

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: A43-10790

Date Received: 5/ 8/1989

Receipt No: S007055

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARK T. NEWCOMB
Address: RT. 1 BOX 421
RUPERT ID

208-436-5679

83350

2. Date of Priority: AUG 27, 1881

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP IN RIVER TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.820		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
6.820 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 of	Lot	Use	Acres
09S	27E	36	NW	NE		IRR	22.0
			SW	NE		IRR	25.0
			NE	NW		IRR	40.0

A43-10790

Page 1

Date: 11/26/91

ROFILMF
MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	27E	36	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:
A43-07002

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS WITH THE SAME
PRIORITY AS FOLLOWS:

43-00261 4.46 CFS

43-00262 2.36 CFS

TOTAL 6.82 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs

Decree Defendant

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: ~~A43-00261~~ *A43-10790*
Date Received: 5/05/1989
Receipt No: *5007055*
Received By: *for*

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: AUG 27, 1881

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP IN RIVER TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.820		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
6.820 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 of	Lot	Use	Acres
09S	27E	36	NW	NE		IRR	22.0
			SW	NE		IRR	25.0

~~A43-00261~~
A43-10790

Page 1

Date: 05/05/89

ACROFILME
MAR 05 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:
A43-07002

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS WITH THE SAME
PRIORITY AS FOLLOWS:

43-00261 4.46 CFS
43-00262 2.36 CFS

TOTAL 6.82 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

~~A43-00261~~

A43-10790

Page

2

Date: 05/05/89

MICROFILMED
MAR 05 1993

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: 1 Map

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 Twin Falls) SS.

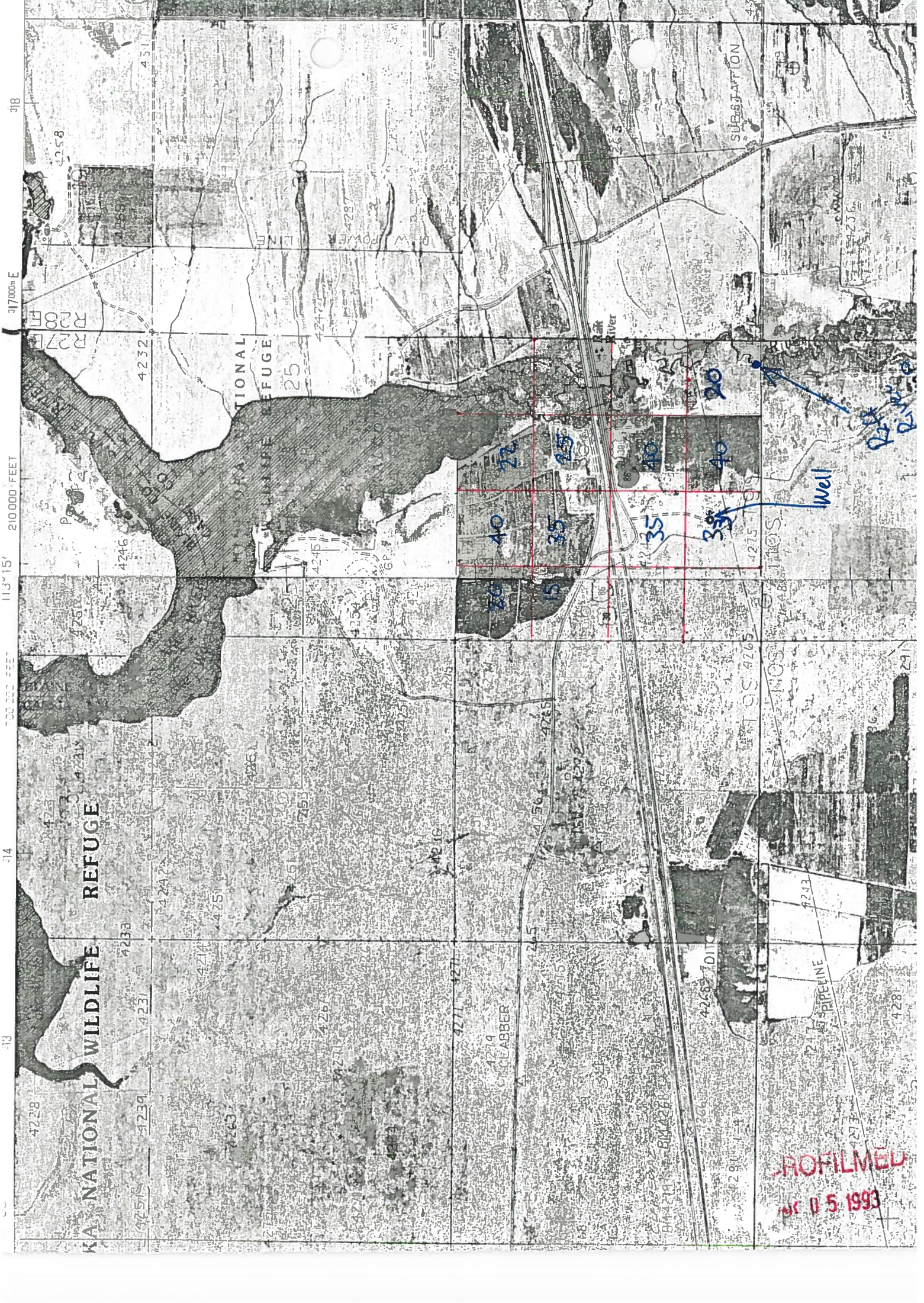
Subscribed and sworn (or affirmed) before me this 8th day
of May 19 89
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/90

~~A43-00261~~
A43-10790

MICROFILMED
MAR 05 1993



PROFILMED
MAY 05 1993

Water Right Number - 43-00264-43-10790 Old (D) Number -
+ - - - - Last Name - - - - - + First Name - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BRIM

ADELLE TOEVES

1 - BOX 551
2 -
3 -

City- BURLEY
Phone -

*** O - ORIGINAL OWNER ***
PORTLAND MORTGAGE CO.

1 -
2 -
3 -

City-
Phone -

+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
08/27/1881 17 SOUTHERN D - DECREE

+ - - Source - - - - - + - - - Tributary - - - - - +
RAFT RIVER SNAKE RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
TwN Rng Sec Tract Lot Rflg County

09S 27E 36 SE SE (31) CASSIA

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION

4.460

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Div. Capacity - - +
4.460

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|------------|-------------|--------------|
| 09S | 27E | 36 | NE NW | | | 01 | IRRIGATION | | (31) CASSIA |
| 09S | 27E | 36 | NW NW | | | 01 | IRRIGATION | | (31) CASSIA |
| 09S | 27E | 36 | SE NW | | | 01 | IRRIGATION | | (31) CASSIA |
| 09S | 27E | 36 | NE SW | | | 01 | IRRIGATION | | (31) CASSIA |

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
P. D. CHANGED BY TRANSFER #1752
P/D CHANGED BY TRANS. 1752.

MICROFILMED
MAR 05 1993

Water right number - ~~43-00264~~
43-10790

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 - - - +

ALBION- IDAHO LAND CO. JOBE ADAMS ET AL + - Decree Date - +

+ - - - - -Comments- - - - - 10/18/1928

+ - - - - No Comments Found

+ - - Audit Fields - 05/20/85 05/28/88 CONVERT

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

| | | | | | |
|-------------------|--------------|------------------|--------------|------------------|-------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 05/20/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 43A |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - T |
| Decree Date | - 10/18/1928 | Presumption Flag | - | | |

MICROFILMED
MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

26-Nov-1991

R. KEITH HIGGINSON
Director

MARK T. NEWCOMB
RT 1 BOX 421
RUPERT ID 83350

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A43-00261
Identification Number Change

Dear Mr. Newcomb:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-00261 to A43-10790. The change in numbers has been done to better reflect the fact that your Notice of Claim combined Decreed rights 43-00261 with 43-00262. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this Identification Number in any future inquiries or correspondence.

Please do not hesitate to contact this office, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeanie".

Jeanie Robertson
Records Clerk

Enclosure:
Copy of Claim *A43-10790

MICROFILMED
MAR 05 1993

Water Right Number - A43-10790

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
 NEWCOMB

MARK T.

1 - RT. 1 BOX 421

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Priority Date - +
 08/27/1981

Region - +
 17 SOUTHERN

Stage - +
 D - DECREED

Status - +

Source - +
 RAFT RIVER

Tributary - +
 SNAKE RIVER

Point of Diversion - +
 (31) CASSIA

09S 27E 36 SE SE SE

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15
 04 - STOCKWATER 01/01 12/31

6.820
 0.030

+ - Total Div. Rate - + + - Total Div. Volume - +
 6.820

+ - Total Consumptive Use - + + - KW Usage - +
 975.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|-------|---------------|------|-------------|--------|
| 09S | 27E | 36 | NW NE | | 22.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SW NE | | 25.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | NE NW | | 40.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | NW NW | | 20.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SW NW | | 15.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SE NW | | 35.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | NE SW | | 35.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SE SW | | 33.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | NW SE | | 40.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SW SE | | 40.0 | 01 IRRIGATION | | (31) CASSIA | |
| 09S | 27E | 36 | SE SE | | 20.0 | 01 IRRIGATION | | (31) CASSIA | |

Total Acres: 325.0

+ - - Diversion Means - PUMP IN RIVER TO SPRINKLERS

+ - - Non-Irrigation Use - S/ 100 RANGE

+ - - Other Rights for Same Use - A43-07002

MICROFILMED

MAR 05 1993

Water right number - A43-10790

Prefix Translation: ADJUDICATION CLAIM

Remarks

THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS WITH THE SAME

PRIORITY AS FOLLOWS:

43-00261 4.46 CFS

43-00262 2.36 CFS

TOTAL 6.82 CFS

4300261

4300262

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

ALBION-IDAHO LAND CO.

JOBE ADAMS ET AL

Comments
No Comments Found

Audit Fields

11/26/91 BAUMHOF

Adjudication Rights Dates and Flags Area

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 05/08/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S007055 | Water District | - 43A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - D |
| | | | | Notice of Error Flag | - |

MICROFILMED

MAR 05 1993

06/12/2001

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

RIGHT NUMBER: 43-10790

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.22 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-07002 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 08/27/1881

POINT OF DIVERSION: T09S R27E S36 SESESE 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 | 4.22 CFS |
| STOCKWATER | 01-01 12-31 | 0.03 CFS |

PLACE OF USE:

| | | | |
|---------------------------------|------|-----|------------------------|
| IRRIGATION Within CASSIA County | | | |
| T09S R27E S36 | NWNE | 16 | T09S R27E S36 SWNE 10 |
| T09S R27E S36 | NENW | 40 | T09S R27E S36 NWNW 23 |
| T09S R27E S36 | SWNW | 13 | T09S R27E S36 SENW 32 |
| T09S R27E S36 | NESW | 0.6 | T09S R27E S36 SESW 0.3 |
| T09S R27E S36 | NESE | 1.7 | T09S R27E S36 NWSE 33 |
| T09S R27E S36 | SWSE | 32 | T09S R27E S36 SESE 9.7 |
| STOCKWATER Within CASSIA County | | | |
| T09S R27E S36 | SWNE | | T09S R27E S36 SENE |
| T09S R27E S36 | NESE | | T09S R27E S36 SESE |

211.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE
IRRIGATION SEASON.

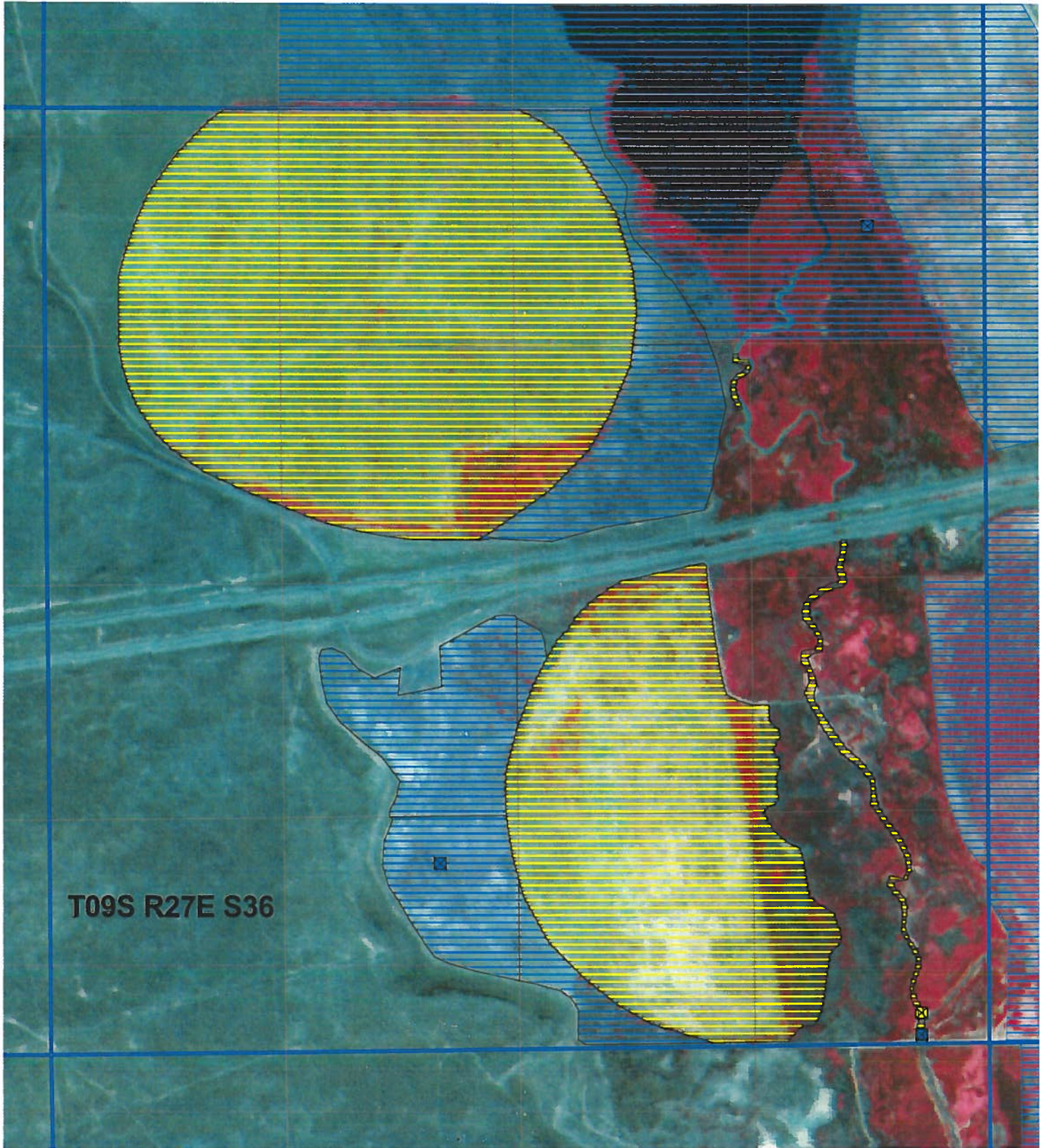
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 REPRESENTS USE THAT IS
RELINQUISHED AND ABANDONED.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-00261 AND 43-
00262.



T09S R27E S36

330 0 330 660 Feet



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

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

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: *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 *X* 10/27/00

10/27/2000

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

RIGHT NUMBER: 43-10790

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.99 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.99 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-07002 SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE.

PRIORITY DATE: 08/27/1881

POINT OF DIVERSION: T09S R27E S36 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION | 03-15 11-15 | 4.99 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 |

249.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 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.

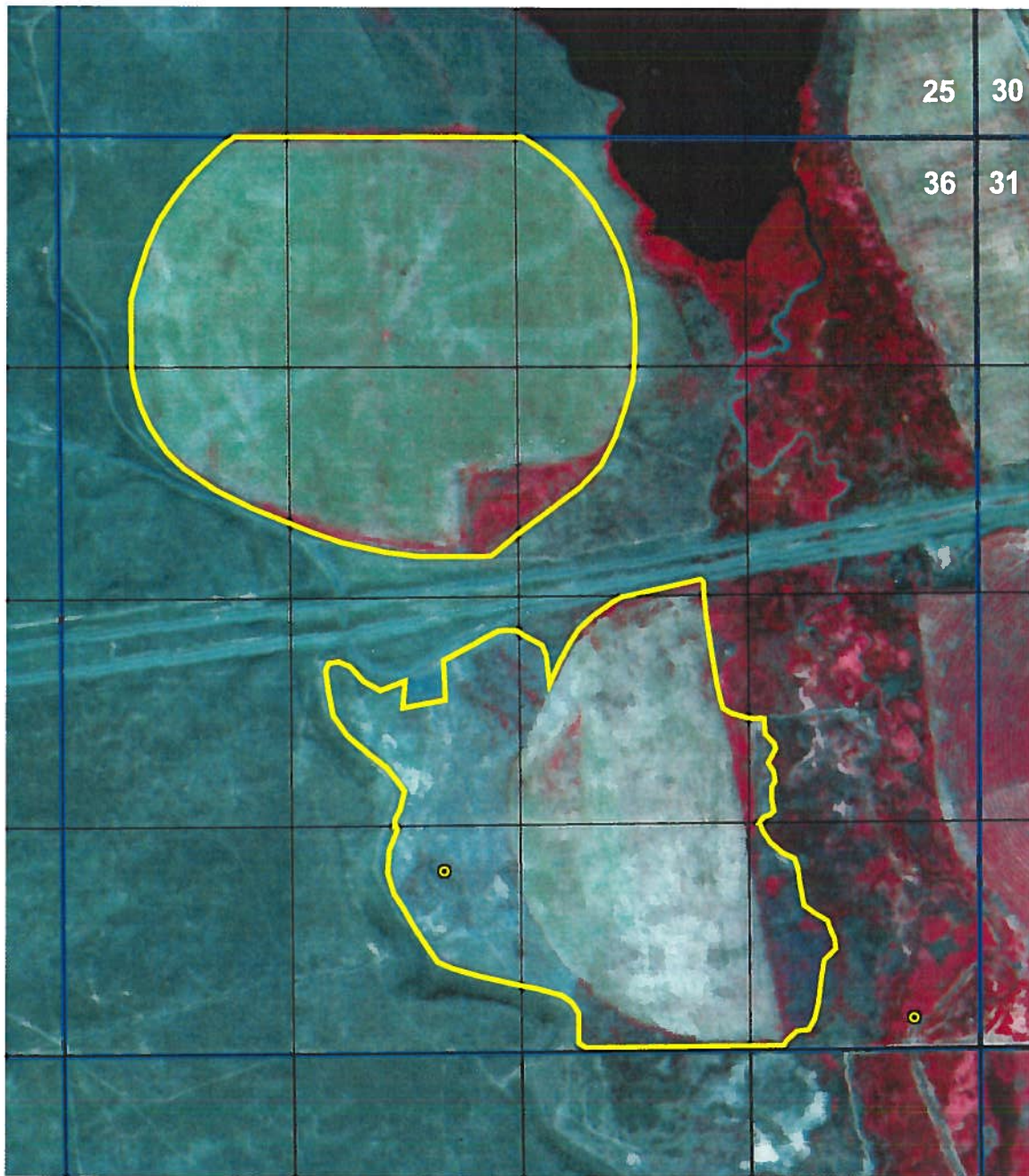
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-00261 AND 43-00262.

Water Right 43-10790

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

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

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

A43-10790 8/27/1881 6.82 cfs 325 Ac.

This right is a combination of two old decrees:

43-00261 4.46 cfs

43-00262 2.36 cfs

The claimed Place of Use falls within the original decreed lands (except for the 1.7 acres in the NESE, which can be recommended as an accomplished transfer). This right totally overlaps 43-07002, whose place of use was determined through approved transfer #3135 in 1985. GIS only found 249.4 irrigated acres 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 6.82 cfs to 4.99 cfs ($249.4 \times .02 = 4.99$ cfs), and put combined use limits with 43-07002.

Partial forfeiture was determined between 1985 (approved transfer #3135) and 1994, ASCS map info.

R43-10790 8/27/1881 4.99 cfs 249.4 Ac.
(comb. limits)

CLAIM NUMBER A43-07002

DATE _____

TRANSFER NUMBER 313

A43-10790

AGENT _____

CLAIMED ACRE TOTAL 32.5

GIS ACRE TOTAL 249.1

| | TWP | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | |
|-------|-----|-----|-----|----|----|------|----|------|----|----|------|----|----|----|----|-----|----|------|-----|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | 09S | 27E | 36 | | 22 | 25 | | 40 | 20 | 15 | 35 | 35 | | | 33 | | 40 | 40 | 20 |
| GIS | | | | | 16 | 10.3 | | 40.5 | 23 | 13 | 31.6 | 19 | | | 13 | 1.7 | 34 | 36.9 | 9.7 |
| ECOM | | | | | 16 | 11 | | 40 | 23 | 13 | 32 | 19 | | | 13 | 1.7 | 34 | 37 | 9.7 |
| | | | | | | | | | | | | | | | | | | | 2 |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | |

43-POU.SHP

HAPE NOS.

43-POD.SHP

OS. DESCRIPTION

BF TABLES UPDATED

43-DBPOU.DBF

43-DBPOD.DBF

EG LAYOUT

26 25
35 + 36

2557
T 1531

123.8' HEL

35 36
2 + 1

2
108.8

HEL

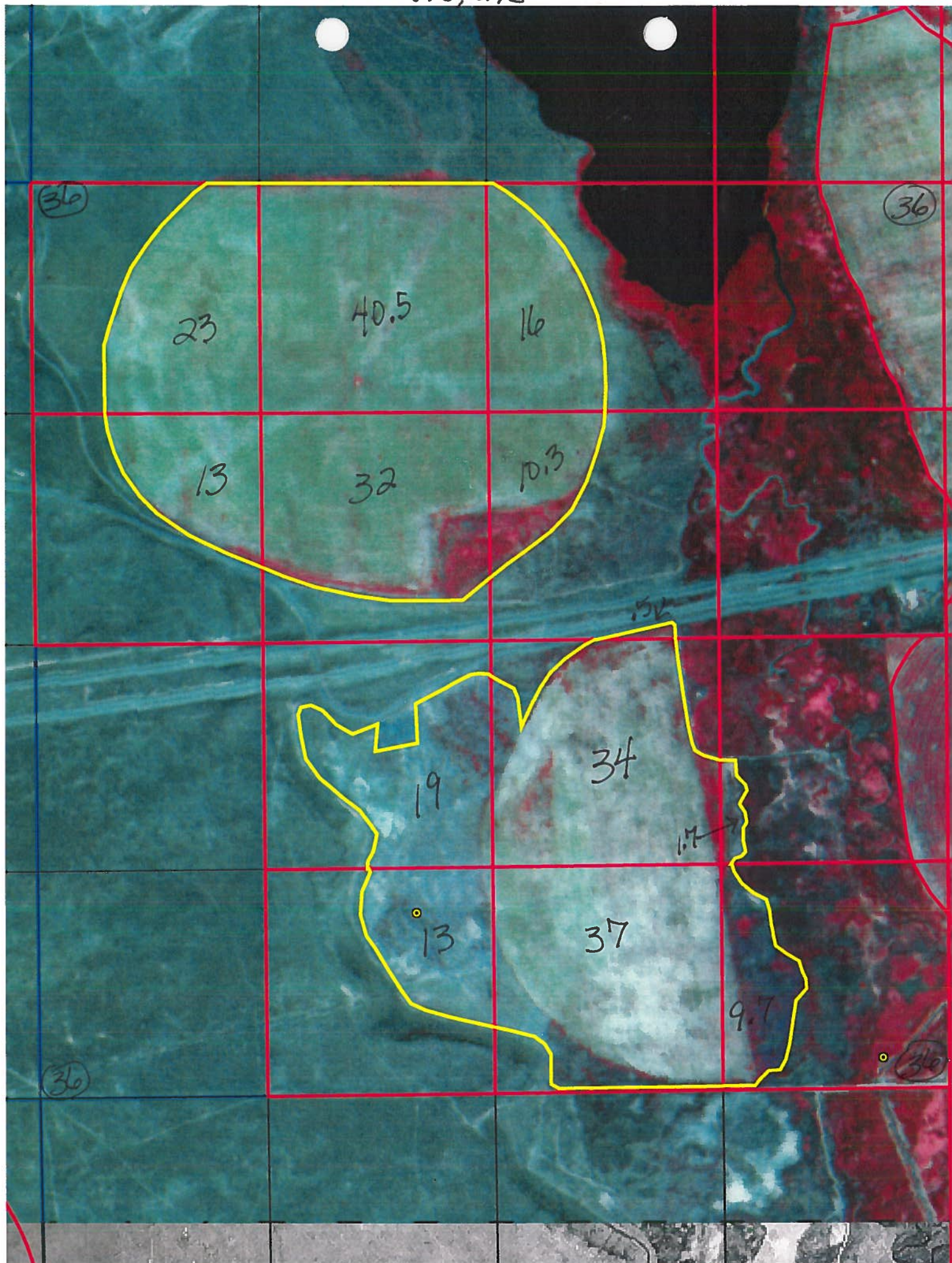
1476
T 8388

WAP 16031-377
Newcomb
2

HH6

1994 Flight

09S, 27E



SD-0611-2 Basin: 43 Starting Water Right: 00262

| S | | | | O | | | | S |
|-------|-----------|---------------------|---|--------------|------|----------------|------|----|
| E | Water | Name | W | Priority | STG/ | | Use | Y |
| L | Right No. | Last, First | N | Date | STS | Source | Desc | S |
| ----- | | | | | | | | |
| X | 43-00262 | BRIM, ADELLE TOEVES | | C 08/27/1881 | D/ | RAFT RIVER | IRR | WR |
| ----- | | | | | | | | |
| — | A43-00262 | COMBINED RIGHT | | C 08/27/1881 | /Z | RAFT RIVER | IRR | AJ |
| | | | | | | COMBINED RIGHT | | |
| ----- | | | | | | | | |

END OF DATA...FOR REPORTS - PRESS GOLD1 OR GOLD 6 IF NOT ALREADY ACTIVATED -
OR MENU OPTION AND/OR PRESS ENTER TO CONTINUE (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

TOTAL DIVERSION: 2.360 CFS

Stage: DECREED

CASSIA County

MS

22

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-00261

43-00261

Other Water Rights Listing Overlapping Place(s) of use:
43-07002

Remarks: GEN P/D CHANGED BY TRANS. 1752.

Dates: **App. Received:** **Priority Date:** **08/27/1881**

Proof Made Dat

Exam Sent to S.O.:

Field Exam Fee:

Audit: 05/20/85 05/28/88 CONVERT

WR5809NP
No. 43-00261

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/27/00
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD | | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--|------------------|------------|------------|-------|-------------------|---------------------|
| | | | | FROM | TO | | |
| C | ADELLE TOEVES BRIM
BOX 551
BURLEY ID 83318 | 08/27/1881 | IRRIGATION | 00/00 | 00/00 | 4.460 CFS | |
| TOTAL DIVERSION: | | | | | | 4.460 CFS | |

Water Source: RAFT RIVER Tributary to: SNAKE RIVER Stage: DECREED
Points(s) of Diversion: 109S R27E S36 SESE CASSIA County

| Place of use Legal Description for: IRRIGATION | | | | | | | | | | | |
|--|-----|----|------|----|----|----|------|----|----|----|------|
| | | | NE | | | NW | | | SW | | |
| T | R | S | : Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | : Lt |
| 09S | 27E | 36 | : | | | | : | | | | : |
| | | | : | I | | | : | I | | | : |
| SUM | | | | | | | | | | | |

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-00262

Other Water Rights Listing Overlapping Place(s) of use:
43-07002

Remarks: GEN P. D. CHANGED BY TRANSFER #1752
P/D CHANGED BY TRANS. 1752.

Dates: App. Received: 08/27/1881
Proof Due Date: Exam Made Date: Exam Sent to S.O.:

Misc: Water District Number: 43A Field Exam Fee:
Audit: 05/20/85 05/28/88 CONVERT

SD-0611-2 Basin: 43 Starting Water Right: 00261

| S | | O | | | | S |
|---|-----------|---------------------|---|------------|------|----------------|
| E | Water | Name | W | Priority | STG/ | Use |
| L | Right No. | Last, First | N | Date | STS | Source |
| | | | | | | Desc |
| | | | | | | S |
| X | 43-00261 | BRIM, ADELLE TOEVES | C | 08/27/1881 | D/ | RAFT RIVER |
| | | | | | | IRR |
| | | | | | | WR |
| | A43-00261 | RENUMBERED CLAIM | C | 08/27/1881 | /Z | RAFT RIVER |
| | | COMBINED RIGHT | C | | | IRR |
| | | | | | | AJ |
| | | | | | | STOCK |
| | | | | | | COMBINED RIGHT |

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu

_____)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:45
10/26/00
9

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-10790

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|-----------------------------|----------------|------------------|-------------------------------------|---------------------------------------|-----------------------------------|---------------------|
| C | MARK T NEWCOMB | 08/27/1881 | IRRIGATION
~~STOCKWATER~~ | 03-15 11-15
~~01-01-12-31~~ | 6.820 CFS
~~0.030 CFS~~ | <i>not in dec</i> |
| TOTAL DIVERSION: | | | | | 6.820 CFS | |
| ~~CONSUMPTIVE USE:~~ | | | | | 4.99 | 975.00 AF |

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T09S R27E S36 SESESE 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 | | | | |
| 09S | 27E | 36 | : | 22 | 25 | | | : | 40 | 20 | 15 | 35 | : | 35 | | | | : | 35 | 1.7 | 30 | 40 | 20 | : | 325.0 | |
| | | | | 16 | 11 | | | | | 23 | 13 | 32 | | 19 | | | | | | | | | | | 249.4 | |
| | | | | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 9.7 | | 325.0 |

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: A43-07002

Remarks: GEN THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS WITH THE SAME
PRIORITY AS FOLLOWS:
43-00261 4.46 CFS
43-00262 2.36 CFS

TOTAL 6.82 CFS

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 43A

Field Inspection Flag:
Presumption Flag: D

Cond. Code C18
Remarks: POU
QNT
E116
WFO 700
ED1 (4.0
E28 .01
GEN PIC
EXP PIS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:55:33
10/26/00

PAGE: 2
QUICKLOOK INFORMATION

8
CLAIM NUMBER: A43-10790

| 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 | Y - | | | | | | | |
| PERIOD OF USE | - N | | | | | | | |
| BASIS OF CLAIM | - N | | | | | | | |
| REMARKS | Y - | | | | | | | |

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

10/27/2000

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

RIGHT NUMBER: 43-10790

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.99 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.99 CFS.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-07002 SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE.

PRIORITY DATE: 08/27/1881

POINT OF DIVERSION: T09S R27E S36 SESESE 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 | 4.99 CFS |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> | | | | | |
|--|------|-----|---------------|------|-----|
| 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 |

249.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-07002 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 - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-00261 AND 43-00262.

Water Right 43-10790