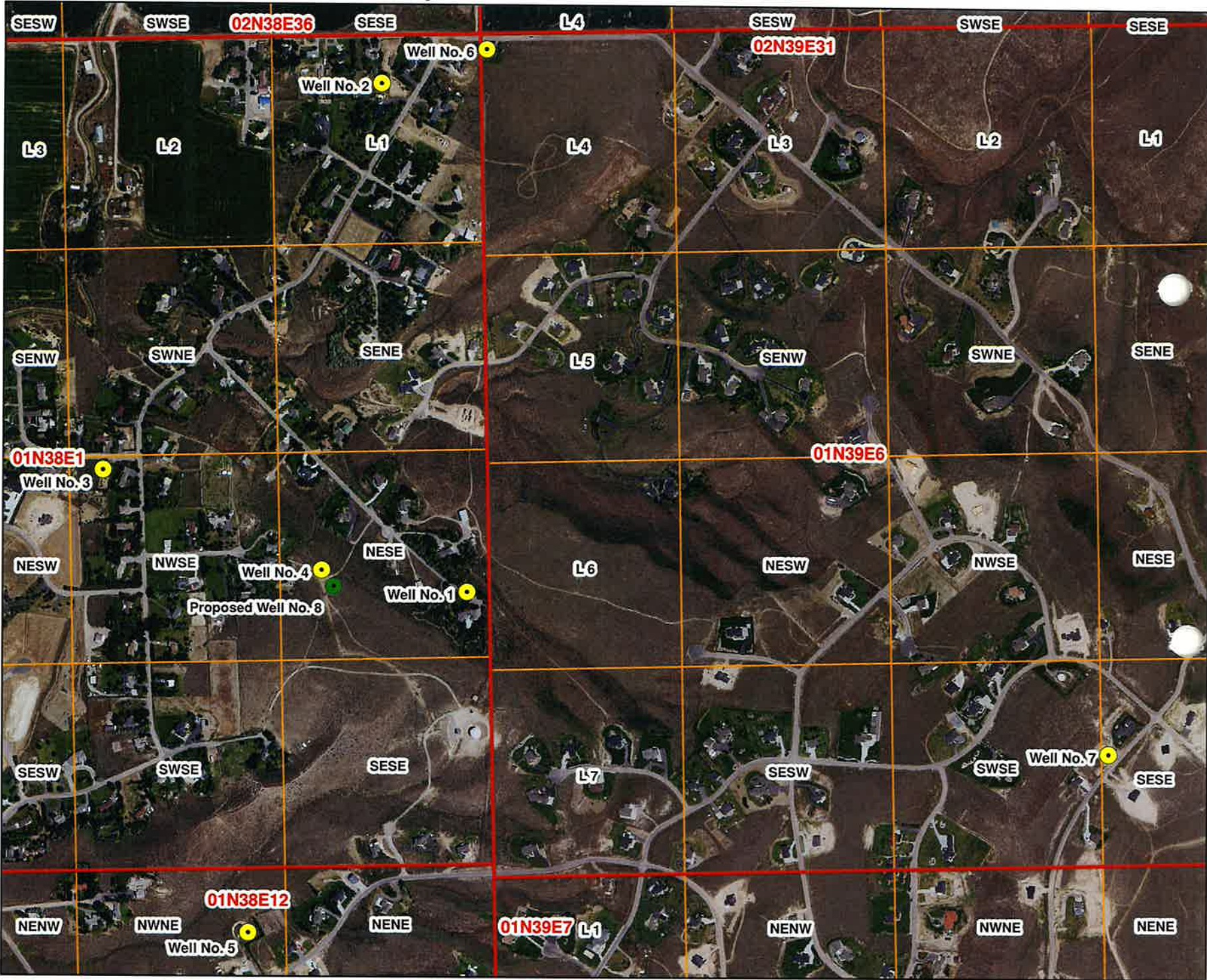
COMORE DEVELOPMENT, INC. NEW WELL



Legend

- Proposed POD
- Current PODs
- Section Lines
- Quarter Quarters

82467



2017 NAIP Photo



Prepared by:
Luke H. Marchant
05/09/2018