

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 72674

This is to certify that: COMORE DEVELOPMENT INC  
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC  
PO BOX 50130  
IDAHO FALLS ID 83405  
(208)524-0620

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-2653      | WR/Decreed          | 03/20/1961      | 9 cfs       | N/A           | 461.0             | 1,046.5            | GROUND WATER  |
| 35-12933     | WR/Decreed          | 05/01/1980      | 4.39 cfs    | N/A           | N/A               | 1,046.5            | GROUND WATER  |
| 35-2503A     | WR/Decreed          | 05/06/1957      | 3.63 cfs    | 1072 af       | N/A               | 276.0              | GROUND WATER  |
| 25-12706     | WR/Decreed          | 07/01/1960      | 0.132 cfs   | 5.6 af        | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-2653               | YES          | YES        | YES        | YES            | NO                   | NO                   |
| 35-12933              | YES          | YES        | YES        | YES            | NO                   | NO                   |
| 35-2503A              | YES          | YES        | YES        | YES            | NO                   | NO                   |
| 25-12706              | NO           | YES        | YES        | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-2653               | <b>25-14241</b>                  | 0.6 cfs              | 122.8 af               | 30.7              | 2,634.0            | <b>35-13547</b>                    | 8.4 cfs               | 1721.2 af               | 430.3                       | 986.6                        |
| 35-12933              | <b>25-14242</b>                  | 0.29 cfs             | 116.8 af               | 29.2              | 2,634.0            | <b>35-13549</b>                    | 4.1 cfs               | 1639.2 af               | 409.8                       | 986.6                        |
| 35-2503A              | <b>25-14243</b>                  | 0.53 cfs             | 156 af                 | 40.1              | 2,634.0            | <b>35-13551</b>                    | 3.1 cfs               | 916 af                  | N/A                         | 235.9                        |
| 25-12706              | <b>25-12706</b>                  | 0.13 cfs             | 5.6 af                 | 0.4               | 2,634.0            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>1.26 cfs</b>      | <b>401.2 af</b>        | <b>100.4</b>      | <b>100.4</b>       |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

*Ernest Carlson*  
for \_\_\_\_\_  
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 25-12706

**WATER RIGHT NO. 35-13547**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 35-13547 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** March 20, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/01  | 8.40 CFS              | 1,721.2 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NENENE                      Sec. 27 Twp 01N   Rge 33E   BINGHAM County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |     | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|-----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE  | NE   | NW   | SW   | SE   |        |
| 01N | 33E | 22  | 32.0 | 16.0 | 39.0 | 38.0 |      |      |      |      |      |      |      |     | 32.0 | 33.0 | 37.0 | 29.0 | 256.0  |
| 01N | 33E | 23  |      |      | .5   |      | 3.0  | 34.5 | 37.0 | 26.0 | 19.0 | 33.0 | 14.5 | 5.0 |      | 1.5  | 1.8  |      | 175.8  |
| 01N | 33E | 26  |      | 17.0 | .3   |      | 38.0 | 24.0 | 40.0 | 23.0 | 18.0 | 40.0 | 34.0 | 5.0 |      |      |      |      | 239.3  |
| 01N | 33E | 27  | 33.0 | 37.0 | 36.0 | 40.0 |      |      |      |      |      |      |      |     | 40.0 | 40.0 | 40.0 | 40.0 | 306.0  |
| 01N | 33E | 34  | 6.5  |      |      |      |      |      |      |      |      |      |      |     |      |      |      |      | 6.5    |
| 01N | 33E | 35  |      |      |      |      | 3.0  |      |      |      |      |      |      |     |      |      |      |      | 3.0    |

Total Acres: 986.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 430.3 acres within the place of use described above in a single irrigation season.
2. Rights 35-13547 and 35-13549 when combined shall not exceed a total diversion rate of 8.4 cfs, a total annual maximum diversion volume of 3360.4 af at the field headgate, and the irrigation of 840.1 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Right No. 35-13549 is also diverted through point of diversion described above.
5. 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.

**WATER RIGHT NO. 35-13547**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

*for*   
Chief, Water Allocation Bureau

**WATER RIGHT NO. 25-14241**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 25-14241 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** March 20, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/01  | 0.60 CFS              | 122.8 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |         |         |         |                   |
|--------------|-----------|---------|---------|---------|-------------------|
| GROUND WATER | L1 (NENE) | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWSE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWNE      | Sec. 12 | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | L4 (NWNW) | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |
| GROUND WATER | SESE      | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 01N | 38E | 1   | 40.0 |      | 35.0 | 40.0 |      |      |      |      |      |      |      | 16.0 | 40.0 | 40.0 | 40.0 | 40.0 | 291.0  |
|     |     |     | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 38E | 12  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      | 31.0 | 40.0 | 40.0 |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      | 471.0  |
| 01N | 39E | 5   |      | 42.0 | 40.0 | 40.0 | 42.0 | 42.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 606.0  |
|     |     |     |      | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 6   | 42.0 | 42.0 | 40.0 | 40.0 | 42.0 | 39.0 | 37.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 634.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  | L 5  |      |      | L 6  | L 7  |      |      |      |      |      |        |
| 01N | 39E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 |      |      |      | 40.0 | 40.0 | 40.0 |      | 472.0  |
|     |     |     |      |      |      |      | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 8   |      |      |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 160.0  |

Total Acres: 2634

**WATER RIGHT NO. 25-14241  
As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 30.7 acres within the place of use described above in a single irrigation season.
2. Rights 25-14241 and 25-14242 when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum diversion volume of 239.6 af at the field headgate, and the irrigation of 59.9 acres.
3. Rights 25-12706, 25-14241, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 401.2 af at the field headgate, and the irrigation of 100.4 acres.
4. 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 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.
7. 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.
8. 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.
9. 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.

**WATER RIGHT NO. 35-13548**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

10. 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.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. Place of use is located within Comora Loma Subdivision.
13. 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.
14. This right does not grant any right-of-way or easement across the land of another.
15. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
16. 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. 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 water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13549**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 35-13549 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** May 01, 1980

**Source:** GROUND WATER

|                              |                    |                  |                              |                      |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 4.10 CFS                     | 1,639.2 AF           |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NENENE                      Sec. 27 Twp 01N   Rge 33E   BINGHAM County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |     | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|-----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE  | NE   | NW   | SW   | SE   |        |
| 01N | 33E | 22  | 32.0 | 16.0 | 39.0 | 38.0 |      |      |      |      |      |      |      |     | 32.0 | 33.0 | 37.0 | 29.0 | 256.0  |
| 01N | 33E | 23  |      |      | .5   |      | 3.0  | 34.5 | 37.0 | 26.0 | 19.0 | 33.0 | 14.5 | 5.0 |      | 1.5  | 1.8  |      | 175.8  |
| 01N | 33E | 26  |      | 17.0 | .3   |      | 38.0 | 24.0 | 40.0 | 23.0 | 18.0 | 40.0 | 34.0 | 5.0 |      |      |      |      | 239.3  |
| 01N | 33E | 27  | 33.0 | 37.0 | 36.0 | 40.0 |      |      |      |      |      |      |      |     | 40.0 | 40.0 | 40.0 | 40.0 | 306.0  |
| 01N | 33E | 34  | 6.5  |      |      |      |      |      |      |      |      |      |      |     |      |      |      |      | 6.5    |
| 01N | 33E | 35  |      |      |      |      | 3.0  |      |      |      |      |      |      |     |      |      |      |      | 3.0    |

Total Acres: 986.6

**WATER RIGHT NO. 35-13549**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 409.8 acres within the place of use described for this right.
2. Rights 35-13547 and 35-13549 when combined shall not exceed a total diversion rate of 8.4 cfs, a total annual maximum diversion volume of 3360.4 af at the field headgate, and the irrigation of 840.1 acres.
3. Right No. 35-13547 is also diverted through point of diversion described above.
4. 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.
5. This right is based upon an enlargement of Right No. 35-13547 pursuant to Section 42-1426, Idaho Code.
6. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 25-14242**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 25-14242 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** May 01, 1980

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.29 CFS              | 116.8 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |         |         |         |                   |
|--------------|-----------|---------|---------|---------|-------------------|
| GROUND WATER | L1 (NENE) | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWSE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWNE      | Sec. 12 | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | L4 (NWNW) | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |
| GROUND WATER | SESE      | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 01N | 38E | 1   | 40.0 |      | 35.0 | 40.0 |      |      |      |      |      |      |      | 16.0 | 40.0 | 40.0 | 40.0 | 40.0 | 291.0  |
|     |     |     | L1   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 38E | 12  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      | 31.0 | 40.0 | 40.0 |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      | 471.0  |
| 01N | 39E | 5   |      | 42.0 | 40.0 | 40.0 | 42.0 | 42.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 606.0  |
|     |     |     |      | L2   |      |      | L3   | L4   |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 6   | 42.0 | 42.0 | 40.0 | 40.0 | 42.0 | 39.0 | 37.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 634.0  |
|     |     |     | L1   | L2   |      |      | L3   | L4   | L5   |      |      | L6   | L7   |      |      |      |      |      |        |
| 01N | 39E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 |      |      |      | 40.0 | 40.0 | 40.0 |      | 472.0  |
|     |     |     |      |      |      |      | L1   | L2   |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 8   |      |      |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 160.0  |

Total Acres: 2634

**WATER RIGHT NO. 25-14242**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 29.2 acres within the place of use described for this right.
2. Rights 25-14241 and 25-14242 when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum diversion volume of 239.6 af at the field headgate, and the irrigation of 59.9 acres.
3. Rights 25-12706, 25-14241, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 401.2 af at the field headgate, and the irrigation of 100.4 acres.
4. 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 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.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. 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.
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.

**WATER RIGHT NO. 35-13550**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. 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. This right is based upon an enlargement of Right No. 25-14241 pursuant to Section 42-1426, Idaho Code.
14. 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. Place of use is located within Comora Loma Subdivision.
16. 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.
17. 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.
18. 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13551**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 35-13551 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** May 06, 1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 3.10 CFS              | 916.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWSWSE                      Sec. 26 Twp 01N   Rge 33E   BINGHAM County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW |    |      |      | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|------|------|----|----|----|----|----|----|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW   | SE   | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 01N | 33E | 26  |      |      |      |      |    |    |      |      |    |    |    |    |    |    | 35.0 | 22.0 | 57.0   |
| 01N | 33E | 35  | 35.0 | 40.0 | 40.0 | 27.0 |    |    |      | 10.9 |    |    |    |    |    |    |      |      | 152.9  |
| 01N | 33E | 36  |      |      |      |      |    |    | 26.0 |      |    |    |    |    |    |    |      |      | 26.0   |

Total Acres: 235.9

**CONDITIONS OF APPROVAL**

1. 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.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2009

  
 for Chief, Water Allocation Bureau

**WATER RIGHT NO. 25-14243**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 25-14243 is now described as follows.

**Right Holder:** FOSTER LAND & CATTLE  
 PO BOX 40  
 RIRIE ID 83443

**Priority Date:** May 06, 1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.53 CFS              | 156.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |         |         |         |                   |
|--------------|-----------|---------|---------|---------|-------------------|
| GROUND WATER | L1 (NENE) | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWSE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWNE      | Sec. 12 | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | L4 (NWNW) | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |
| GROUND WATER | SESE      | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |       | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE    |        |
| 01N | 38E | 1   | 40.0 |      | 35.0 | 40.0 |      |      |      |      |      |      | 16.0 | 40.0 | 40.0 | 40.0 | 40.0 | 291.0 |        |
|     |     |     | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |        |
| 01N | 38E | 12  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      | 31.0 | 40.0 | 40.0 |      | 40.0 | 40.0 | 40.0 | 40.0 |      | 471.0 |        |
| 01N | 39E | 5   |      | 42.0 | 40.0 | 40.0 | 42.0 | 42.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 606.0 |        |
|     |     |     | L 2  |      |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |       |        |
| 01N | 39E | 6   | 42.0 | 42.0 | 40.0 | 40.0 | 42.0 | 39.0 | 37.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 | 40.0 | 40.0 | 634.0 |        |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  | L 5  |      |      | L 6  | L 7  |      |      |      |      |       |        |
| 01N | 39E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 |      |      |      | 40.0 | 40.0 | 40.0 | 472.0 |        |
|     |     |     |      |      |      |      | L 1  | L 2  |      |      |      |      |      |      |      |      |      |       |        |
| 01N | 39E | 8   |      |      |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      | 160.0 |        |

Total Acres: 2634

**WATER RIGHT NO. 25-14243**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 40.1 acres within the place of use described above in a single irrigation season.
2. Rights 25-12706, 25-14241, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 401.2 af at the field headgate, and the irrigation of 100.4 acres.
3. 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.
4. 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.
5. 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.
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. 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.
8. Place of use is located within Comora Loma Subdivision.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 35-13552**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

11. 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.
12. 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.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. 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.
15. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 25-12706**  
**As Modified by Transfer No. 72674**

In accordance with the approval of Transfer No. 72674, Water Right No. 25-12706 is now described as follows.

**Right Holder:** COMORE DEVELOPMENT INC

C/O HOLDEN KIDWELL HAHN & CRAPO PLLC

PO BOX 50130

IDAHO FALLS ID 83405

**Priority Date:** July 01, 1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to    | 10/31     | 0.01 CFS              | 1.4 AF        |
| DOMESTIC              | 01/01 to    | 12/31     | 0.12 CFS              | 4.2 AF        |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |         |         |         |                   |
|--------------|-----------|---------|---------|---------|-------------------|
| GROUND WATER | L1 (NENE) | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NESE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWSE      | Sec. 1  | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | NWNE      | Sec. 12 | Twp 01N | Rge 38E | BONNEVILLE County |
| GROUND WATER | L4 (NWNW) | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |
| GROUND WATER | SESE      | Sec. 6  | Twp 01N | Rge 39E | BONNEVILLE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 01N | 38E | 1   | 40.0 |      | 35.0 | 40.0 |      |      |      |      |      |      |      | 16.0 | 40.0 | 40.0 | 40.0 | 40.0 | 291.0  |
|     |     |     | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 38E | 12  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      | 31.0 | 40.0 | 40.0 |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      | 471.0  |
| 01N | 39E | 5   |      | 42.0 | 40.0 | 40.0 | 42.0 | 42.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 606.0  |
|     |     |     | L 2  |      |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 6   | 42.0 | 42.0 | 40.0 | 40.0 | 42.0 | 39.0 | 37.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 634.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  | L 5  |      |      | L 6  | L 7  |      |      |      |      |      |        |
| 01N | 39E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 36.0 | 40.0 | 40.0 |      |      |      | 40.0 | 40.0 | 40.0 |      | 472.0  |
|     |     |     |      |      |      |      | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |        |
| 01N | 39E | 8   |      |      |      |      | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 160.0  |

Total Acres: 2634

**PLACE OF USE:** DOMESTIC  
 Same as Irrigation

**WATER RIGHT NO. 25-12706**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 0.4 acres within the place of use described above in a single irrigation season.
2. Rights 25-12706, 25-14241, 25-14242 and 25-14243 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 401.2 af at the field headgate, and the irrigation of 100.4 acres.
3. Domestic use is for 7 homes.
4. 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 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.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. 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.
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.

**WATER RIGHT NO. 25-12706**  
**As Modified by Transfer No. 72674**

**CONDITIONS OF APPROVAL**

11. 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. Place of use is located within Comora Loma Subdivision.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. 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.
15. 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.
16. 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_25th\_\_\_\_ day of \_\_\_\_November\_\_\_\_, 2009\_\_\_\_

*Ernest Carlson*  
for \_\_\_\_\_  
Chief, Water Allocation Bureau