

Form 222
1-87**AMENDED**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Comore Development, Inc. Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes Comore has purchased 100 acres of irrigation water rights to use for watering of up to 1/2 acre of land each for 200 lots where homes will be constructed. Comore also has a small right that needs to be transferred (25-12706)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-2653</u>	<u>3/20/1961</u>	<u>0.6 cfs/240 ac-ft</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>35-12933</u>	<u>5/1/1980</u>	<u>See 35-2653</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>35-2503A</u>	<u>5/6/1957</u>	<u>0.53 cfs/156 ac-ft</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>25-12706</u>	<u>7/1/1960</u>	<u>0.132 cfs/5.6 ac-ft</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
			<u>Domestic</u>	<u>01/01</u> to <u>12/31</u>

2. Total amount of water being transferred 1.262 cubic feet per second and/or 401.6 acre-feet per annum.3. Source of water Groundwater

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	1	1N	38E	BONNEVILLE	
		NE	SE	1	1N	38E	BONNEVILLE	
		NE	SE	1	1N	38E	BONNEVILLE	
		NW	SE	1	1N	38E	BONNEVILLE	
		NW	NE	12	1N	38E	BONNEVILLE	
		NW	NW	6	1N	39E	BONNEVILLE	
		SE	SE	6	1N	39E	BONNEVILLE	

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Department of Water Resources
Eastern Region

5. Lands irrigated or place of use: (Permissible place of use for above water right is 100 acres within the following quarter-quarter)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	1	✓	✓	✓	✓								✓	✓	✓	✓	✓	
		12	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓		
1N	39E	5		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		7	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓		
		8					✓	✓	✓	✓									

Total Acres 100

6. General Information:

- a. Description of diversion system Wells and pumps
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes _____ No X If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
100 plus acres will no longer be irrigated.
- d. Remarks:
Applicant holds permits No. 25-14166 and 25-14167. This application is in partial satisfaction of conditions 9 and 10 of said permits. See attached copies of purchase and sale agreement and information from running the transfer tool as to predicted impacts on river reaches with respect to 35-2653, 35-12933 and 35-2503A. For 25-12706, the amount is *de minimus* and the transfer tool does not work.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2007.

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03/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-2653

WATER RIGHT NUMBER: 35-2653

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999
Current Owner	FOSTER LAND & CATTLE CO PO BOX 308 RIGBY, ID 83442 (208)243-6936

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>Annual Volume</u>
IRRIGATION	4/01 to 10/01	9.000 CFS	
	<u>Total Diversion:</u>	9.000 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4NE1/4 Sec. 27, Twp 01N, Rge 33E, B.M.
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	8.0			12.0													20.0
01N 33E 35					2.3	19.5	26.0	1.6									49.4

Total Acres: 1046.5

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-2653

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 35-12933 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3600 AF.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. RIGHT NO. 35-12933 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 461 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-12933 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 900 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

1. THOMPSON 12/15/1993 PRESUMPTION FLAG
Comment: PRESUMPTION FLAG CHANGED FROM C TO E 12/15/93/JT
2. ARUBERRY 2/2/1998 COPIED FROM REMARKS
Comment: RIGHT NO. 35-12933 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 35-12933 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 461 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-12933 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3600 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2700 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 900 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
Comment: CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.
4. DSHAFF 5/12/1998 IRR SEASON
Comment: CHANGED TO LICENSED SEASON AND DELETED COND. CODES H02 & H03.
5. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
6. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) A07
7. AJONES 2/22/1999 CHANGED ADDRESS
Comment: CHANGED ADDRESS PER REQUEST.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-2653)

(If the entire right is to be changed by the applicant, omit part B and C)

1. amount 0.6 cfs/240 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	27	1N	33E	Bingham	

3. Lands irrigated or place of use: 200 1/2 acre lots within the following permissible place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	34	1.5			12													13.5
		35					2.3	16.5	2.6	1.6									46.4

Total Acres 59.9

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 8.4 cfs/3360 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	27	1N	33E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	22	32	16	39	38									32	33	37	29	256.0
		23				0.5	3	34.5	37	26	19	33	14.5	5		1.5	1.8		175.8
		26		17	0.3		38	24	40	23	18	40	34	5					239.3
		27	33	37	36	40									40	40	40	40	306.0
		34	6.5																6.5
		35						3											3.0

Total Acres 986.6

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-12933

WATER RIGHT NUMBER: 35-12933

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999
Current Owner	FOSTER LAND & CATTLE CO PO BOX 308 RIGBY, ID 83442 (208)243-6936

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>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.390 CFS	
	<u>Total Diversion:</u>	4.390 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 27, Twp 01N, Rge 33E, B.M.
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	8.0			12.0													20.0
01N	33E	35					2.3	19.5	26.0	1.6									49.4

Total Acres: 1046.5

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-12933

Conditions of Approval:

1. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-02653 PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02653 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 900 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02653 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 439 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
5. 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.
6. USE OF THIS RIGHT WITH RIGHT NO. 35-02653 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3600 AF.

Remarks:

Comments:

1. VERNER 6/14/1993 COPIED FROM REMARKS
Comment: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 35-02653 PURSUANT TO IDAHO CODE 42-1416(2).
2. ARUBERRY 2/2/1998 COPIED FROM REMARKS
Comment: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 35-02653 PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 35-02653 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 439 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-02653 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3600 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2700 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 900 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
Comment: CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.
4. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) H02 H03
5. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
6. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) A07
7. AJONES 2/22/1999 CHANGED ADDRESS
Comment: CHANGED ADDRESS PER REQUEST.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-12933 is an enlargement right - see B and C of Part 2 for 35-2653)*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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03/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2503A

WATER RIGHT NUMBER: 35-2503A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THAYNE R GNEITING PO BOX 1026 BLACKFOOT, ID 83221 (208)684-3999
Current Owner	FOSTER LAND & CATTLE CO PO BOX 308 RIGBY, ID 83442 (208)243-6936

Priority Date: 05/06/1957

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.630 CFS	1,072.00 AF
	<u>Total Diversion:</u>	3.630 CFS	1,072.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4SE1/4	Sec. 26, Twp 01N, Rge 33E, B.M.
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	29.0			22.0									193.0
01N	33E	36							26.0										26.0

Total Acres: 276

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2503A

2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Comments:

1. VERNER 6/11/1993 SPLIT RIGHT

Comment: RECOMMENDED AS A PORTION OF CLAIM A35-02503.

2. VERNER 1/24/1994 CHANGE FROM INITIAL RECOMMENDATION

Comment: RIGHT NO. 35-12934 IS AN EXPANSION OF THIS RIGHT PURSUANT IDAHO CODE 42-1416(2). RIGHT NO. 35-12934 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 268 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-12934 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.63 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1220 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 915 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 305 ACRES IN A SINGLE IRRIGATION SEASON. ***** GOLD 5 FOR COMMENTS ***** MY ORIGINAL EXAMINATION OF THIS PORTION OF LICENSE 35-02503 SHOWED THAT THE OWNER HAD CHANGED THE PLACE OF USE AND EXPANDED THIS PORTION OF THE LICENSE TO IRRIGATE AN ADDITIONAL 37 ACRES. I PREPARED A 2ND PRESUMPTION EXPANSION CLAIM, NO. A35-12394 AND MAILED IT TO THE OWNER SUGGESTING HE SUBMIT THE CLAIM TO COVER THE ADDITIONAL ACRES. THE OWNER, PREVIOUSLY SUBMITTED A SIMILAR CLAIM FOR ANOTHER FARM SO I ASSUMED HE UNDERSTOOD WHAT THE CLAIM COVERED. I MAILED THE CLAIM WITH COVER LETTER TO OWNER ON 6/14/93. AS OF 1/24/94, THE CLAIMANT HAS NOT SUBMITTED THE CLAIM OR CLAIM FILING FEE. I HAVE MADE NUMEROUS ATTEMPTS BY PHONE TO ASK MR. GNEITING TO SUBMIT THE CLAIM. I HAVE NOT BEEN ABLE TO REACH HIM (SEE FILE FOLDER FOR DATES I CALLED). GIVEN THAT MR. GNEITING DID NOT RETURN A35-12934, I CHANGED MY RECOMMENDATION TO LIMIT A35-02503A TO THE LICENSED ACRES. THE PLACE OF USE IS RECOMMENDED AS A "BEST GUESS" FIT OF THE LICENSED ACRES WITHIN THE IRRIGATED PLACE OF USE. I HAVE RECOMMENDED SLIGHT CHANGES FROM THE ORIGINAL LICENSE TO CORRECT ERRORS IN ORIGINAL LAND DESCRIPTIONS. USED CONDITION CODE C05. CHANGES OCCURED PRIOR TO 1987 PURSUANT TO OQ MAPS.

3. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE

Comment: CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

4. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE

Comment: DELETED CONDITION CODE(S) H02 H03

5. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU

6. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE

Comment: DELETED CONDITION CODE(S) A07

7. AJONES 2/22/1999 CHANGED ADDRESS

Comment: CHANGED ADDRESS PER REQUEST.

8. kpickett 10/5/2005 POD

Comment: Correlated PODID 279773 from SpatialDataID 229141 to SpatialDataID 229138

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B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-2503A)*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount 0.53 cfs/156 ac-ft for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SE	26	1N	33E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	35					29			11.1									40.1

Total Acres 40.1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 3.1 cfs/916 ac-ft for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	26	1N	33E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	26															35	22	57
		35	35	40	40	27				10.9									152.9
		36							26										26

Total Acres 235.9

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-12706

WATER RIGHT NUMBER: 25-12706

Owner Type Name and Address
Current Owner BDS LLC
C/O RICHARD T SKIDMORE
5490 SKIDMORE DR
IDAHO FALLS, ID 83406
(208)522-3309

Priority Date: 07/01/1960

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.012 CFS	1.40 AF
DOMESTIC	01/01 to 12/31	0.120 CFS	4.20 AF
<u>Total Diversion:</u>		0.132 CFS	5.60 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4NE1/4 Sec. 33, Twp 02N, Rge 38E, B.M.
BONNEVILLE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	38E	33	X				

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	38E	33	X				

Conditions of Approval:

page 14 of 19

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-12706

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X01 Domestic use is for 7 homes.

Remarks:

Comments:

Dates and Other Information:

Licensed Date:
 Decreed Date: 7/30/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/07/2004	Rmikesell	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/31/2004 11:11:32 AM	Rmikesell	Edited point location
POU	4/7/2004 10:10:45 AM	Rmikesell	Edited shape boundary
Summary	4/7/2004 11:10:05 AM	Rmikesell	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

72674

72674

B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

No return flows

3. Describe effects on other water uses resulting from the proposed change:

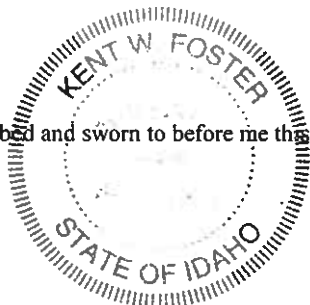
100 acres of land currently irrigated under rights 35-2653, 35-12933 and 35-2503A will no longer be irrigated. Land irrigated and domestic use under 25-12706 will be changed to new location.

I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.


Randy Skidmore

Subscribed and sworn to before me this 5th day of July, 2007.



Notary Public for Idaho
Residing at Idaho Falls, ID
My Commission Expires 11/20/2010

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

rec'd by _____

Copy of transfer sent to lien holder _____

RECEIVED

FEB 16 2006

Page 19 of 19Transfer No. 72674Department of Water Resources
Eastern Region**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

No return flows

3. Describe effects on other water uses resulting from the proposed change:

100 acres of land currently irrigated under rights 35-2653, 35-12933 and 35-2503A will no longer be irrigated.
Land irrigated and domestic use under 25-12706 will be changed to new location.

I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Randy Skidmore
 Randy Skidmore

Subscribed and sworn to before me this 2nd day of February, 2006.

Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, ID
 My Commission Expires 4/20/2010

**FOR DEPARTMENT USE ONLY**Transfer contains 19 pages and 21 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 290-Received by SC Date 3/31/06 E031682Published in Post Register Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

72674

72674

580100

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 10 day of November, 2005 between Thayne R. & Colleen Gneiting, husband and wife, referred to herein as the "GRANTOR" and Foster Land & Cattle Co., an Idaho general partnership, of P.O. Box 308, Rigby, Idaho 83442, the referred to herein as the "GRANTEE",

WITNESSETH, that GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Bingham, State of Idaho, to-wit:

The following described portions of the below listed groundwater rights:

Water Rt. ID. No.	Priority	CFS	AFA	Lands to which this portion is currently appurtenant and from which it will be transferred.
35-2653	Mar. 20, 1961	0.60	240	T1N., R33E., Sec. 34: NENE (1.5 acres), SENE (12 acres); Sec. 35: NWNW (16.5 acres), SWNW (26 acres), NENW (2.3 acres), and SENW (1.6 acres)
35-12933	May 1, 1980	0.29	240	Same as under 35-2653.
35-2503A	May 6, 1957	0.53	156	T1N., R33E., Sec. 35: NENW (29 acres), SENW (11.1 acres)

ATTACHMENT T 72674
1 OF 21

COPY

RECEIVED
MAR 03 2006
Department of Water Resources
Eastern Region

9-1117-32617
NOV 29 AM 11:12
REQUEST OF
Hadden Kellum
PO Box 50130
Rigby Idaho 83405-0130

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

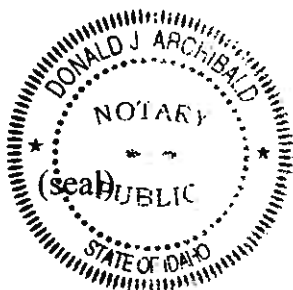

Thayne R. Gneiting


Colleen Gneiting

STATE OF ~~UTAH~~ ^{IDAHO})
)ss.
County of Jefferson)

On the 10th day of November, 2005, before me, the undersigned, a notary public in and for said State, personally appeared Thayne R. Gneiting and Colleen Gneiting known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Donald J. Archibald
Notary Public for ~~Utah~~ IDAHO
Residing at: Richy, IDAHO
My Commission Expires: _____

G:\WPDATA\KWF\5764 002 FOSTER AGRO, INC\Quitclaim Deed, 110705.wpd.cdv

530080

**WATER RIGHTS PURCHASE
AND SALE AGREEMENT**

THIS AGREEMENT IS MADE and entered into this 23rd day of November, 2005, by and between Foster Land and Cattle Co., an Idaho general partnership, of P.O. Box 308, Rigby, Idaho, 83442, hereafter "SELLER", and Comore Development, Inc., an Idaho corporation, of 3920 East Sunnyside Road, Idaho Falls, Idaho, 83406, hereafter "BUYER";

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the mutual covenants and agreements set forth below, the parties hereto agree as follows:

1. SELLER hereby sells to BUYER, and BUYER hereby purchases from SELLER, the following described water rights for the consideration and subject to the terms and conditions contained herein:

Water Rt. ID. No.	Priority	CFS	AFA	Lands to which this portion is currently appurtenant and from which it will be transferred.
35-2653	Mar. 20, 1961	0.60	240	T1N., R33E., Sec. 34: NENE (1.5 acres), SENE (12 acres); Sec. 35: NWNW (16.5 acres), SWNW (26 acres), NENW (2.3 acres), and SENW (1.6 acres)
35-12933	May 1, 1980	0.29	240	Same as under 35-2653.
35-2503A	May 6, 1957	0.53	156	T1N., R33E., Sec. 35: NENW (29 acres), SENW (11.1 acres)

Said water rights shall be conveyed from SELLER to BUYER by Quitclaim Deed, in the form set forth in Exhibit "A" attached hereto. Said Quitclaim Deed has been executed by SELLER as GRANTOR to BUYER as GRANTEE and delivered to GRANTEE, but the same shall not be recorded until the satisfactory completion of the transfer proceeding referenced in Paragraph 3 hereof.

COPY

T 72674
ATTACHMENT 4 OF 21

2. The purchase price for said water rights is the sum of one-hundred forty-thousand dollars (\$140,000.00), lawful money of the United States, to be paid by BUYER to SELLER as follows:
 - a. One-hundred thousand dollars (\$100,000.00) dollars upon the execution of this agreement, receipt whereof is hereby acknowledged by SELLER.
 - b. The balance of forty-thousand dollars (\$40,000.00) shall be paid by BUYER to SELLER on or before completion of the transfer proceeding referenced in Paragraph 3 hereof.
3. It is understood and agreed that BUYER will initiate a transfer proceeding under *Idaho Code* §§ 42-108 and 42-222, by filing an Application with Idaho Department of Water Resources in the form attached hereto as Exhibit "B", to change the point of diversion and place of use of said water rights as provided in said application. The filing fee and all costs and expenses of such proceeding shall be borne by BUYER. The parties agree to cooperate in the prosecution of said transfer procedure to the end that it might be approved by the Idaho Department of Water Resources with as much dispatch as possible.
4. In the event the transfer is not approved by the Idaho Department of Water Resources or is not approved in a manner satisfactory to BUYER, BUYER shall have the right to have said application withdrawn. In the event BUYER withdraws said application, BUYER agrees to return the unrecorded Quitclaim Deed to SELLER and SELLER agrees to refund the portion of the purchase price paid by BUYER to the date of such withdrawal, to BUYER, without interest, within thirty (30) days of the filing of the Notice of Withdrawal and return of the Deed.
5. This agreement has been prepared by the law firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., at the request and on behalf of both parties hereto. The parties agree there is no conflict in their respective interests herein setforth, and each hereby waives any ethical conflict of said law firm.
6. Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney fee, including such fees on appeal, which the offended party may incur in enforcing this agreement or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.

7. This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors in interest and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

FOSTER LAND & CATTLE CO.

By: [Signature]
Its: [Signature]

STATE OF IDAHO)
)ss.
County of Bonnerville)

On this 25th day of November, 2005, before me a notary public in and for said State, personally appeared Brad Foster known or identified to me (or proved to me on the oath of Brad Foster) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

[Signature]
Notary Public for Idaho
Residing at: IDAHO FALLS
My commission expires: 11/20/2010

COMORE DEVELOPMENT, INC.

By: [Signature]
Its: Randy Skidmore
V-PRES.

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 25th day of November, 2005, before me a notary public in and for said State, personally appeared Randy Skidmore known or identified to me (or proved to me on the oath of Randy Skidmore) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

[Signature]
Notary Public for Idaho
Residing at: IDAHO FALLS
My commission expires: 11/20/2010

FOSTER LAND & CATTLE CO.

By: _____
Its: _____

STATE OF IDAHO)
)ss.
County of _____)

On this ____ day of November, 2005, before me a notary public in and for said State, personally appeared _____ known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

Exhibit "A"

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this ____ day of November, 2005 between Foster Land and Cattle Co., an Idaho general partnership, of P.O. Box 308, Rigby, Idaho, 83442, hereafter "GRANTOR", and Comore Development, Inc., an Idaho corporation of 3920 East Sunnyside Road, Idaho Falls, Idaho, 83406, hereafter "GRANTEE",

WITNESSETH, that GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Bingham, State of Idaho, to-wit:

The following described portions of the below listed groundwater rights:

Water Rt. ID. No.	Priority	CFS	AFA	Lands to which this portion is currently appurtenant and from which it will be transferred.
35-2653	Mar. 20, 1961	0.60	240	T1N., R33E., Sec. 34: NENE (1.5 acres), SENE (12 acres); Sec. 35: NWNW (16.5 acres), SWNW (26 acres), NENW (2.3 acres), and SENW (1.6 acres)
35-12933	May 1, 1980	0.29	240	Same as under 35-2653.
35-2503A	May 6, 1957	0.53	156	T1N., R33E., Sec. 35: NENW (29 acres), SENW (11.1 acres)

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Exhibit "B"

Form 222
1-87

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Comore Development, Inc. Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes Comore has purchased 100 acres of irrigation water rights to use for watering of up to 1/2 acre of land each for 200 lots where homes will be constructed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>35-2653</u>	<u>3/20/1961</u>	<u>0.6 cfs/240 ac-ft</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
	<u>35-12933</u>	<u>5/1/1980</u>	<u>See 35-2653</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
	<u>35-2503A</u>	<u>5/6/1957</u>	<u>0.53 cfs/156 ac-ft</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>

2. Total amount of water being transferred _____ cubic feet per second and/or 288 acre-feet per annum.
3. Source of water Groundwater
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	6	1N	39E	Bonneville	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	1	✓		✓	✓								✓	✓	✓	✓	✓	
		12	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓				
1N	39E	5		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		7		✓			✓	✓	✓	✓									
		8						✓											

Total Acres 100

6. General Information:

- a. Description of diversion system Well and pump
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes _____ No X . If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
100 acres will no longer be irrigated.
- d. Remarks:
Applicant holds permits No. 25-14166 and 25-14167. This application is in partial satisfaction of conditions 9 and 10 of said permits. See attached copies of purchase and sale agreement and information from running the transfer tool as to predicted impacts on river reaches.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2005.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHED WATER RIGHT REPORTS

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of Water _____ tributary to _____
4. Date of priority _____
5. Water is used for the following purpose:
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe No.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-2653)
(If the entire right is to be changed by the applicant, omit part B and C)

1. amount 0.6 cfs/240 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	6	1N	39E	Bonneville	

3. Lands irrigated or place of use: 200 1/2 acre lots within the following permissible place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	1	√		√	√								√	√	√	√	√	
		12	√	√	√	√	√		√	√	√			√	√				
1N	39E	5		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
		6	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
		7		√			√	√	√	√									
		8						√											

Total Acres 59.9

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 8.4 cfs/3360 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	27	1N	33E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	22	32	16	39	38									32	33	37	29	256.0
		23				0.5	3	34.5	37	26	19	33	14.5	5		1.5	1.8		175.8
		26		17	0.3		38	24	40	23	18	40	34	5					239.3
		27	33	37	36	40									40	40	40	40	306.0
		34	6.5																6.5
		35						3											5.0

Total Acres 986.3

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-12933 - see B and C of Part 2 for 35-2653)

(If the entire right is to be changed by the applicant, omit part B and C)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acre _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (35-2503A)

(If the entire right is to be changed by the applicant, omit part B and C)

1. amount 0.53 cfs/156 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	6	1N	39E	Bonneville	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	1	✓		✓	✓								✓	✓	✓	✓	✓	
		12	✓	✓	✓		✓		✓	✓	✓			✓	✓				
1N	39E	5		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		7		✓			✓	✓	✓	✓									
		8						✓											

Total Acres 40.1

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.1 cfs/916 ac-ft for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	26	1N	33E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	33E	26															35	22	57
		35	35	40	40	27				10.9									152.9
		36							26										26

Total Acres 235.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indication the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED MAPS

SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

No return flows

3. Describe effects on other water uses resulting from the proposed change:

100 acres of land currently irrigated under rights 35-2653, 35-12933 and 35-2503A will no longer be irrigated.

I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 2005.

Notary Public

My Commission Expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT NO. 1

Although right no. 35-12933 appears to have its own rate amount (4.39 cfs), such amount also appears to be included in the 9.0 cfs rate for 35-2653. It also appears that in combination, those two rights are not to exceed 3,600 acre feet per annum in volume to be applied to a total of 900 acres of a permissible place of use of 1,046.5 acres. Based on the portions of such rights acquired by applicant pursuant to the attached "Water Rights Purchase and Sale Agreement", applicant's portion of such rights would be 0.6 cfs up to 240 acre feet per annum for 59.9 acres. Adding the portion of 35-2503A acquired by applicant (0.53 cfs up to 156 acre feet per annum for 40.1 acres) gives a total of 1.13 cfs up to 306 acre feet for use on 100 acres.

The numbers shown under subsection B of Part 1 of this application do not factor in the predictions of the Groundwater model (application of the transfer tool). We have run the transfer tool to examine what mitigation may be required in connection with this proposed transfer as a result of predicted negative impacts on any of the four river reaches. Copies of a map showing the cells used and the graph showing the "net transfer effect" are included. If we interpret this information correctly, there is a predicted negative impact on the Heise/Ashton to Lewisville reach of up to 21%. If that percentage is deducted from the 1.13 cfs and 396 acre feet totals of the portions of the three rights to be transferred, it appears the remaining cfs rate total would 0.89 and the remaining acre foot volume total would 313.

The water left after deducting up to 21% to offset the predicted negative impact on the Heise/Ashton to Lewisville reach of the river (0.89 cfs up to 313 acre feet per annum) is to be used for outside watering of lawns, gardens, trees, shrubs, etc., on 200 residential lots with $\frac{1}{2}$ acre of outside watering for each, or a total of 100 acres.

This is the first portion of compliance by the applicant with conditions 9 and 10 of permits numbers 25-14166 and 25-14167 and the "Stipulation to Resolve Protest" entered into by applicant and the Twin Falls and North Side Canal Companies about August 30, 2005.

The equipment and facilities for diverting water from the wells authorized by permits numbers 25-14166 and 25-14167 and the delivery pipelines will be interconnected with the facilities installed and constructed under water rights numbers 25-7040, 25-7042, 25-7161, 25-7578 and 25-7652, all of which are currently interconnected, to provide water for both indoor and outdoor use for the lots in the several divisions of the Comore Loma Subdivision, portions of which are contained within each of the quarter-quarter sections listed in number B.5. of Part 1 of the application.

G:\WPDATA\KWF\12559 Comore\Transfer App. Attachment.wpd.cdv

ATTACHMENT T 72674
19 OF 21

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 23rd day of November, 2005 between Foster Land and Cattle Co., an Idaho general partnership, of P.O. Box 308, Rigby, Idaho, 83442, hereafter "GRANTOR", and Comore Development, Inc., an Idaho corporation of 3920 East Sunnyside Road, Idaho Falls, Idaho, 83406, hereafter "GRANTEE",

WITNESSETH, that GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Bingham, State of Idaho, to-wit:

The following described portions of the below listed groundwater rights:

Water Rt. ID. No.	Priority	CFS	AFA	Lands to which this portion is currently appurtenant and from which it will be transferred.
35-2653	Mar. 20, 1961	0.60	240	T1N., R33E., Sec. 34: NENE (1.5 acres), SENE (12 acres); Sec. 35: NWNW (16.5 acres), SWNW (26 acres), NENW (2.3 acres), and SENW (1.6 acres)
35-12933	May 1, 1980	0.29	240	Same as under 35-2653.
35-2503A	May 6, 1957	0.53	156	T1N., R33E., Sec. 35: NENW (29 acres), SENW (11.1 acres)

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

COPY

T 12674
ATTACHMENT 20 OF 21

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

FOSTER LAND & CATTLE CO.

By: [Signature]
Its: [Signature]

STATE OF IDAHO)
)ss.
County of Bunneville)

On this 23rd day of November, 2005, before me a notary public in and for said State, personally appeared Brad Foster known or identified to me (or proved to me on the oath of Brad Foster) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
My commission expires: 11/20/2010