

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74088

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>
35-13645	WR/License	06/01/1989	3.83 cfs	953.6 af	N/A	238.4	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>
35-13645	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>
35-13645	25-14240	3.83 cfs	953.6 af	238.4	2,634.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.83 cfs	953.6 af	238.4	2634.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9 day of November, 2009


for Ernest Carlson
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-13645

WATER RIGHT NO. 25-14240
As Modified by Transfer No. 74088

In accordance with the approval of Transfer No. 74088, Water Right No. 25-14240 is now described as follows.

Right Holder: BLACKROCK PARTNERSHIP
 PO BOX 244
 RIRIE ID 83443

Priority Date: June 01, 1989

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	3.83 CFS	953.6 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

CONDITIONS OF APPROVAL

1. 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.

WATER RIGHT NO. 25-14240
As Modified by Transfer No. 74088

CONDITIONS OF APPROVAL

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. 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. Place of use is located within Comora Loma Subdivision.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. This right does not grant any right-of-way or easement across the land of another.
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. 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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 25-14240
As Modified by Transfer No. 74088

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 9 day of November, 20 09


for Chief, Water Allocation Bureau