

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: **A43-02499**

Date Received: 5/23/1989

Receipt No: M003671

Received By: amended/transferred JK

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOSEPH J NEWMAN 208-348-5774
Address: STAR ROUTE BOX 79
DECLO ID 83323
OR
Name: URSULA J NEWMAN 208-272-4617
Address: PO BOX 68
DECLO ID 83323
2. Date of Priority: AUG 12, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	26E	35	NE	NW	NE		CASSIA
			NW	NW	NE		CASSIA
5. Description of diverting works:
700' WELL W/ 150 HP TURBINE PUMP W/ 75 HP BOOSTER AND 16" CASING
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.450		
7. Total Quantity Appropriated is:
4.450 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 711.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	26E	35	NE		NE		IRR	29.6
			NW		NE		IRR	29.6
			SW		NE		IRR	29.6
			SE		NE		IRR	29.6
			NE		SE		IRR	29.6
			NW		SE		IRR	29.6
			SW		SE		IRR	29.6
			SE		SE		IRR	29.8

Section Acres 237.0

Total Acres 237.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

2 P/D IN NWNE, S35, T10S, R26E.

*****AMENDED CLAIM*****

CLAIM AMENDED PER APPROVED TRANSFER #3450. APPROVED IN JULY 1989,
SHORTLY AFTER ORIGINAL CLAIM WAS FILED. (AMENDED 3/9/00 jr)

15. Basis of Claim: LICENSE

Water Right Number: 28921

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: _____

RECEIVED

JUL 19 1989

Form 222
1-87

Page 1 of 6
Should questions arise during
the processing of this applica-
tion please contact:

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES Office

Transfer No. 3450

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705

Name of applicant Joseph J. Newman Phone 208-349-5774

Post Office address Star Route, Box 79, Declo, ID 83323

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes To redistribute an existing water right over
different land from that originally described.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-2499</u>	<u>10/12/60</u>	<u>4.45</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.45 cubic feet per second and/or unspecified acre-feet per annum.

3. Source of water Ground Water tributary to N/A

4. Point(s) of Diversion: 2 points

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	35	10S	26E	Cassia	Well #1
	NE	NW	NE	35	10S	26E	Cassia	Well #2

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	35	29.6	29.6	29.6	29.6									29.6	29.6	29.6	29.8	237

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PART 1

6. General Information:

- a. Description of diversion system Two deep wells with interconnected mainlines. Two pivot systems for irrigation of cropland.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
A portion of the land will no longer be irrigated. This transfer reallocates the water formerly appurtenant to these lands.
- d. Remarks:
N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2499

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential interference with and the protection of existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
2. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

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Witness my hand this

10th day ofJuly19 89J. Alan Sactor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-2499 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Ground Water tributary to _____

4. Date or priority August 12, 1960

5. Water is used for the following purpose:

amount 4.45 for Irrigation purposes from unspecified to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.45 cubic feet per second and/or unspecified acre-feet per annum.

7. Point(s) of Diversion: (2)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	35	10S	26E	Cassia	N/A

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	35	40	37	40	40									40	40			237

Total acres

237

9. Describe any other water rights used for the same purpose as described above None

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

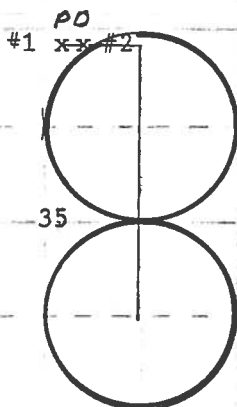
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

R26E

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10
S



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PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Joseph J. Luman
(Signature of Applicant)
Subscribed and sworn to before me this 12th day of April, 19 88.

Norman A. Harrison
(Notary Public)

My commission expires 5-13-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by M. Baldwin Date 4/18/88

Protest filed by _____

Prelim. check by J. Stanton Fee 50⁰⁰ 5000 116

Receipted by 5000 116 Date 4/21/88

Published in So. Id. Press

Copies of protest forwarded by _____

Pub. dates 7/21 & 7/28/88

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by Gary

Copy of transfer sent to lien holder _____

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MAR 03 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 9, 1989

Joseph J. Newman
Star Rt. Box 79
Delco, ID 83323

RE: Transfer of water right no. 43-2499: transfers nos. 3365 & 3450

Dear Mr. Newman:

In October of 1987, you filed a transfer with the department proposing to develop three circular systems, and irrigate 360 acres with a water right that previously only authorized irrigation of 237 acres. The transfer was recommend for denial. I discussed the transfer with you in person on one occasion, and also with your attorney, Mr. James Annest, on numerous occasions. Questions about the transfer were never resolved.

I recently received a transfer in your name for the same water right which proposes development of two circles instead of three, and limits total irrigation to 237 acres. I assume, by filing the second transfer, that you have abandoned the previous proposal for development of three circles. I have enclosed a withdrawal form that will clarify the record. If you would sign the form withdrawing the initial application for transfer, we can proceed with administrative consideration of the latest transfer which you filed.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

Enclosure

cc: Southern Region

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Department of Water Resources
Southern Region Office

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MAR 03 1993

43-2499

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: A43-02499
Date Received: 5/23/1989
Receipt No: M003671
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: URSULA J. NEWMAN 208-272-4617
Address: P.O. BOX 68
DECLO, ID 83323

OR
Name: JOSEPH J. NEWMAN 208-272-4617
Address: P.O. BOX 68
DECLO, ID 83323

2. Date of Priority: AUG 12, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4
10S	26E	35	NW	NE	

5. Description of diverting works:
700' WELL W/ 150 HP TURBINE PUMP W/ 75 HP BOOSTER AND 16" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.450		

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

8. Total consumptive use is 711.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Joe
349-5782

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	26E	35	NE		NE		IRR	40.0
			NW		NE		IRR	37.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	237.0
							Total Acres	237.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN NWNE, S35, T10S, R26E.

15. Basis of Claim: LICENSE
Water Right Number: 28921

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A43-02499
Date Received: 5/23/1989
Receipt No: 1003671
Received By: BAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH J. NEWMAN 208-272-4617
Address: P.O BOX 68
DECLO, ID 83323
OR
Name: URSULA J. NEWMAN 208-272-4617
Address: P.O. BOX 68
DECLO, ID 83323
2. Date of Priority: AUG 12, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
10S 26E 35 NW NE CASSIA
5. Description of diverting works:
700' WELL W/ 150 HP TURBINE PUMP W/ 75 HP BOOSTER AND 16" CASING
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.450		
7. Total Quantity Appropriated is:
4.450 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	26E	35	NE		NE		IRR	40.0
			NW		NE		IRR	37.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	237.0
							Total Acres	237.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN NWNE, S35, T10S, R26E.

15. Basis of Claim: LICENSE
Water Right Number: 28921

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): + Joseph Newman Date: 5/23/89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of May 19 89 Bruce A. Schell
Notary Public
Seal

Residing at Boise Idaho.
My Commission Expires 4/11/95

VERIFIED BY *JK 12/22/2000*

12/22/2000

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

RIGHT NUMBER: 43-2499

NAME AND ADDRESS: URSULA J NEWMAN
PO BOX 68
DECLO, ID 83323

JOSEPH J NEWMAN
STAR ROUTE BOX 79
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 4.45 CFS
948 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10219 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.45 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 948 AF.

PRIORITY DATE: 08/12/1960

POINT OF DIVERSION:	T10S R26E S35	NWNWNE	Within CASSIA County
	T10S R26E S35	NWNWNE	Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T10S, R26E, S35, NWNWNE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	4.45 CFS
		948.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS
RIGHT.

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T10S R26E S35	NENE	35	T10S R26E S35	NWNE	33
T10S R26E S35	SWNE	40	T10S R26E S35	SENE	36
T10S R26E S35	NENW	38	T10S R26E S35	NWNW	12
T10S R26E S35	SWNW	4.3	T10S R26E S35	SENW	39
T10S R26E S35	NESW	28	T10S R26E S35	NWSW	0.7
T10S R26E S35	SESW	1.5	T10S R26E S35	NESE	36
T10S R26E S35	NWSE	40	T10S R26E S35	SWSE	36
T10S R26E S35	SESE	36			

415.5 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 237 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-10219 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 415.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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: BASIS OF CLAIM - License

RIGHT NO. 43-10219 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

VERIFIED BY R 3/10/2002

DIVERSION VOLUME

948.00 AFA

948.00 AFA

Stage: LICENSE

CASSIA County

29005

TOTAL ACRES 415.0

Other Rights: 43-10219

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 42-14(12)(6), IDAHO CODE.

USE OF THIS RIGHT WITH RIGHT NO. 43-10219 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 948 AF.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS RIGHT IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

USE OF THIS RIGHT WITH RIGHT NO. 43-10219 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 415 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 237 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 43-10219 IS AN EXPANSION OF THIS RIGHT PURSUANT TO

AJ0749NP
No. R43-02499

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

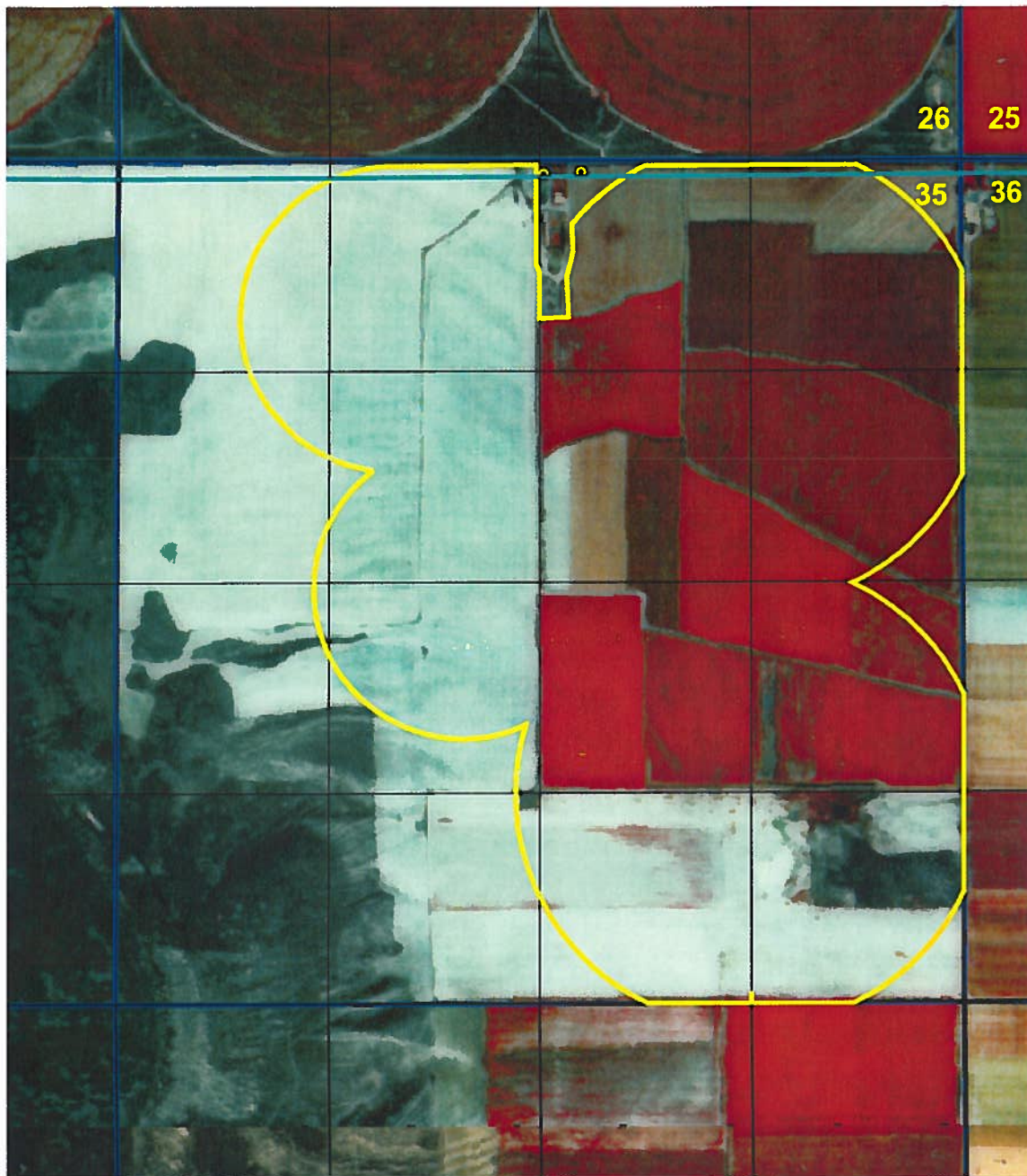
DATE: 03/10/00
PAGE: 2

Remarks: SECTION 42-1416B, IDAHO CODE.

Dates: Exam Made Date: 08/04/1994 Verified Date: 03/10/2000 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

43-02499 and 43-10219



0 1320 2640 3960 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 10, 2000
TWP 10S, RNG 26E, SECTION 35

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

CLAIM NUMBER A43-02499
A43-10219

DATE 3/10/2000
AGENT jk

TRANSFER NUMBER 3450
CLAIMED ACRE TOTAL 237/437
GIS ACRE TOTAL 415

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	10S	26E	35	40	40	40	40	39	10	4	37.5	26	.5			40	40	40	40	437
GIS	10S	26E	35	29.6	29.6	29.6	29.6	38	12	4	39	28	.5		1.5	29.6	29.6	29.6	29.6	237
RECOM	10S	26E	35	35	33	40	36	38	12	4	39	28	.5		1.5	36	40	36	36	415
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP

SHAPE NOS.
178

B43-POD.SHP

NOS. DESCRIPTION

119 10S, 26E, 35 NW NW NE

120 10S, 26E, 35 NW NW NE

DBF TABLES UPDATED

B43-DBPOU.DBF ☒

B43-DBPOD.DBF ☒

JPEG LAYOUT ☒

State of Idaho

License and Certificate of Water Right

Water License No. G-28921

Amount 4.45 c.f.s.

Water District No. _____

Priority August 12, 1960

THIS IS TO CERTIFY that REX L. COLLS - Assignee - JOSEPH J. NEWMAN
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 5, 1960; that Permit No. G-28921
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.45 second feet, was issued thereunder on January 11, 1967, showing that said works
were completed on the 12th day of August, 1965; and that on the 18th
day of August, 1965, JOSEPH J. NEWMAN

of Declo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28921 of the Department of Reclamation
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 State Reclamation Engineer of Idaho and entered of record in Volume
14 of Licenses at page 8638, on the 11 day of January, 1967;
The right hereby confirmed dates from August 12, 1960;

The Point of Diversion is located 2 points
in the NW 1/4 NE 1/4 Sec. 35, T10 S R. 26 E, B. M. Cassia County

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 4.45 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	26 E	35	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	37
			S 1/2 NE 1/4	80	80
			N 1/2 SE 1/4	80	80
			Total number of acres to be irrigated:		237

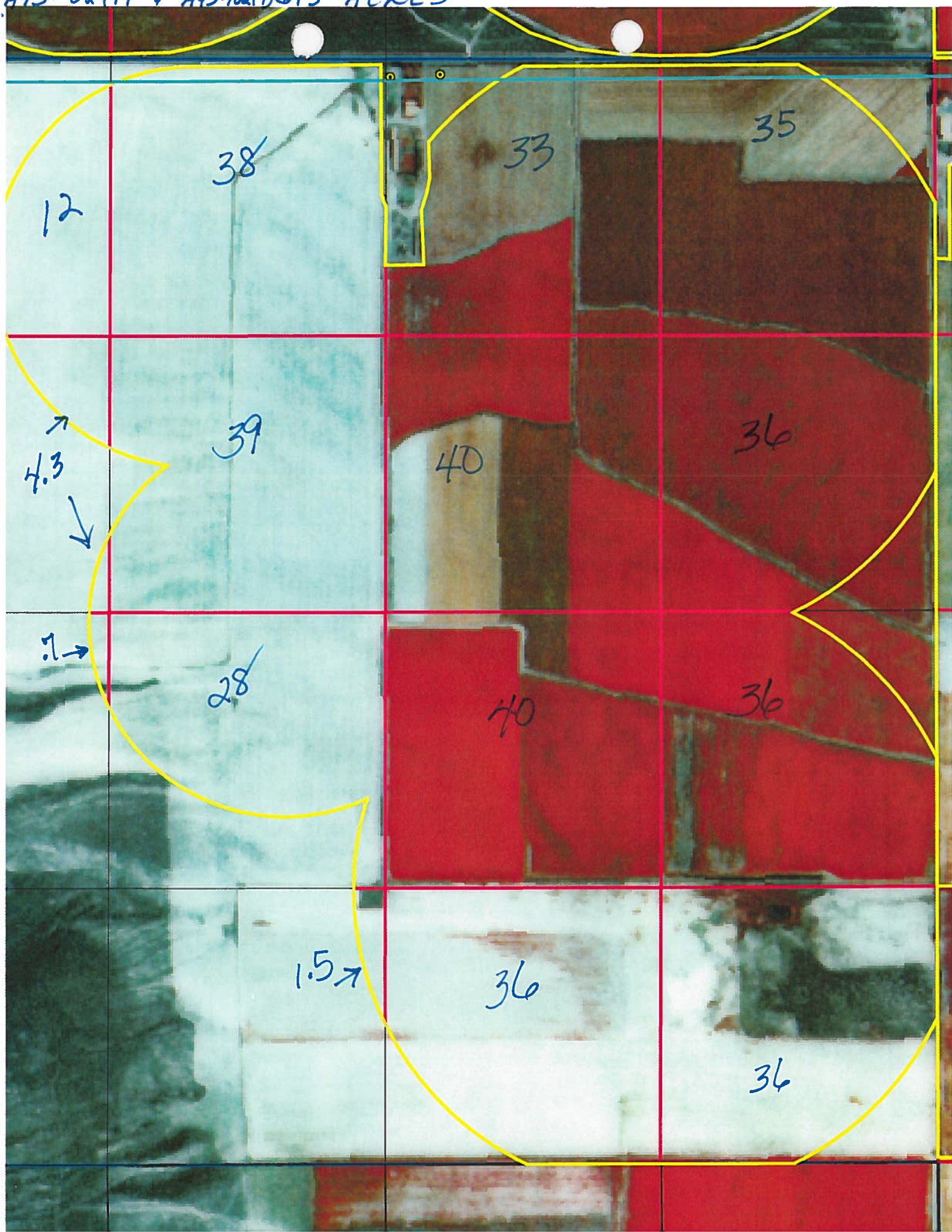
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

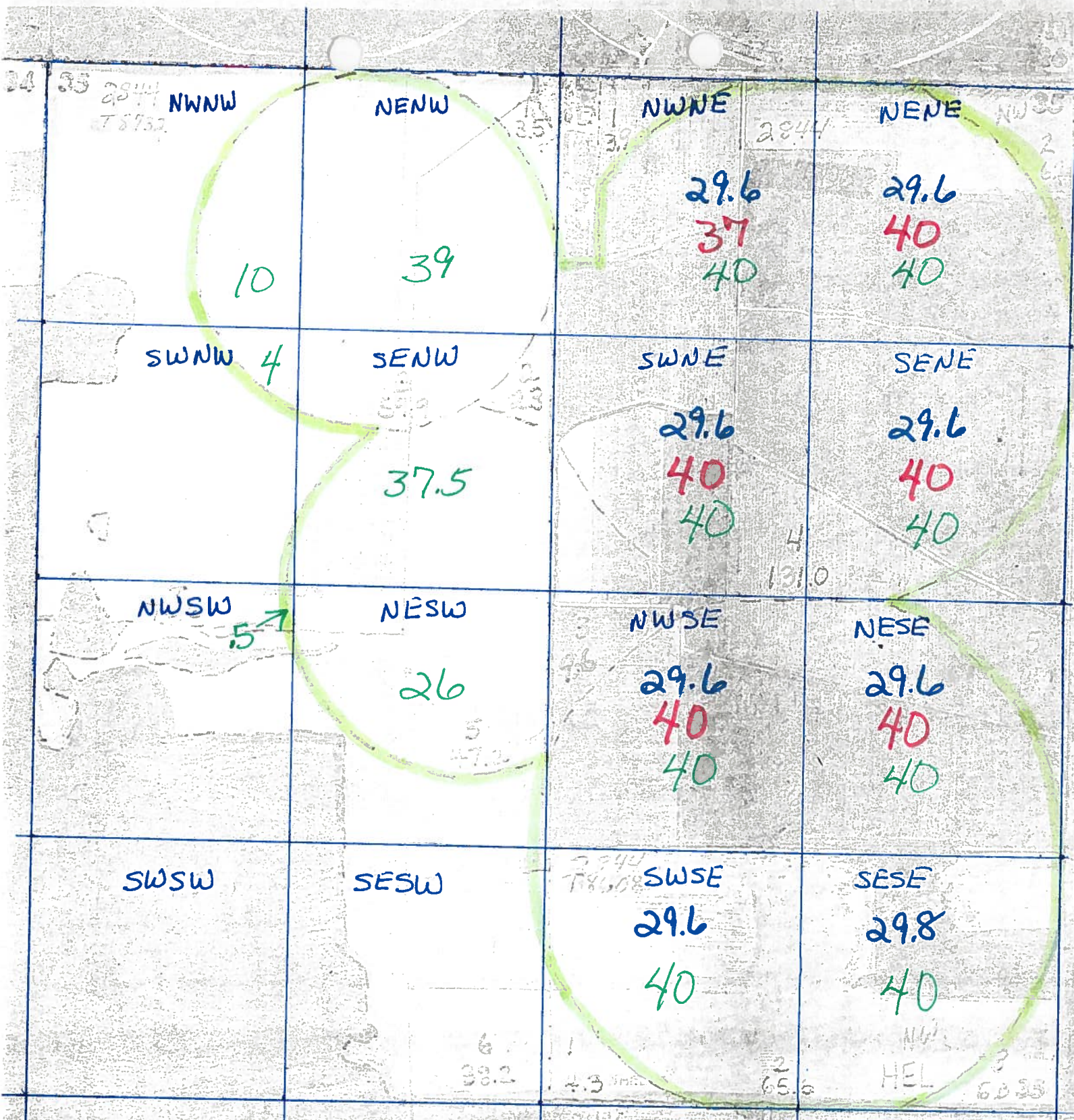
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of January, 1967.

(SEAL)

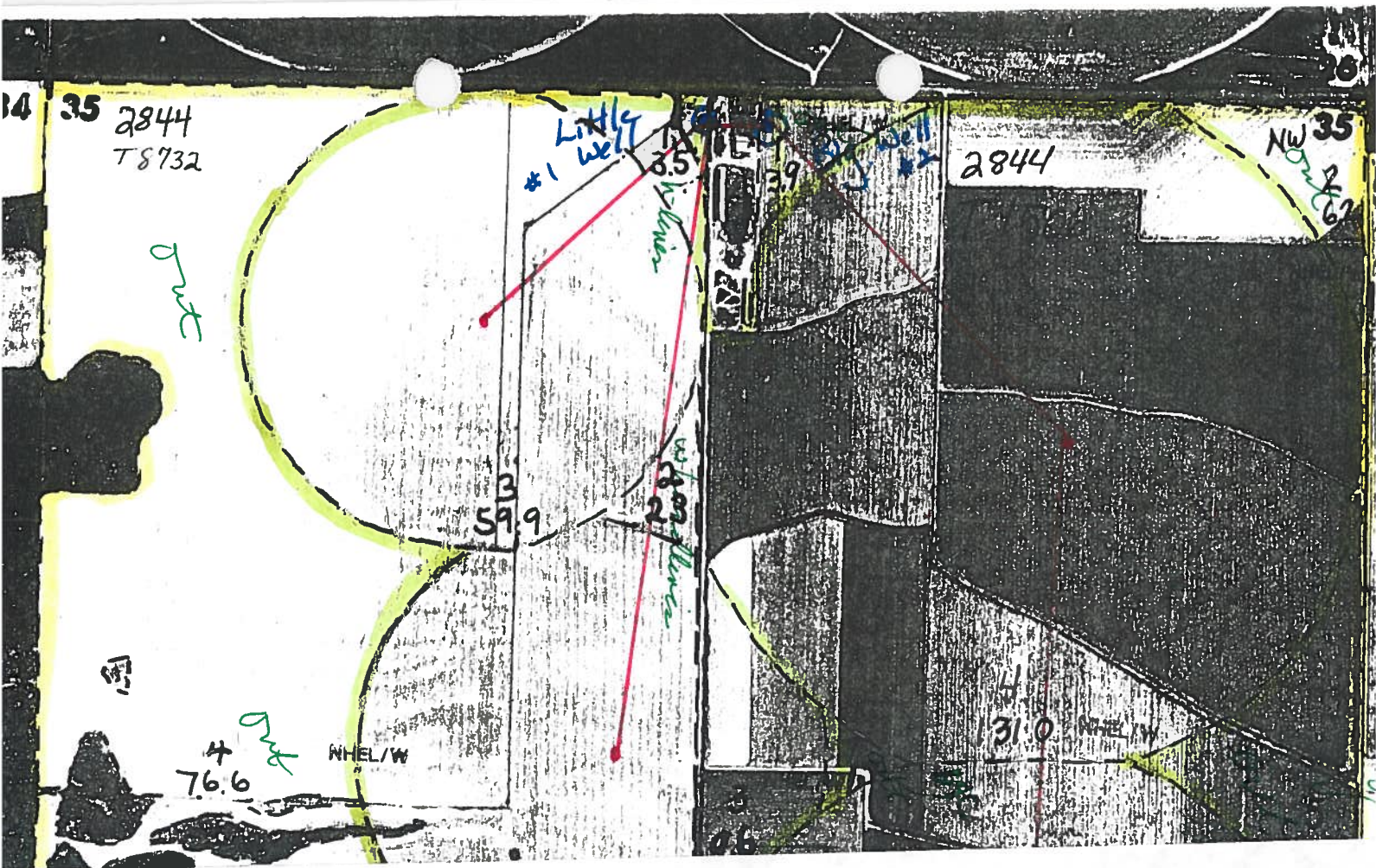
/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

43 2499





Lic = 43-02499 (237)
Claim = A43-02499 (237)
Claim = A43-10219 (437)
"J" 1966



Joseph
Newman
CC12



43-02499
43-10219

"Little Well" #1



43-02499
43-10219

"Little" Well #1



43-02499
43-10219
"Big Well" #2

"Big Well" #2
43-02499
43-10219



Joseph Newman - Little W

Hayre Bowler Pump

10RLM

600 gpm

014558

250'

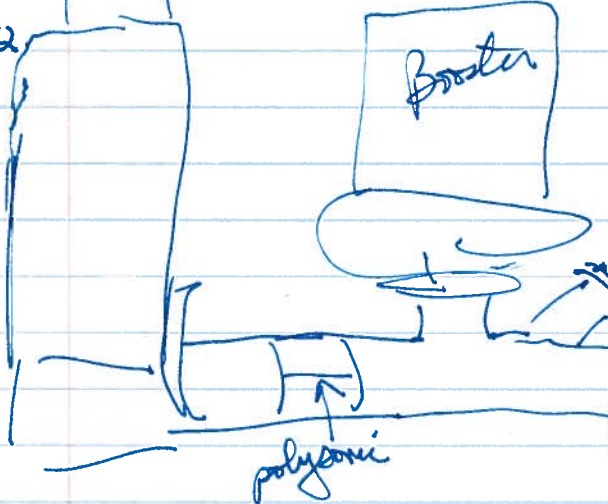
1770 rpm

Booster - Cornell Pump

Marathon Motor 30 h.p.

YB 324TTDR7703E

104452



roll 28: 4 pictures 1, 2

Newman - Little Well

MODE SELECT
INPUT

OUTER DIAMETER
6.7638 IN

PIPE MATERIAL
CS, SS

WALL THICKNESS
0.2310 IN

INNER LINING
NO LING.

KIND OF FLUID
WATER

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
4.931 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-04 10:2400 *R
+679.714E 06GPM

08-04 10:2400 *R
+002.40 % AI2

MODE SELECT
T0 CHECK

0237.0 MMSEC
100.65 % T0

08-04 10:2500 *R
+687.639E 06GPM

08-04 10:2500 *R
+683.413E 06GPM

08-04 10:2700 *R
+689.489E 06GPM

08-04 10:2800 *R
+684.998E 06GPM

+750.512E 06GPM

pole # 4010

tor 100 h.p.

XC6B

183



65
PSI

(131 AC)
1 pivot
4 end
guns off

Joseph Nuonan Big Well (8/4/94 not running till Spring)

#2

setting #1 #2)

pole # 4016

Jose

Lay

GE Motor 150 h.p.

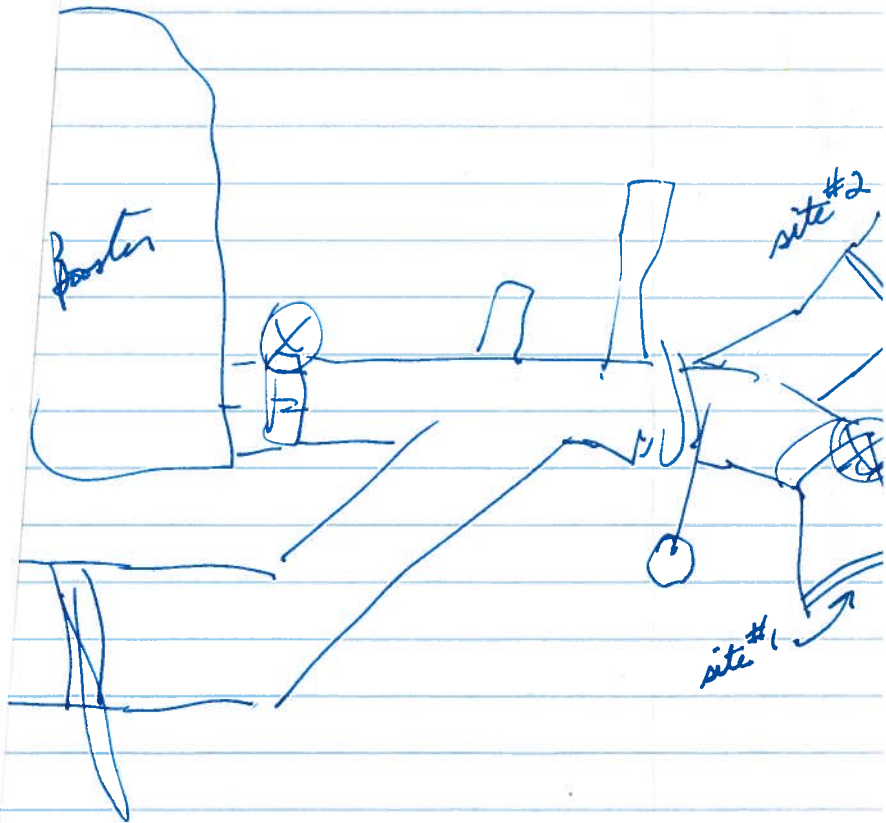
5K4323XC83A

RTJ 408002

Boat
Marat
NJ
96

Aurora Pump

Porter



08-11 15:5820 *R
+811.208E 35PM

setting #2

5, 6, 7, 8

MODE SELECT
INPUT

MODE SELECT
INPUT

OUTER DIAMETER
6.74000 IN

? CS,SS

OUTER DIAMETER
6.74000 IN

PIPE MATERIAL
WALL THICKNESS
0.2370 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
4.920 IN U

ZERO MODE
CLEAR

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

06-26 11:0300 *R
+071.767E 00GPM

06-26 11:0300 *R
+002.30 % AI2

MODE SELECT
T0 CHECK

0237.9 MMSEC
101.63 % T0

06-26 11:0400 *R
+053.011E 00GPM

PRT PERIOD
01 MIN

PRT UNIT GPH
YES

Joe Newman
Little Well
58psi

little Well
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h. pivo
Well r

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Joe Newman
Big Well

MODE SELECT
INPUT

OUTER DIAMETER
10.344 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1200 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.835 IN U

ZERO MODE
CLEAR

ZERO MODE
CLEAR
ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

06-26 11:3000 *R
+ 1.482E 3GPM

06-26 11:3000 *R
+002.40 % AI2

MODE SELECT
T0 CHECK

0395.7 MMSEC
104.80 % T0

MODE SELECT
INPUT

OUTER DIAMETER
10.3441 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1201 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1410 M/S-

6/26/96

2
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Well.

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COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
June 24, 1996 9:34am	JOSEPH NEWMAN A43-02499, A43-10219

SUBJECT: MEASURE WELL AGAIN??
phone call (X) walk-in (.)

I measured his well last year and he thought it seemed a little low. Called me today to say that Mike Garner is leasing again this year and has put a new sprinkler package on and he thinks it is working better. Asked if I could come out and measure again? Told him I'd see what I could do and would try to get hold of Mike first...

We also discussed A43-10219 which is an expansion claim of the license (A43-02499). I wanted to make sure he was aware that it may be disallowed because of the repeal of the presumption statutes by the 1994 legislature. He said he was aware of all that but wanted to keep operating the same way in case they were reinstated. We also discussed the fact that the priority date was after the Raft River area was designated a CGMA on 7/23/63. He said that Yale Road is the arbitrary line for the CGMA and he felt that he was so close to it (within 100') that he might be okay. Claims he drilled the first well in 1961 but soon after, it started to pump sand. He drilled a second well and abandoned the first one. After a year or so the system was still not pumping to capacity, so he deepened the first well and tied them both together. Said they were measured again at that time and together were pumping the licensed amount.

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent JEANIE M ROBERTSON

DATE

July 26, 1995 3:56pm

CUSTOMER

JOE NEWMAN

A43-02499, A43-10219

SUBJECT: MEASUREMENT ON WELL

phone call (X) walk-in (.)

He called and said he is leasing his farm to Mike Garner this year and wanted to let me know that the "Big Well", which I was unable to measure last year, is now, or soon will be, running. He suggested I give Mike a call and set up an appointment to measure the well or else it will probably be turned off soon and I won't be able to get a measurement again this year. I told him I will try to do that soon and let him know the results. He can be reached at 801-272-4617, 1846 Field Crest Lane, Salt Lake City, UT 84117...

Called Mike and he said he would have the booster back up on Joe's place a week from tomorrow (8/4) and that would be a better time to measure. I will call him next week and plan to meet him then...

I will also try to get a measurement on his well (#3) which I was unable to get last year. He did say that he is having some problems with the bowls and it's only operating at 35 psi now where at the beginning of the season it was at 70 psi...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 14, 1995

JOSEPH NEWMAN
1846 FIELD CREST LANE
SALT LAKE CITY UT 84117

RE: WELL MEASUREMENT

Dear Mr. Newman,

I was able to measure your "Big Well (#2)" last Friday. I measured 1350 gpm (gallons per minute) with the booster on and 68 psi on the gage. You may remember that your other well "Little Well (#1)" measured about 750 gpm (gallons per minute) last year.

If you have any questions, feel free to give me a call.

Sincerely,

Jeanie Robertson
Water Right Agent
Adjudication

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent JEANIE M ROBERTSON

DATE

July 26, 1995 3:56pm

CUSTOMER

JOE NEWMAN

A43-02499, A43-10219

SUBJECT: MEASUREMENT ON WELL

phone call (X) walk-in (.)

He called and said he is leasing his farm to Mike Garner this year and wanted to let me know that the "Big Well", which I was unable to measure last year, is now, or soon will be, running. He suggested I give Mike a call and set up an appointment to measure the well or else it will probably be turned off soon and I won't be able to get a measurement again this year. I told him I will try to do that soon and let him know the results. He can be reached at 801-272-4617, 1846 Field Crest Lane, Salt Lake City, UT 84117...

Called Mike and he said he would have the booster back up on Joe's place a week from tomorrow (8/4) and that would be a better time to measure. I will call him next week and plan to meet him then...

Aug. 11, 1995

Measured Joseph Newman's Big Well #2 today and determined 1350 gpm was being pumped. Wrote a letter to Mr. Newman to let him know...

Aug. 18, 1995

Mr. Newman called today and said he'd received my letter and was surprised at the measurement, as he expected it to be more like 1800 gpm. He'd replaced the bowls this past winter and 1800 gpm was the expected capacity. Told him I noticed as I was leaving that day that someone was moving hand-lines around, perhaps that could have affected the measurement on the one side. He asked that I try to measure it again sometime if I can. Told him I would keep that well on my list for needing measurements and perhaps could do it again next year...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Date: _____

To Whom It May Concern:

I grant permission to the Department of Water Resources to obtain copies of power records, copies of pump evaluation or energy audit reports from either Raft River Rural Electric Coop or from Robin Wells. I understand this information will be used by IDWR in evaluation of Notice of Claims filed in the Snake River Basin Adjudication.

Identification Information:

Power Pole No: _____

Farm or Account Name: Joe Newman Farm

Joseph J. Newman
(Signed by Owner or Authorized Agent)

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 8/4/94

Contact Person(s) Joseph Newman

Nature of Contact Field Exam

Substance of Communication Hadn't been able to reach Mr. Newman by telephone, but I saw him out by his trailer on my way to Bodily's. He said he had time to meet with me right then. He located his wells on my ASCS map and told me how he irrigated. I outlined his acres irrigated on the map. He watched me measure the one well, but the other is off till next year. I took my information and said I'd try to do it next Spring. He signed the Robin Wells Release form.

8/8/94 Was down the street at Walker's measuring a well and Mr. Newman asked if I had time to re-measure his Little Well #1, since the end guns were running now and weren't the other day when I measured. It made a difference of about 60-65 gpm.

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
518-40-6157 S JOSEPH J NEWMAN PO BOX 68 DECLD ID 83323	640.0	535.8	459.9	535.8	NONE	ACTIVE

CRP: .0
IFM: N
RECON. REF. NO.: A20162
OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	P&CP-----		-----YIELD-----		
						YEAR		YEAR	NI	IR
WHEAT	1	213.7	.0		93	372.8	94	27	85	
					92	219.3	85	29	93	
	IAM	74.3			91	167.4				
					90	151.8	-----	HWY	-----	
	NAW	139.4			89	157.0	94	47		
					88	406.1	85	51		
	BARLEY	1	46.0	.0		93	.0	94	27	83
92						54.4	85	27	87	
IAM		22.2			91	146.4				
					90	14.8	-----	HWY	-----	
NAW		23.8			89	14.5	94	54		
	88				43.8	85	56			

No. of Tracts:		3		Current Year													
TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	FC	AW	MW	RW	MG	CWTE	CWNA	PCW
1506	240.0	232.2	232.2	N	N	N	N	N	N	—							N
IDENTIFIER		CC12 S-35 T-10 R-26															
OWNER		1 - JOSEPH J NEWMAN															
8608	80.0	75.9		Y	Y	Y	N	N	N	—							N
IDENTIFIER		CC12 S-35 T-10 R-26															
OWNER		1 - JOSEPH J NEWMAN															
8732	320.0	227.7	227.7	N	N	N	N	N	—								N
IDENTIFIER		CC12 S34,35 T10 R26															
OWNER		1 - JOSEPH J NEWMAN															

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Joseph J. Newman Phone (208) 349-5774

Post Office address Star Route, Box 79, Declo, Idaho 83323

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Applicant seeks to install more efficient irrigation system by replacing surface irrigation with low pressure pivot irrigation systems. To accomplish this, it is essential to extend the place of use to adjacent parcels of land held by applicant under purchase options.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
G28921/43-2479	08-12-60	~~2.225~~ 4.45 CFS	Irrigation	Apr. 01 to Nov. 01
				to
				to
				to
				to
2. Total amount of water being transferred		~~2.225~~ 4.45		acre-feet per annum.
3. Source of water	subterranean			
4. Point(s) of Diversion:				

Transfer denied

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 360

43, 2499, 7#

PART 1

6. General Information:

- a. Description of diversion system The diversion system consists of 2 irrigation wells. One well has a 50hp turbine pump with 40hp booster. Second well has 150hp turbine pump with 2, 40hp boosters. First well is 12 inch well drilled 600ft in depth; second well is 16 inch drilled 700ft in depth.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The affect upon the lands now being irrigated will be substantially unchanged and the bulk of said lands will continue to be irrigated from the same source. Approximately 57 acres of the existing lands, which are located in the pivot corners and outside of the pivot circles - cont'd
*See attached continuation -
- d. Remarks:
At the present time, applicant is irrigating his lands by utilizing surface irrigation. This system of irrigation is inefficient and wasteful in the following respects: (1) It is no longer economically feasible from a cost standpoint, considering labor, electrical energy
see attached continuation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____.

PART 1

Page 2 of 6 - Cont'd.

6. General Information: Cont'd.

- (c) will be converted to dry land and seeded to dry land grasses to prevent erosion. The waters which are presently being used to irrigate the lands which will become dry will become part of the waters sought to be transferred herein.
- (d) and other related irrigation problems. (2) The system sought to be installed will conserve water and electrical energy efficient in that they are low pressure systems, they will conserve cost of labor and in most instances, have proved to result in more effective and productive operation of farm lands. (3) Applicant has been informed by irrigation experts that no more than one-half ($\frac{1}{2}$) inch of water per acre will be required to fully irrigate and mature any of the crops which are grown in this area. Under the proposed transfer, the land sought to be irrigated will have available to them, approximately .61 inches of water per acre.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. N/A Decreed to N/A
in case of N/A vs. N/A
dated N/A in N/A county of N/A
- b. License No. G28921 / 43-2499 issued by the Idaho Department of Water Resources.
- c. Claim No. N/A on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice *attached ☐ Warranty Deed ☐ Other _____
as Exhibit "A" _____

3. Source of water subterranean tributary to _____

4. Date or priority 08-12-60

5. Water is used for the following purpose:

amount 4.45 CFS for Irrigation purposes from Apr. 01 to Nov. 01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.45 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE		35	10S	26 EBM	Cassia	Newman Pumps No. 1 and No. 2

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	35	40	37	40	40									40	40			237

Total acres 237

9. Describe any other water rights used for the same purpose as described above N/A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	14 EBM	35	30	30	30	30	30	30	30	30					30	30	30	30	360
							(Added Lands)										(Added Lands)		

Total acres 360

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

R. 14 EBM

T
10
S

Wells
#1* #2*

Section 35

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
| | N/A | | | _____ to _____ |
| | | | | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:
N/A
3. Describe effects on other water uses resulting from the proposed change:
N/A

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 23rd day of October, 1987.

(Signature of Applicant)

Norma A. Harris
(Notary Public)

My commission expires 5-13-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments

Received by M. Baldwin Date 10/23/87

Protest filed by None

Prelim. check by 883 Fee 50.00

Receipted by LH Date 10/23/87

Published in S. J. Press

Copies of protest forwarded by _____

Pub. dates 11/19 & 11/26/87

Hearing held by _____ Date _____

Watermaster recommendation requested on 1/1A

Recommended for ☐ approval ☒ denial

_____ rec'd. _____

by ADP

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1988

RECEIVED

MAR 21 1988

James Annest
1742 Overland Avenue
P.O. Box 686
Burley, ID 83318

Dept. of Water Resources
Boise, Idaho

Re: Transfer No. 3365/Water Right No. 43-2499

Dear Mr. Annest:

On January 21, 1988, you and your client, Joseph J. Newman, visited with me in my office regarding the above transfer. Right No. 43-2499 irrigates 237 acres. The transfer proposes irrigation of 360 acres with the same right, a substantial enlargement.

I told you and your client that the Department would probably reject the transfer because it proposes enlargement of irrigation which is prohibited under Idaho Code § 42-222.

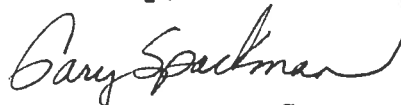
We discussed several possible alternatives to avoid rejection, including: (1) reducing the proposed irrigated acres by subtracting out the corners at the edges of the circles; (2) petitioning the Department to modify the Raft River Critical Groundwater Area boundaries; and (3) proposing the cultivation of a less water consumptive crop. You decided, following our discussion, that pursual of the less water consumptive crop alternative was the most attractive option. You agreed that Mr. Newman would supply information showing that more highly water consumptive crops were grown in the past than the crops that Mr. Newman proposes to grow in the future. You also agreed that ASCS would certify, over a period of ten years, the various crops that Mr. Newman grew. Finally, I told you that the proposal may not be viewed favorably because it might create unmanageable administration problems.

I have held the transfer pending receipt of the information. In the meantime, the Department has received a report that your client may be stringing the equipment for installation of the circular systems. While your client is not prevented from irrigating the lands under Water Right No. 43-2499 with new equipment, he is expressly forbidden from irrigating additional lands as proposed under the transfer. Irrigation of lands not listed as the place of use under License No. 43-2499 will not be permitted unless the transfer is approved.

43-2499

Furthermore, I do not desire to hold the application for transfer without action. I will finalize an order denying the application for transfer if the documentation is not received within thirty (30) days of the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern

LAW OFFICE OF
JAMES ANNEST
ATTORNEY AND COUNSELOR AT LAW
AREA CODE 208 PHONE 678-7783

1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
POST OFFICE BOX 686

RECEIVED

JAN 11 1988

December 31, 1987

Department of Water Resources
Southern Region Office

Loren Holm
Department of Water Resources
Southern Region
2148 4th Avenue E
Twin Falls, ID 83301

Dear Mr. Holm:

Enclosed please find a copy of the Agreement signed by the trustees of the Ivan E. Schrenk Family Trust, and extending the option of Joseph J. Newman to purchase those properties referred to in his Application for Change of Use, for an additional six (6) months.

Will you please include this document with the other papers filed on behalf of Mr. Newman.

Yours very truly,

James Annest
James Annest /KS/
JA:ks

Enclosure

13-2499

13-2499

December 29, 1987

To Whom It May Concern:

Subject - Option to Purchase Dated September 21, 1987.

Be it known by all parties concerning the Ivan E. Schrenk Family Trust that I, JOSEPH J. NEWMAN express a desire to continue with said options for an additional 6 months to complete details on purchase of said property from Ivan E. Schrenk Family Trust.

Signed

Joseph J. Newman
Joseph J. Newman

Signed

Ursula J. Newman by Joseph J. Newman
Ursula J. Newman by agent

December 29, 1987

On this date I/We extend the option to purchase between Ivan E. Schenk Family Trust.

Signed

Lee Poulson
Lee Poulson - Trustee

Signed

Carl Schrenk
Carl Schrenk - Trustee

RECEIVED

JAN 11 1988

Department of Water Resources
Southern Region Office

LAW OFFICE OF
JAMES ANNEST
ATTORNEY AND COUNSELOR AT LAW
AREA CODE 208 PHONE 678-7783

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Yours very truly,

James Annest
James Annest /KS/
JA:ks

Enclosure

43-2499

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Joseph J. Newman

Signed

Ursula J. Newman by Joseph J. Newman
Ursula J. Newman by agent

December 29, 1987

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Signed

Lee Poulson
Lee Poulson - Trustee

Signed

Carl Schrenk
Carl Schrenk - Trustee

RECEIVED

JAN 11 1988

Department of Water Resources
Southern Region Office

43-2499

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:26:35
03/10/00
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A43-02499

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH J NEWMAN	08/12/1960	IRRIGATION	04-01 10-31	4.450 CFS	(237x4)= 948 AF
C	URSULA J NEWMAN					
					TOTAL DIVERSION:	4.450 CFS
					CONSUMPTIVE USE:	711.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T10S R26E S35

~~NENE~~

NWNWNE

(2 POD'S)

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
10S	26E	35	:	29		29		:	29		29		:	29		29		:	29		29		:	237.0
				35		33			38		12			28		.5			36		40			237.0
																								415

POU County: CASSIA

Other Rights: NONE

43-10219

(in ppu
w/ -10219)

Remarks: GEN 2 P/D IN NWNE, S35, T10S, R26E.

*****AMENDED CLAIM*****

CLAIM AMENDED PER APPROVED TRANSFER #3450. APPROVED IN JULY 1989,
SHORTLY AFTER ORIGINAL CLAIM WAS FILED. (AMENDED 3/9/00 jr)

copy to comments

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

"USE" \$ Ø3
"EXP" KØ3
"QNT" E25
"ADULT" E11
KØ6 (237)
"POD" FØ2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:25:56
03/10/00

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A43-02499

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

MAR 03 1993