

MAY 05 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s)☒ Add diversion point(s)☐ Ownership change1. APPLICANT(S) George or Clara Newby Phone 208-589-71872. MAILING ADDRESS 5156 E Heise RD City RirieState ID Zip 83443 Email _____☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. LIST WATER RIGHT NUMBER(S) 1-10026, 1-10027 & 1-10520☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is 2.58 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
04N	41E	31	6		NW	SW	Jefferson	Snake River	M Newby #3
04N	41E	31	3		NE	SE	Jefferson	Snake River	M Newby #1
04N	41E	31	4		NW	SE	Jefferson	Snake River	M Newby #2
03N	41E	5			SE	SW	BONNEVILLE	Snake River	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water flows from Snake River down a side channel to three pumps that are currently measured.

- b. Who owns the property at the point(s) of diversion? USA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historic Easement

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

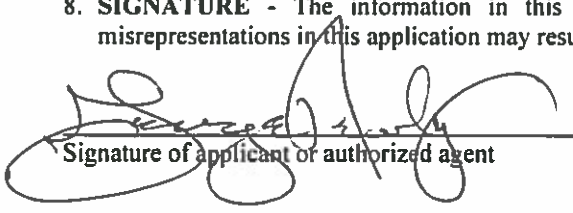
Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

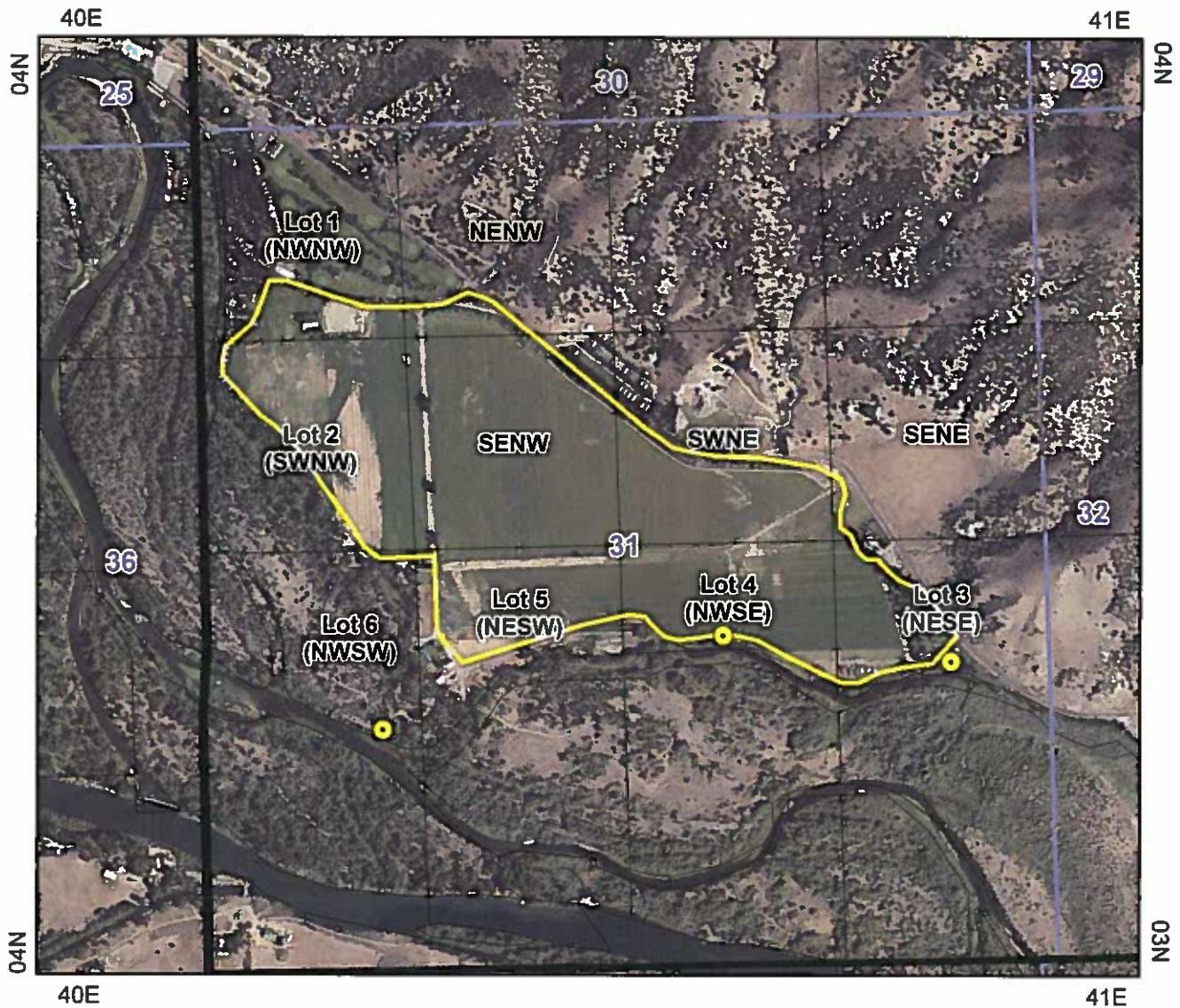
Fee paid \$660.00 Date 5/5/16

Received by JR

Receipt # E042066

Preliminary review completed by _____ Date _____

State of Idaho
Department of Water Resources
Water Right License
1-10026



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 1-10026

Current Owner: GEORGE NEWBY
CLARA NEWBY

Priority Date: 5/1/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

5.3 CFS

Annual Volume

Total Diversion

5.3 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L6(SE1/4NW1/4SW1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L3(SW1/4NE1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L4(NW1/4NW1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R41E S31	SWNE	17.00	T04N R41E S31	SENE	0.60
T04N R41E S31	NENW	3.40	T04N R41E S31	Lot 1 NWNW	5.90
T04N R41E S31	Lot 2 SWNW	22.00	T04N R41E S31	SENE	36.00
T04N R41E S31	Lot 5 NESW	15.00	T04N R41E S31	Lot 6 NWSW	0.30
T04N R41E S31	Lot 3 NESE	9.80	T04N R41E S31	Lot 4 NWSE	19.00

Total Acres: 129

Page _____ of _____

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. 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.
3. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 129.0 acres in a single irrigation season. Combined Right Nos.: 1-10026, 1-10027, and 1-10520.
4. F01 Water is delivered through Newby Pumps.
5. P21 This right is a split from former right 01-00072.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 1/13/2009

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 1-10027

Current Owner: GEORGE NEWBY
CLARA NEWBY

Priority Date: 4/19/1945

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

2.1 CFS

Annual Volume

Total Diversion

2.1 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L3(SW1/4SE1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L4(NW1/4NW1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L6(SE1/4NW1/4SW1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R41E S31	SWNE	17.00	T04N R41E S31	SENE	0.60
T04N R41E S31	NENW	3.40	T04N R41E S31	Lot 1 NWNW	5.90
T04N R41E S31	Lot 2 SWNW	22.00	T04N R41E S31	SENE	36.00
T04N R41E S31	Lot 5 NESW	15.00	T04N R41E S31	Lot 6 NWSW	0.30
T04N R41E S31	Lot 3 NESE	9.80	T04N R41E S31	Lot 4 NWSE	19.00

Total Acres: 129

Page _____ of _____

Conditions of Approval:

1. K06 This right is limited to the irrigation of 105 acres within the place of use described above in a single irrigation season.
2. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 129.0 acres in a single irrigation season. Combined Right Nos.: 1-10026, 1-10027, and 1-10520.
3. F01 Water is delivered through Newby Pumps.
4. P21 This right is a split from former right 25-2103
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. 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.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Decreed Date: 1/13/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 1-10520

Current Owner: GEORGE NEWBY
CLARA NEWBY

Priority Date: 4/1/1939

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

5.39 CFS

Annual Volume

Total Diversion

5.39 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L3(SW1/4SE1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L6(SE1/4NW1/4SW1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

SNAKE RIVER

L4(NW1/4NW1/4SE1/4)

Sec. 31, Twp 04N, Rge 41E B.M.

JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T04N R41E S31	SWNE	17.00	T04N R41E S31	SENE	0.60
T04N R41E S31	NENW	3.40	T04N R41E S31	Lot 1 NWNW	5.90
T04N R41E S31	Lot 2 SWNW	22.00	T04N R41E S31	SENE	36.00
T04N R41E S31	Lot 5 NESW	15.00	T04N R41E S31	Lot 6 NWSW	0.30
T04N R41E S31	Lot 3 NESE	9.80	T04N R41E S31	Lot 4 NWSE	19.00

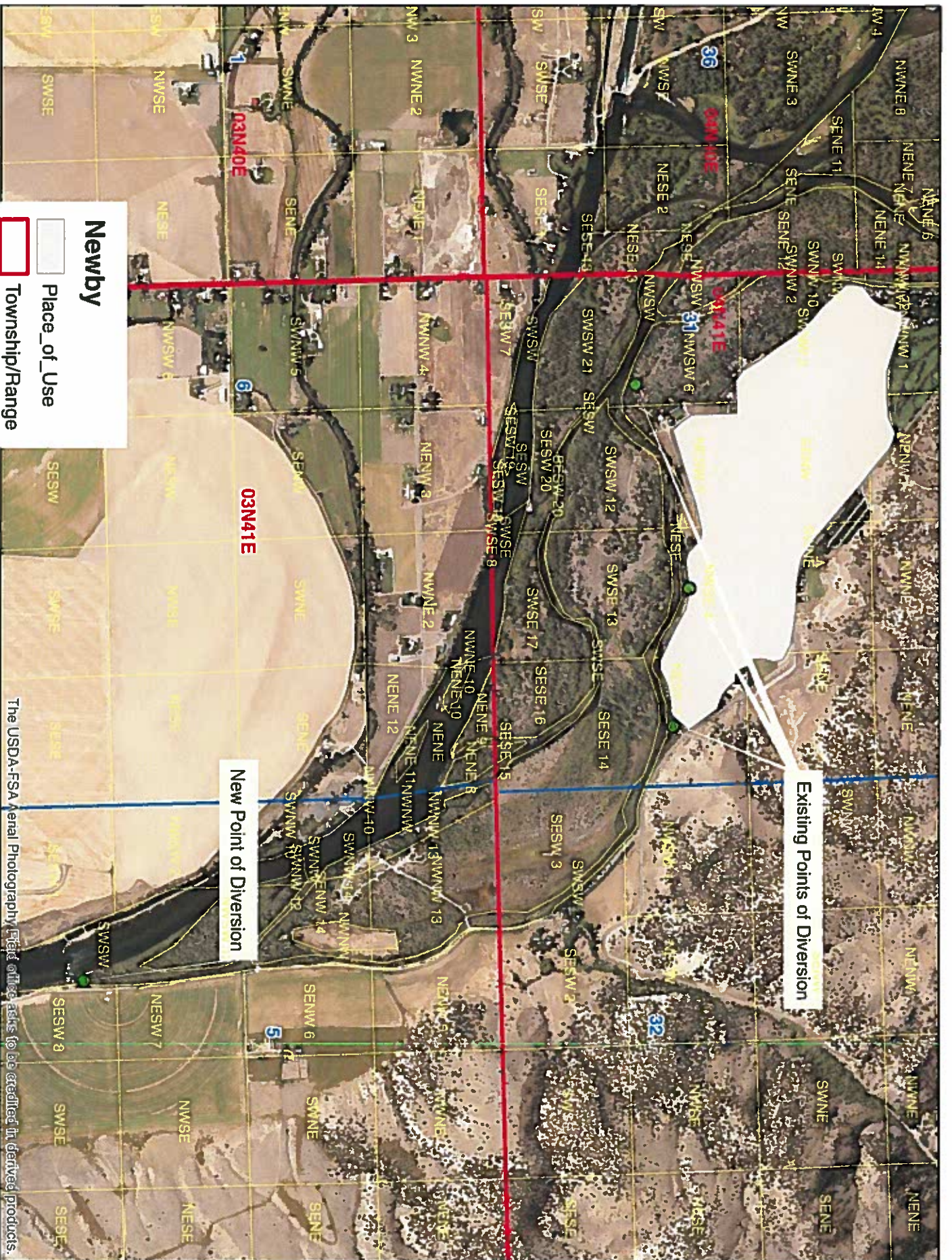
Total Acres: 129

Page _____ of _____

Conditions of Approval:

1. 179 The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1966) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
2. 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.
3. P21 This right is a split from former right 1-321.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 129.0 acres in a single irrigation season. Combined Right Nos.: 1-10026, 1-10027, and 1-10520.
6. F01 Water is delivered through Newby Pumps.

Decreed Date: 1/13/2009



Existing Points of Diversion

New Point of Diversion

Newby

Place_of_Use

Township/Range

Sections

CC

The USDA-FSA Aerial Photography Field Office does not warrant the accuracy of the data.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 18, 2016

CLARA NEWBY
GEORGE NEWBY
5156 E HEISE RD
RIRIE, ID 83443

RE: Transfer No. 80906
Water Right No(s). 1-10026, 1-10027, 1-10520

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 5/25/2016 and 6/1/2016 and the POST REGISTER on 5/26/2016 and 6/2/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

May 17, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Lyle Swank
Water District 01
900 N Skyline Dr Ste A
Idaho Falls ID 83402

RE: Application for Transfer 80906

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No(s).: 80906

Applicant's Name Newby

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____, 20_____.

Water District No: 01

Watermaster's Signature

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 19, 2016 1:59 PM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Post Register E-Mail.doc

Contacts: Post Register

I forgot the subject on the previous email so sending it again.

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 19, 2016 1:28 PM
To: 'Jefferson Star (info@jeffersonstarnews.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Jefferson Star E-Mail.doc

Contacts: Jefferson Star

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80906

CLARA NEWBY and GEORGE NEWBY, 5156 E HEISE RD, RIRIE, ID 83443; has filed Application No. 80906 for changes to the following water rights within JEFFERSON County(s): Right No(s). 1-10026, 1-10027, 1-10520; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Add a point of diversion. The new point of diversion is in SESW Sec 5 T3N R41E for 2.58 cfs from the Snake River. The existing points of diversion are in Lot 3, Lot 4, and Lot 6 of Sec 31 T4N R41E. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 6/13/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/25/2016 and 6/1/2016