

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: A43-07178
Date Received: 5/02/1989
Receipt No: 5067055
Received By: AD

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: JUN 16, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	26E	6	SW	SE	NW		CASSIA
			NE	NW	SE		CASSIA

5. Description of diverting works:
TWO WELLS & PUMPS TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.120		

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

8. Total consumptive use is 168.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	26E	5	NW	NW	4	IRR	14.0
			SW	NW		IRR	14.0

A43-07178

Page 1

Date: 05/02/89

COPY

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	26E	5	NW	SW		IRR	14.0
			SW	SW		IRR	14.0
					Section Acres		56.0
					Total Acres		56.0

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:
USED IN CONJUNCTION WITH A43-07168 FROM SAME SYSTEM.

14. Remarks:
THIS RT. WHEN COMBINED WITH RT. A43-07168 SHALL NOT
EXCEED 8.1 CFS.

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 A43-07168

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): Mark A. Groomb Date: May 8, 1989
_____ Date: _____

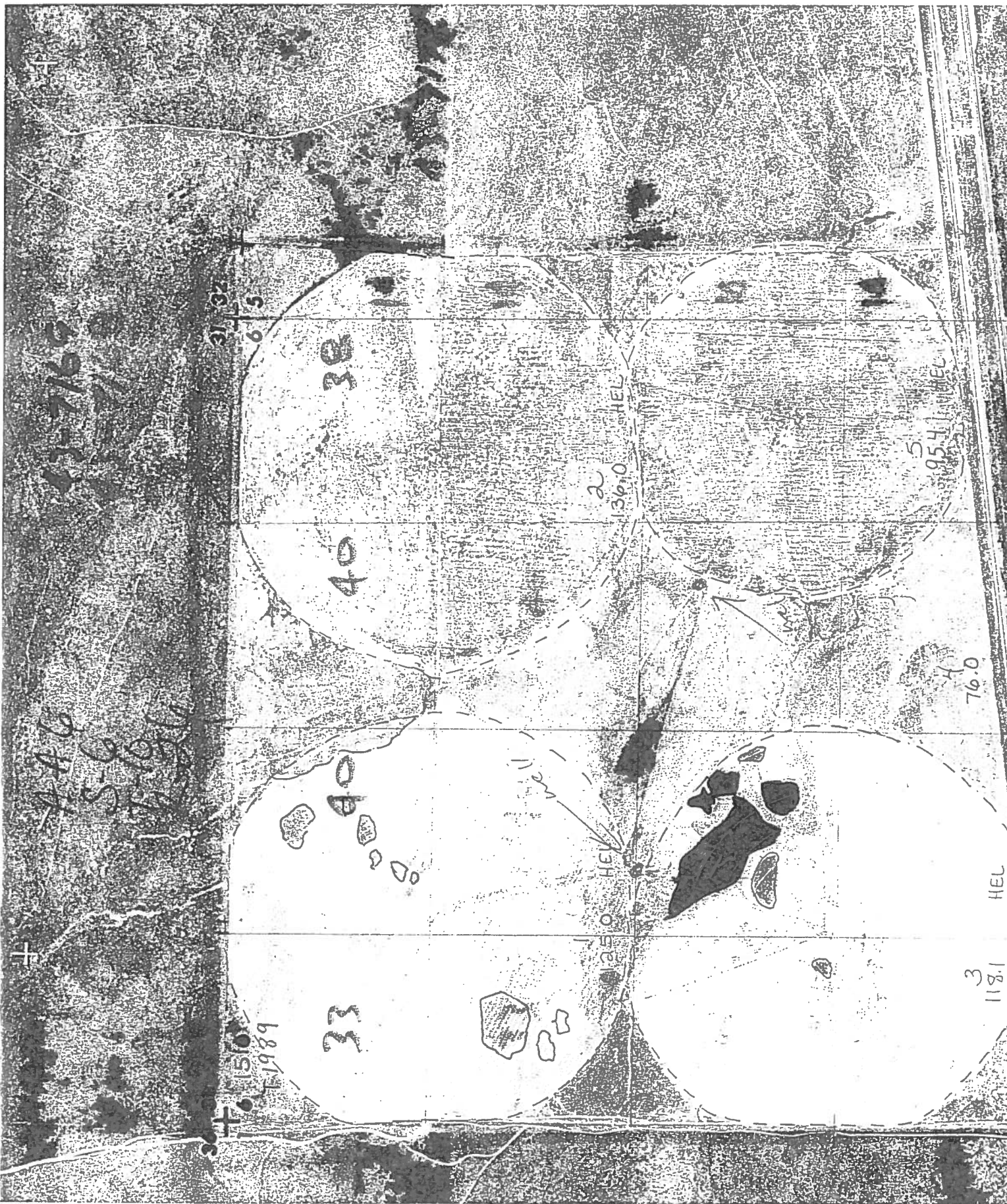
State of Idaho)
County of Trin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 89 Paul D. Menter
Notary Public

Seal

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

MICROFILMED
MAR 04 1993



Old (D) Number -

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+ - - - Status - -

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Tributary

1

Remarks
THIS RT. WHEN COMBINED WITH RTS. 43-7168 & 43-7169 SHALL NOT EXCEED 8.1 CFS.

MICROFILMED
MAR 04 1993

Water right number - 43-07178

Prefix Translation:

WATER RIGHT

- - - - - Old Water Right Numbers - - - - -

- - - - - Old Water Right Numbers - - - - -

- - - - - No Old Water Right Numbers found.

- - - - - Conditions of Approval - - - - -

- - - - - No Conditions of Approval found.

- - - - - Decree Plaintiff - - - - -

- - - - - Decree Defendant - - - - -

- - - - - Decree Date - - - - -

- - - - - Decree Date 00/00/0000

- - - - - Comments - - - - -

- - - - - No Comments Found

- - - - - Audit Fields - 01/30/84 05/28/88 CONVERT

- - - - - Water Rights Dates and Flags Area - - - - -

- - - - - Proof Due Date - 10/01/1983 Field Exam Made - 00/00/0000

- - - - - Approved/Denied - 00/00/0000 Protested Date - 00/00/0000

- - - - - Proof Made Date - 01/01/1900 Hearing Date - 00/00/0000

- - - - - Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000

- - - - - Order Show Cause - 00/00/0000 Receipt Number -

- - - - - Licensed Date - 01/30/1984 Appl Received - 00/00/0000

MICROFILMED
MAR 4 1993

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 8 2002	
By _____	Clerk
_____	Deputy Clerk

**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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 43-07178
_____	)	

On August 13, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-07178 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 8, 2002



 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 8 2002

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-07178

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LONNA NEWCOMB
MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS
224.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T10S R26E S06 SWSNW Within Cassia County
NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.12 CFS 224.00 APY

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R26E S05 LOT 6 (NWNW)14.0	SWNW 12.0
		NWSW 6.0
	S06 LOT 1 (NENE)40.0	LOT 2 (NWNW)20.0
		SENE 40.0
	LOT 3 (NENW)37.0	LOT 4 (NWNW)30.0
	LOT 5 (SWNW)30.0	SENE 40.0
		SENE 40.0
	LOT 7 (SWSW)27.0	SENE 40.0
		SENE 40.0
		SENE 23.0
	589.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 589 ACRES IN A SINGLE
IRRIGATION SEASON.

THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW,
SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES
OF USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-07178

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-07178 was mailed
on October 08, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARK T NEWCOMB
Represented by:
ALAN C. GOODMAN
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

LONNA NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679

CERTIFICATE OF MAILING

ROBBIN HALL
Chief Deputy Clerk

PAGE 1
10/08/02

RECEIVED

AUG 14 2002

Department of Water Resources

2002 AUG 13 PM 4: 52

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

**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	)	Subcase 43-07178
	)	(Newcomb)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

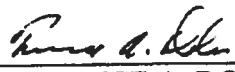
Mark Newcomb filed a *Notice of Claim to a Water Right* on May 2, 1989, claiming 1.12 cfs from groundwater for irrigation of 56 acres in Cassia County from March 15 to November 15 with a priority date of June 16, 1982, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim to Mark and Lonna Newcomb, 251 East, 200 South, Rupert, Idaho 83350, for irrigation of 50.4 acres within a 499 acre place of use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On April 25, 2002, the claimants were granted leave to file a late *Objection* to place of use. On August 13, 2002, the Newcombs, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Mark and Lonna Newcomb are entitled to a partial decree adjudicating a water right under claim 43-07178 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-07178*.

DATED August 13, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-07178

2002 AUG 13 PM 4:52

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: LONNA NEWCOMB
MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS
224.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T10S R26E S06 SWSNW Within Cassia County
NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.12 CFS 224.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R26E S05 LOT 6 (NWNW) 14.0	SWNW 12.0
		NWSW 17.0
	S06 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 20.0
		SENE 40.0
	LOT 3 (NENW) 37.0	LOT 4 (NWNW) 30.0
	LOT 5 (SWNW) 30.0	SENE 40.0
		LOT 6 (NWSW) 32.0
	LOT 7 (SWSW) 27.0	SESW 33.0
		NWSE 40.0
		SESE 23.0
	589.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 589 ACRES IN A SINGLE
IRRIGATION SEASON.

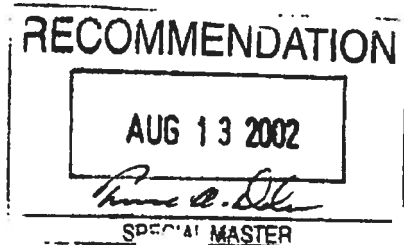
THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW,
SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES
OF USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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AUG 14 2002

Department of Water Resources

2002 AUG 13 PM 4: 52

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-07178

On August 13, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 13, 2002.

Lettie Messick

LETTIE MESSICK
Deputy Clerk

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AUG 14 2002

Department of Water Resources

AUG 13 PM 4:52

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

CERTIFICATE OF MAILING

Water Right(s): 43-07178

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 13, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARK T NEWCOMB
Represented by:
ALAN C. GOODMAN
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
08/13/02

LONNA NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679


LETTIE MESSICK
Deputy Clerk

07/17/2002

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

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350
LONNA NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.12 CFS
224.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~1996~~ 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION:
T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.120 CFS <u>224.00 AFY</u>

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05 SWNW	12.0
T10S R26E S05 NWSW	<u>17.0</u> ~~18.0~~	T10S R26E S05 SWSW	<u>6.0</u> ~~6.4~~
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2 NWNW	20.0
T10S R26E S06 SWNE	<u>40.0</u> ~~17.0~~	T10S R26E S06 SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4 NWNW	<u>30.0</u> ~~29.0~~
T10S R26E S06 Lot 5 SWNW	<u>30.0</u> ~~29.0~~	T10S R26E S06 SENW	<u>40.0</u> ~~36.0~~
T10S R26E S06 NESW	<u>40.0</u> ~~37.0~~	T10S R26E S06 Lot 6 NWSW	32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06 SESW	<u>33.0</u> ~~30.0~~
T10S R26E S06 NESE	40.0	T10S R26E S06 NWSE	<u>40.0</u> ~~9.6~~
T10S R26E S06 SWSE	<u>28.0</u> ~~3.0~~	T10S R26E S06 SESE	<u>23.0</u> ~~22.0~~

589 499 ACRES TOTAL

THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW, SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES OF USE.

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 589 499 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 50.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

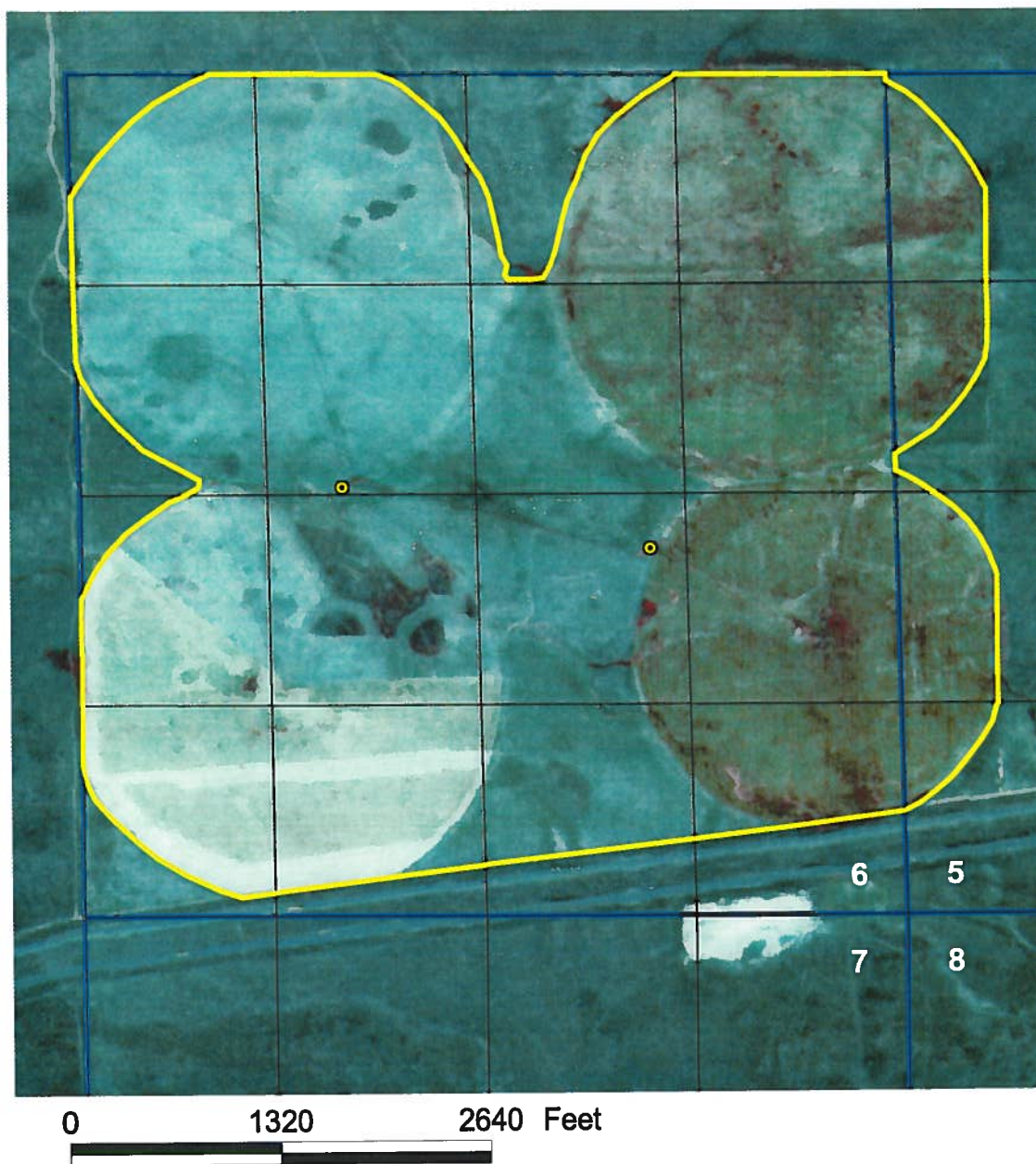
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON USE FROM 1983 TO 1994.~~

EXPLANATORY MATERIAL: License

Water Right 43-7178

43-7178 & 43-10803

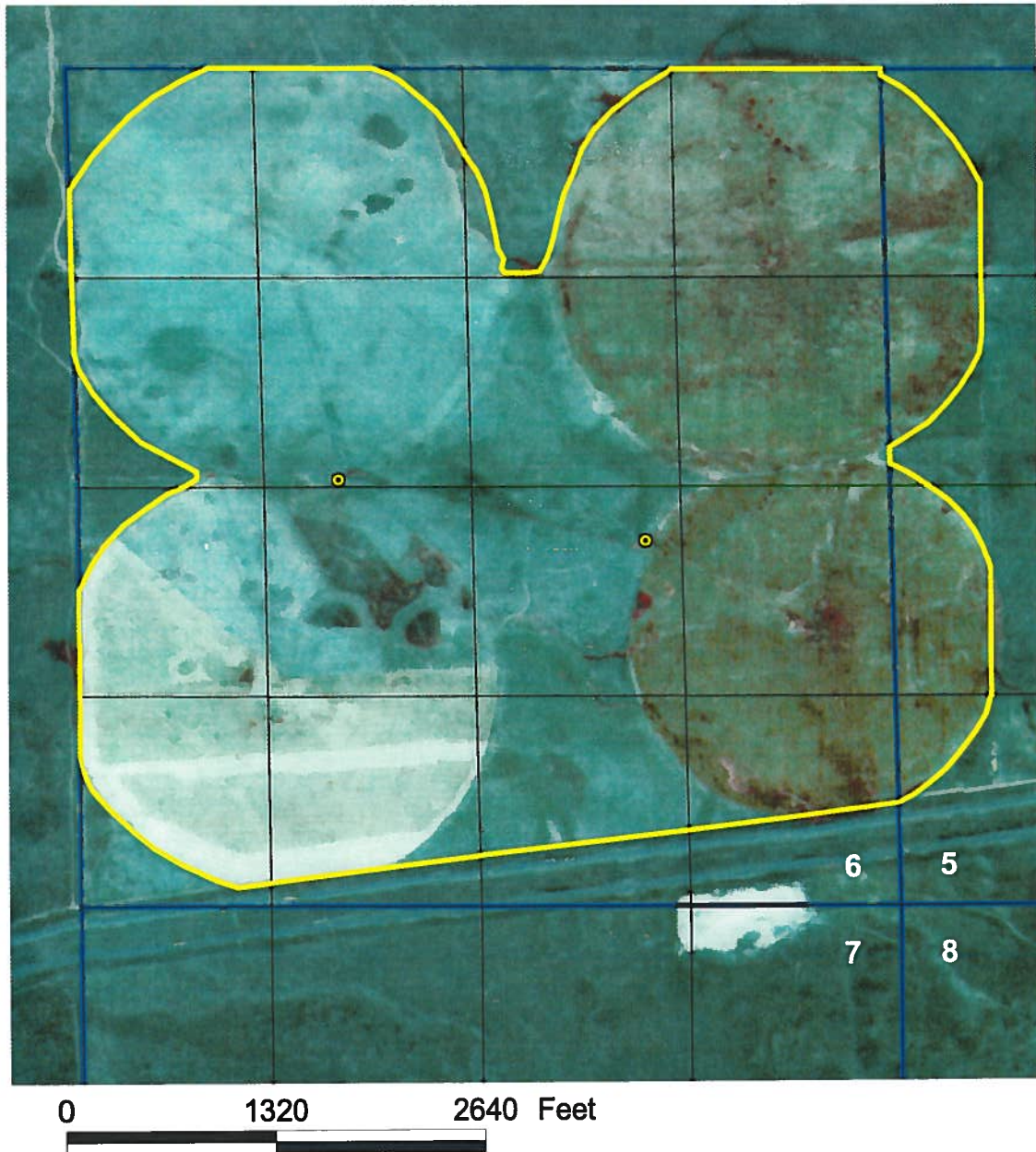


RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 16, 2002
TWP 10S, RNG 26E, SEC. 5 & 6

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

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

43-7178 & 43-10803



RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 16, 2002
TWP 10S, RNG 26E, SEC. 5 & 6



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

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

Robertson, Jean

From: Robertson, Jean
Sent: Friday, July 19, 2002 10:50 AM
To: McHugh, Candice
Subject: RE: New Recommendations for Newcomb 43-7178 & 43-10803

I sent a couple of maps to Newcomb from various years aerial photos and had him draw the extra acres he wanted included. I also checked the place in a drive-by. When I drew them in GIS, it came up to about 90 additional acres. (589 now - 499 originally recommended). These rights were licensed in the mid-eighties, so based on our guidance with licenses now, I would almost have to recommend the entire 647, but since he was happy with 589, and that's all I could find ever irrigated, that's what I did. (I don't think allowances were ever made for the interstate cutting off the bottom or something.) Since these were additional acres, not overlaps, the extra volume could be recommended...

-----Original Message-----

From: McHugh, Candice
Sent: Friday, July 19, 2002 10:24 AM
To: Robertson, Jean
Subject: RE: New Recommendations for Newcomb 43-7178 & 43-10803

Jean,

Can you give me a brief summary for our change in the recommendation to increase the acres and volume? (If you already did this, I've blanked.)

-----Original Message-----

From: Robertson, Jean
Sent: Wednesday, July 17, 2002 9:12 AM
To: Kelly, Vicki
Cc: McHugh, Candice
Subject: New Recommendations for Newcomb 43-7178 & 43-10803

I didn't get your mail message before I was almost finished doing them the **old way**, so here they are, along with a new layout if you'd like...

<< File: 43-7178 Newcomb - New Recommendation for SF5.RTF >> << File: 43-10803 Newcomb - New Recommendation for SF5.RTF >> << File: 43-7178 & 10803 Newcomb Layout.doc >> << File: 43-7178 & 10803 Newcomb Layout.doc >>

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

RIGHT NUMBER: 43-7178

NAME AND ADDRESS:

LONNA NEWCOMB
251 E 200 S
RUPERT ID 83350

MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER

Tributary:

QUANTITY:

1.120 CFS

224.000 AFY

~~0.000 AFY~~

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2356 AF.

~~USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1996 AF.~~

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County

T10S R26E S6 NENWSE Within CASSIA County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	1.120 CFS 224.00 AFY

PLACE OF USE:

589 ACRES TOTAL

THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW, SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES OF USE.
USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 589 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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

~~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 1983 TO
1994.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

07/16/2002

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

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

LONNA NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER
QUANTITY: 1.12 CFS
224.0 AFY

TRIBUTARY:

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.120 CFS 224.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05 SWNW	12.0
T10S R26E S05 NWSW	17.0	T10S R26E S05 SWSW	6.0
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2 NWNE	20.0
T10S R26E S06 SWNE	40.0	T10S R26E S06 SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4 NWNW	30.0
T10S R26E S06 Lot 5 SWNW	30.0	T10S R26E S06 SENW	40.0
T10S R26E S06 NESW	40.0	T10S R26E S06 Lot 6 NWSW	32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06 SESW	33.0
T10S R26E S06 NESE	40.0	T10S R26E S06 NWSE	40.0
T10S R26E S06 SWSE	28.0	T10S R26E S06 SESE	23.0

589 ACRES TOTAL

THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW, SECTION 5,
T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES OF USE.

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 589 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE 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: License

Water Right 43-7178

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-7178 V2

WATER RIGHT NUMBER: 43-7178 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK T NEWCOMB 251 E 200 S RUPERT, ID 83350 (208)436-5679
Current Owner	LONNA NEWCOMB 251 E 200 S RUPERT, ID 83350

Priority Date: 06/16/1982

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.120 CFS	224.00 AF
	<u>Total Diversion:</u>	1.120 CFS	224.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4SE1/4	Sec. 6,	Twp 10S,	Rge 26E, B.M.
CASSIA County				
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 6,	Twp 10S,	Rge 26E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	5						14.0	12.0			17.0	6.0						49.0
								L 6											
10S	26E	6	40.0	20.0	40.0	40.0	37.0	30.0	30.0	40.0	40.0	32.0	27.0	33.0	40.0	40.0	28.0	23.0	540.0
			L 1	L 2			L 3	L 4	L 5			L 6	L 7						

Total Acres: 589

Conditions of Approval:

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

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-7178 V2

1. Place of Use THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW, SECTION 5, T10S,
- Irrigation R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES OF USE.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 589 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 2356 AF.
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. jroberts 7/9/2002 Version 2

Comment: This new recommendation was created to resolve two objections. The objection by the claimant was to the PoU and it has now been increased from 499 acres to 589 acres, per the licenses on which it was based and GIS. The other objection was by the BLM and language has been added to the Remarks in PoU to resolve it. This also resulted in an increased volume limitation.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

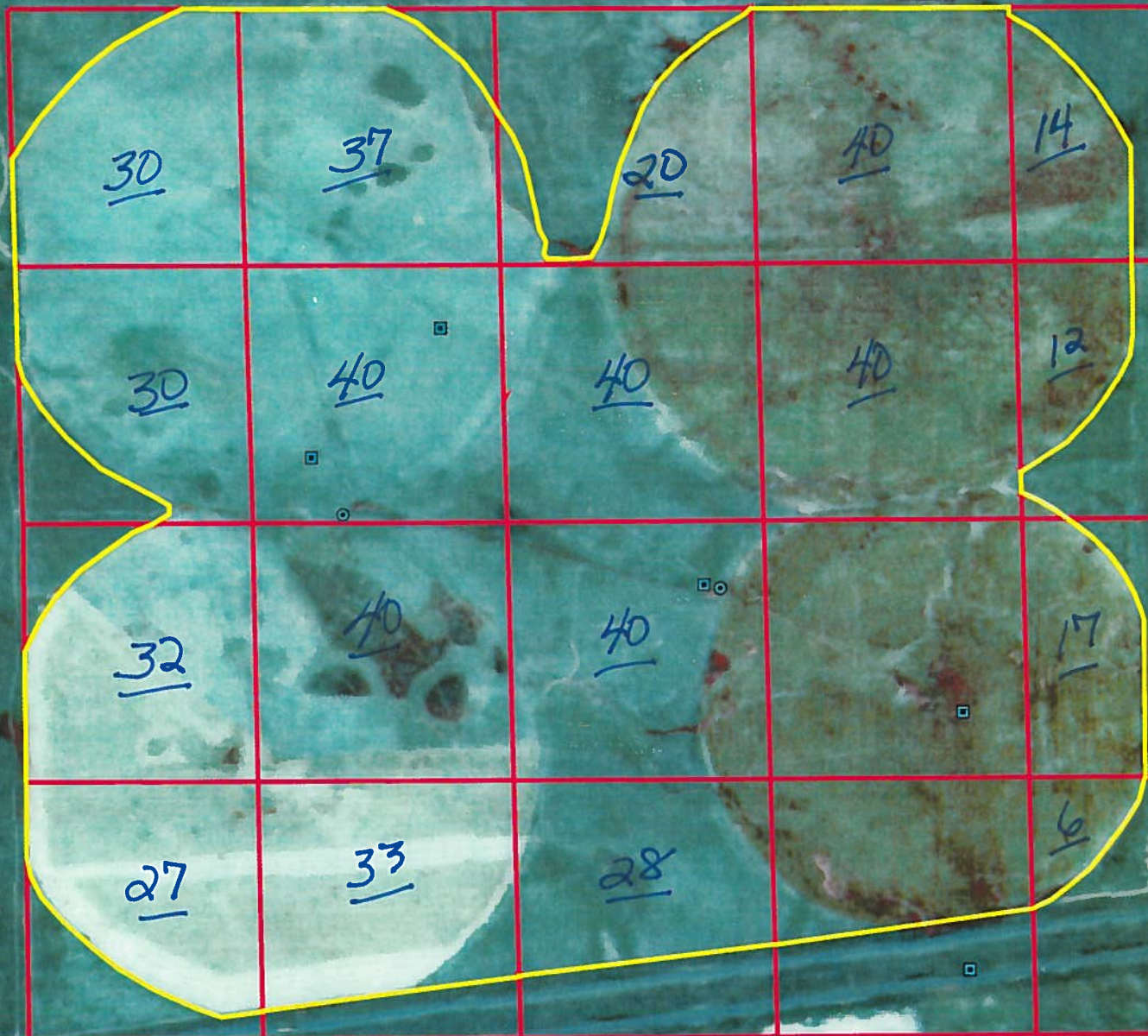
Total Lic. = 647
Total Claimed = 647
GIS = 589
Rec. = 589

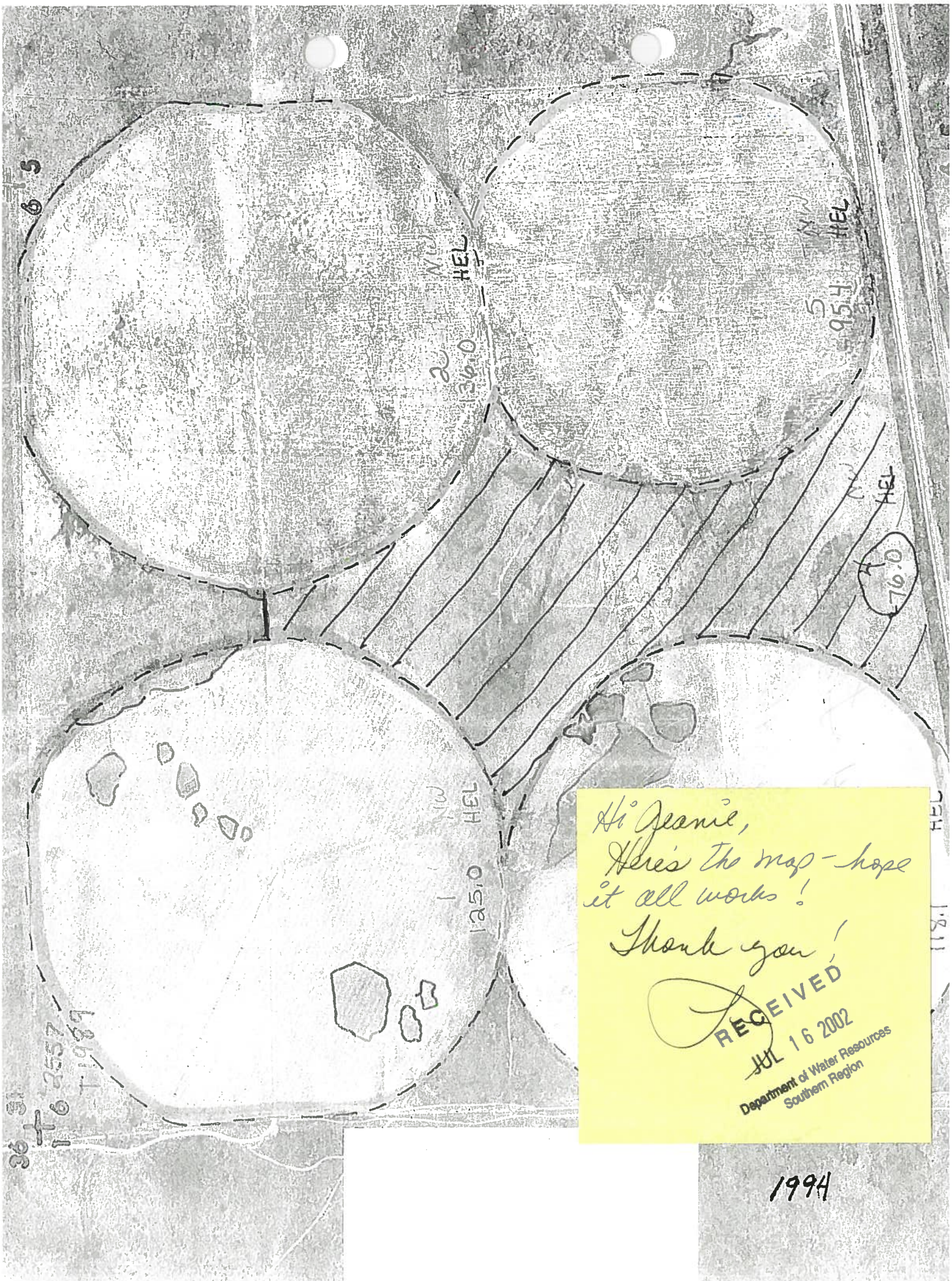
NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
Jaimed as 43-10803	43-7168	10S	26E	6			40	38			15	33	40	40	16	17	33	39	38	40	36	30	440	541
					11	12			13	14														
	43-7169	10S	26E	6	38	40			40	33													151	
	G15	10S	26E	6	40	20	40	40	37	30	30	40	40	32	27	33	40	40	28	23			540	540

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
43-7178	105	26E	5					24 14	14				14	14						56	-
615	105	26E	5					14	12				17	6						49	

[illegible][illegible]

T = 589 A.





Hi Jeanie,
Here's the map - hope
it all works!
Thank you!

RECEIVED
JUL 16 2002
Department of Water Resources
Southern Region

1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 2002

Mark & Lonna Newcomb
251 E 200 S
Rupert ID 83350

RE: 43-7178 & 43-10803 – Objections

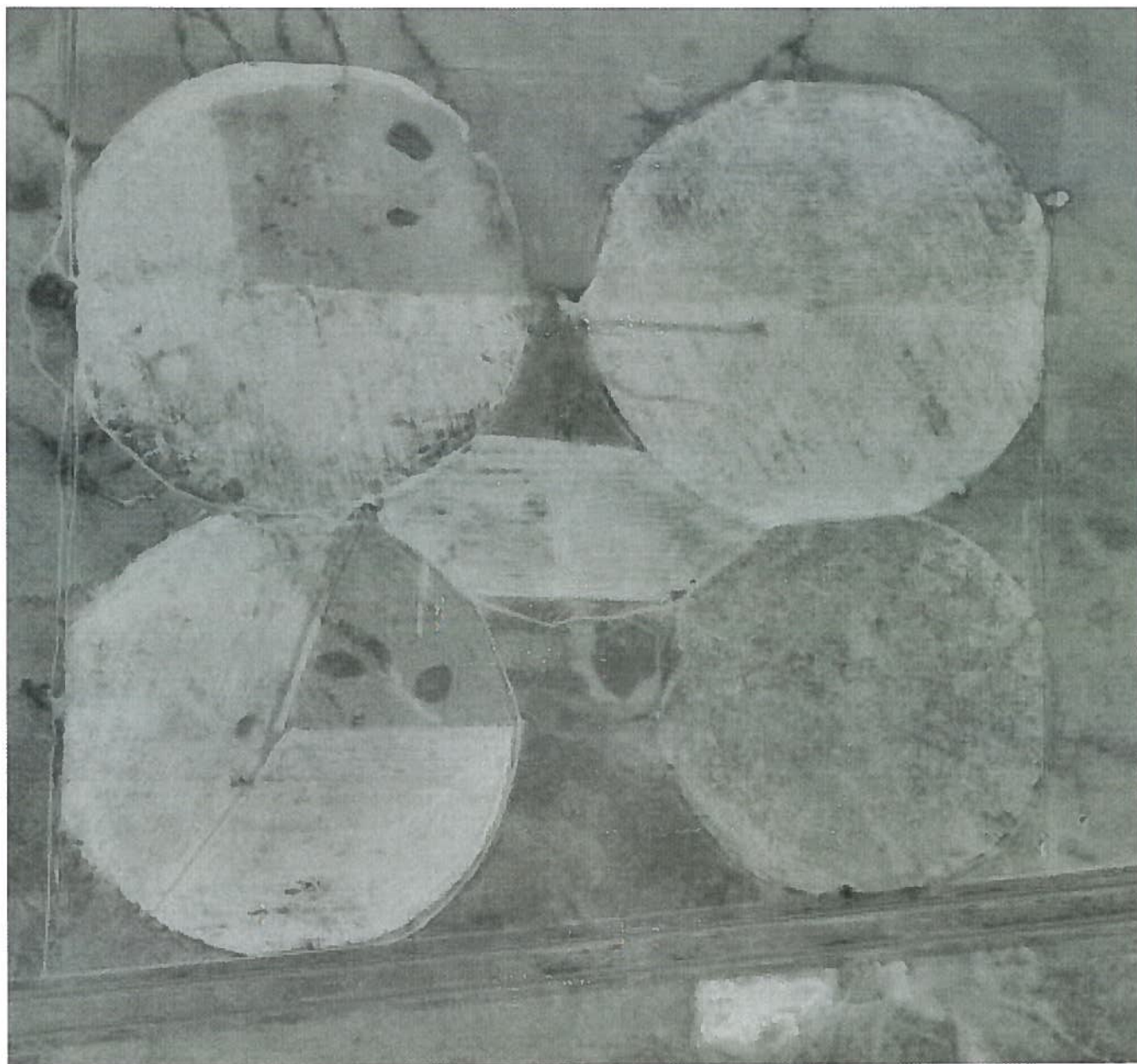
Dear Mr. & Mrs. Newcomb,

In hopes of resolving your objections to the Place of Use on these two rights, I have enclosed several aerial photos of the area taken in various years. Please feel free to draw on them where the additional irrigated acres are located and send them back. I can then transcribe them on our computer program and come up with a new Place of Use. Hopefully, we can settle the objections before the initial hearings scheduled for next month. I understand the BLM has requested some language in Remarks to satisfy their Objection. Feel free to give me a call at the office and we can talk about this together while viewing the maps.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the printed name.

Jeanie Robertson
Sr. Water Resource Agent



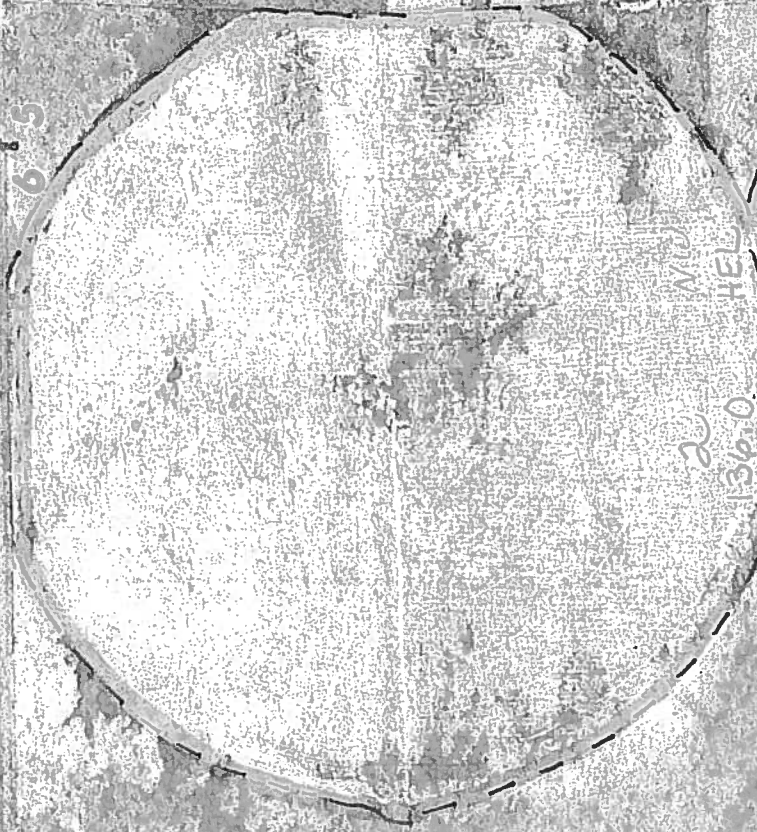
1992

NAPP 16031-377
Newcomb
AA 6

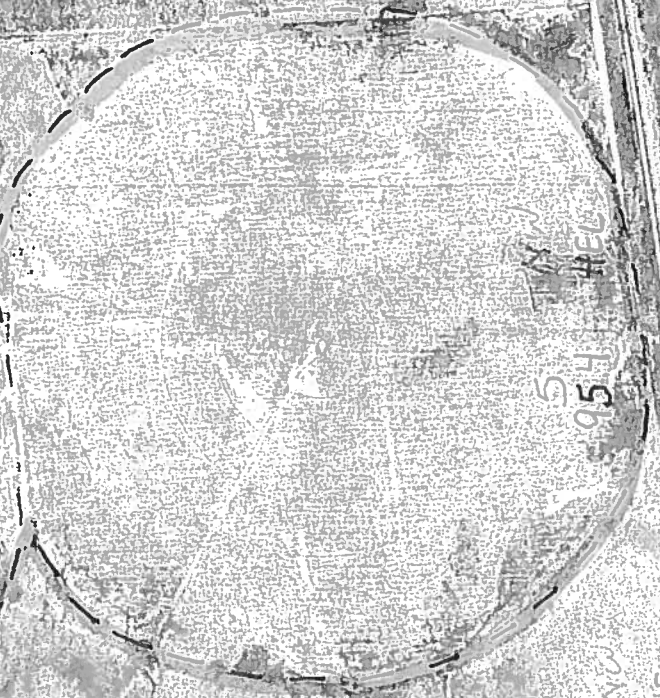
36 31

16 2557
11989

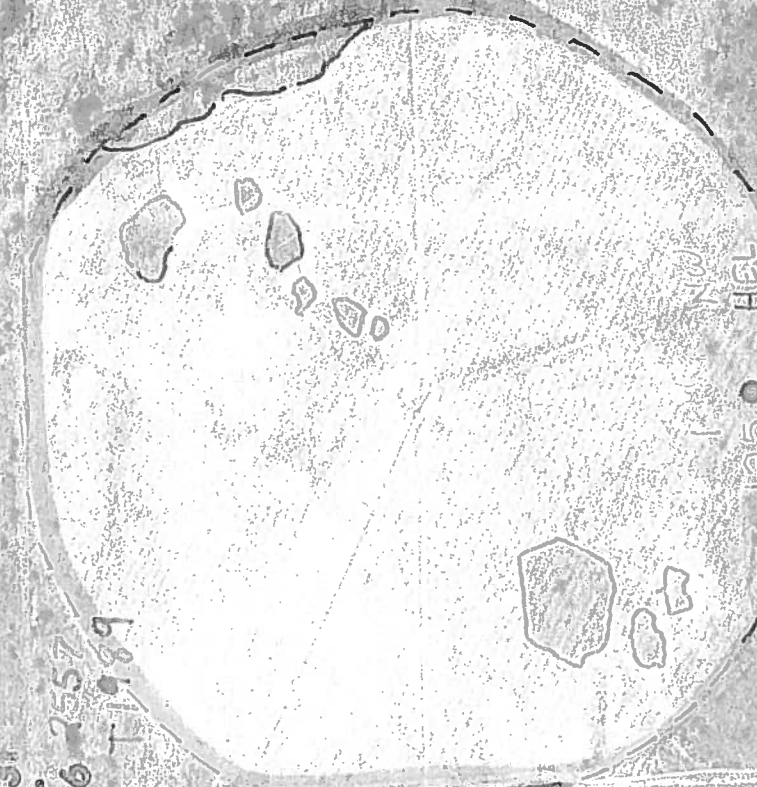
63



20
136.0
NW HEL



595.1
NW HEL

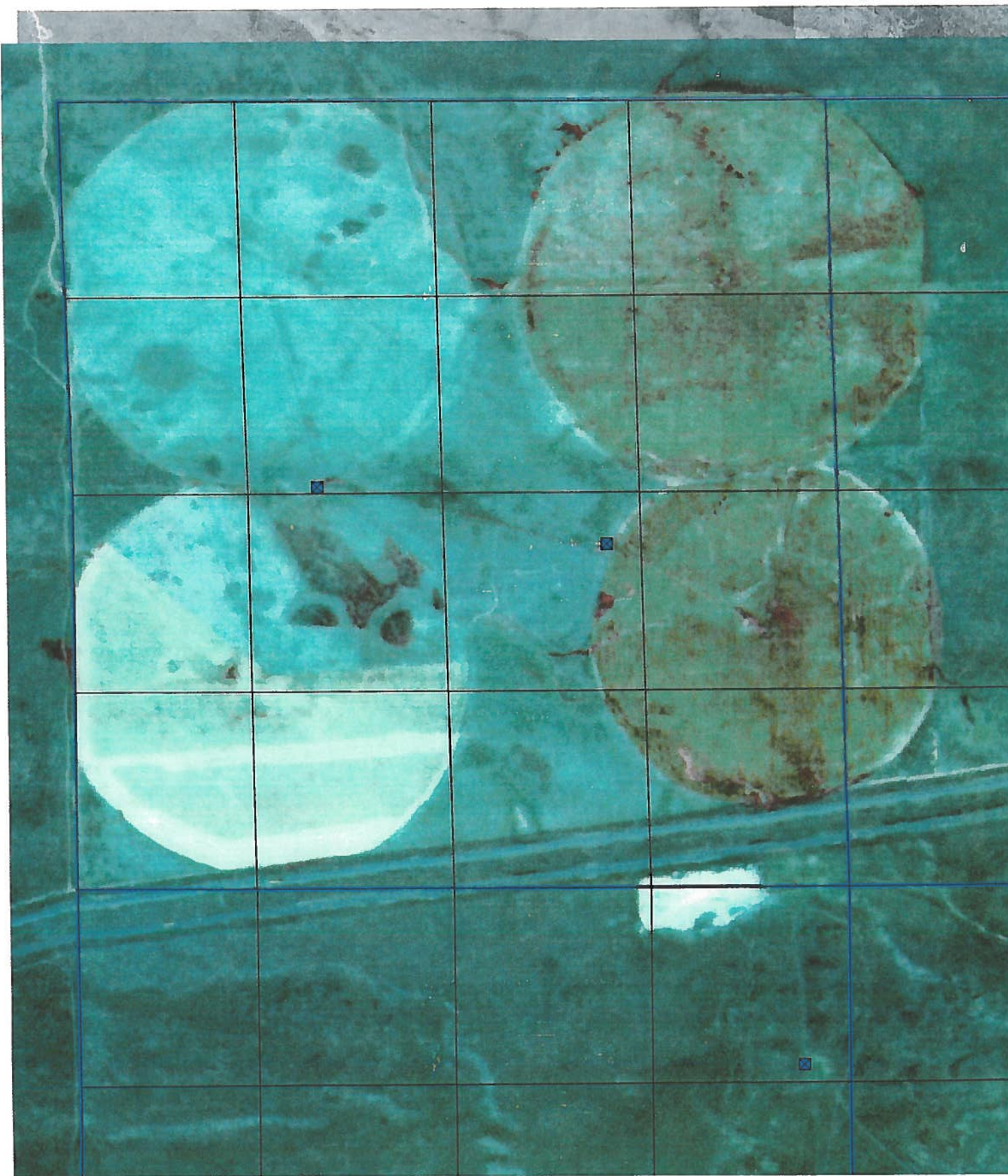


125.0
NW HEL



118.1
3
NW HEL

1994



Robertson, Jean

From: McHugh, Candice
Sent: Tuesday, July 09, 2002 12:40 PM
To: Robertson, Jean
Subject: FW: 43-07178 and 43-10803 (Newcomb)

Jean,

What is going on with the claimant's objection to these water rights? You found partial forfeiture from 1983 to 1994 although we can only look at the time period from 1983 to 1989 (when the claim was filed). I'm not sure whether that would change your recommendation. It appears from Larry Brown's emails below that we can settle the BLM objection but I'm not sure where we're at with the private objection. When you have a moment can you review this matter and get back to me? Thanks

FROM Larry Brown:

Just spoke with Alan Goodman, Goodman & Bollar, Attorneys at Law, 717 7th Street, Rupert, ID 83350, Ph: (208) 436-4774. We discussed Mark & Lomman Newcomb's water rights and agreed to settle by adding the following remark to each water right: THE USE OF WATER WITHIN THE SWNW, NWSW, AND SWSW, SECTION 5, T10S, R26E IS LIMITED TO THE W1/2 OF THOSE PLACES OF USE.

I note the Newcomb's filed objections to their own claims asking for 75 more acres per water right for places of use already reported. Before we can do SF-5s, what is IDWR's proposed resolution of this problem. should Newcomb's be filing SF-4s?? We could include the remark resolving BLM's objections on the SF-4s. What do you suggest?

2002 APR 25 PM 3:32

DISTRICT COURT-SRBA
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) Subcases 43-07178 and 43-10803
Case No. 39576) (Newcomb)
) ORDER GRANTING MOTION
) TO FILE LATE OBJECTION

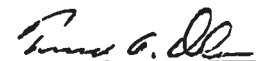
On March 13, 2002, claimants Mark and Lonna Newcomb filed a *Motion to File Late Objection* in both subcases objecting to place of use or acreage. The Newcombs alleged the place of use should include approximately 75 acres of additional farm ground.

A hearing on the *Motion* was held by telephone on April 25, 2002. William T. Goodman appeared for the Newcombs and Candice M. McHugh appeared for IDWR. No one appeared for objector the United States of America, Department of Interior, Bureau of Land Management.

During the hearing, counsel for the Newcombs stated his clients did not "catch" the discrepancy in acreage until after the United States filed its *Objection* to place of use. The Newcombs noticed the recommended quantity or diversion rate was as claimed, but overlooked the place of use.

THEREFORE, IT IS ORDERED that the Newcombs' *Motion to File Late Objection* is granted. The parties should expect notice of an initial hearing on their claims sometime in August, 2002, in Burley, Idaho, if they are not able to resolve the *Objections* before then.

DATED April 25, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on April 25, 2002, with sufficient first-class postage to the following:

MARK T NEWCOMB

Represented by:
ALAN C. GOODMAN
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LOMMA NEWCOMB

LONNA NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679

RECEIVED

MAR 08 2002

Department of Water Resources
Southern Region

RECEIVED

MAR - 4 2002

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 43-10803

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Mark T. Newcomb

Address: 251 East 200 South

Rupert, ID 83350

Daytime Phone: (208) 436-5679

Name & Address of Attorney, if any:

Alan Goodman

P. O. Box D

Rupert, ID 83350

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

Name: Mark T. Newcomb and Lonna Newcomb

Address: 251 East 200 South

Rupert, ID 83350

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 initial water right
recommendation failed to correctly describe all of the premises.
The water right should cover the additional premises described
on Exhibit "A" hereto, which should include an additional
75 acres approximately. Additionally, the alleged remainder
of the right was not forfeited for lack of use during the
period from 1983 to 1994.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of Minidoka)

ALAN GOODMAN

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

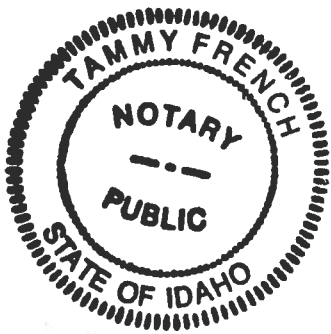
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Alan Goodman

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 28, 2002



Tammy French

Notary Public for Idaho

Residing at: Hayden, Idaho

My Commission Expires: 5-24-2007

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 March 1, 2002, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

EXHIBIT "A" MARK NEWCOMB WATER RIGHTS
NOS. 43-10803 & 43-07178

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

SECTION 5: Lot 6; the W1/2SW1/4NW1/4; and
W1/2W1/2SW1/4

Together with the real property described on
the preliminary recommendation of water
rights of Mark Newcomb for Water Rights Nos.
43-10803 and 43-07178 dated May 10, 2001.

05/10/2001

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

RIGHT NUMBER: 43-10803
NAME AND ADDRESS: MARK T NEWCOMB
RT 1 BOX 421
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-07178 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1996 AF.

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	8.100 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05	SWNW	12.0
T10S R26E S05	18.0	T10S R26E S05	SWSW	6.4
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2	NWNE	20.0
T10S R26E S06	17.0	T10S R26E S06	SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4	NWNW	29.0
T10S R26E S06 Lot 5 SWNW	29.0	T10S R26E S06	SENW	36.0
T10S R26E S06	37.0	T10S R26E S06 Lot 6	NWSW	32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06	SESW	30.0
T10S R26E S06	40.0	T10S R26E S06	NWSE	9.6
T10S R26E S06	3.0	T10S R26E S06	SESE	22.0

499 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 448.6 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-07178 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1983 TO
1994.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-07168 & 43-07169.

RECEIVED
MAR 08 2002
Department of Water Resources
Southern Region

RECEIVED
MAR -4 2002
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

)

Subcase 43-10803

)

(Insert the Subcase number from the
Objection to which you are responding)

Case 39576

)

)

STANDARD FORM 2

)

RESPONSE TO OBJECTION

)

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number listed as the "Subcase" on the objection you are responding to must be inserted above as the "Subcase." You may respond to all objections filed against one water right using one response form. But you must use a separate form for each different water right. If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in all the objections.

You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for mailing this response are found at Page 5 and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more responses must contact the Clerk of the SRBA Court no later than 14 days prior to the filing deadline and arrange for an appointment to file multiple responses.

By filing a response form, you are certifying that the response is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant responding:*

Name: Mark T. Newcomb and Lonna Newcomb

Address: 251 East 200 South
Rupert, ID 83350

Phone: Work: _____ Home: (208) 436-5679

Briefly describe your interest in this water right:

We are the owners of the water right listed above

If this response is filed by an attorney:

Attorney Name: Alan Goodman

Attorney Address: P. O. Box D
Rupert, ID 83350

Attorney Phone No.: (208) 436-4774

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Party/Claimant who filed objection:*

Name: USA acting through BLM, Idaho Office

Address: 1387 Vinnell Way
Boise, ID 83709-1657

II. STATEMENT OF THE RESPONSE

Please check each box which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ **Source:** I respond to the objection concerning the source of water.
3. **Quantity:** I respond to the objection concerning:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ **Priority Date:** I respond to the objection concerning the priority date.
5. ☐ **Point(s) of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.
8. ☐ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. **Place of Use:** I respond to the objection concerning:
 - ☒ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ **Consumptive Use:** I respond to the objection concerning the annual volume of consumptive use.
11. **Water Right Recommendation:** I respond to the objection concerning:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.

12. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
13. ☒ Other: I respond to the objection concerning: A metes and bounds legal description for the place of use as recommended and as added to by Mr. Newcomb's objection is attached hereto.

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary..

To include an additional 75 acres as to place of use
and to rescind the alleged forfeiture for non-use.

Note: You should attach copies of documents which support your response. Note on each document the box number it supports.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

Exhibit A legal description
Tax Notice
Map
Legal description from preliminary recommendation

VERIFICATION (Must be Completed)

State of IDAHO

County of Minidoka

ALAN GOODMAN, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response (as listed on Page 2, Section 1, "Party/Claimant responding"), that I am a water claimant or party in this proceeding as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing response



Attorney signing in representative capacity

Subscribed and sworn to before me on: February 28, 2002.

Notary Public for _____
Residing at: _____
My Commission expires: _____

INSTRUCTIONS FOR MAILING

You must mail the response including all attachments, 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.

CERTIFICATE OF MAILING

I certify that on March 1 2002, ~~199~~, I mailed the original and copies of this response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: _____

Address: _____

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

Name: Larry A. Brown, United States Dept. of Justice

Address: 550 West Fort Street, MSC 033, Boise, Idaho 83724

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

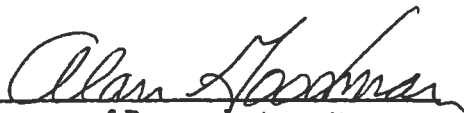

Signature of Respondent or attorney
mailing on Respondent's behalf

EXHIBIT "A" MARK NEWCOMB WATER RIGHTS
NOS. 43-10803 & 43-07178

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

SECTION 5: Lot 6; the W1/2SW1/4NW1/4; and
W1/2W1/2SW1/4

Together with the real property described on
the preliminary recommendation of water
rights of Mark Newcomb for Water Rights Nos.
43-10803 and 43-07178 dated May 10, 2001.

MAKE CHECK PAYABLE TO:

GAYLE EREKSON

CASSIA COUNTY TAX COLLECTOR

1459 OVERLAND PH: 878-7202

BURLEY, ID 83318

1ST HALF DUE

TAX 100.73

LATE

INT

COST

TOT

2ND HALF DUE

TAX 100.73

LATE

INT

COST

TOT

2001 TAX BILL/RECEIPT

BILL# 9966

CODE AREA 12-00

L

PARCEL NUMBER

RP10526E053150A

17,406

TOT MV 17,406

FULL DUE 201.46

TAX

LATE

INT

COST

TOT

WAC 6.000
TOT ACS 73.840

NEWCOMB MARK T

251 EAST 200 SOUTH

RUPERT

ID 83350

TAXING DISTRICT

COUNTY

SCH DIST 151

BURLEY HWY

FLOOD DIST 15

AMOUNT DUE

AMOUNT

111.08

26.98

7.74

201.46

RATE

003197485

006381862

001549888

000445349

011574584

LOT 6, W1/2SW1/4NW1/4,

W1/2W1/2SW1/4

S 5 T 10 R 26

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

BRING ENTIRE NOTICE WHEN PAYING IN PERSON

CONSERVATION PLAN MAP

Owner Mark Newcomb Operator Id Date June 23, 1992
 County Cassia State Id Approximate scale Conservation District
 Approximate acres 550.5 Cooperating with East Cassia
 Plan identification FSA Compliance Photo number USDA Soil Conservation Service
 Assisted by K. M. M. M.

Ripout N.W. 1

N. E. 1



05/10/2001

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

RIGHT NUMBER: 43-10803
NAME AND ADDRESS: MARK T NEWCOMB
RT 1 BOX 421
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-07178 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1996 AF.

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	8.100 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05	SWNW	12.0
T10S R26E S05	18.0	T10S R26E S05	SWSW	6.4
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2	NWNE	20.0
T10S R26E S06	17.0	T10S R26E S06	SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4	NWNW	29.0
T10S R26E S06 Lot 5 SWNW	29.0	T10S R26E S06	SENE	36.0
T10S R26E S06	37.0	T10S R26E S06 Lot 6	NWSW	32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06	SESE	30.0
T10S R26E S06	40.0	T10S R26E S06	NWSE	9.6
T10S R26E S06	3.0	T10S R26E S06	SESE	22.0

499 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 448.6 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-07178 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1983 TO
1994.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-07168 & 43-07169.

RECEIVED

FEB 19 2002

Department of Water Resources
Southern RegionIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 43-07178

(Insert water right number)

Case No. 39576

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 OfficeAddress: 1387 South Vinnell Way
Boise, Idaho 83709-1657Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 faxUnited 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: Mark T. Newcomb

Address: 251 E. 200 S.; Rupert, ID. 83350

Name: Lomma Newcomb

Address: 251 E. 200 S.; Rupert, ID. 83350

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)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

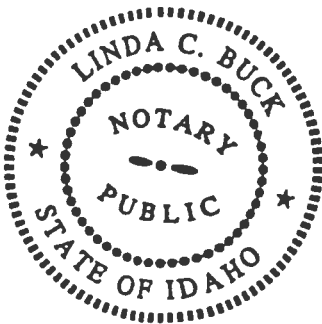
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002
Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

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 Feb. 8, 2002, 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: Mark T. Newcomb
Address: 251 E. 200 S.; Rupert, ID. 83350

Name: Lomma Newcomb
Address: 251 E. 200 S.; Rupert, ID. 83350

Name:

Address: ;

Name:

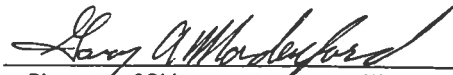
Address: ;

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

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

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

LOMMA NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.120 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1996 AF.

PRIORITY DATE: 06/16/1982

POINT OF
DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.120 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05	SWNW	12.0
T10S R26E S05	18.0	T10S R26E S05	SWSW	6.4
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2 NWNE	20.0	
T10S R26E S06	17.0	T10S R26E S06	SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4 NWNW	29.0	
T10S R26E S06 Lot 5 SWNW	29.0	T10S R26E S06	SENW	36.0
T10S R26E S06	37.0	T10S R26E S06 Lot 6 NWSW	32.0	
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06	SESW	30.0
T10S R26E S06	40.0	T10S R26E S06	NWSE	9.6
T10S R26E S06	3.0	T10S R26E S06	SESE	22.0

499 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.4 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1983 TO
1994.

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.

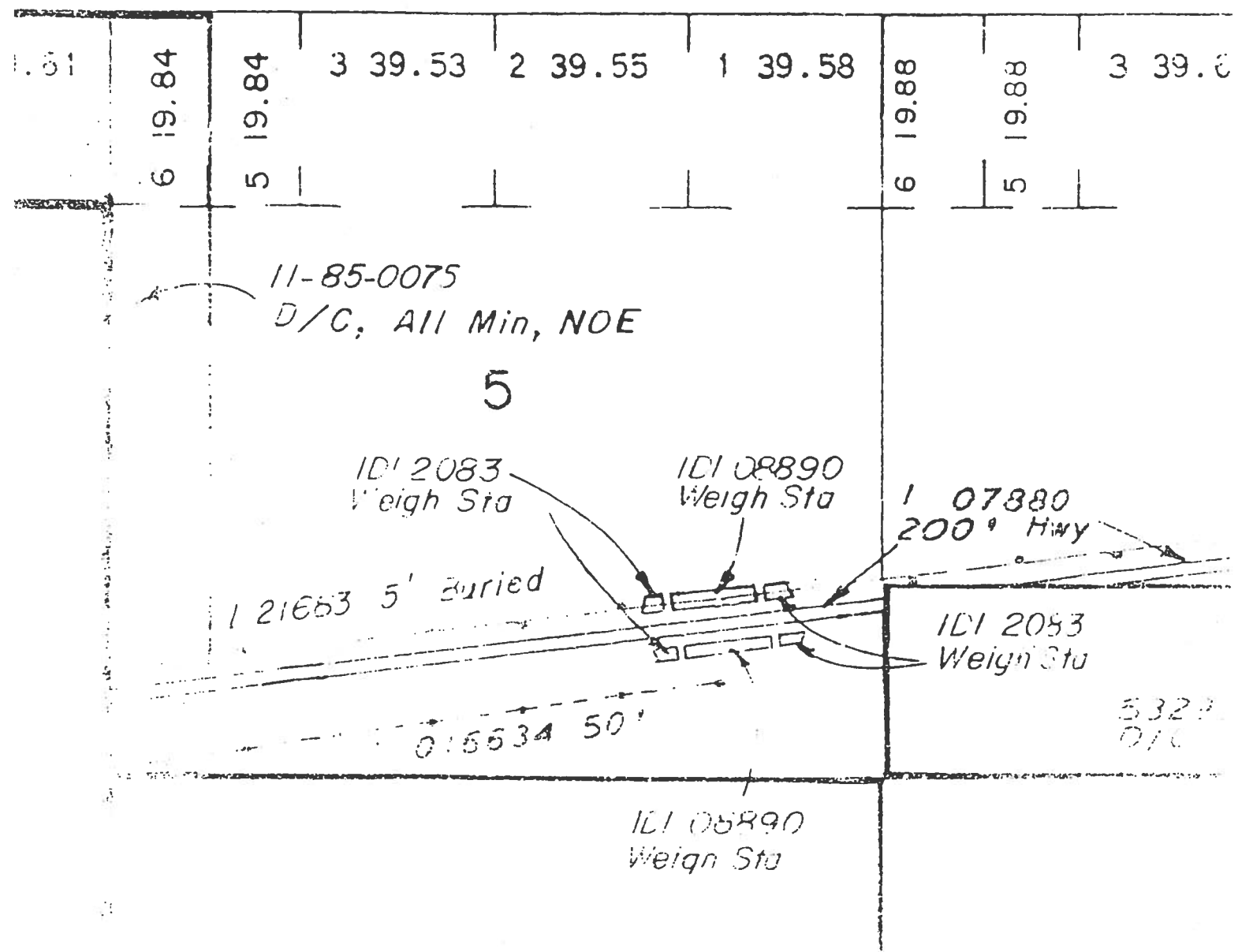
09/19/2001

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

TOWNSHIP 10 SO

T.10S., R. 26E
43-07178



TOWNSHIP 10 SOUTH RANGE 26 EAST OF THE BOISE MERIDIAN, IDAHO

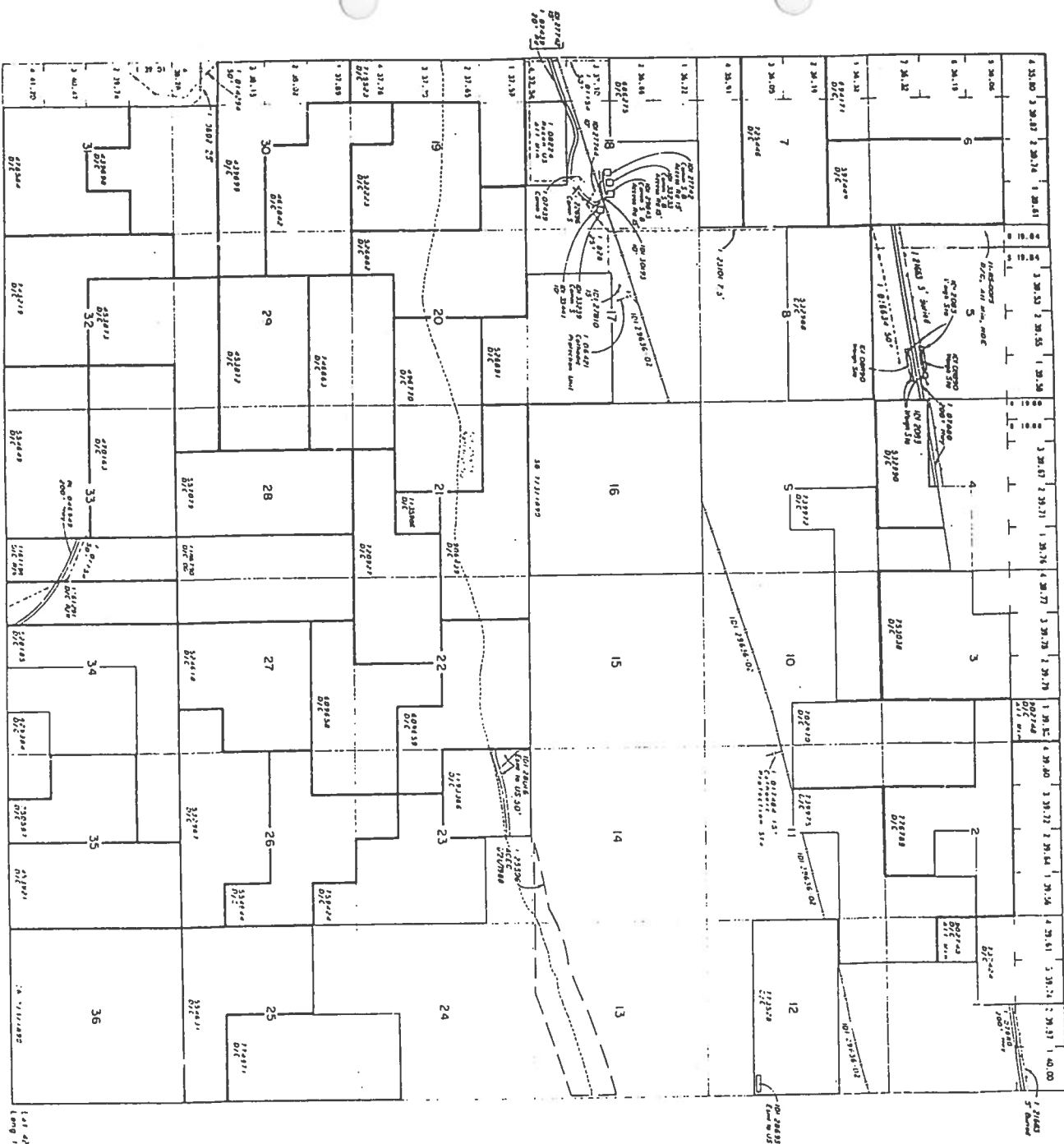
CASSIA COUNTY

RURLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	SEC.	T.	R.
1	36	10	26
2	36	10	26
3	36	10	26
4	36	10	26
5	36	10	26
6	36	10	26
7	36	10	26
8	36	10	26
9	36	10	26
10	36	10	26
11	36	10	26
12	36	10	26
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28	36	10	26
29	36	10	26
30	36	10	26
31	36	10	26
32	36	10	26
33	36	10	26
34	36	10	26
35	36	10	26
36	36	10	26



THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

DATE: 10/10/2017
BY: [Signature]
TITLE: [Signature]

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

LOMMA NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER
QUANTITY: 1.12 CFS

TRIBUTARY:

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1996 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.120 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05	SWNW	12.0
T10S R26E S05	18.0	T10S R26E S05	SWSW	6.4
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2 NWNE		20.0
T10S R26E S06	17.0	T10S R26E S06	SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4 NWNW		29.0
T10S R26E S06 Lot 5 SWNW	29.0	T10S R26E S06	SENW	36.0
T10S R26E S06	37.0	T10S R26E S06 Lot 6 NWSW		32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06	SESW	30.0
T10S R26E S06	40.0	T10S R26E S06	NWSE	9.6
T10S R26E S06	3.0	T10S R26E S06	SESE	22.0

499 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.4 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1983 TO 1994.
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

**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

251 E 200S Rupert, Ida 83350

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:

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 JK 10/30/00

10/30/2000

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

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
RT 1 BOX 421
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1996 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.12 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County							
T10S R26E S5	LOT 6	NWNW	14	T10S R26E S5		SWNW	12
T10S R26E S5		NWSW	18	T10S R26E S5		SWSW	6.4
T10S R26E S6	LOT 1	NENE	40	T10S R26E S6	LOT 2	NWNE	20
T10S R26E S6		SWNE	17	T10S R26E S6		SENE	40
T10S R26E S6	LOT 3	NENW	37	T10S R26E S6	LOT 4	NWNW	29
T10S R26E S6	LOT 5	SWNW	29	T10S R26E S6		SENE	36
T10S R26E S6		NESW	37	T10S R26E S6	LOT 6	NWSW	32
T10S R26E S6	LOT 7	SWSW	27	T10S R26E S6		SESW	30
T10S R26E S6		NESE	40	T10S R26E S6		NWSE	9.6
T10S R26E S6		SWSE	3	T10S R26E S6		SESE	22

499 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 499 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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.

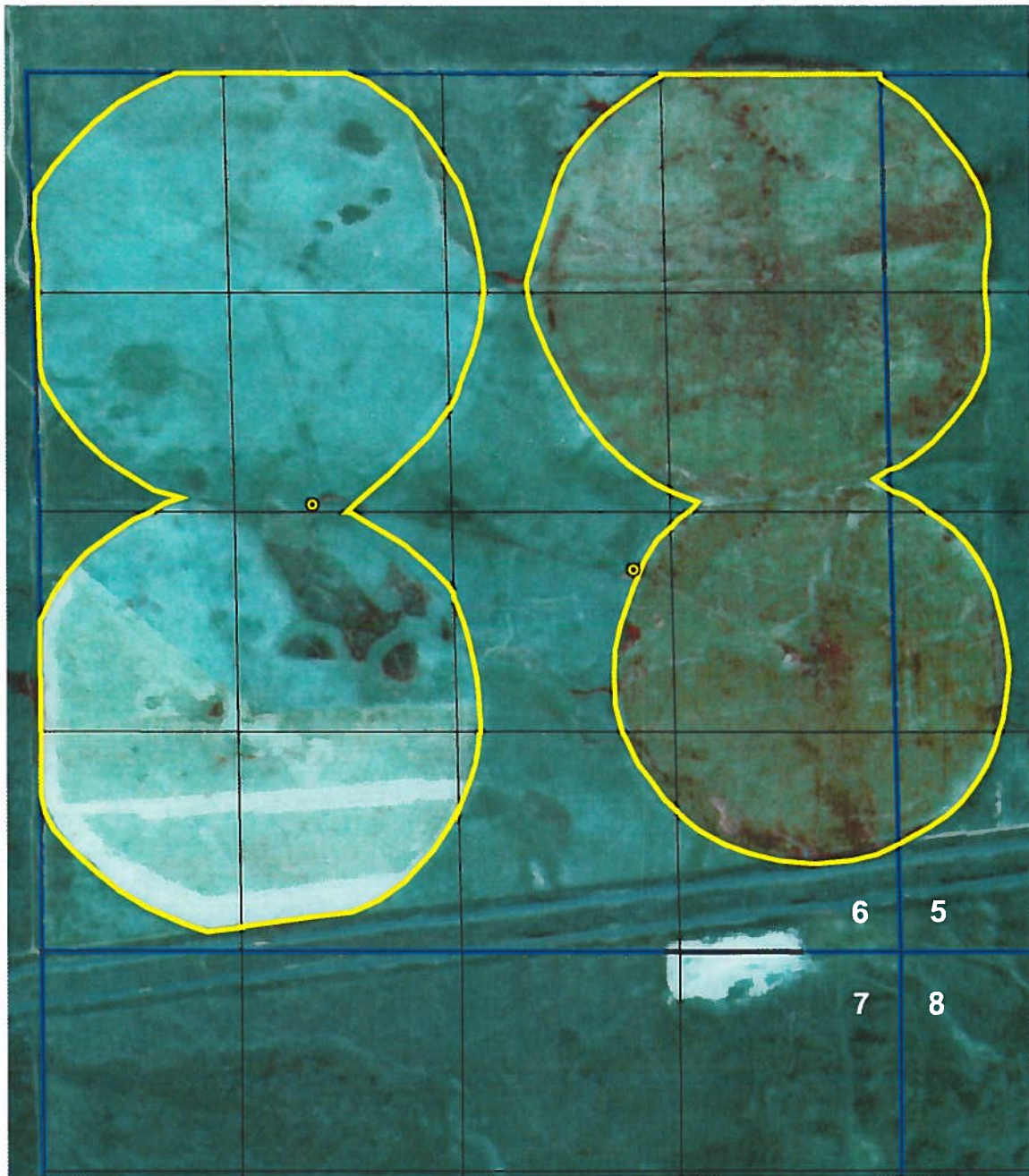
THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1983 TO 1994.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 43-7178

Idaho Department of Water Resources

43-07178 & 43-10803



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 30 2000
TWP 10S, RNG 26E, SEC. 5 & 6

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

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

A43-07178 6/16/82 1.12 cfs 56 Ac.

The original license was for 1.12 cfs and 224 AF and was limited to 8.1 cfs when combined with 43-7168 and 43-7169. (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). GIS showed 50.4 irrigated acres instead of the 56 claimed and licensed. The remaining 5.6 acres will be recommended as forfeited for non-use between 1983 (date of licensing field exam) and 1994 (ASCS map info). This right will be recommended in a 499 acre ppu with 43-10803 (which is a combined right consisting of licenses 43-07168 and 43-07169) with a total of 8.1 cfs and 1996 AF. This is still within the statutory rate of .02 cfs/Ac.

$$8.1 \text{ cfs} \div 499 \text{ Ac.} = 0.016 \text{ cfs/Ac. (GIS)}$$

$$499 \times 4 = 1996 \text{ AFA}$$

$$8.1 \text{ cfs} \div 647 \text{ Ac.} = 0.012 \text{ cfs/Ac. (Licenses)}$$

$$8.1 \text{ cfs} \div 474.5 \text{ Ac.} = 0.017 \text{ cfs/Ac. (ASCS)}$$

CLAIM NUMBER

A43-07178
A43-10803

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL

GIS ACRE TOTAL

64

49'

	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	05						14	14			14	14					
GIS									14	12			18	6.4					
RECOM																			
CLAIM	10S	26E	06	38	40	40	38	40	33	33	40	40	33	33	39	38	40	36	30
GIS				40	20	17	40	37	29	29	36	37	32	27	30	40	9.6	3	22
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

10S 26E 6 SWSE NW

10S 26E 6 NENWSE

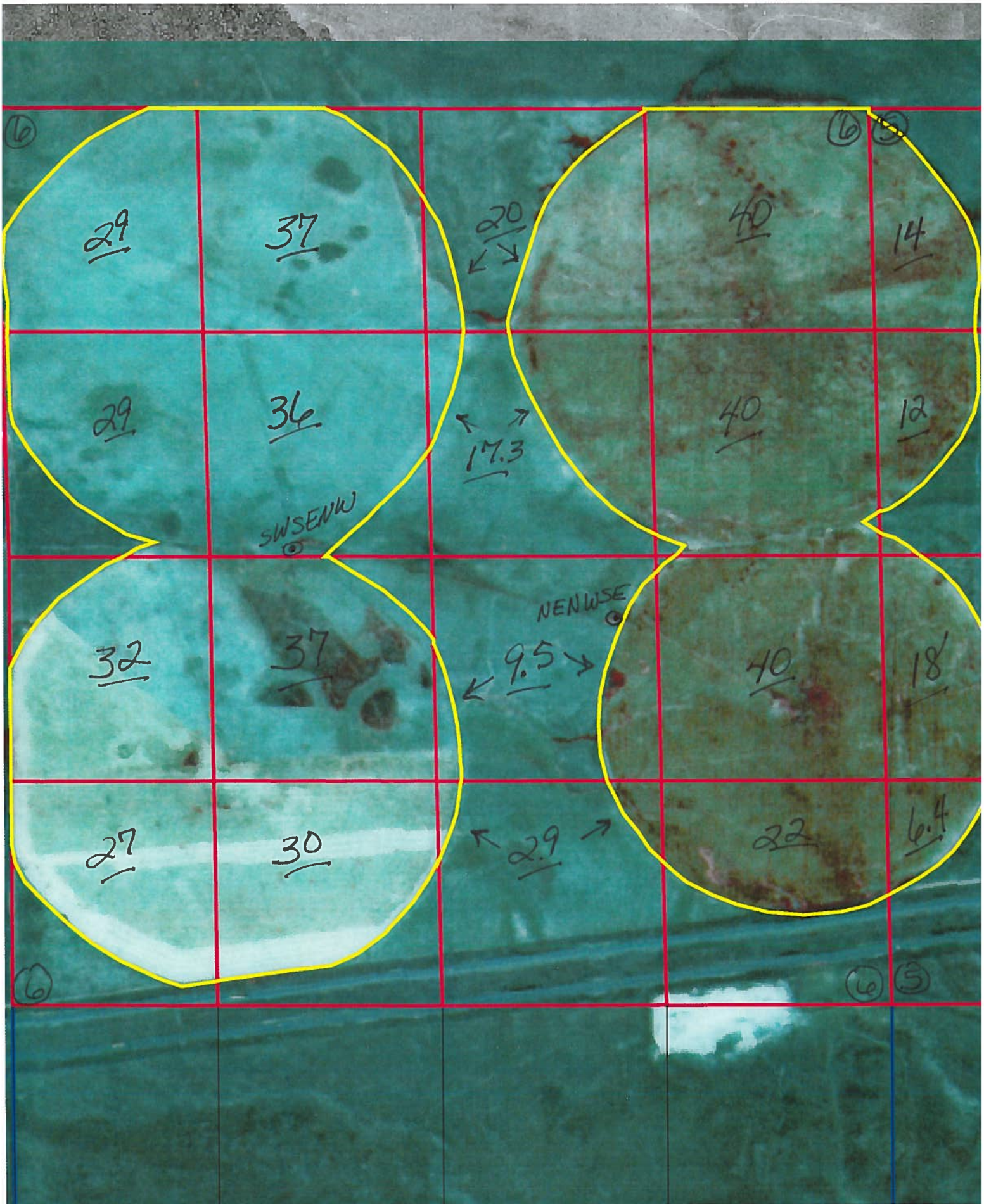
DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

105.26E



36 31

6 2557
+ 1989

6' 5

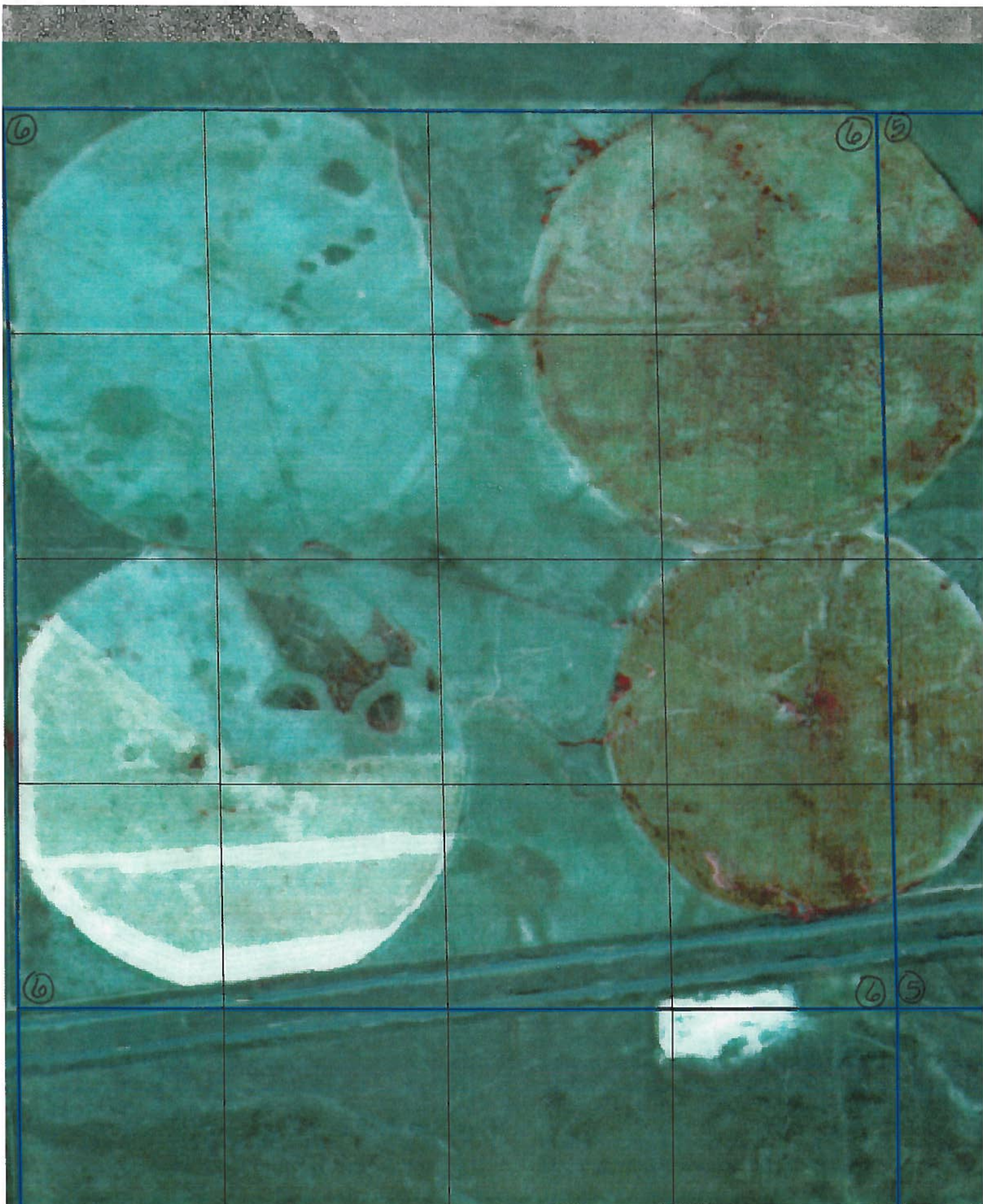
6.5

125
118.1
136.4
95.4
474.5 Ac.
76.
550.5

1994



10S, 26E



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 43-7178 County June 16, 1982 Amount 1.12 cfs

THIS IS TO CERTIFY that Bruce &/or Mark Newcomb
of Declo, Idaho

, has complied with the terms and conditions of Permit
No. 43-7178 issued pursuant to Application for Permit dated June 16, 1982
and has submitted proof to the Department of Water Resources on May 23, 1983
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 8.10 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>1.12</u> cfs and	<u>224.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 1.12 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
224.0 acre feet per year, and waters to be diverted within the SE 1/4 NW 1/4 NE 1/4 SE 1/4 Section 6,
Twp 10S, Rge 26E in the County of Cassia

Description and location of place of use:

Twp	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Total
			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	5					GL4								
							14	14			14	14			56

Total number of acres irrigated 56

This right when combined with Right No's. 43-7168 and 43-7169 shall not exceed
8.10 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of
January, 1984

Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

43-9128

Permit No.

CONTACT WITH PERMIT HOLDER

- ☐ Appointment letter mailed.
- ☐ Telephone call made
(List Telephone No. used)
- ☒ Appointment scheduled for
(Date, time, location)

DATE

INITIALS

REMARKS

7-13-83

J

West well measured. Road not possible to east well.
East well measured.

8-26-83

J

EXAMINATION

Date 7-13-83

Accompanied by Wayne Murdock, Jerry Otter

Total Q measured 8.10 cfs

Source Groundwater

Tributary to

Supp. annubar measurement sheet used?

If source is surface water, estimate total flow of source

Methods of measurement 10" Annubar, Geph Eye Meter

Meets permit requirements?

✓

Measurement calculations:

West Well: Measure 19 1/2" pressure = 3.8 cfs x .99 cfs = 3.76 cfs

East Well: Measure 4.55" pressure = 1.89 cfs x 1.0436 cfs = 1.98 cfs

Measure 7.4" pressure = 2.34 cfs x 1.039 cfs = 2.43 cfs

Allow 11 cfs (55 ac x .02 cfs) 50 x .02 = 1.12

Volume: 55 ac x 4.0 AFA/ac = 220 AFA 50 x 4.0 = 200 AFA

V = 1.12 x 1.9835 x 245 = 544.3

WELL DIV NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS DEVICE	REMARKS
1	300	V.L. Dutton	CG 6514-283	?	no tag	Geph Eye Meter	Good	meter 091424
2	300	"	CG 537-PWS	Rayco	"	"	"	meter 091469

System Description

West well runs 2 pivots. East well runs 2 pivots + right handline.

Wells are not connected.

Same system provides water to permits 43-7169 & 43-7168.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE
irrigation

Irrigation requirement = 4.0

AFA/Acre

Q (cfs) 1.12 to 1.10 OK

V (afa)

FROM

TO

220 224

3-15

11-15

Total

1.12

224.0

Remarks

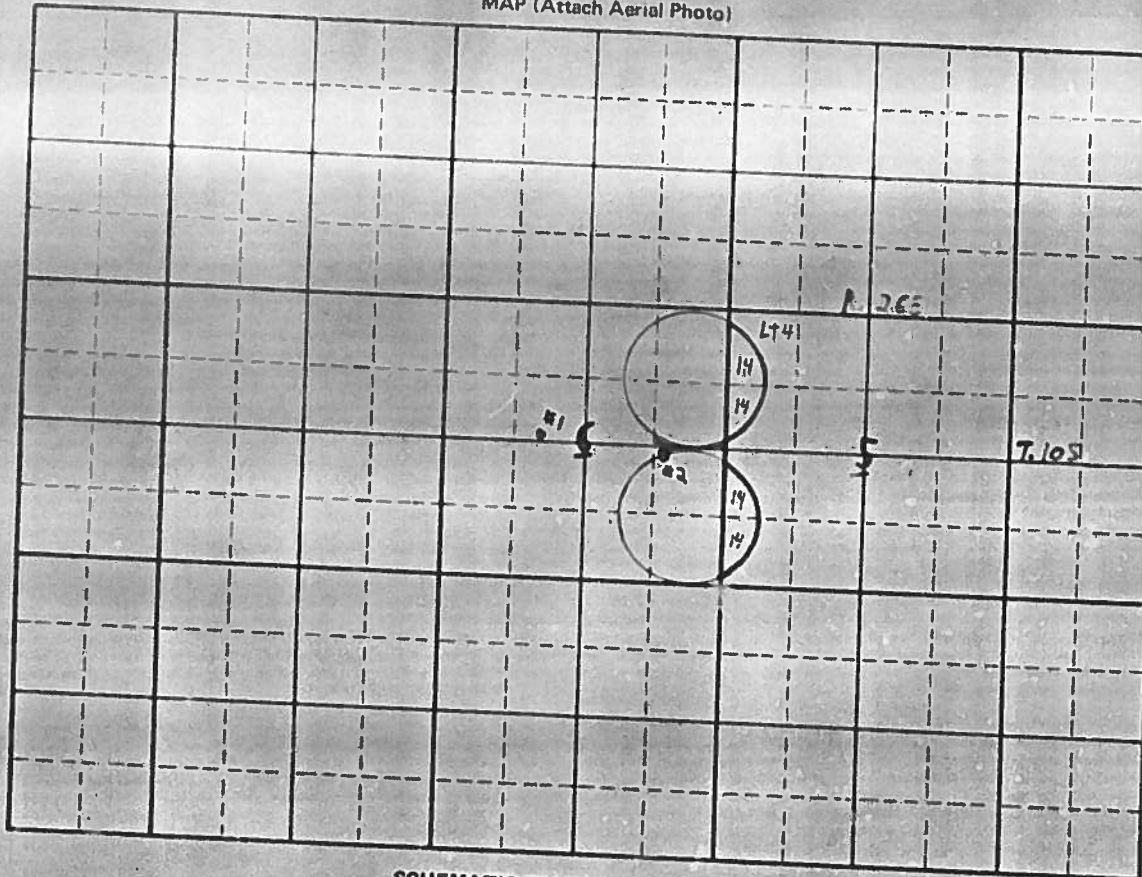
Not to exceed 8.10 cfs when combined with 43-7169 & 43-7168.

Up-to-date aerial photo not available for these lands.

No overlap with other water rights on place of use. To same as on Rights 43-7169 & 43-7168. 3.5 12-5-73

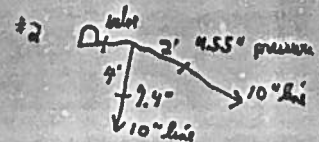
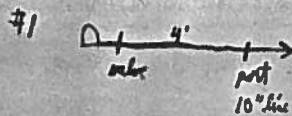
Wells 43-7168 & 43-7169. Same system.

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: #1 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, #2 NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6 T. 10S R. 26E *same as permit*

Place(s) of Use *same as permit but less acreage.*

TWP.	RGE.	SEC.	NEX				NWK				SWK				SEK				TOTALS
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
10S	26E	5						14	14			14	14						56
								14											

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

J. P. Dutton

Kay W. W. W.

Date 8-29-83

Date

Date 11/25/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:40
10/26/00
6

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-07178

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK T NEWCOMB	06/16/1982	IRRIGATION	03-15 11-15	1.120 CFS	
TOTAL DIVERSION:					1.120 CFS	
-CONSUMPTIVE-USE:						
Water Source: GROUNDWATER		Tributary to:		Stage: LICENSE		
Point(s) of Diversion:		T10S R26E S06	SWSENW	NENWSE	CASSIA County	
Place of use Legal Description for: IRRIGATION						
NE NW SW SE						
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM						
10S 26E 5 : : 04-14 14 : 14 14 : : 56.0						
TOTAL ACRES						56.0

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: USED IN CONJUNCTION WITH A43-07168 FROM SAME SYSTEM.

Remarks: GEN THIS RT. WHEN COMBINED WITH RT. A43-07168 SHALL NOT EXCEED 8.1 CFS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Cond. Code: C18
Remarks:
POU 1-E11 (499 w/-108)
K06 (50.4)
QNT - E25 / 8.1 cfs
1996 AF
(comb. w/-11)
499x4 = 1996 AF (E25) →
GEN-P19 (1983)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:33
10/26/00

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QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-07178

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	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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