

P.O. Box 33720
Boise, ID 83720-0098

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0004310839 JAN 11 2006
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FEB 01 2006

DEPARTMENT OF
WATER RESOURCES

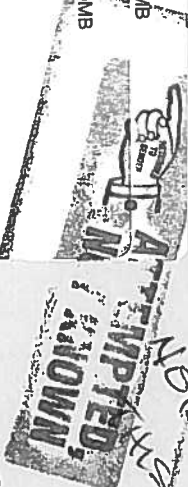
77-2030
77-10843

here

THANK

NOT AT ADDRESS

JAMES NEWCOMB
LEBANA NEWCOMB
2215 N 34TH ST
BOISE ID 83704



*Address
changed to
110
Post
Lakeside ST*



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No. 77-02030

) Standard Form 5

) STIPULATED ELEMENTS
) OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/RESPONDENT:

James Newcomb
Russell L. Newcomb

POA Lorraine Newcomb 3-13-07
James Newcomb Date

Russell L. Newcomb 3-14-07
Russell L. Newcomb Date

IDWR CONCURRENCE:

Ken Knoblock 3/15/17
Ken Knoblock Date
Senior Water Resource Agent

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown sup Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Christopher M. Bromley (as to form) Date
Deputy Attorney General

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118
LAKEFORK ID 83835

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF
DIVERSION:

T22N R06E S11
T22N R06E S11

NENE
NENE

Within IDAHO County
Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FIRE PROTECTION
DOMESTIC
IRRIGATION

PERIOD OF USE
01/01 12/31
01/01 12/31
05/01 10/31

QUANTITY
2.000 CFS
0.040 CFS
0.020 CFS

Domestic use is for 1 home.

PLACE OF USE:

IRRIGATION

T22N R06E S11

NENE

Within IDAHO County

0.60

DOMESTIC

T22N R06E S11

NENE

Within IDAHO County

FIRE PROTECTION

T22N R06E S11

NENE

Within IDAHO County

0.6 ACRES TOTAL

Place of use does not include federal public land.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on _____, 2006 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

James Newcomb
Newcomb Diversified Industries
Box 118
Lakefork, Idaho 83835

Russell L. Newcomb
4035 Star Valley St.
Boise, Idaho 83709-4855

Signature of person or attorney mailing the form

DURABLE POWER OF ATTORNEY

In the event of active duty for mobilization or Overseas Deployment Training

PREAMBLE: This is a MILITARY POWER OF ATTORNEY prepared pursuant to Title 10, United States Code, Section 1044b, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this power of attorney from any requirement of form, substance, formality, or recording that is prescribed for powers of attorney by the laws of a state, the District of Columbia, or a territory, commonwealth, or possession of the United States. Federal law specifies that this power of attorney shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the jurisdiction where it is presented.

EFFECTIVE DATES: This power of attorney becomes effective upon my being ordered by the President of the United States to perform active duty with the United States Armed Forces as evidenced by the attached military order and shall terminate at the earlier of, either, five years from the date of the attached military order or my release from active duty.

KNOW EVERYONE BY THESE PRESENTS, which are intended to constitute a Durable General Power of Attorney, **THAT I, James R. Newcomb of LAKE FORK IDAHO**, hereby make, constitute and appoint: **Lorraine G. Newcomb of LAKE FORK IDAHO** as my primary attorney-in-fact, and if my primary attorney-in-fact is unable, unwilling or unavailable to act, I appoint: _____, of _____, as my attorney-in-fact, **TO ACT** in my name, place and stead in any way which I could do, if I were personally present, to the extent that I am permitted by law to act through an agent:

- (a) to ask, demand, sue for, recover and receive all manner of goods, chattels, debts, rents, interest, sums of money and demands whatsoever, due or to become due, and to execute, acknowledge and deliver acquittances, receipts, releases, satisfactions or other discharges for the same;
- (b) to make, execute, endorse, accept and deliver in my name or in the name of my attorney-in-fact all checks, notes, drafts, warrants, securities, stock certificates, certificates of deposit, bonds, acknowledgements, and any other agreements, certificates or instruments of any nature, as my attorney-in-fact may deem necessary or appropriate;
- (c) to cause securities or other property to be held or registered in the name of a nominee or nominees or in any other form; to vote any and all shares of stock or other securities and to execute proxies or other instruments with respect to such stock or securities;
- (d) to deposit and withdraw any sums to or from any bank, savings or similar account maintained by me; to open or cause to be opened any safe deposit box in my name and to examine and remove any or all of the contents of such box; and to conduct such other banking transactions as my attorney-in-fact may deem necessary or appropriate;
- (e) to deal with all matters relating to insurance, including the procurement and maintenance thereof; however, notwithstanding the powers given my attorney-in-fact in this and other provisions of this power of attorney, my attorney-in-fact shall have no incidents of ownership in any life insurance policy in which I own an interest and which insures the life of my attorney-in-fact;
- (f) to enter and take possession of any real or personal property belonging to me or to which I may be entitled, and to receive and take for me and in my name any rents, issues and profits of any such property; and to purchase, invest in, reinvest in, sell, exchange, lease, grant options upon, convey, assign, transfer, encumber or otherwise dispose of any real property, including homestead property, or personal property of any nature and wherever situate; and to execute, acknowledge and deliver all contracts, deeds, leases, mortgages, transfers to trusts, bills of sale, assignments, extensions, satisfactions, releases, waivers, consents, and any other agreements, writings and instruments of any nature affecting any real or personal property, including homestead property, as my attorneys-in-fact may deem necessary or appropriate;
- (g) to commence any actions or proceedings, for the recovery of any real or personal property or for any other purpose; to appear in, answer and defend any actions or proceedings commenced against me; and to prosecute, maintain, appeal, discontinue, compromise, settle and adjust all actions, proceedings, accounts, dues and demands that now or hereafter may exist, as my attorney-in-fact may deem necessary or appropriate;
- (h) to create, amend or terminate one or more trusts, partnerships, corporations, co-tenancies or any other form of ownership or entity for the purpose of dealing with any property or property interest of any nature that I may have or hereafter acquire, under such terms and with such provisions as my attorney-in-fact may deem necessary or appropriate; and to transfer any or all property in which I have an interest into any trusts, partnerships, corporations, co-tenancies or other entities, whether created by me or my attorney-in-fact or otherwise (and, in this regard, that my attorney-in-fact may be a remainderman, partner, shareholder, co-tenant or beneficiary of any such entity shall not affect the validity of any action hereunder, and shall not, by itself, constitute a breach of fiduciary duty); and to remove property from any such entity; and to give to any such entity or to any person acting as agent or trustee under any instrument executed by me or on my behalf, such instructions or authorizations as I may have the right to give;
- (i) to take all steps and remedies necessary or appropriate for the conduct and management of my business and personal affairs, and for recovering, obtaining and holding all real or personal property including debts, interest, demands,

duties, sums of money or any other things whatsoever, as aforesaid, that are thought to be due, owing, belonging or payable to me in my own right or otherwise;

(j) to employ such agents, attorneys, accountants, investment counsel, trustees, caretakers and other persons and entities, and to delegate duties hereunder and pay such compensation, as my attorney-in-fact may deem necessary or appropriate; and

(k) to do, execute, perform and finish for me and in my name all things which my attorney-in-fact shall deem necessary or appropriate, in and about or concerning my property or any part thereof.

In addition, I specifically authorize my attorney-in-fact to deal with tax authorities, to execute and sign on my behalf any and all Federal, state, local and foreign income and gift tax returns, including estimated returns and interest, dividends, gains and transfer returns, for all periods between 1975 and 2050, and to pay any taxes, penalties and interest due thereon; to allocate generation-skipping transfer tax exemptions (within the meaning of Section 2642(a) of the Internal Revenue Code) and to make tax elections; to represent me or to sign an Internal Revenue Service Form 2848 (Power of Attorney or Declaration of Representative) or Form 8821 (Tax Information Authorization), or comparable authorization, appointing a qualified lawyer, certified public accountant or enrolled agent (including my attorney-in-fact if so qualified) to represent me before any office of the Internal Revenue Service or any state, local or foreign taxing authority with respect to the types of taxes and years referred to above, and to specify on said authorization said types of taxes and years; to receive from or inspect confidential information in any office of the Internal Revenue Service or state, local or foreign tax authority; to receive and deposit, in any one of my bank accounts, or those of any revocable trust of mine, checks in payment of any refund of Federal, state, local or foreign taxes, penalties and interest; to pay by check drawn on any bank account of mine or of any revocable trust of mine and have accounts to permit my attorney-in-fact to draw checks for payment of said items; to execute waivers (and offers of waivers) of restrictions on assessment or collection of deficiencies in taxes and waivers of notice of disallowance of a claim for credit or refund; to execute consents extending the statutory period for assessment or collection of such taxes; to execute offers in compromise and closing Agreements under Section 7121 or comparable provisions of the Internal Revenue Code or any Federal, state, local or foreign tax statutes or regulations; to delegate authority or to substitute another representative for any one previously appointed by me or my attorney-in-fact; and to receive copies of all notices and other written communications involving my Federal, state, local or foreign taxes at such address as my attorney-in-fact may designate.

In addition, I authorize my attorney-in-fact to make voluntary contributions to, transfer assets between, and withdraw amounts from any qualified retirement benefit plan or IRA; to waive spousal rights on any such plan or IRA; to make elections with respect to the timing, method and amounts of withdrawals, distributions and/or rollovers, methods of calculating minimum required distributions, and methods of distribution as a beneficiary of another's plan or IRA; and to take any other actions with respect to any such plan or IRA as I could take.

This power of attorney is a durable power of attorney, and it shall not be affected by my becoming disabled, incompetent or incapacitated or the lapse of time. It is my intent that the authority conferred herein shall be exercisable notwithstanding my physical disability or mental incompetence.

To induce any third party to act hereunder, I hereby agree that any third party receiving a duly executed copy or facsimile of this power of attorney may act hereunder, and that revocation or termination hereof shall be ineffective as to such third party unless and until actual notice or knowledge of such revocation or termination shall have been received by such third party. I, for myself and my heirs, executors, legal representatives and assigns, hereby agree to indemnify and hold harmless any such third party from and against any and all claims that may arise against such third party by reason of such third party having relied upon the provisions of this power of attorney.

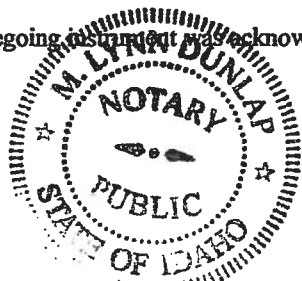
IN WITNESS WHEREOF, I have executed this power of attorney this 10 day of MAY, 2005.

Signature: James R. Newmark

Address: P.O. Box 118, 31 Pleasant Acres Drive
Lake Park, Idaho 83635

STATE OF IDAHO, COUNTY OF AD, ss.

The foregoing instrument was acknowledged before me on the 10 day of MAY, 2005.



Notary Public

Commission Expires 4/3/06

RECEIVED
JUL 27 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 77-02030
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

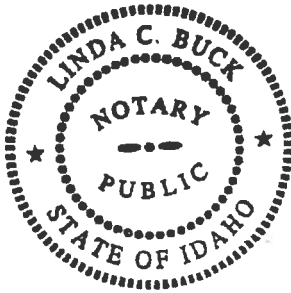
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 25th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

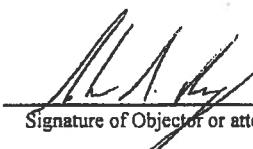
Name: James Newcomb, Newcomb Diversified Industries
Address: Box 118; Lakefork, Idaho 83835
Name: Russell L. Newcomb
Address: 4035 Star Valley St.; Boise, Idaho 83709
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

03/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118

LAKEFORK ID 83835

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

Mixed POUs:

-The places of use described below contains both private and public lands.
-Clarify such that it is clear only private land is intended.

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF
DIVERSION: T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R06E S11 NENE 0.60

Mixed

DOMESTIC Within IDAHO County

T22N R06E S11 NENE

FIRE PROTECTION Within IDAHO County

T22N R06E S11 NENE

0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

77-02030



Since the NENE of Section 11 contains both private and public lands, please insert the following language under place of use to clarify such that only private land is intended:

"Place of use does not include federal public land."

IDAHO COUNTY 049
CORRECTOR GENERAL DISTRICT

MT PLAT

[illegible]

All ip included in 1 DB157 Cat PL 167 (Act of
Contg 7/23/1935) completed 12/22/1960. All w/
surface report by USFS including

1 00167-b-1 5ac 12 no 1 Old Hester Bill 5
1 00167-b-2 5ac 12 ni 1 Old Hester No 1
1 00167-b-3 5ac 12 ni 1 Old Hester No 2
1 00167-b-4 5ac 12 581 Old Hester No 3
1 00167-b-5 5ac 12 581 Old Hester No 4

1 07547 W41 USFS A-5 5 B-00P
Sec 12. N4E

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
FEB 23 1998	

USE PLAYS:

Boys

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

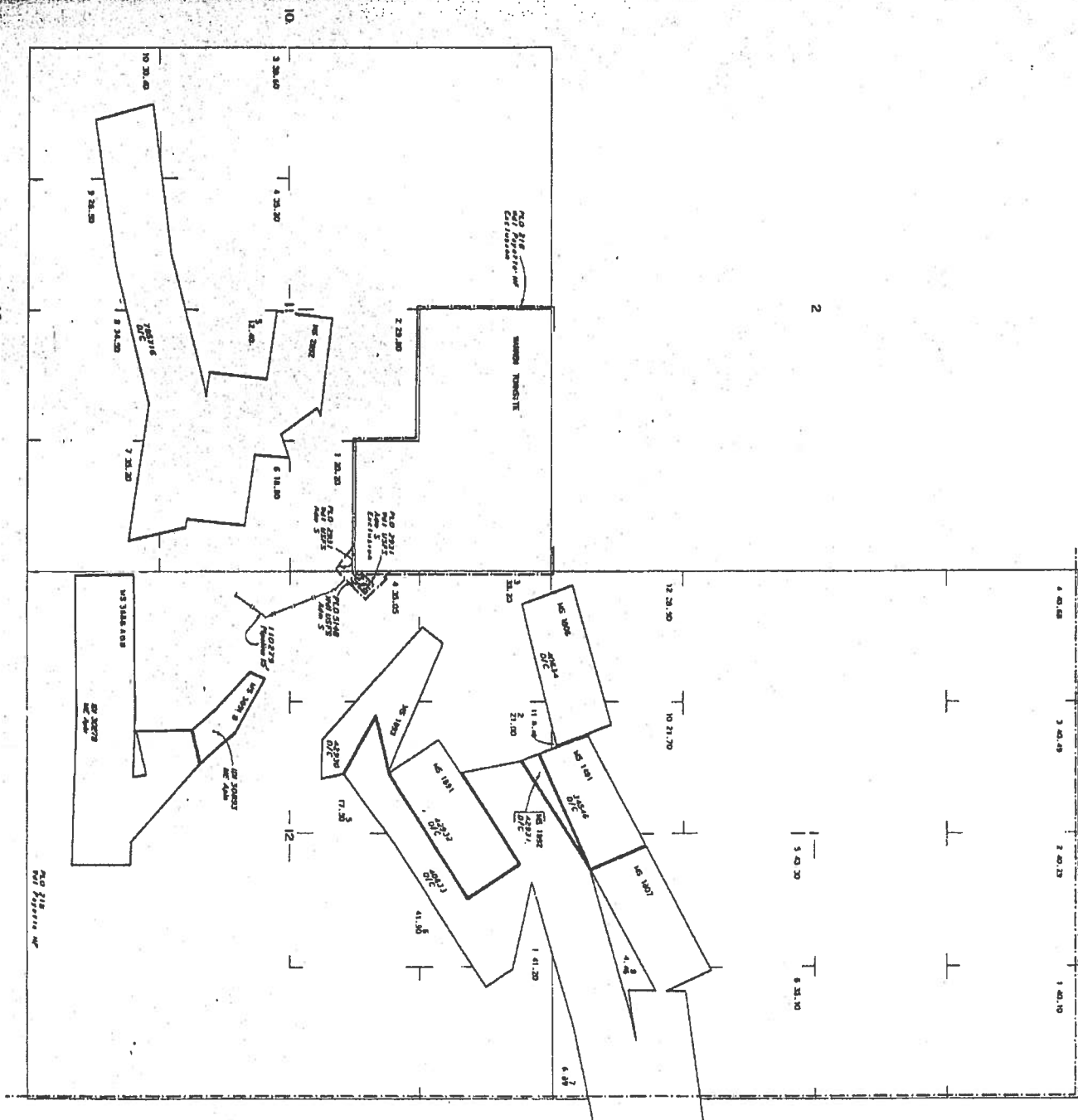
ND 5 — STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MTP
SUPPL Sec 1,11,12

[illegible]

all IP included in 1 CAS67 Dec PL 167 (act of Congress 7/23/1953) completed 12/22/1960. All RF surface layer by USSS including

1 00167-4-1 Sec 12 1013 Old Reserve #1115
1 00167-4-2 Sec 12 1014 Old Reserve #1
1 00167-4-3 Sec 11 514 Old Reserve No 2
1 00167-4-4 Sec 12 514 Old Reserve No 3
1 00167-4-5 Sec 12 514 Old Reserve No 4



FOR ORDERS EFFECTING DISPOSAL, OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CONSENT TO	CONSENT TO
021 20 888	
USE PLATE:	

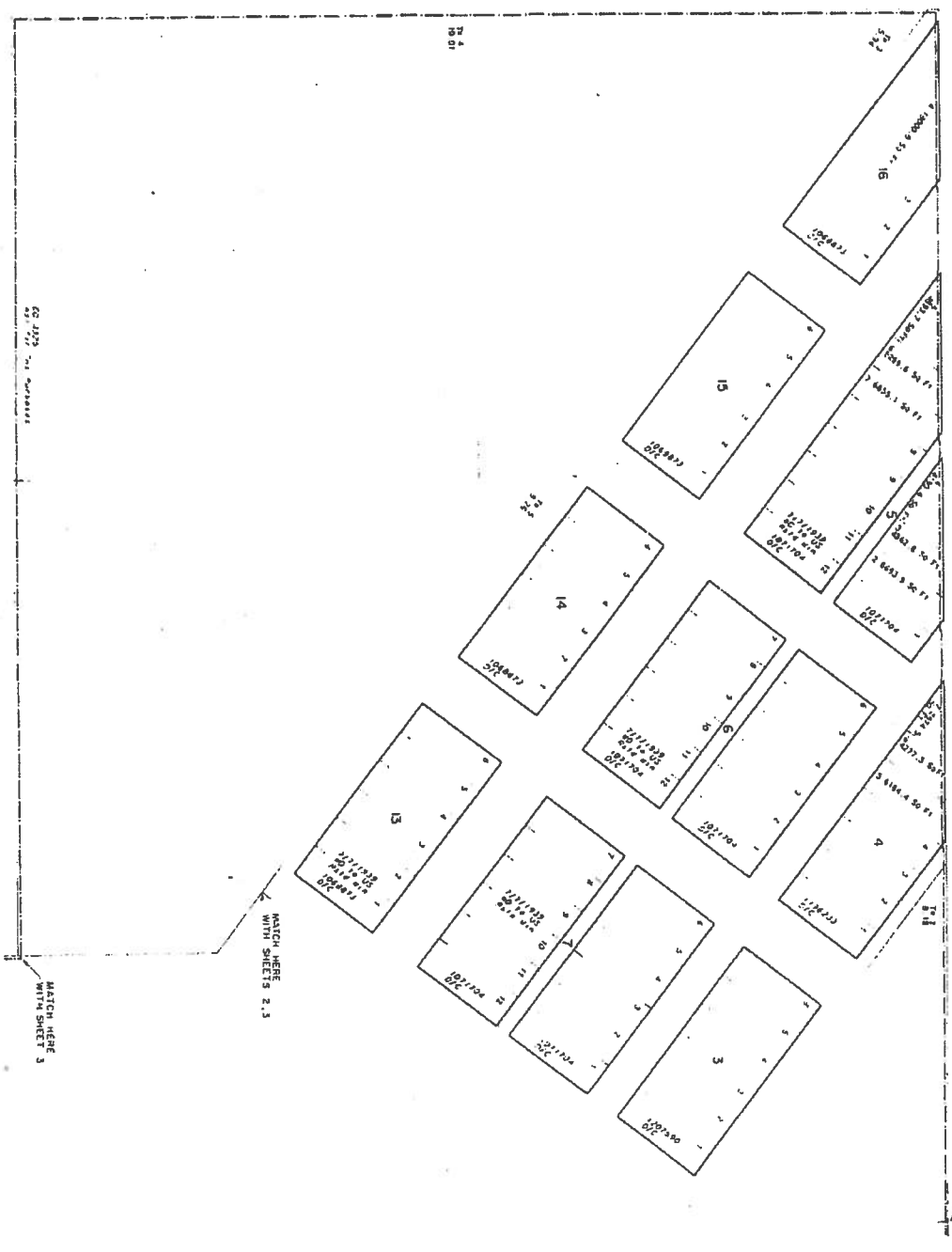
TOWNSHIP 22 NORTH RANGE 6 EAST OF THE BOISE MERIDIAN, IDAHO
 IDAHO COUNTY
 COEUR D'ALENE DISTRICT

AC 2
 STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

WARREN
 TOWNSITE PLAT
 SHEET 1

INDEX TO SEGREGATED TRACTS

TRACT NO.	AC.	SEC.	SUBDIVISION
1	160.00	1	160.00
2	160.00	2	160.00
3	160.00	3	160.00
4	160.00	4	160.00
5	160.00	5	160.00
6	160.00	6	160.00
7	160.00	7	160.00
8	160.00	8	160.00
9	160.00	9	160.00
10	160.00	10	160.00
11	160.00	11	160.00
12	160.00	12	160.00
13	160.00	13	160.00
14	160.00	14	160.00
15	160.00	15	160.00
16	160.00	16	160.00



SCALE IN FEET
 0 100 200

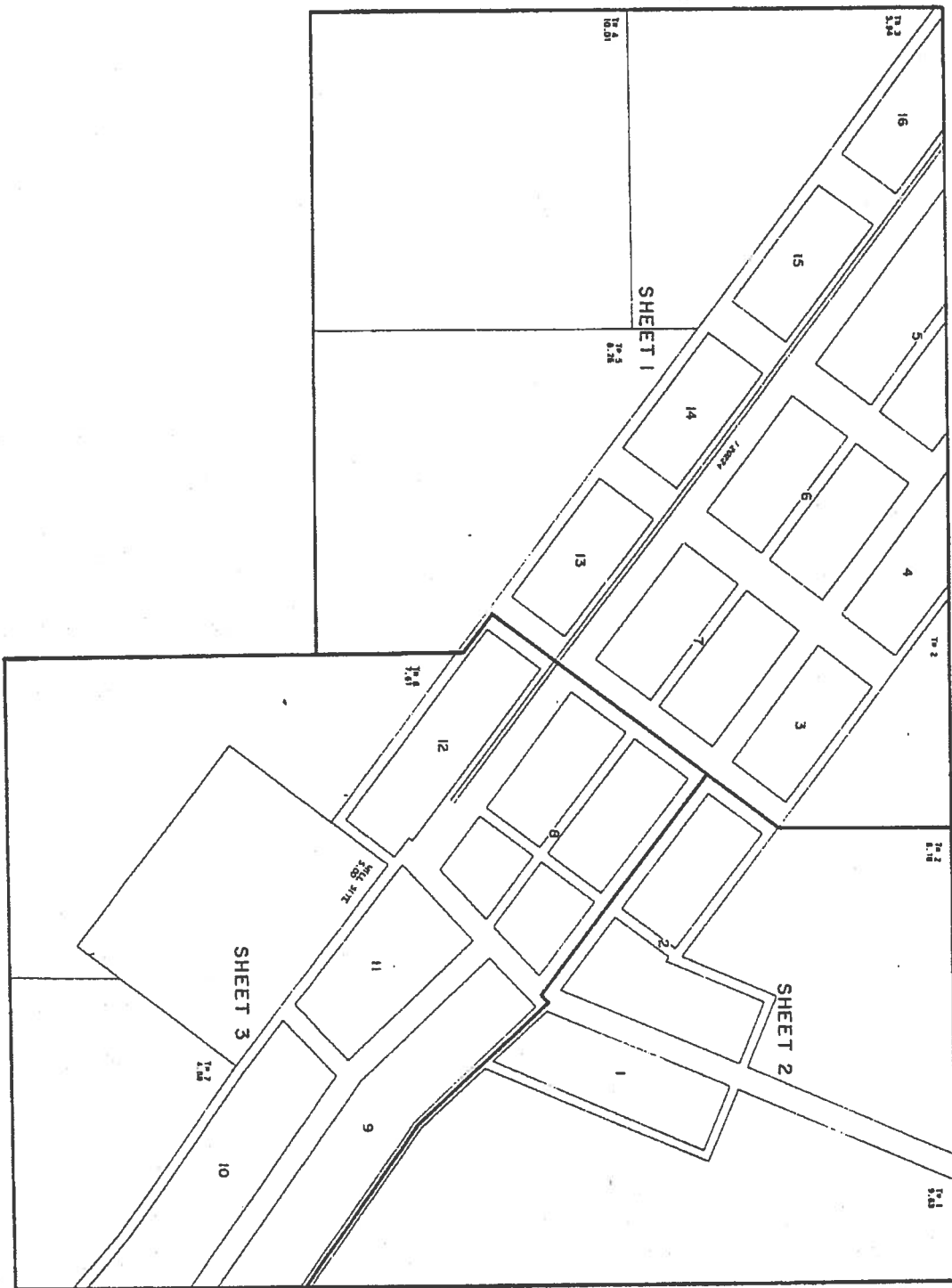
TOWNSHIP 22 NORTH RANGE 6 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

NO. 1

INDEX MAP

WARREN TOWNSITE



If this new recommendation
is alright. then change database

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118
LAKEFORK ID 83835

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION:

T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in IDAHO County

T22N R06E S11 NENE 0.60

DOMESTIC in IDAHO County

T22N R06E S11 NENE

FIRE PROTECTION in IDAHO County

T22N R06E S11 NENE
0.6 ACRES TOTAL

Place of use is on private property not public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

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NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118
LAKEFORK ID 83835

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

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SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

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T22N R06E S11 NENE Within IDAHO County

T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
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PLACE OF USE: IRRIGATION in IDAHO County

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DOMESTIC in IDAHO County

T22N R06E S11 NENE

FIRE PROTECTION in IDAHO County

T22N R06E S11 NENE
0.6 ACRES TOTAL

Place of use is on private property not public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

03/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118

LAKEFORK ID 83835

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION:

T22N R06E S11 NENE Within IDAHO County

T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in IDAHO County

T22N R06E S11 NENE 0.60

DOMESTIC in IDAHO County

T22N R06E S11 NENE

FIRE PROTECTION in IDAHO County

T22N R06E S11 NENE

0.6 ACRES TOTAL

Place of use is on private property not public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Knoblock, Ken

From: Fredric_Price@blm.gov
Sent: Wednesday, January 24, 2007 9:22 AM
To: larry.brown@usdoj.gov
Cc: Harvey, Becky; Bromley, Chris; Knoblock, Ken
Subject: Fw: SF-5: 77-02030, Newcomb x2



77-02030 letter
09-08-06.pdf



77-02030 SF-5
cover letter.doc...



77-02030 SF-5.pdf

Larry,

RE: 77-02030, Newcomb

I spoke with Russell Newcomb this morning to see if he had any questions about the SF-5 that I sent him back on 09-29-06. He was in agreement with adding the "no fed land" remark, but had a question about the "not a determination of historic beneficial use" remark under Other Provisions. I gave him Bromley's phone number but did explain that IDWR puts the remark in every recommendation containing a small domestic or stockwater purpose of use, and that the use of this remark came out of a decision by the court in BWI-12 which determined how the elements of small

D&S claims should be defined. He was interested in seeing the BWI-12 decision so I'll email it to him (pan5813@aol.com).

He hasn't sent the SF-5 back yet because the other claimant, his brother James, is in Afganistan. He is due back in the first part of March, so we should still be able to file it with the court prior to the 03-21-07 Initial Hearing. He is acting pro se but may run the SF-5 by his family attorney before signing, which I encouraged.

Fred

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 01/24/2007 10:06 AM -----

Fred

Price/IDSO/ID/BL

M/DOI

To

larry.brown@usdoj.gov

09/28/2006 04:07

cc

PM

becky.harvey@idwr.idaho.gov, Casey

O'Brien/ISO/ID/BLM/DOI@BLM

Subject

SF-5: 77-02030, Newcomb x2

Larry,

RE: SF-5, 77-02030, Newcomb

I received the attached letter from the claimant dated 09-08-06. It suggests concurrence with BLM's objection that seeks clarification of mixed ownership POUs (no intrusion) such that it is clear only private land is intended.

In response to the letter from the claimant, I created an SF-5 that inserts the "no fed land" remark under the POU element and sent it to the claimant: "Place of use does not include federal public land."

Fred

Letter from Claimant:
(See attached file: 77-02030 letter 09-08-06.pdf)

SF-5 sent to Claimant by BLM with SF-5:
(See attached file: 77-02030 SF-5 cover letter.doc) (See attached file: 77-02030 SF-5.pdf)

RECEIVED

SEP 11 2006

DEPARTMENT OF
WATER RESOURCES

Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, Idaho 83720-0098

September 8, 2006

Reference: SRBA Case No. 39576
Subcase: Water Right Number 77-2030

Subject: Amend Water Right Place Of Use

In accordance with the request contained in the attached Objection filed by the United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office, located at 1387 South Vinnell Way, Boise, Idaho 83709-1657, I request that the following wording be inserted in the PLACE OF USE Block for Water Right Number 77-2030:

Insert the words "On private land within Idaho County". The Block should read to the effect:

PLACE OF USE: On private land within Idaho County T22N R06E S11

IRRIGATION Within IDAHO County

DOMESTIC Within IDAHO County

FIRE PROTECTION Within IDAHO County


Russell L. Newcomb
4035 Star Valley Street
Boise, ID 83709

Attachment

cc: Larry A. Brown
U.S. Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Fred Price
United States Department of The Interior
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657

Clerk of the District Court
Snake River Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83709

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase 77-02030
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land. ✓

F.

VERIFICATION (Must be Completed)

State of Idaho

)

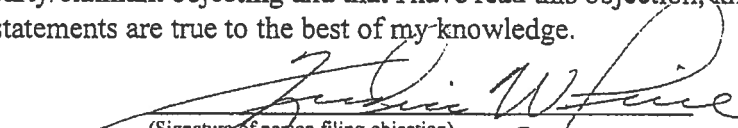
) ss.

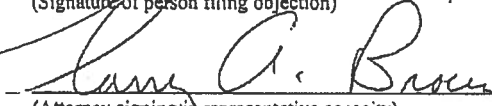
County of ADA

)

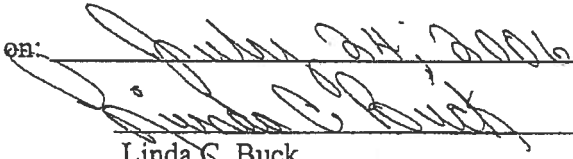
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

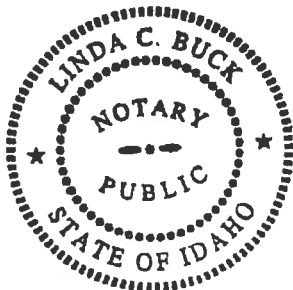
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 25th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

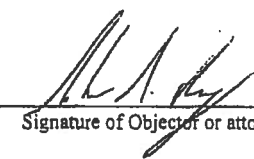
Name: James Newcomb, Newcomb Diversified Industries
Address: Box 118; Lakefork, Idaho 83835
Name: Russell L. Newcomb
Address: 4035 Star Valley St.; Boise, Idaho 83709
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

03/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030
NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118
LAKEFORK ID 83835
RUSSELL L NEWCOMB
4935 STAR VALLEY ST
BOISE ID 83709

Mixed POUs:

-The places of use described below contains both private and public lands.
-Clarify such that it is clear only private land is intended.

SOURCE: BENIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF
DIVERSION: T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within IDAHO County
T22N R06E S11 NENE 0.60
Mixed DOMESTIC Within IDAHO County
T22N R06E S11 NENE
FIRE PROTECTION Within IDAHO County
T22N R06E S11 NENE
0.6 ACRES TOTAL

ON PRIVATE LAND WITHIN
IDAHO COUNTY
T22N R06E S11

R. L. Jenkins

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Mr. Kenneth Knoblock
Water Resources Agent
State of Idaho
Department of Water Resources – Northern Region
Suite No. 210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

RECEIVED
APR 25 2005
DWR/North

RE: 77-2030

April 21, 2005

Dear Mr. Knoblock:

This is in response to your letter dated April 13, 2005.

The recommendation you propose would irreparably harm our continued use of family property located near Warren, Idaho in Idaho County. This very old water right now supports four property parcels under the name of Newcomb and/or Vereen. The water availability for fire protection, irrigation, power development, mining support activities and other domestic and beneficial uses is necessary for ongoing and future development options for the properties. It is critically important to multiple family uses and the enjoyment and pursuit of activities those uses allow. The dependence on this water availability is as critical now if not even greater as when it was secured in 1917.

Please consider this response a formal notice of disagreement with your proposed recommendation. We request that this eighty-eight year old water right be left alone. If the Department of Water Resources pursues further action to alter this water right, please provide me with timely notice so that appropriate legal support can be obtained.

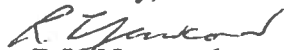
Correspondence in this matter should be addressed to the following:

R. L. Newcomb
4035 Star Valley Street
Boise, ID 83709

J. R. Newcomb
Newcomb Diversified Industries
P.O. Box 118
Lakefork, ID 83635

B. Vereen
P.O. Box 904
North Myrtle Beach, SC
29597

Sincerely,


R.L. Newcomb

04/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
2215 N 34TH ST
BOISE ID 83704

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION:

T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS
Domestic use is for 1 home.		

PLACE OF USE: FIRE PROTECTION Within IDAHO County

T22N R06E S11 NENE

DOMESTIC Within IDAHO County

T22N R06E S11 NENE

IRRIGATION Within IDAHO County

T22N R06E S11 NENE 0.6

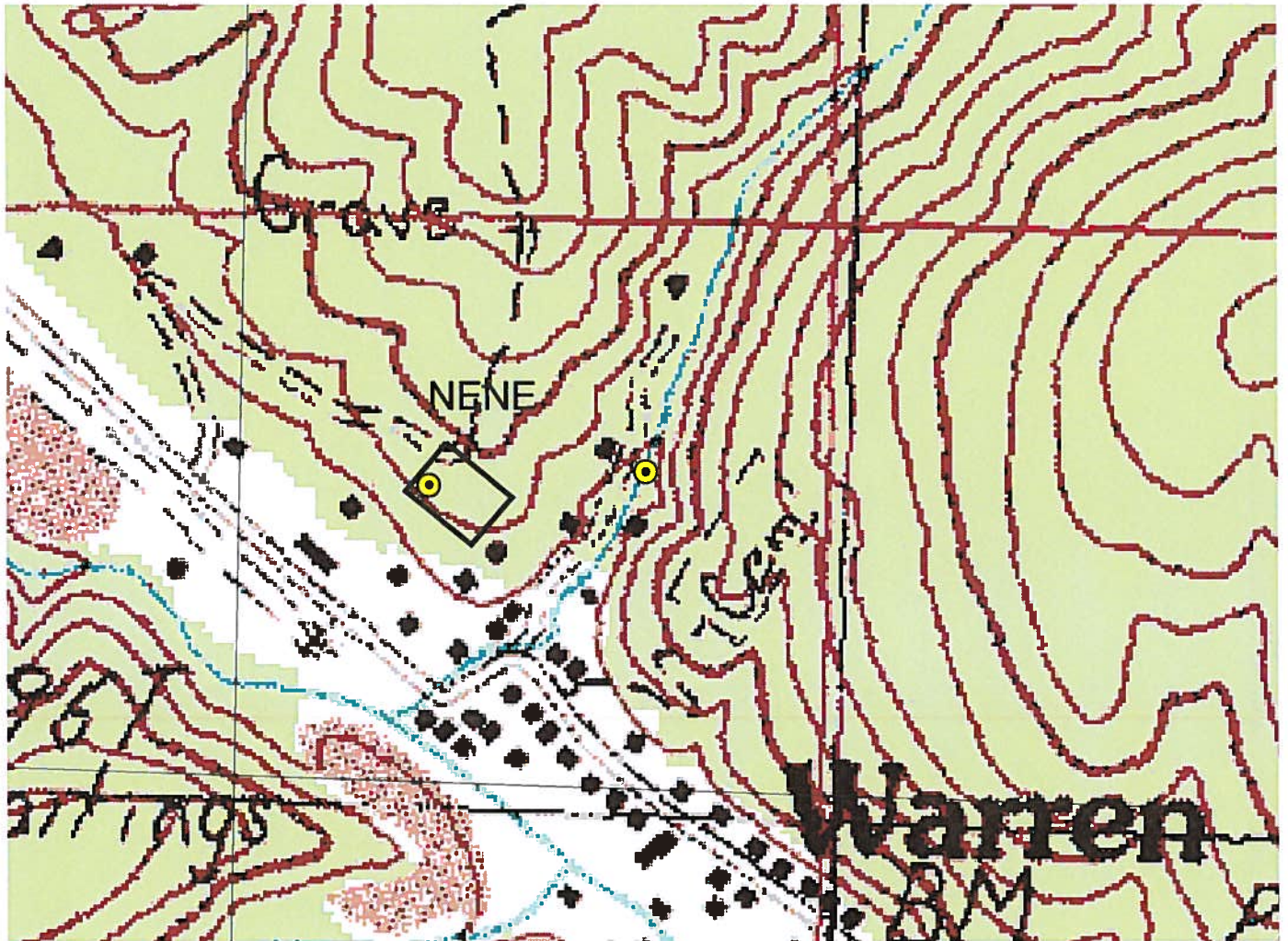
0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

77-2030



0 300 600 Feet

Section 11
T22N R6E



● Point of Diversion

□ Place of Use

Map prepared on April 26, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 2005

R.L. Newcomb
4035 Star Valley Street
Boise, ID 83709

RE: 77-2030

Dear Mr. Newcomb:

We have reviewed the ownership records of Idaho County and have found the following:

Parcel RP043500080070A (lot 7) has an area of 7,000 square feet (no house).
Parcel RP04350008008AA (lots 8 & 9) has an area of 14,000 square feet (1 house).
Parcel RP043500080060A (lot 6) has an area of 7,000 square feet (no house).

Russell Newcomb Trustee is listed as the owner of lots 7, 8 & 9. Bobbe Ann Vereen is listed as the owner of lot 6.

The purpose of the Snake River Adjudication is to list the historical use of the water. Based on your claim and the Idaho County tax lot information I will be recommending the following:

Domestic use - 0.04 cfs.
Irrigation use 0.6 of an acre - 0.02 cfs.
Fire protection - 2 cfs.

Sincerely,

Kenneth Knoblock
Water Resources Agent

Cc: J.R. Newcomb, B.Vereen

House Parcel

No	RP043500080070A ^{Lot 9}	Russell Newcomb	7,000 ft ²
Yes	RP04350008008AA ^{Lot 869}	Russell Newcomb	14,000 ft ²
No	RP04350008006DA ^{Lot 6}	Bobbie Vereen	7,000 ft ²

28,000 ft² = 0.64 acres



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2005

Russell Newcomb
4035 Star Valley Street
Boise, ID 83709

RE: 77-2030

Dear Mr. Newcomb:

We have reviewed your claim to a water right in the Snake River Adjudication. The claim lists domestic use for 5 homes and 2.5 acres of irrigation. In a review of our copy of tax lot information in Idaho County indicates that you only own $\frac{3}{4}$ of an acre and one household. With that information we do not see how we could recommend more than domestic use for one house and $\frac{3}{4}$ acres or irrigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock'.

Kenneth Knoblock
Water Resources Agent

State of Idaho
License and Certificate of Water Right

Water License No. 12990
Water District No.

Amount 2.0 Sec. Ft.
Priority June 1, 1917

THIS IS TO CERTIFY that Frank Hanthorn
of Warren, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 1, 1917; that Permit No. 12990
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on March 22, 1918, showing that said works
were completed on the 31st day of January, 1918; and that on the 4th
day of October, 1918,

Frank Hanthorn
of Warren, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of the right to use the waters of Beemas Creek
, a tributary of Warren Creek, for the purpose of Domestic use
, under Use Permit No. 12990 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3705, on the 9th day of June, 1932;

The right hereby confirmed dates from June 1, 1917;

The Point of Diversion is located
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Tp. 22 N., R. 6 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0
cubic feet per second.

Description and location of use: at claimant's house in Warren, Idaho

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 9th day of June, 1932

R. W. FARIS
Commissioner of Reclamation

(SEAL)

28.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-02030

Date Received: 7/27/1988

Receipt No: W000557

Received By: EW
additional fee under
Receipt # W014209

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RUSSELL NEWCOMB 208-362-4176
Address: 4035 STAR VALLEY STREET
BOISE ID 83709
- Name: JAMES NEWCOMB 208-344-9303
Address: 2215 N. 34TH
BOISE ID 83704

2. Date of Priority: JUN 1, 1917

3. Source: BEMIS CREEK TRIB. to: WARREN CREEK
SPRING SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	06E	11	NE	NE	NE		IDAHO
			NE	NE	NE		IDAHO

5. Description of diverting works:
DIVERSION DITCH FOR GRAVITY USE AND DEVELOPED SPRING BOX.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	1.000		
IRRIGATION	03/01	11/30	1.000		
FIRE PROTECTION	01/01	12/31	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 5 HOMES.

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	06E	11	NE		NE		DOMEST	
			NE		NE		IRR	2.5
			NE		NE		FIRE	
							Section Acres	2.5
							Total Acres	2.5

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:
DOMESTIC USE ON FIVE LOTS WITHIN SAME TRACT.

15. Basis of Claim: LICENSE

Water Right Number: 12990

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Russell L. Jenkins* Date: 2-28-92

Date: _____

MICROFILMED

OCT 05 1992

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 92

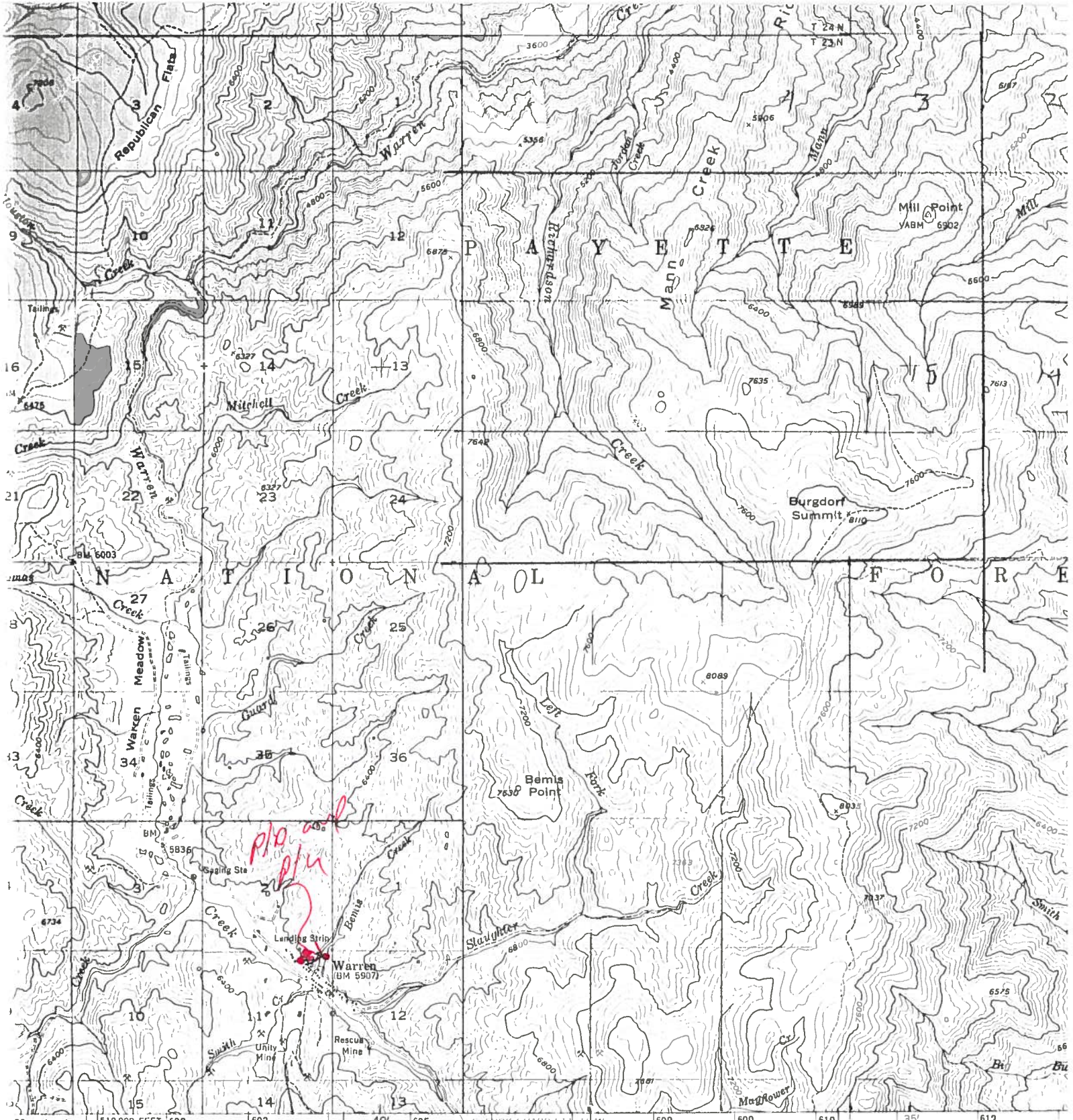
Seal

Kathleen A. Walker
Notary Public

Residing at Boise, Idaho
My Commission Expires 2-14-1993

MICROFILMED

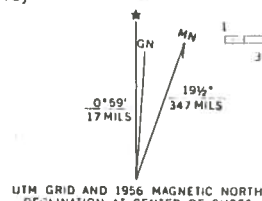
OCT 05 1992



ished by the Geological Survey

ighs by multiplex methods
 Field check 1956
 th American datum
 coordinate system, west zone
 Mercator grid ticks,

in brown



22 N
 6 E
 S. 11 NENE

CONTOUR INTERVAL 80 FEET
 DATUM IS MEAN SEA LEVEL

A77-02030
 Newcomb

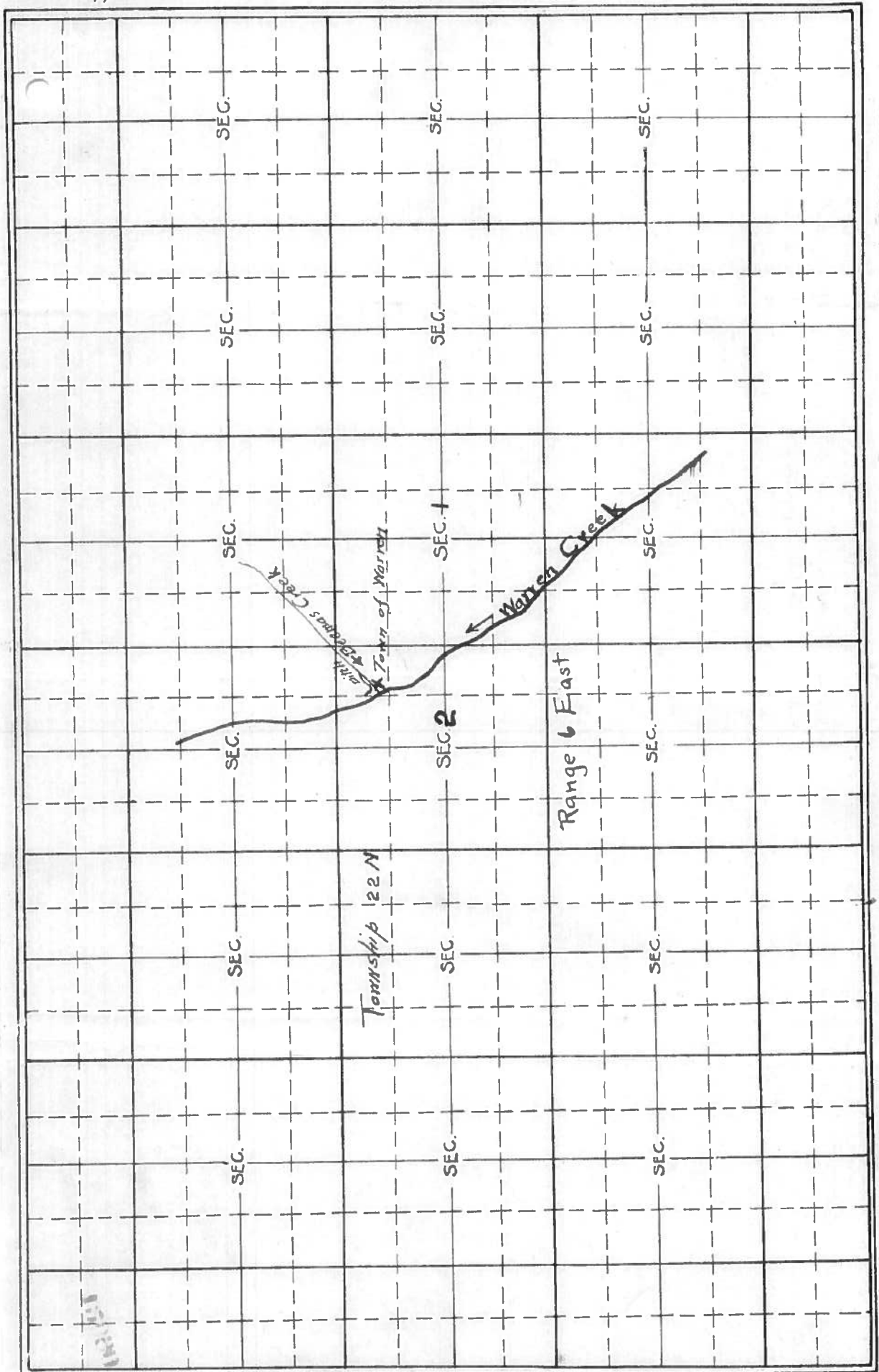
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MICROFILMED

NOT 05 1992



Name of Applicant Frank Hawthorn.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-02030
Date Received: 7/27/1988
Receipt No: W0000557
Received By: HW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL NEWCOMB 208-362-4176
Address: 4035 STAR VALLEY STREET
BOISE, ID 83709

Name: JAMES NEWCOMB 208-344-9303
Address: 2215 N. 34TH
BOISE, ID 83704

2. Date of Priority: JUN 01, 1917

3. Source: BEMIS CREEK TRIB. to: WARREN CREEK
SPRING SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	06E	11	NE	NE	NE		IDAHO
			NE	NE	NE		IDAHO

5. Description of diverting works:
DIVERSION DITCH FOR GRAVITY USE AND DEVELOPED SPRING BOX.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.160		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/4 HOMES

10. Place of Use; S.O.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	06E	11	NE NE		DOMEST	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:
DOMESTIC USE ON FOUR LOTS WITHIN SAME TRACT.

15. Basis of Claim: LICENSE
Water Right Number: 12990

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Russell L. Jenkins Date: 7-17-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of July 19 88

Seal

Nancy M. Lindgren
Notary Public

Residing at Boise

My Commission Expires 1-19-1994