

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 01 2026

APPLICATION FOR TRANSFER OF WATER RIGHT

DEPT. OF WATER RESOURCES
EASTERN REGION

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) 3 Applicants - See Attachment 1

Mailing Address _____

Email* _____

Phone _____

Name of Representative (if any) Mark GiacolettoMailing Address 202 S Chugwater Dr, Cody, WY 82414Email* kbarpropertiesllcid@gmail.comPhone 307-899-4863

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☒ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			L3	NW	L6	L7	NE	L4	L5	SE	NE	L11	L12	L13	L9	L10	L14	L16	
14N	44E	18	0	0	0	6.05	0	0	0	21.2	32.41	0	0	33.52	0	7.77	10.59	0	111.54
			L1	L3	L7	L8	L4	L5	L6	SE	NE	L11	L12	SE	L9	L10	L13	L14	
14N	44E	19	0	0.5	0	0	3.78	0	0	0	0	0	0	0	0	0	0	0	4.28

Total Irrigated Acres to be Changed: 115.82

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|---|--|
| ☐ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☒ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The current place of use does not accurately reflect the historical ditch irrigation system.

The proposed changes would correct the POU to match the existing ditch irrigation system.

The current POU is 387 acres. The proposed changes would result in changing the

POU shape to include the historic ditch irrigation system. The POU total area remains the

same at 387 acres. An application is also being submitted to update water rights ownership

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☒	WR21-157	8.4	irrigation	May to Oct	Henry's Fork
☐ ☒	WR21-163	6.0	irrigation	May to Oct	Henry's Fork
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 4.3 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☒ **N/A. This application does not propose to add or change any points of diversion.**

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ **N/A. This application does not propose to change the place of use.**

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	44E	18	L3	NW	L6	L7	NE	L4	L5	SE	NE	L11	L12	L13	L9	L10	L14	L16	
14N	44E	18	0	37	36	5	29	0	0	17	7	0	23	5	0	31	10	0	200
14N	44E	19	L1	L3	L7	L8	L4	L5	L6	SE	NE	L11	L12	SE	L9	L10	L13	L14	
14N	44E	19	0	0	4	0	27	30	19	38.5	29	5.5	0	1	0	22	11	0	187

Total Irrigated Acres: 387

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

WR21-12906 and WR21-11192 share the diversion on the Henry's Fork with WR21-157 and
WR21-163

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

No changes in diversion are proposed

3. Is the proposed point of diversion within a state water district? ☐ Yes. Water District # NA. ☒ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☒ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

No enlargement of the POU is proposed

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

NA

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes	No
☐	☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐	☒
☐	☒
☐	☒

currently used in a mitigation plan limiting the use of water under the right?

subject to an agreement not to divert (CREP)?

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

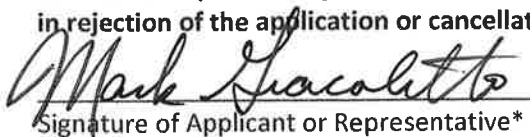
Maps included in Attachment 2B display the entire system. The initial diversion is located on the Henry's Fork. The diversion is comprised of a concrete frame and boards to control the level of the reservoir. A head gate is used to release water into a ditch that feeds south to the ditch irrigation system. The system splits into a north & south pasture and water is controlled with a series of head gates to feed lateral ditches.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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

	Mark Giacoletto	6/1/26
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
 _____ Signature of Applicant or Representative*	 _____ Print Name and Title, if applicable	 _____ Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

(1170.00) ^{this app}
 Fee Paid: \$ 820.00 Receipt #: E051676 Date: 6-1-26 Received by: M. Potts
 Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

March 23, 2026

Mark Giacoletto
202 S Chugwater Dr
Cody, WY 82414

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

To: Whom it may Concern

Subject: Transfer of Water Right and Notice of Change in Ownership for WR21-157, WR21-163, WR21-10498, WR21-10570, and WR21-10590

Applicants

K Bar Properties LLC
Mark & Allison Giacoletto
202 S Chugwater Dr., Cody, WY 82414
(307) 899-4863/(307) 899-4849
kbarpropertiesllcid@gmail.com

Kaye Orme
2983 Courtyard Circle, Ammon, ID 83406
(406) 381-4230
Theycallmek@live.com

Clinton & Shelly Clark Trust
5249 East Sagewood Drive, Boise, ID 83716
(208) 559-5736/(208) 559-4855
Kaukaclark@gmail.com/shellyormeclark@gmail.com

Summary of Applications for Water Right Changes

The enclosed applications are submitted on behalf of the property owners listed above. The applicants are requesting a correction to the place of use (POU) for certain irrigation water rights and changes in ownership that reflect the recent division of family property. These actions are administrative in nature and do not propose any enlargement of water use, change in diversion rate, or expansion of the total irrigated acreage historically served by the water rights.

Water Right ID	Source	Water Use	Diversion Rate (cfs)	Change in POU	Change in Ownership	Split Ownership
WR21-157	Henry's Fork	Irrigation	8.4	Yes	Yes	Yes
WR21-163	Henry's Fork	Irrigation	6.0	Yes	Yes	Yes
WR21-10498	Ground Water	Domestic	0.08	No	Yes	No
WR21-10570	Meadow Creek	Stockwater	0.24	No	Yes	Yes
WR21-10590	Ground Water	Stockwater	0.20	No	Yes	No

Background Information

The current listed owner of all the listed water rights is Rich E. Orme who is now deceased (September 10, 2009). Upon his death, his three daughters (Shelly Orme Clark, Kaye Orme, and Allison Giacoletto) inherited the properties from the Doris K. Orme Testamentary Trust to which the water rights are attached. The properties have been held jointly as tenants in common until recently. Water Right 21-157, 21-163, 21-10498, and 21-10570 are associated with the family ranch property located in Island Park, ID (Island Park Property). This property is a continuous block of land of approximately 1,274 acres that is also bisected by Henry's Lake Outlet. Water right WR21-590 is associated with property located near Parker, ID and is referred to as the Feedlot Property.

The Orme sisters have recently come to an agreement and divided the Island Park and Feedlot Properties. Deeds have been prepared and recorded with Fremont County, ID. The Island Park Property has been divided into three parcels with each sister owning a parcel.

The parcel designated for Allison Orme Giacoletto has been deeded to K Bar Properties LLC which is owned by the Blue Pine Living Trust. The Trustees are Allison Orme Giacoletto and Mark Dominic Giacoletto.

Kaye Orme is the owner of the second parcel.

The Clinton and Shelly Clark Trust is the owner of the third parcel. Clinton and Shelly Clark are the Trustees.

Kaye Orme has been deeded as the sole owner of the Feedlot Property (WR21-10590) located near Parker, ID.

WRs 21-157 and 21-163 share the same POU. The initial diversion is from Henry's Lake Outlet and supports a ditch irrigation system with a defined place of use (POU) of 387 acres. A review of the current water rights associated with the Island Park Property revealed a clerical error by Rich Orme in the adjudication process that designated the POU associated with WR21-157 and WR21-163. The current POU shape excludes ground that has irrigation ditches that have been used for well over 50 years and includes ground that has never been irrigated.

WR21-21-10498 is a well that services part-year residences on the property owned by K Bar Properties LLC.

WR21-10570 is for stockwater with the source being Meadow Creek and the place of use covers most of the Island Park Property.

WR21-10590 is associated with property located near Parker, ID and is referred to by the family as the Feedlot Property. It is used for stockwater, and the source is ground water.

Transfer of Use Application Proposed Actions

WR21-157 and WR21-163

Water Rights WR21-157 and WR21-163 divert from Henry's Lake Outlet and historically irrigate a defined system of ditches serving approximately 387 acres. During preparation of these applications, a review of the adjudicated place of use revealed that the currently mapped POU does not accurately reflect the historical irrigation system due to a clerical error. Portions of land that

have been irrigated for more than 50 years were excluded, while some areas included in the adjudicated POU have never been irrigated.

The Transfer of Use application therefore proposes a corrected POU that matches the existing historic ditch irrigation system. The total irrigated acreage remains unchanged at 387 acres. The correction only adjusts the mapped polygons so that they accurately reflect historical irrigation practices. No enlargement of water use or expansion of irrigated acreage is proposed.

The proposed transfer does not change the point of diversion, season of use, nature of use, or the total authorized diversion rate of the water rights. The proposed action only corrects the mapped place of use to reflect the historically irrigated lands and allocates ownership among the current property owners consistent with the division of the underlying properties.

Change of Ownership Application Proposed Actions

WR21-157 and WR21-163

Assuming the proposed corrected POU is accepted, the new POU would be distributed across all three properties. The POU location for each property has been mapped and acres calculated using ArcGIS Pro mapping software. The table in the summary section below displays the new distribution of POU acres and water right diversion rates for each property owner. The water right diversion rate for each property was calculated based on the percentage of POU acres owned as prescribed in the application instructions.

WR21-10498

WR-10498 is well that services three cabins for domestic water use. It is located on property owned by K Bar Properties LLC. This water right ownership needs to be transferred to K Bar Properties LLC.

WR21-10570

WR21-10570 is sourced from Meadow Creek and is used for stockwater. The current water right identifies 0.24 cfs. The place of use includes much of the Island Park Property and is located on portions of the three divided properties. The proposal for the divided Island Park Property is to allocate the water right proportionally based on the portion of POU located on each property. The table below displays the new water right associated with each property.

WR21-10590

WR21-10590 is associated with the Feedlot Property near Parker, ID. Its source is ground water and is used for stockwater. Kay Orme is now the owner of the property and will be the sole owner of the water right of 0.20 cfs.

Summary of Ownership After Transfer of POU and Water Rights

Water Right ID	New Owner	Water Use	Current Diversion Rate (cfs)	Post Split Place of Use Acres*	Post Split % Share of Water Right	Post Split Diversion Rate (cfs)
WR21-157	K Bar Properties LLC	Irrigation	8.4	162	41.9%	3.52
WR21-157	Clinton & Shelly Clark Trust	Irrigation	8.4	111	28.7%	2.41
WR21-157	Kaye Orme	Irrigation	8.4	114	29.4%	2.47
WR21-163	K Bar Properties LLC	Irrigation	6.0	162	41.9%	2.51
WR21-163	Clinton & Shelly Clark Trust	Irrigation	6.0	111	28.7%	1.72
WR21-163	Kaye Orme	Irrigation	6.0	114	29.4%	1.77
WR21-10498	K Bar Properties LLC	Domestic	0.08	NA	100%	0.08
WR21-10570	K Bar Properties LLC	Stockwater	0.24	348	40.0%	0.10
WR21-10570	Clinton & Shelly Clark Trust	Stockwater	0.24	336	38.7%	0.09
WR21-10570	Kaye Orme	Stockwater	0.24	185	21.3%	0.05
WR21-10590	Kaye Orme	Stockwater	0.20	NA	100%	0.20

*WR21-157 and WR21-163 share the same POU.

Representatives

The applicants listed above have designated the following individuals to serve as representatives for all matters regarding the submitted applications for Transfer of Water Rights and Notice of Change in Water Right Ownership:

Mark Giacoletto
202 S Chugwater Dr, Cody, WY 82414
(307) 899-4863
kbarpropertiesllcid@gmail.com

Jerry Rigby, Attorney
Rigby, Andrus & Rigby
25 N 2nd E, P.O. Box 250, Rexburg, ID 83440
(208) 356-3633
officemanager@rex-law.com

Mark Giacoletto will serve as the primary representative for the applicants. Jerry Rigby, Attorney, may be consulted regarding legal issues or questions regarding the water rights applications and related matters if needed. Signed documents from each applicant designating the representatives are included in Attachment 1A of the Application for Transfer of Water Rights as required.

Supporting documents are included with the applications as required. GIS shapefiles of maps are available if requested. You may contact me by email at kbarpropertiesllcid@gmail.com and by phone at (307) 899-4863 for questions or additional information. Acknowledgement and approval of the proposed changes by the property owners are attached below.

Sincerely,

MARK GIACOLETTO
K Bar Properties LLC

Enclosures:
Applications for Transfer of Water Rights and Change of Ownership
Application fees

The following property owners agree with the proposed changes in water rights as stated in the IDWR Application Letter for the Transfer of Water Rights and Notice of Change in Ownership for WR21-157, WR21-163, WR21-10498, WR21-10570, and WR21-10590.


Shelly Clark, Trustee

May 25, 2026
Date


Clinton Clark, Trustee

May 25, 2026
Date


Kaye Orme

April 3, 2026
Date


Allison Giacoletto

3/23/26
Date


Mark Giacoletto

3/23/26
Date

Water Right Report : 21-163(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	ORME, RICH E	200 N 7 E	ST ANTHONY	ID	83445
Original Owner	KOOCH, WM			ID	

Water Right Status

Priority Date : 9/15/1913

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HENRYS FORK		SNAKE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HENRYS FORK	14N	43E	1	0	SW	SE	SW	FREMONT	Injection
HENRYS FORK	14N	43E	13	0	NW	NE	NE	FREMONT	Rediversion
HENRYS FORK	15N	43E	36	0	SE	NE	SW	FREMONT	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	6.00 CFS	
TOTAL			6.00 CFS	

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (FREMONT county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
14N	44E	18	6	SW	NE		36.0
14N	44E	18		SE	NE		0.1
14N	44E	18	7	SE	NE		11.0
14N	44E	18		SE	NW		39.0
14N	44E	18		NE	SW		39.0
14N	44E	18	13	SE	SW		37.0
14N	44E	18	10	NW	SE		38.0
14N	44E	18	14	SW	SE		21.0
14N	44E	19	3	NW	NE		0.5
14N	44E	19	7	SW	NE		3.1
14N	44E	19	4	NE	NW		31.0
14N	44E	19	5	NW	NW		13.0
14N	44E	19	6	SW	NW		13.0
14N	44E	19		SE	NW		37.0
14N	44E	19		NE	SW		29.0
14N	44E	19	11	NW	SW		5.7
14N	44E	19		SE	SW		0.6
14N	44E	19	10	NW	SE		22.0
14N	44E	19	13	SW	SE		11.0

Total Acres Acre Limit

387.00 300.00

Conditions

Code Conditions

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.

E55 Right Nos. 21-157 and 21-163 are limited to the irrigation of a combined total of 387 acres in a single irrigation season.

K06 This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.

Dates

Licensed Date :

Decreed Date : 2/2/2007

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargement Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date:

Protest Deadline Date:

Other Information

State or Federal : S

Water District Number : 01

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 0

Combined Acre Limit : 387.00

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/19/2026

Water Right Report : 21-157(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	ORME, RICH E	200 N 7 E	ST ANTHONY	ID	83445
Original Owner	KOOCH, MAGGIE			ID	

Water Right Status

Priority Date : 6/1/1902

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HENRYS FORK		SNAKE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HENRYS FORK	14N	43E	1	0	SW	SE	SW	FREMONT	Injection
HENRYS FORK	14N	43E	13	0	NW	NE	NE	FREMONT	Rediversion
HENRYS FORK	15N	43E	36	0	SE	NE	SW	FREMONT	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	8.40 CFS	
TOTAL			8.40 CFS	

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (FREMONT county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
14N	44E	18	6	SW	NE		36.0
14N	44E	18		SE	NE		0.1
14N	44E	18	7	SE	NE		11.0
14N	44E	18		SE	NW		39.0
14N	44E	18		NE	SW		39.0
14N	44E	18	13	SE	SW		37.0
14N	44E	18	10	NW	SE		38.0
14N	44E	18	14	SW	SE		21.0
14N	44E	19	3	NW	NE		0.5
14N	44E	19	7	SW	NE		3.1
14N	44E	19	4	NE	NW		31.0
14N	44E	19	5	NW	NW		13.0
14N	44E	19	6	SW	NW		13.0
14N	44E	19		SE	NW		37.0
14N	44E	19		NE	SW		29.0
14N	44E	19	11	NW	SW		5.7
14N	44E	19		SE	SW		0.6
14N	44E	19	10	NW	SE		22.0
14N	44E	19	13	SW	SE		11.0

Total Acres Acre Limit

387.00

Conditions

Code Conditions

THIS CLAIM COMBINES WATER RIGHTS 21-00156, 21-00157, AND 21-00143

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.

E55 Right Nos. 21-157 and 21-163 are limited to the irrigation of a combined total of 387 acres in a single irrigation season.

K06 This right is limited to the irrigation of 387 acres within the place of use described above in a single irrigation season.

Dates

Licensed Date :

Decreed Date : 2/2/2007

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargment Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date:

Protest Deadline Date:

Other Information

State or Federal : S

Water District Number : 01

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 0

Combined Acre Limit : 387.00

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/19/2026

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2026

Water Right 21-10498

Owner Type

Current Owner

Name

RICH E ORME

Priority Date: 6/1/1947

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

DOMESTIC

From

1/01

To

12/31

Diversion Rate

0.080 CFS

Volume

Total Diversion

0.080 CFS

Source and Point(s) of Diversion:

GROUND WATER

NWSW

Sec. 17, Twp 14N, Rge 44E, FREMONT County

Place Of Use:

DOMESTIC within FREMONT County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	44E	17																	X

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP5641A

Dates and Other Information:

Decreed Date: 9/1/1999

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: TBD

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2026

Water Right 21-10570

Owner Type
 Current Owner

Name
 RICH E ORME

Priority Date: 6/1/1902

Basis: Decreed

Status: Active

Source
 MEADOW CREEK

Tributary
 HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.240 CFS	
	<u>Total Diversion</u>		0.240 CFS	

Source and Point(s) of Diversion:

MEADOW CREEK	L13(SESESW)	Sec. 18, Twp 14N, Rge 44E, FREMONT County(E)
MEADOW CREEK	NENESW	Sec. 17, Twp 14N, Rge 44E, FREMONT County(B)
MEADOW CREEK	L14(NWSESE)	Sec. 19, Twp 14N, Rge 44E, FREMONT County(E)
MEADOW CREEK	L9(SENESW)	Sec. 18, Twp 14N, Rge 44E, FREMONT County(E)
MEADOW CREEK	L11(NWNWSW)	Sec. 19, Twp 14N, Rge 44E, FREMONT County(B)
MEADOW CREEK	L4(NWNWNW)	Sec. 18, Twp 14N, Rge 44E, FREMONT County(B)
MEADOW CREEK	L8(NESENE)	Sec. 18, Twp 14N, Rge 44E, FREMONT County(B)
MEADOW CREEK	L17(SESESE)	Sec. 19, Twp 14N, Rge 44E, FREMONT County(E)

Place Of Use:

STOCKWATER within FREMONT County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	44E	17									X	X							
14N	44E	18			X L6	X L7		X L4	X L5	X	X			X L13	X L9	X L10	X L14	X L16	
14N	44E	19	X L1	X L3	X L7	X L8	X L4				X	X L11		X	X L9	X L10	X L13	X	

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NOS. 5461, 5643, 5645 STOCKWATER, 1000 HEAD

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2026

Dates and Other Information:

Decreed Date: 9/1/1999
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/1/2026

Water Right 21-10590

Owner Type

Current Owner

Name

RICH E ORME

Priority Date: 10/15/1947

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

STOCKWATER

From

1/01

To

12/31

Diversion Rate

0.200 CFS

Volume

Total Diversion

0.200 CFS

Source and Point(s) of Diversion:

GROUND WATER

NWSESE

Sec. 7, Twp 07N, Rge 40E, FREMONT County

Place Of Use:

STOCKWATER within FREMONT County

STOCKWATER WITHIN FREMONT COUNTY																					
			NE				NW				SW				SE						
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
07N	40E	7														X				X	

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP2482A STOCKWATER, 900 BEEF CATTLE, 5 HORSES

Dates and Other Information:

Decreed Date: 9/1/1999

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: EXC

Mitigation Plan: False



0006083764

**STATE OF IDAHO****Office of the secretary of state, Phil McGrane
CERTIFICATE OF ORGANIZATION LIMITED
LIABILITY COMPANY**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0006083764

Date Filed: 1/29/2025 2:22:17 PM

Certificate of Organization Limited Liability Company							
Select one: Standard, Expedited or Same Day Service (see descriptions below)	Expedited (+\$40; filing fee \$140)						
1. Limited Liability Company Name Type of Limited Liability Company Entity name	Limited Liability Company K Bar Properties LLC						
2. The complete street address of the principal office is: Principal Office Address	4500 BRAD ORME RANCH ROAD UNIT #2 ISLAND PARK, ID 83429						
3. The mailing address of the principal office is: Mailing Address	202 S CHUGWATER DR CODY, WY 82414-9411						
4. Registered Agent Name and Address Registered Agent	Registered Agent Kaye Orme Physical Address: 2983 COURTYARD CIRCLE AMMON, ID 83406 Mailing Address: 2983 COURTYARD CIR AMMON, ID 83406-7507						
☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.							
5. Governors							
<table border="1"><thead><tr><th>Name</th><th>Address</th></tr></thead><tbody><tr><td>Blue Pine Living Trust - Mark Giacoletto, Trustee</td><td>202 SOUTH CHUGWATER DRIVE CODY, WY 82414</td></tr><tr><td>Blue Pine Living Trust - Allison Orme Giacoletto, Trustee</td><td>202 SOUTH CHUGWATER DRIVE CODY, WY 82414</td></tr></tbody></table>		Name	Address	Blue Pine Living Trust - Mark Giacoletto, Trustee	202 SOUTH CHUGWATER DRIVE CODY, WY 82414	Blue Pine Living Trust - Allison Orme Giacoletto, Trustee	202 SOUTH CHUGWATER DRIVE CODY, WY 82414
Name	Address						
Blue Pine Living Trust - Mark Giacoletto, Trustee	202 SOUTH CHUGWATER DRIVE CODY, WY 82414						
Blue Pine Living Trust - Allison Orme Giacoletto, Trustee	202 SOUTH CHUGWATER DRIVE CODY, WY 82414						
Signature of Organizer:							
<i>Mark Dominic Giacoletto</i>	01/29/2025						
Sign Here	Date						

B0983-1671 01/29/2025 2:24 PM Received by Office of the Idaho Secretary of State

March 1, 2026

Kaye Orme
2983 Courtyard Circle
Ammon, ID 83406

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

To: Whom it may Concern

We are designating the following individuals to serve as representatives for all matters regarding the submitted applications for Transfer of Water Rights and Notice of Change in Water Right Ownership associated with WR-157, WR-163, WR-10498, WR-10570, and WR21-10590:

Mark Giacoletto
202 S Chugwater Dr., Cody, WY 82414
(307) 899-4863
kbarpropertiesllcid@gmail.com

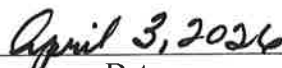
Jerry Rigby, Attorney
Rigby, Andrus & Rigby
25 N 2nd E, P.O. Box 250, Rexburg, ID 83440
(208) 356-3633
officemanager@rex-law.com

Mark Giacoletto will serve as the primary representative for the applicants. Jerry Rigby, Attorney, may be consulted regarding legal issues or questions regarding the water rights applications and related matters if needed.

Property Owner Signature



Kaye Orme



Date

March 1, 2026

Clinton & Shelly Clark Trust
5249 East Sagewood Drive
Boise, ID 83716

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

To: Whom it may Concern

We are designating the following individuals to serve as representatives for all matters regarding the submitted applications for Transfer of Water Rights and Notice of Change in Water Right Ownership associated with WR-157, WR-163, WR-10498, WR-10570, and WR21-10590:

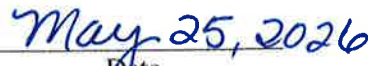
Mark Giacoletto
202 S Chugwater Dr., Cody, WY 82414
(307) 899-4863
kbarpropertiesllcid@gmail.com

Jerry Rigby, Attorney
Rigby, Andrus & Rigby
25 N 2nd E, P.O. Box 250, Rexburg, ID 83440
(208) 356-3633
officemanager@rex-law.com

Mark Giacoletto will serve as the primary representative for the applicants. Jerry Rigby, Attorney, may be consulted regarding legal issues or questions regarding the water rights applications and related matters if needed.

Property Owner(s) Signature


Shelly Clark, Trustee


Date


Clinton Clark, Trustee


Date

March 1, 2026

K Bar Properties LLC
Mark & Allison Giacoletto
202 S Chugwater Dr.,
Cody, WY 82414

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

To: Whom it may Concern

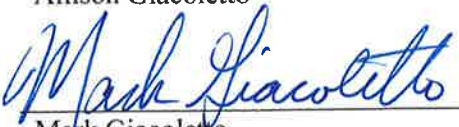
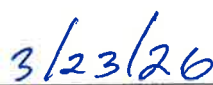
We are designating the following individuals to serve as representatives for matters regarding the submitted applications for Transfer of Water Rights and Notice of Change in Water Right Ownership associated with WR-157, WR-163, WR-10498, WR-10570, and WR21-10590:

Mark Giacoletto
202 S Chugwater Dr., Cody, WY 82414
(307) 899-4863
kbarpropertiesllcid@gmail.com

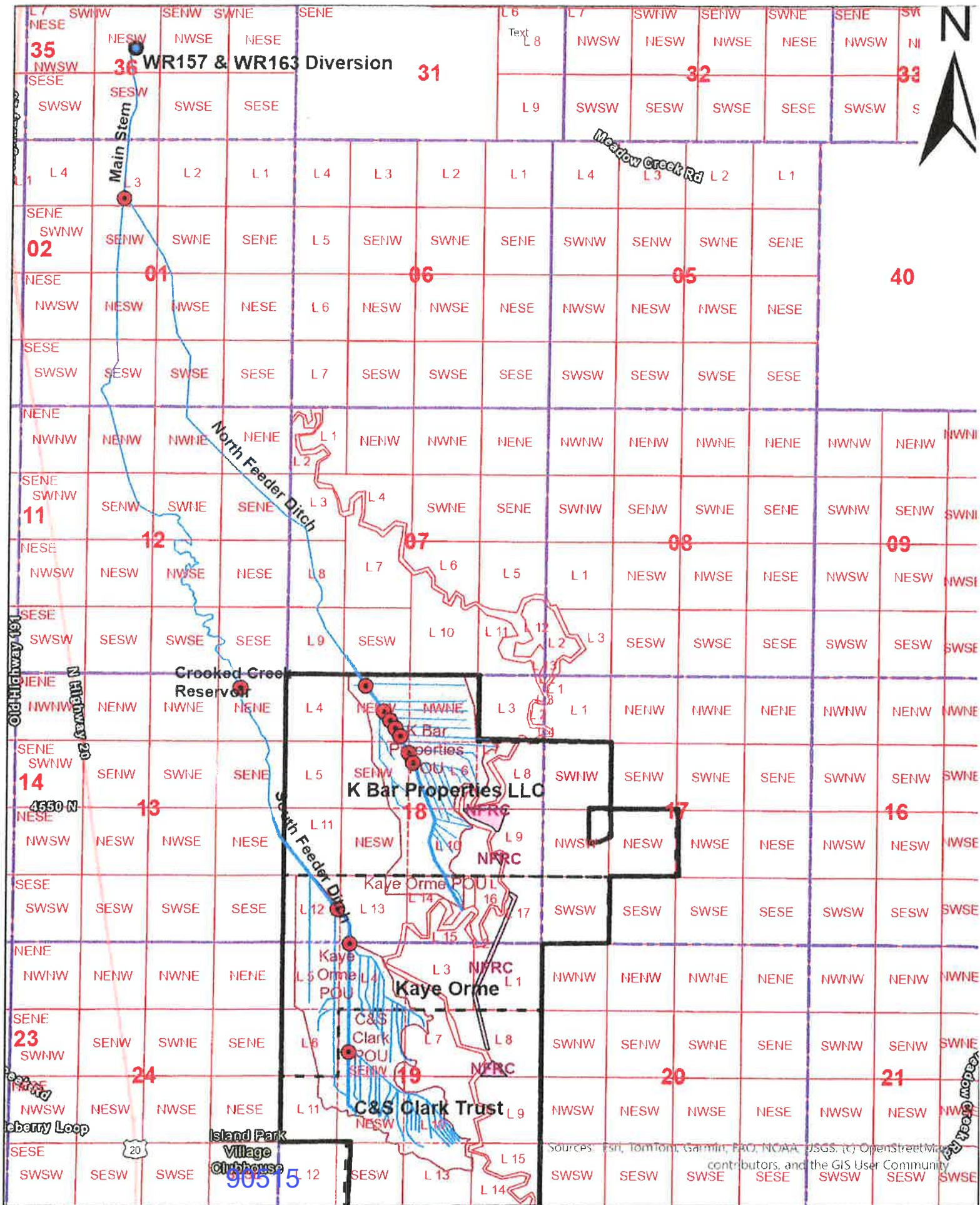
Jerry Rigby, Attorney
Rigby, Andrus & Rigby
25 N 2nd E, P.O. Box 250, Rexburg, ID 83440
(208) 356-3633
officemanager@rex-law.com

Mark Giacoletto will serve as the primary representative for the applicants. Jerry Rigby, Attorney, may be consulted regarding legal issues or questions regarding the water rights applications and related matters if needed.

Property Owner(s) Signature

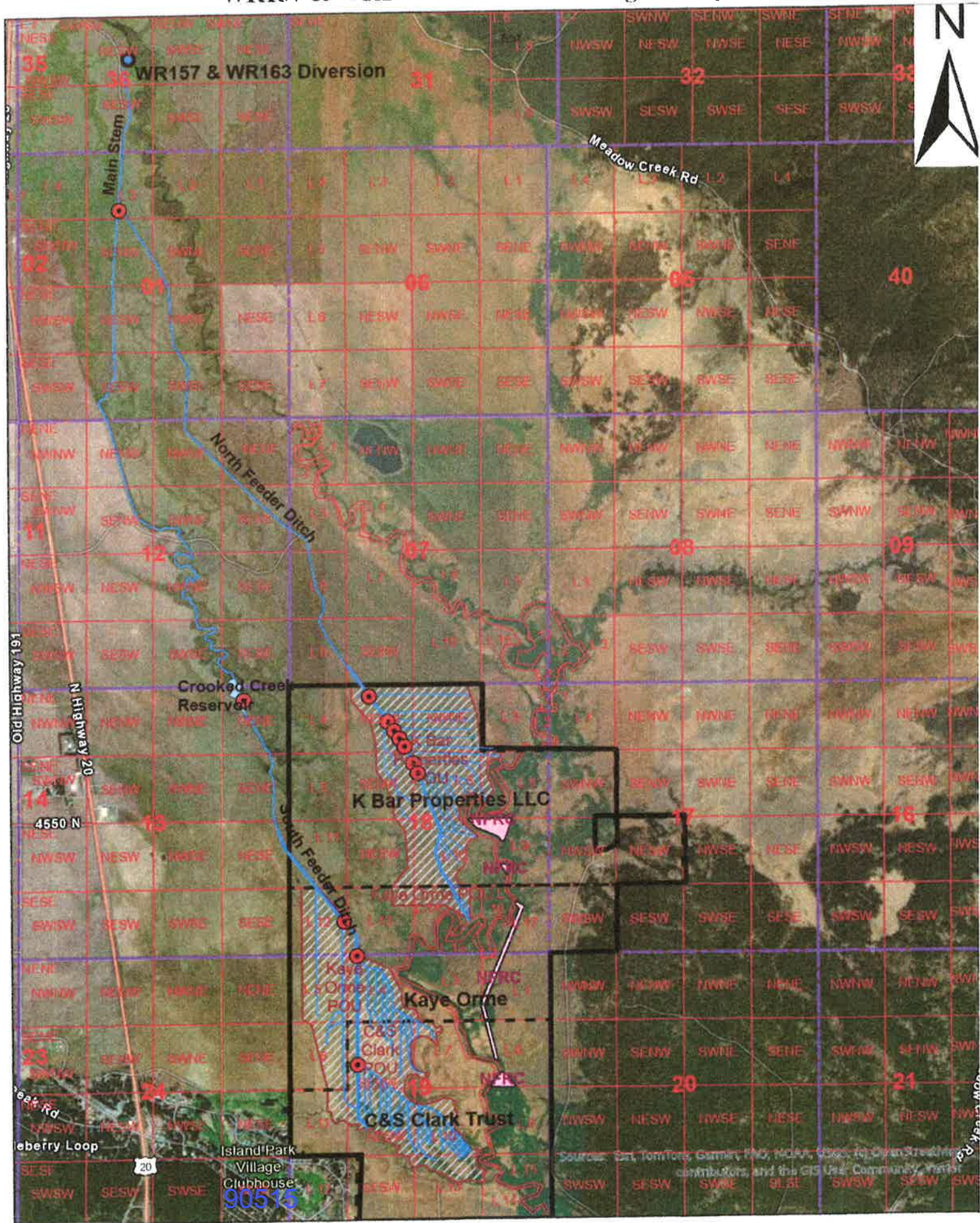
 Allison Giacoletto	 Date
 Mark Giacoletto	 Date

Attachment 3C Map 1 Proposed POU and Water Right Transfer WR157 & WR163 Diversion and Irrigation System



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Attachment 3C Map 1 Proposed POU and Water Right Transfer WR157 & WR163 Diversion and Irrigation System



WR157 & WR163



Attachment 3C - Map 2 Proposed POU and Water Right Transfer WR157 & WR163

