

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: A43-07002
Date Received: 4/17/1989
Receipt No: 5007055
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK T. NEWCOMB 208-436-5679
Address: RT. 1 BOX 421
RUPERT, ID 83350

2. Date of Priority: DEC 21, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	27E	36	NE	SE	SW		CASSIA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	6.000		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 975.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	27E	36	NW	NE		IRR	22.0
			SW	NE		IRR	25.0

A43-07002

Page 1

Date: 05/05/89

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	27E	36	NE		NW		IRR	40.0
			NW		NW		IRR	20.0
			SW		NW		IRR	15.0
			SE		NW		IRR	35.0
			NE		SW		IRR	35.0
			SE		SW		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	20.0
							Section Acres	325.0
							Total Acres	325.0

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:
A43-00261

14. Remarks:

15. Basis of Claim: LICENSE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See Map A43-00261

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): [Signature] Date: May 8, 1989
Date: _____

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 89
[Signature]
Notary Public

Seal

Residing at Kinsey, Id.
My Commission Expires 6/30/92

NATIONAL WILDLIFE REFUGE

WILDLIFE REFUGE

4279
CLABBER

SUGGESTION

PIPELINE

Well

R24
R14

06/11/2001

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

RIGHT NUMBER: 43-7002
NAME AND ADDRESS: LOMMA NEWCOMB
MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 5.44 CFS
1088 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.

PRIORITY DATE: 12/21/1969

POINT OF DIVERSION: T09S R27E S36 NESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-01 11-15	5.44 CFS 1,088.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T09S R27E S36	NWNE	22	T09S R27E S36	SWNE	27
T09S R27E S36	NENW	40	T09S R27E S36	NWNW	23
T09S R27E S36	SWNW	13	T09S R27E S36	SESW	13
T09S R27E S36	NESW	19	T09S R27E S36	SESE	10
T09S R27E S36	NESE	2	T09S R27E S36	NWSE	34
T09S R27E S36	SWSE	37	T09S R27E S36	SESE	10

272 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE
IRRIGATION SEASON.

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

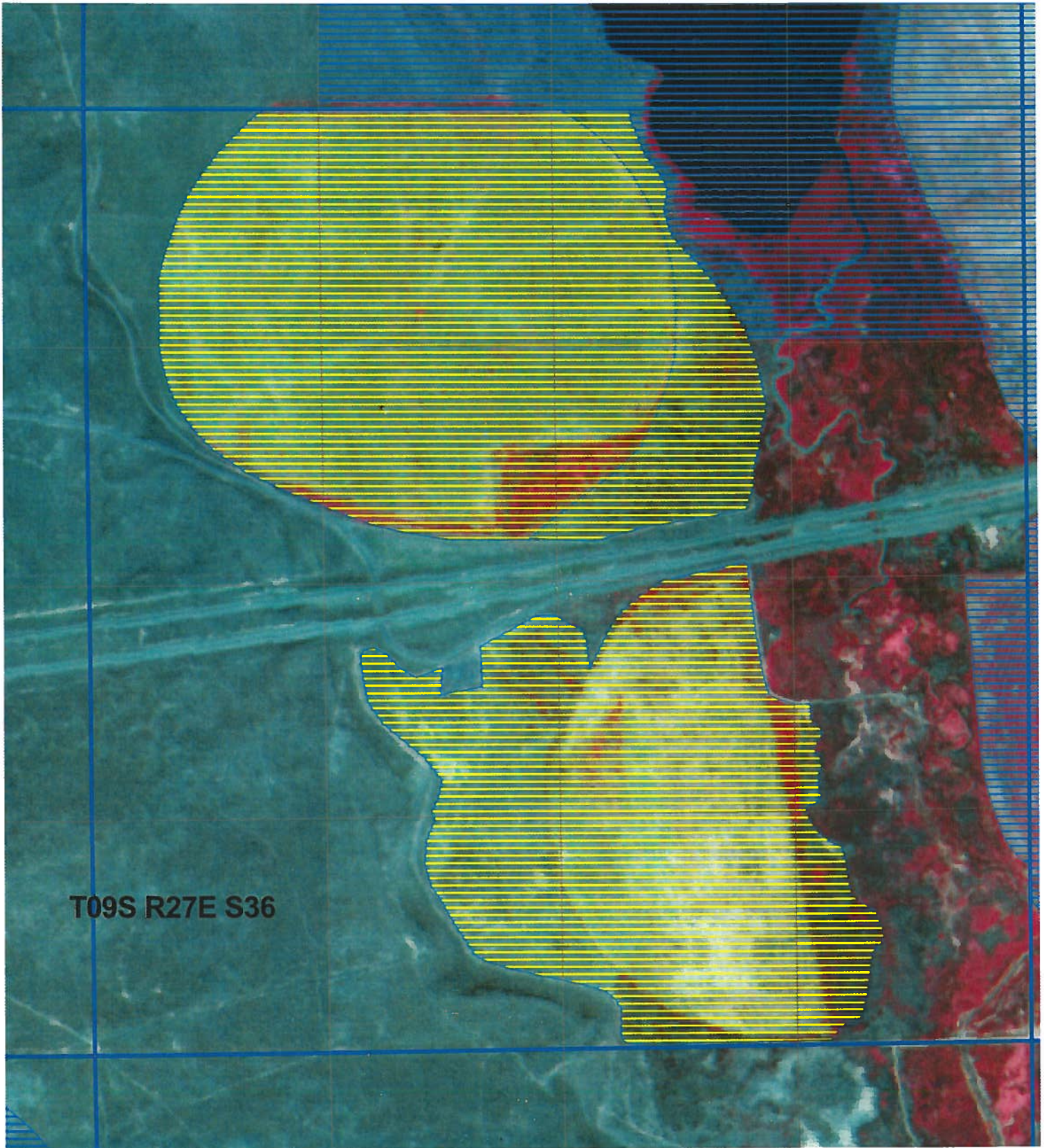
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1985 TO 1994.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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



T09S R27E S36

330 0 330 660 Feet



-  Subject Property
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

43-7002 & 43-10790



DJONES, 6/11/01

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-7002 ; **43-10790**

MARK T NEWCOMB

RT 1 BOX 421

RUPERT ID 83350

Telephone Number: (208)436-5679

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*THE C.F.S IS TOO LOW AND THE PASTURE ACRES
are not included in your map. making THE
Total irrigated acres too low.*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: *no changes need to be made.*

DATE: *6-11-2001*

SIGNATURE: *Mark T Newcomb*

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

*Lonna Newcomb should also
be a Claimant on all water
rights of Mark Newcomb.*

VERIFIED BY 10/27/2000

10/27/2000

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

RIGHT NUMBER: 43-7002
NAME AND ADDRESS: MARK T NEWCOMB
RT 1 BOX 421
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 4.99 CFS
997 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.99 CFS.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-10790 SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE.

PRIORITY DATE: 12/21/1969

POINT OF DIVERSION: T09S R27E S36 NESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-01 11-15	4.99 CFS
		997.0 AFY
STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T09S R27E S36	NWNE	16	T09S R27E S36	SWNE	11
T09S R27E S36	NENW	40	T09S R27E S36	NWNW	23
T09S R27E S36	SWNW	13	T09S R27E S36	SENE	32
T09S R27E S36	NESW	19	T09S R27E S36	SESW	13
T09S R27E S36	NESE	1.7	T09S R27E S36	NWSE	34
T09S R27E S36	SWSE	37	T09S R27E S36	SESE	9.7
STOCKWATER Within CASSIA County					
T09S R27E S25	SWSE		T09S R27E S36	NWNE	
T09S R27E S36	SWNE		T09S R27E S36	NENW	
T09S R27E S36	NWNW		T09S R27E S36	SWNW	
T09S R27E S36	SENE		T09S R27E S36	NESW	
T09S R27E S36	SESW		T09S R27E S36	NESE	
T09S R27E S36	NWSE		T09S R27E S36	SWSE	
T09S R27E S36	SESE				
249.4 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 249.4 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.
THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1985 TO 1994.

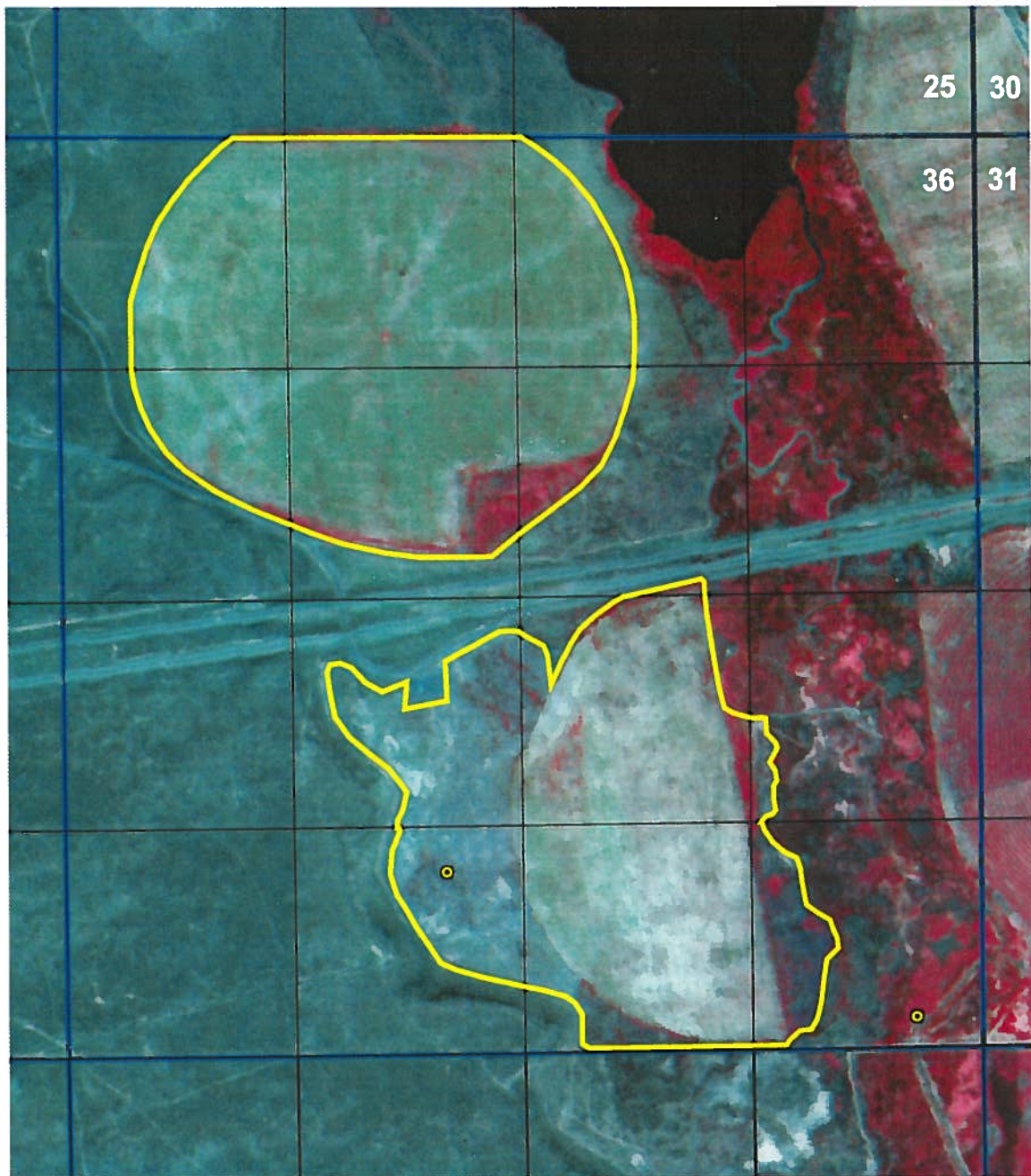
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 43-7002

DRAFT

Idaho Department of Water Resources

43-07002 & 43-10790



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 27, 2000
TWP 09S, RNG 27E, SEC. 36

DRAFT



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

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

A43-07002 12/21/1969 6 cfs 325 Ac.

This right was originally licensed on 436 acres, with land in Sections 25, 26, 35 & 36. The lands in Sections 25, 26 & 35 were determined to be part of the Minidoka Wildlife Refuge, so a transfer was approved (#3135) in 1985 which reduced the lands to 325 acres in Section 36 only, with the same 6 cfs. GIS only found 249.4 irrigated in 1987. (Due to time constraints, I was unable to verify with a field exam, but used the 1987 photo and a copy of the ASCS map from 1994 to outline the Place of Use.) Reduced 6 cfs to 4.99 cfs ($249.4 \times .02 = 4.99 \text{ cfs}$). Place of use overlaps decreed right 43-10790 (which is a combination of 43-00261 for 4.46 cfs and 43-00262 for 2.36 cfs) so combined use limits were needed. Partial forfeiture was determined between 1985 (approved transfer #3135) and 1994, ASCS map info.

R43-07002 12/21/1969 4.99 cfs/997 AFA 249.4 Ac.
(comb. limits)

CLAIM NUMBER A43-07002 DATE _____
A43-10790 AGENT _____

TRANSFER NUMBER 313
 CLAIMED ACRE TOTAL 325
 GIS ACRE TOTAL 249.4

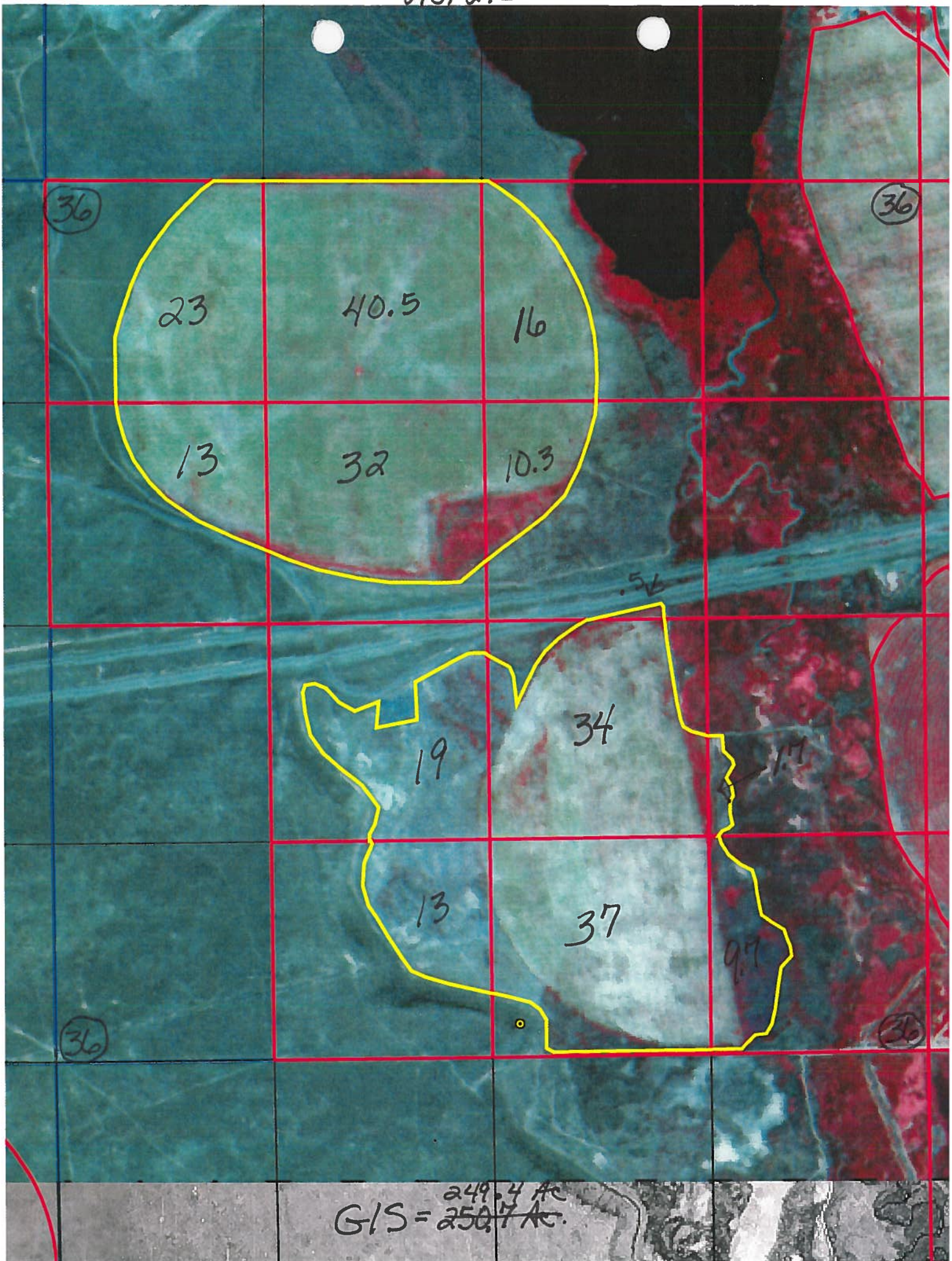
	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	<u>09S</u>	<u>27E</u>	<u>36</u>		<u>22</u>	<u>25</u>		<u>40</u>	<u>20</u>	<u>15</u>	<u>35</u>	<u>35</u>			<u>33</u>		<u>40</u>	<u>40</u>	<u>20</u>
GIS					<u>16</u>	<u>10.3</u>		<u>40.5</u>	<u>23</u>	<u>13</u>	<u>31.6</u>	<u>19</u>			<u>13</u>	<u>1.7</u>	<u>34</u>	<u>36.9</u>	<u>9.7</u>
RECOM					<u>16</u>	<u>11</u>		<u>40</u>	<u>23</u>	<u>13</u>	<u>32</u>	<u>19</u>			<u>13</u>	<u>1.7</u>	<u>34</u>	<u>37</u>	<u>9.7</u>
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP _____
 SHAPE NOS. _____

B43-POD.SHP _____
 NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
 B43-DBPOU.DBF _____
 B43-DBPOD.DBF _____
 JPEG LAYOUT _____

095, 27E



26 + 25
35 + 36

2557
T 1689

123.8 HEL

35 + 36
2 + 1

2
108.8

HEL

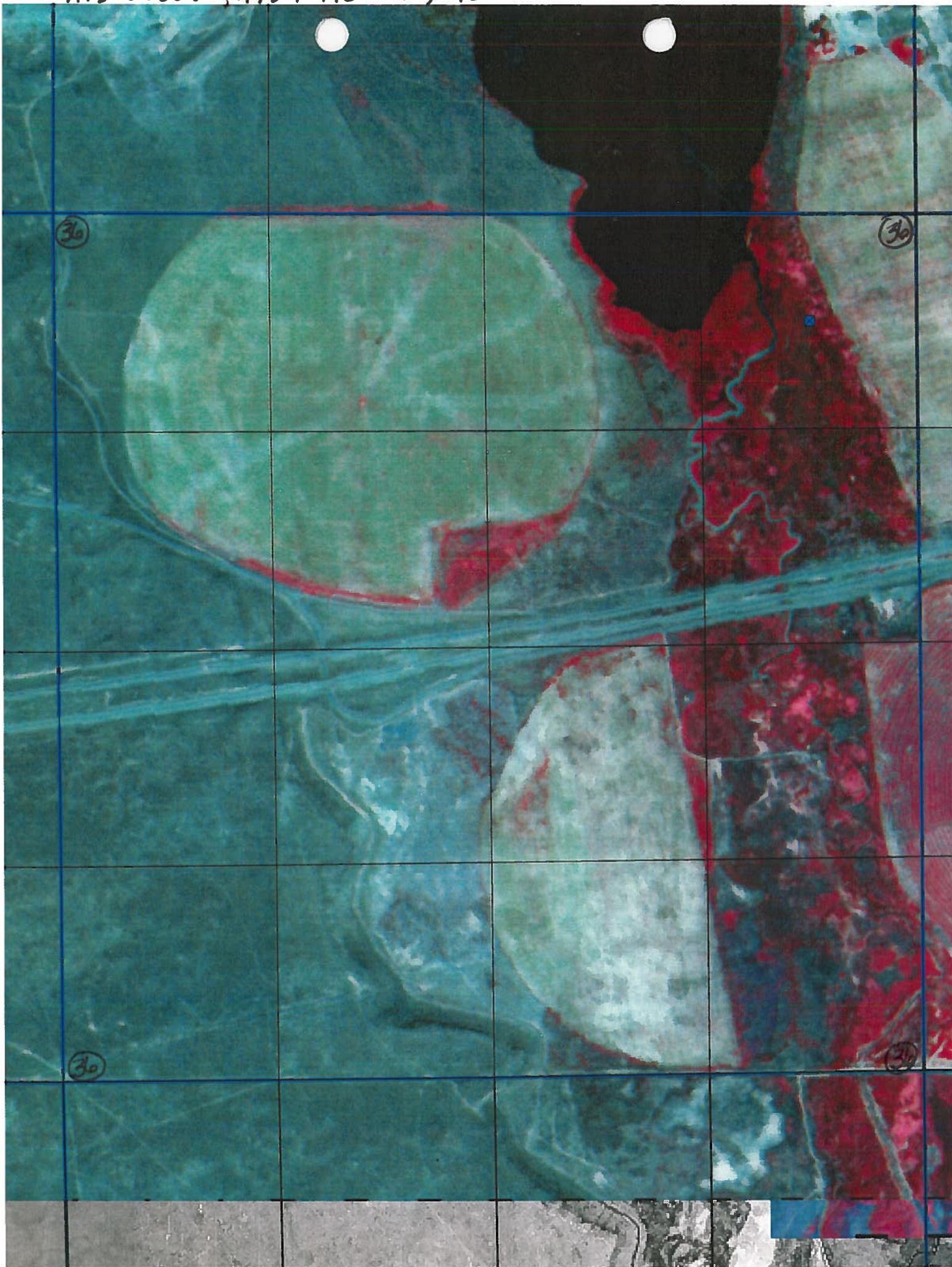
1476
T 8388

WAP 16031-377
Newcomb
2

HH6

1994 Flight

A43-07002, A43-10790 9S, 27E



26 25
35 + 36

2557
T 1689

123.8 HEL

35 36
2 + 1

2
108.8

HEL

1476
T 8388

5.0

INTER-DEPARTMENT MEMO — 1

DATE 3-13-80

FROM : Jim Stanton

TO : Bob Fleenor

SUBJECT : Error in License 43-7002, Adelle Toevs

There appears to be several errors in this license, according to the licensee. She stated that only the land in Sec. 36 was watered, the other land being B. L. M. wildlife cover. She stated that about 340 acres was being watered by gravity irrigation, the full capacity of the well being used. I don't think that there is any stock use. Two pivots have now replaced the gravity system on her 380 acre farm; an additional permit (43-7071) was obtained in 1977 to allow watering of the ground not covered by the pivots and the existing license.

I suggest that a new field exam be done on this license, and a corrected license be issued as soon as possible. The land is being sold, so the water rights need to be brought up to date. Also, 43-7002 needs to be corrected before 43-7071 can be proven up on & licensed.


SIGNATURE

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 43-7002 Priority Dec. 21, 1969 Amount 6.0 cfs

THIS IS TO CERTIFY, that ADELLE TOEVS
of Burley, Idaho, has complied with the terms and conditions of Permit
No. 43-7002 issued pursuant to Application for Permit dated December 21, 1969,
and has submitted proof to the Department of Water Administration on April 23, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 6.53 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 6.0 cfs for Irrigation from March 1 to Nov. 15 (both dates inclusive)
Amount 6.0 cfs for Stockwater from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 6.0 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 Sec. 36, Twp. 9 S, Rge. 27 E, B.M.

in the county of Cassia; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,744 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NW 1/4				SW 1/4				SE 1/4				S 1/2				TOTALS
			NW 1/4	SW 1/4	SE 1/4	S 1/2	NW 1/4	SW 1/4	SE 1/4	S 1/2	NW 1/4	SW 1/4	SE 1/4	S 1/2	NW 1/4	SW 1/4	SE 1/4	S 1/2	
9 S	27 E	25									3	20	40	40					103
		26													30			40	70
		35	40																40
		36		20	28		40	40		30					10	10	25	20	223

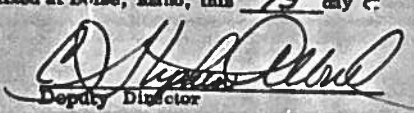
Total number of acres irrigated 436

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19th day of

December, 19 72.


Deputy Director

43-7002

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Permit No. 43-7002

This proof is for b/a In Water District No.

1. Name of applicant: Adelle Toney, Box 551, Burley, Idaho

2. Source of water supply: groundwater

3. Location of point of diversion: Is in the SW 1/4 of Section 36
T. 9 S R. 27 E County of Cassia

4. Describe works as they exist giving dimensions and capacities of same: drilled well, pump motor, surface irrigation 15 meters 1600 ft 100 HP

also 100 ft 100 HP pump no spring 100
100 ft 100 HP pump no spring 100

5. Water is used for: irrigation and stockwater

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 9 S, R. 27 E, Sec. 25	SW 1/4, SW 1/4	143 acres
26	SW 1/4	55
35	SW 1/4	5
36	SW 1/4, NW 1/4, SW 1/4, SE 1/4	400
10S 27 E, 1	NW 1/4, SW 1/4	150
12	SW 1/4	5
10S 28 E, 6	SW 1/4, NW 1/4	55
7	NW 1/4	10
		843 TOTAL

Measuring device installed for inspection at the time

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: SEE PHOTOGRAPHS

10" pipe 36" = 2741 GPM
5" pipe 36" = 100 GPM
5 feet below the surface of the ground
is a 4" pipe which is 100 feet long
the water flows from the well through the
the well pumps a lot of sand usually
the well is 100 feet deep

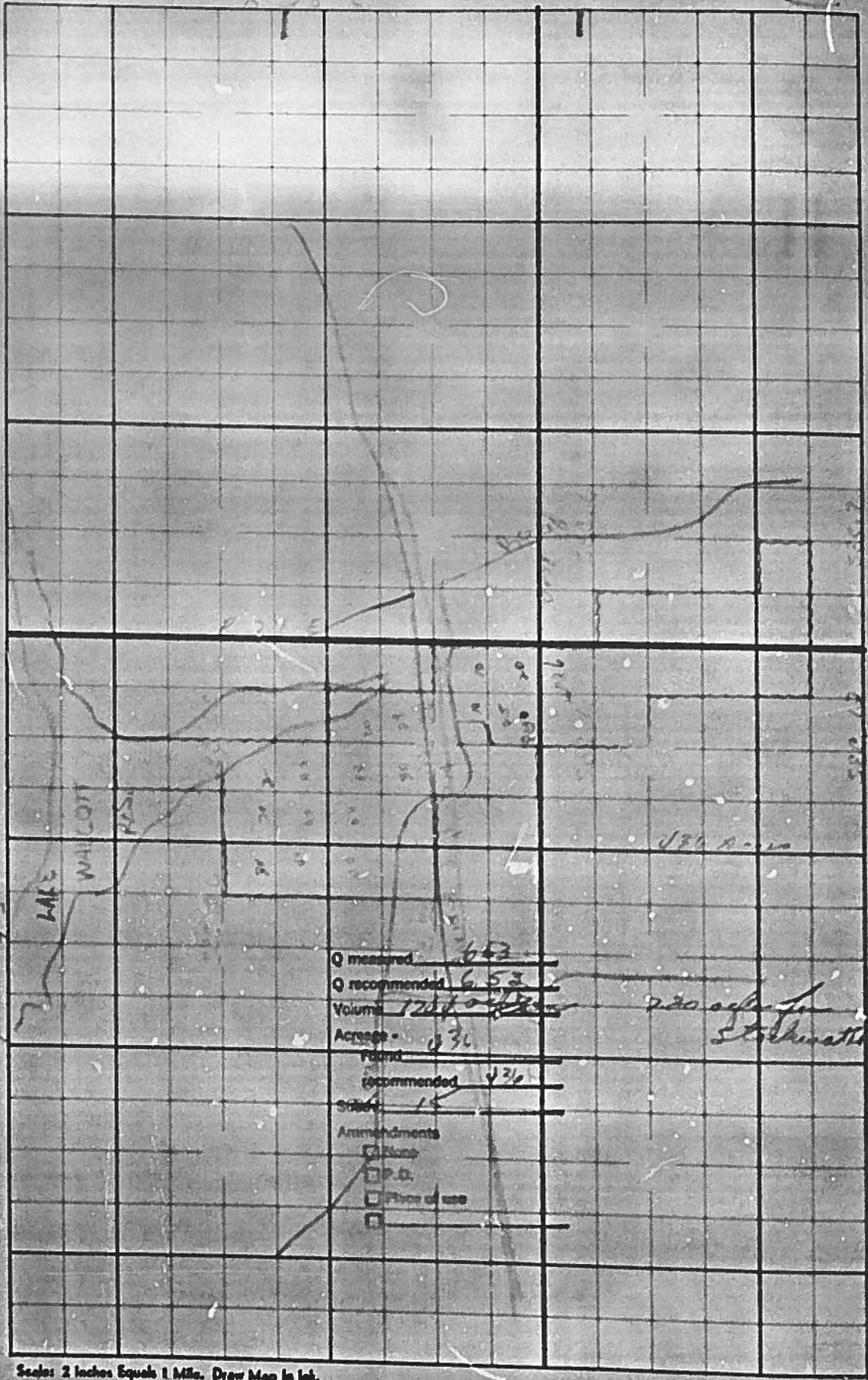
This examination was made on the 19 day of August, 1970

(Signed) William L. Lohr
Examiner

73-7002

R 78 E

Wm. H. H. H. H.



Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

43-7002

May 3, 1971

Re: Permit No. 43-7002

Mrs. Adelle Toews
P. O. Box 551
Burley, Idaho 83318

Dear Mrs. Toews:

We have just reviewed the field examination conducted in reference to your well in Section 36, Cassia County, Idaho. The field examiner measured a discharge of 6.53 cubic feet per second; however, due to the limitations of your permit, the maximum that could be approved would be 6 cubic feet per second. The examiner also found beneficial use of the irrigation of 436 acres of ground. The examiners' field report indicates that the measuring device was installed as required under your permit; however, the examiner stated that it was inoperative at the time of the examination. Therefore, before the Department can proceed with the licensing of this permit, it will be required that you reinstate the measuring device to an operative condition and advise the Department so that we can re-exam it and issue your license.

We have answered an inquiry of Mr. John Gray, Manager of the Federal Land Bank in Burley in connection with the license and advised him much of the fore-mentioned information. We will only require a short time to issue the license once the measuring device is installed properly.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McKidowney
Appropriation Supervisor

43-7002

INTER-DEPARTMENT MEMO

FROM Ken

DATE

7-22-74

TO E.J.

SUBJECT 43-7002

Regarding License 43-7002, we have had some controversy over the lands in this license in Section 36 which the BLM states are part of the Minidoka Wildlife Refuge. Upon my request, Mrs. Adelle Toews Brim supplied me with a copy of the warranty deed to the lands in question. I think we should file this warranty deed in the file for this license for any future reference or questions which may arise about the ownership.

KF:lc
enc.

RECEIVED

BONAY

WARRANTY DEED

(\$31.40 Revenue Stamps Attached)

THIS INDENTURE, Made this 5th day of June
 1974, between
 D. L. BUSH and LONA BUSH, husband and wife,
 of the first part, and W. J. TOEVS, a single man,
 of the second part,

County of Canyon, State of Idaho

in the year of our

Burley, County of Cassia,
 of the second part.

State of Idaho

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of
 TEN DOLLARS and other valuable consideration
 lawful money of the United States of America, to them in hand paid by the said part 2nd

DOLLARS

part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
 grant, bar-
 gain, sell, convey, and confirm unto the said part 2nd of the second part, and to his heirs and assigns forever, all of the
 following described real estate, situated in the County of Cassia,
 Idaho, to-wit:

State of

The East half of the northwest quarter, the northwest quarter of the
 northwest quarter, the northeast quarter of the southwest quarter,
 the southeast quarter of the southwest quarter, the southwest quarter
 of the northeast quarter, the west half of the southeast quarter; also
 that part of the northwest quarter of the northeast quarter which is
 not included in the Minidoka Reservoir; also that part of the southwest
 quarter of the northwest quarter which lies north and east of the line
 drawn diagonally from the northwest corner to the southeast corner, all
 in Section thirty-six, township nine south, Range twenty-seven East,
 Boise Meridian;

This conveyance is made subject to a mortgage dated September 9, 1947,
 executed by the first parties in favor of Security State Life Insurance
 Company given to secure a principal indebtedness of \$12,000.00 together
 with interest at 4% per annum on which there is still due and owing a
 principal sum of \$7600.00, which said mortgage was recorded September
 11, 1947, in the office of the County Recorder of Cassia County, Idaho,
 in Book 38 of Mortgages at pages 135 and 136 and which said mortgage and
 the indebtedness thereby secured the second party hereby specifically
 agrees to assume and pay.

State of Idaho
 County of Cassia

I hereby certify that the foregoing
 instrument is a full, true and correct
 copy of the original as recorded in
 this office.

July 11, 1974
 Frank B. Hesser
 Clerk of the District Court, Ex-officio,
 Auditor and Recorder, Cassia County,
 Idaho
 Barbara M.

...that they will and assign the premises, improvements and appurtenances thereunto belonging or in anywise appurtenant to the reversion and remainder, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part 1st of the first part. ... HAVE AND TO HOLD, and assign the above mentioned and described premises, together with the appurtenances, to the party of the second part, and to his heirs and assigns forever. And the said part 1st of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part 2nd of the first part, and his heirs, and assigns against the said part 3rd of the first part, and their heirs, and against all and every person and persons who may lawfully claim or to claim the same, shall and will WARRANT and by these presents forever DEFEND. IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

D. L. Bush
 D. L. BUSH (SEAL)
 Lona Bush
 Lona Bush (SEAL)
 _____ (SEAL)
 _____ (SEAL)

STATE OF IDAHO,

County of ADA,

On this 5th

day of June

the undersigned

D. L. BUSH and LONA BUSH, husband and wife,

, in the year 19 53, before me,

a Notary Public in and for said State, personally appeared

known to me

persons whose names are

subscribed to

to be the

the within instrument, and acknowledged to me

that they

executed the same.

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

(NOTARIAL SEAL)

Samuel Kaufman Jr
 Notary Public for the State of Idaho,
 Residing at Boise, Idaho.

STATE OF IDAHO,

County of Cassia,

I hereby certify that this instrument was filed for record at the request of W. J. Toeys
 at 11 minutes past 10 o'clock AM, this 15th day of June
 in my office, and duly recorded in Book 58 of Deeds at page 175

, A.D. 19 53 ,



John V. Evans
Governor
A. KENNETH DUNN
State Engineer
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 17, 1982

Mark T. Newcomb
Route 2
Rupert, Idaho 83350

Re: License 43-7002 - Permit 43-7071

Dear Mr. Newcomb:

The above referenced water rights apply to land you purchased from Adelle Brim along the lower end of Raft River. While she still owned the land, it was brought to our attention that the license was in error as to the lands irrigated and certain other matters. Our Boise office has determined that a transfer of water right is needed to correct these errors.

Proof of beneficial use is due on the above referenced permit next year. Before this permit can be properly licensed, it will be necessary to correct the existing license (43-7002). We, therefore, suggest that you file an application for transfer of water right at your earliest convenience.

If you have questions concerning this matter or need help, we will be glad to assist you.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya



IN REPLY
REFER TO

7100

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley District
Route 3, Box 1
Burley, Idaho 83318

March 29 1985

Dept. of Water Resources
Attn: Jim Stanton
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

RECEIVED

APR 2 1985

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

Gentlemen:

Re: Permit No. 43-7002

The Bureau of Land Management acknowledges the absence of irrigated land in the publicly owned sectors of sections 25, 26, and 35; and, therefore, has no objections to Mr. Newcomb's application for transfer of Water Right.

Sincerely

Jim Fribble

Jim Fribble
Snake River Resource Area Manager

Transfer No. 3135Water Right No. 43-7002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Mark T. Newcomb Phone 578-3785 / 436-3603Post office address Highway 1, Rupert, ID 83350**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 43-7002 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
purchase

3. Source of water groundwater tributary to _____4. Date of priority 12-21-1969

5. Water is used for the following purposes:

amount 6.0 cfs for irrigation purposes from Mar 1 to Nov 15
amount 6.0 cfs for stockwater purposes from Jan 1 to Dec 31
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 6.0 cubic feet per second
b. 1744 &/or acre feet per annum

7. Location of original point of diversion is SE % of SE % of Section 36
Township 9S Range 27E, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	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	
<u>9S</u>	<u>27E</u>	<u>25</u>									<u>3</u>	<u>20</u>	<u>40</u>	<u>40</u>					<u>103</u>
		<u>26</u>													<u>30</u>			<u>40</u>	<u>70</u>
		<u>35</u>	<u>40</u>																<u>40</u>
		<u>36</u>		<u>20</u>	<u>28</u>		<u>40</u>	<u>40</u>		<u>30</u>				<u>10</u>	<u>10</u>	<u>25</u>	<u>20</u>		<u>223</u>

Total number of acres to be irrigated 436

9. Describe any other water rights used for the same purposes as described above _____

Permit 43-7071 covers other lands on this farm

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ % Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP	RANGE	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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 6.0 c.f.s. &/or 1300 acre feet
- b. Point(s) of diversion SW % SE % Section 36 Township 9S
Range 27E, B.M., Cassia County
Additional points SE 1/4 SW 1/4 Sec. 36 T. 9S R. 27E
- c. Description of diverting works Two wells & pumps, sprinklers
- d. Describe the reasons for applying for a change in the point(s) of diversion
Add a second well to the system & also correct errors in P. U. description made on original license.

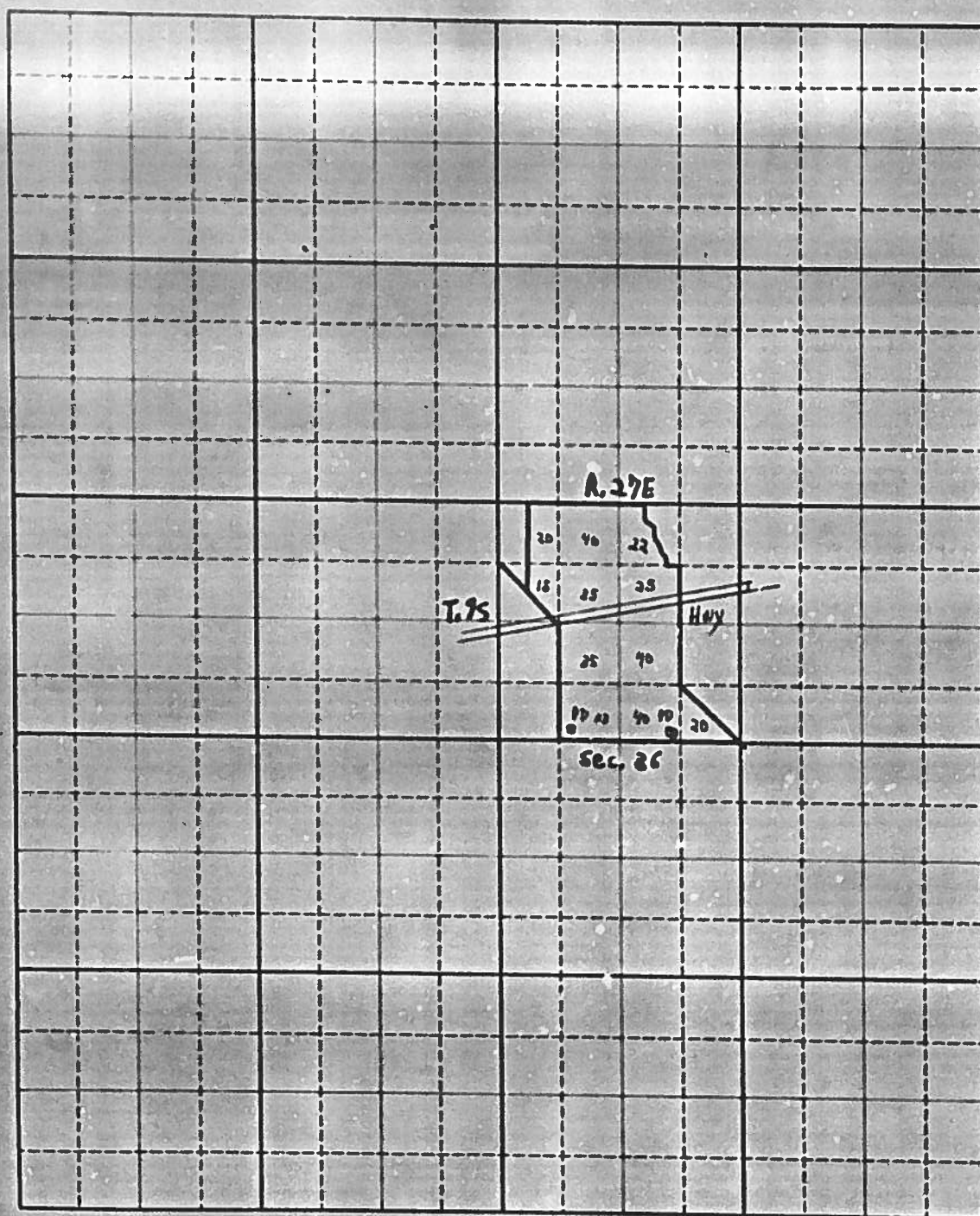
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	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	
9S	27E	36		22	25		40	20	15	35	35			33		40	40	20	325

Total number of acres to be irrigated 325

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

4. Remarks Water right has been used continuously since development began. This
transfer will not affect the lands from which water is being removed,
as these lands were never watered under this system.

I hereby assert that no one will be injured by such change and 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.

Mark J. Swincomb
(Signature of applicant)

Subscribed and sworn to before me this 29th day of December, 19 82.

Loren O. Kalmes
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-7002
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 22nd day of July, 19 85.

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by [initials] Date 12-27-82
Prelim. check by [initials] Fee \$50.
Receipted by [initials] Date 12-27-82 23895
Published in South Idaho Press
Pub. dates 1/13 & 1/20/83
Watermaster recommendation requested on N/A
rec'd. _____

Protest filed by - None
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by ADM Jim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:35
10/26/00
3

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-07002

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK T NEWCOMB	12/21/1969	IRRIGATION STOCKWATER	03-01 11-15 01-01 12-31	6.000 CFS 0.030 CFS	
TOTAL DIVERSION:					6.000 CFS	
CONSUMPTIVE USE:					4.99	99.7 AF (249.4 X) 975.00 AF

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R27E S36 NESES

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	Lt	Ac	Lt	Ac	
09S	27E	36	:	22	25			40	20	15	35	35		33		1.7	40	40	20	325.0
				16	11				23	13	32	19		13			34	37	37	325.0
																TOTAL ACRES 7.7				

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CASSIA

Non-Irrigation Uses: S/100 RANGE

Other Rights: A43-00261

Dates: Exam Made Date: Verified Date: 10/29/1985 Objection Filed Date:

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

Cond Code C 18
Remarks: POU 1 E11
(249.4 w/ -16
QNT E01
(4.99 w/ -1
E28.00 w/ -1
GEN P19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:33
10/26/00

PAGE: 2
QUICKLOOK INFORMATION

2
CLAIM NUMBER: A43-07002

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	- N							
POINT OF DIV	- N							
SOURCE	- N							
PLACE OF USE	Y -							
DIV. AMOUNT CFS/VOLUME	Y -							
CONSUMPTIVE USE	/ -							
PURPOSES OF USE	- N							
PERIOD OF USE	- N							
BASIS OF CLAIM	- N							
REMARKS	Y -							

BARCODE UPDATED
WHOM/DATE

10/27/2000

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

RIGHT NUMBER: 43-7002

NAME AND ADDRESS: MARK T NEWCOMB
RT 1 BOX 421
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 4.99 CFS
997 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.99 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-10790 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 12/21/1969

POINT OF DIVERSION: T09S R27E S36 NESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-01 11-15	4.99 CFS 997.0 AFY
STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T09S R27E S36	NWNE	16	T09S R27E S36	SWNE	11
T09S R27E S36	NENW	40	T09S R27E S36	NWNW	23
T09S R27E S36	SWNW	13	T09S R27E S36	SENW	32
T09S R27E S36	NESW	19	T09S R27E S36	SESW	13
T09S R27E S36	NESE	1.7	T09S R27E S36	NWSE	34
T09S R27E S36	SWSE	37	T09S R27E S36	SESE	9.7

STOCKWATER Within CASSIA County

T09S R27E S25	SWSE		T09S R27E S36	NWNE	
T09S R27E S36	SWNE		T09S R27E S36	NENW	
T09S R27E S36	NWNW		T09S R27E S36	SWNW	
T09S R27E S36	SENW		T09S R27E S36	NESW	
T09S R27E S36	SESW		T09S R27E S36	NESE	
T09S R27E S36	NWSE		T09S R27E S36	SWSE	
T09S R27E S36	SESE				

249.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 249.4 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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1985 TO 1994.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 43-7002

R PROOF

CVR

MAPS

PHOTOS

MISC

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