

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79000**

This is to certify that: **MARK T NEWCOMB**
251 E 200 S
RUPERT, ID 83350

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2636	WR/DECREED	2/8/1961	2.790 cfs	840.0 af	210.0	842.0	GROUND WATER
45-2754	WR/DECREED	8/28/1952	4.060 cfs	N/A	240.0	842.0	GROUND WATER
45-7252	WR/DECREED	7/2/1976	4.560 cfs	N/A	362.0	842.0	GROUND WATER
45-7268B	WR/DECREED	5/14/1976	0.610 cfs	N/A	34.0	842.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

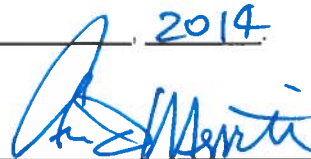
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2636	NO	NO	NO	YES	NO	NO
45-2754	NO	NO	NO	YES	NO	NO
45-7252	NO	NO	NO	YES	NO	NO
45-7268B	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-2636	45-2636	2.790 cfs	840.0 af	210.0	842.0	N/A	N/A	N/A	N/A	N/A
45-2754	45-2754	4.060 cfs	960.0 af	240.0	842.0	N/A	N/A	N/A	N/A	N/A
45-7252	45-7252	4.560 cfs	1448.0 af	362.0	842.0	N/A	N/A	N/A	N/A	N/A
45-7268B	45-7268B	0.610 cfs	136.0 af	34.0	842.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.900 cfs	3248.0 af	812.0	842.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of September, 2014.


Southern Region Manager

Transfer No. 79000

SUPPORT DATA
IN FILE # 45-2636

WATER RIGHT NO. 45-2636**As Modified by Transfer No. 79000**

In accordance with the approval of Transfer No. 79000, Water Right No. 45-2636 is now described as follows:

Right Holder: MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

Priority Date: 2/8/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.790 cfs	840.0 af
			2.790 cfs	840.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEWNWE	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SENWSW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESE	Sec 8 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNWSW	Sec 9 Twp 10S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	8									37.0			39.0	27.0	37.0	39.0	38.0	217.0
10S	25E	17	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	32.0	39.0	625.0

Right Acre Limit: 210.0

POU Total Acres: 842.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 210 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2636, 45-2754, 45-7252, and 45-7268B when combined shall not exceed a total diversion rate of 9.90 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres.
3. Rights 45-2636 and 45-7268B when combined shall not exceed a total annual maximum diversion volume of 840 af at the field headgate, and the irrigation of 212 acres.
4. The point of diversion located in the NESESW S17, T10S, R25E is limited to a maximum diversion rate of 4.0 cfs.

Transfer No. 79000

WATER RIGHT NO. 45-2636

As Modified by Transfer No. 79000

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 79000, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-2754**As Modified by Transfer No. 79000**

In accordance with the approval of Transfer No. 79000, Water Right No. 45-2754 is now described as follows:

Right Holder: MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

Priority Date: 8/28/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	4.060 cfs	960.0 af
			4.060 cfs	960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEWNWE	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SENWSW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESE	Sec 8 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNWSW	Sec 9 Twp 10S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	8									37.0			39.0	27.0	37.0	39.0	38.0	217.0
10S	25E	17	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	32.0	39.0	625.0

Right Acre Limit: 240.0

POU Total Acres: 842.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2636, 45-2754, 45-7252, and 45-7268B when combined shall not exceed a total diversion rate of 9.90 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres.
3. Rights 45-2754 and 45-7252 when combined shall not exceed a total diversion rate of 6.50 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 602 acres.
4. The point of diversion located in the NESESW S17, T10S, R25E is limited to a maximum diversion rate of 4.0 cfs.

Transfer No. 79000

WATER RIGHT NO. 45-2754

As Modified by Transfer No. 79000

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 79000, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-7252**As Modified by Transfer No. 79000**

In accordance with the approval of Transfer No. 79000, Water Right No. 45-7252 is now described as follows:

Right Holder: MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

Priority Date: 7/2/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	4.560 cfs	1448.0 af
			4.560 cfs	1448.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEWNNE	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SENWSW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESE	Sec 8 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNWSW	Sec 9 Twp 10S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	8									37.0			39.0	27.0	37.0	39.0	38.0	217.0
10S	25E	17	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	32.0	39.0	625.0

Right Acre Limit: 362.0

POU Total Acres: 842.0

CONDITIONS OF APPROVAL

1. Right No. 45-07252 is limited to the irrigation of 362.0 acres in the place of use described above in a single irrigation season.
2. Rights 45-2636, 45-2754, 45-7252, and 45-7268B when combined shall not exceed a total diversion rate of 9.90 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres.
3. Rights 45-2754 and 45-7252 when combined shall not exceed a total diversion rate of 6.50 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 602 acres.
4. The point of diversion located in the NESESW S17, T10S, R25E is limited to a maximum diversion rate of 4.0 cfs.

Transfer No. 79000

WATER RIGHT NO. 45-7252

As Modified by Transfer No. 79000

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 79000, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-7268B**As Modified by Transfer No. 79000**

In accordance with the approval of Transfer No. 79000, Water Right No. 45-7268B is now described as follows:

Right Holder: MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

Priority Date: 5/14/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.610 cfs	136.0 af
			0.610 cfs	136.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEWNWE	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SENWSW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESW	Sec 17 Twp 10S Rge 25E	CASSIA County
GROUND WATER	NESESE	Sec 8 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNWSW	Sec 9 Twp 10S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	25E	8									37.0			39.0	27.0	37.0	39.0	38.0	217.0
10S	25E	17	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	32.0	39.0	625.0

Right Acre Limit: 34.0

POU Total Acres: 842.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2636, 45-2754, 45-7252, and 45-7268B when combined shall not exceed a total diversion rate of 9.90 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres.
3. Rights 45-2636 and 45-7268B when combined shall not exceed a total annual maximum diversion volume of 840 af at the field headgate, and the irrigation of 212 acres.
4. The point of diversion located in the NESESW S17, T10S, R25E is limited to a maximum diversion rate of 4.0 cfs.

Transfer No. 79000

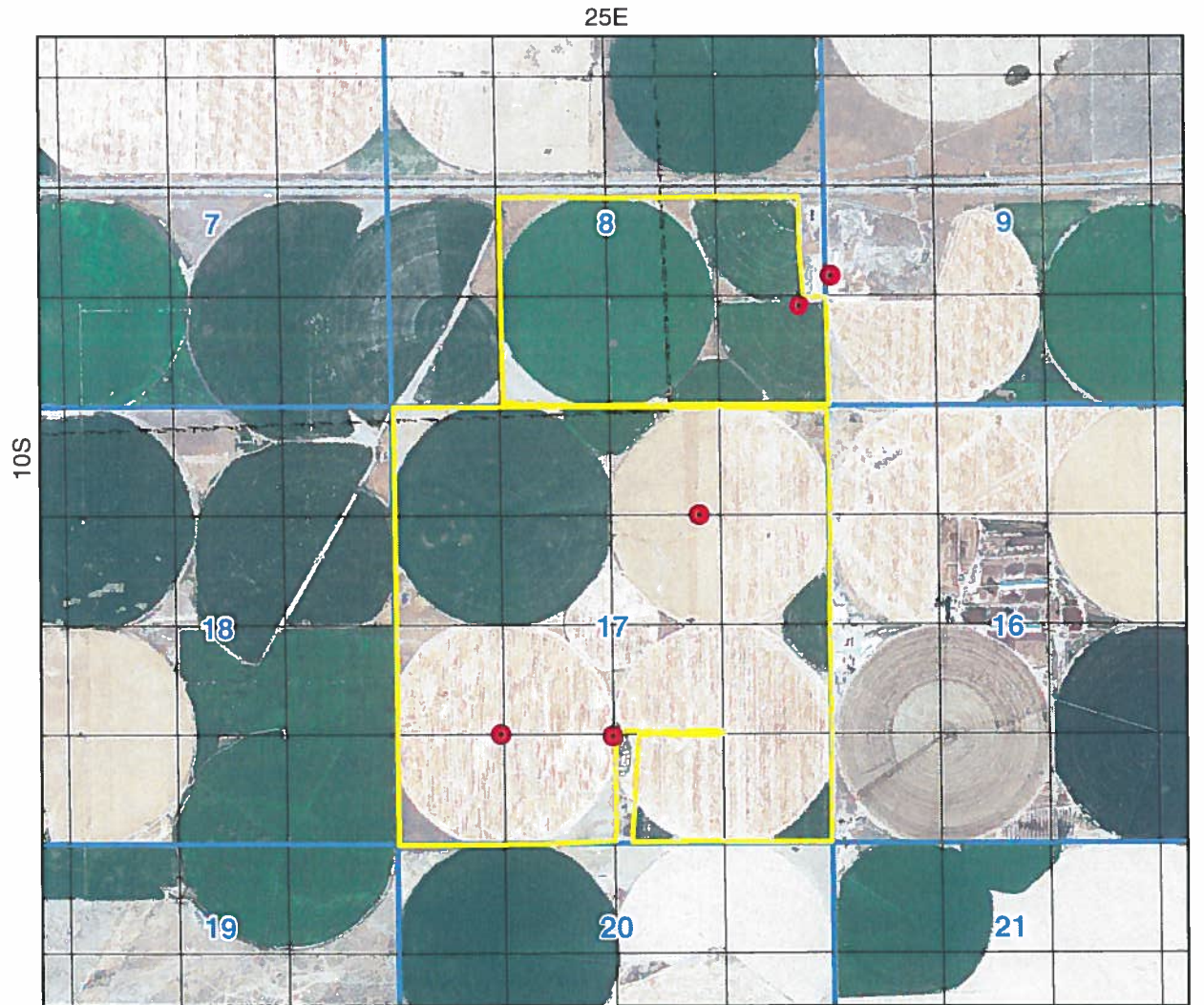
WATER RIGHT NO. 45-7268B
As Modified by Transfer No. 79000

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 79000, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79000
Rights: 45-2636, 45-2754, 45-7252 and 45-7268B

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.275 0.55 1.1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2014

MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

Re: Transfer No: 79000
Water Right No(s): 45-2636, 45-2754, 45-7252, 45-7268B

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is written in a cursive style with a large, stylized "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

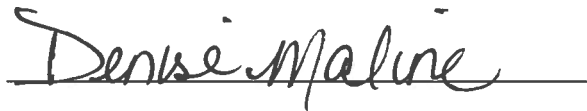
Re: Transfer No.: 79000

Water Right No(s): 45-2636, 45-2754, 45-7252, 45-7268B

MARK T NEWCOMB

251 E 200 S

RUPERT ID 83350

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2014

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Re: **APPROVED** Transfer No. 79000 (Mark Newcomb)

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

AUG 15 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 7th day of August, 2014 and ending with the issue dated 14th day of August, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 14th day of August, 2014, before me,

a Notary Public, personally appeared Ruby Aufderheide,

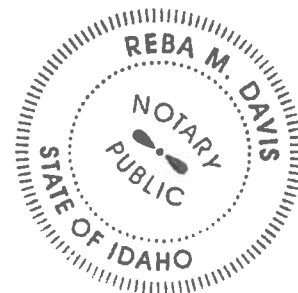
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Reba M Davis
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires:

May 8, 2020

✓ OK DM 8/25/2014



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17620

LARRY HOLLAND ✓

5085 CECILE AVE

LAS VEGAS, NV 89115

Point of Diversion SWNW S17 T10S R17E TWIN FALLS County

Source SLAUGHTERHOUSE GULCH Tributary ROCK CREEK

Use: FISH PROPAGATION 01/01 to 12/31 10 CFS

Total Diversion: 10 CFS

Date Filed: 7/11/2014

Place Of Use: FISH PROPAGATION

T10S R17E S17 NWNW SWNW

Application for permit proposes to divert 10.0 cfs from Slaughterhouse Gulch for non-consumptive fish propagation use at an existing fish facility. The proposed place of use and point of diversion is located approximately 0.75 mi. west of the intersection of West Five Points (Washington St. and Addison Ave.) in Twin Falls on the south side of HWY 30 in Rock Creek Canyon.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79000** ✓

MARK T NEWCOMB, 251 E 200 S, RUPERT, ID 83350; has filed Application No. 79000 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2636, 45-2754, 45-7252, 45-7268B. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add one new point of diversion to four existing groundwater rights. The new well will be drilled on an existing farm located approximately 2 mi. north and 4. mi. east of the City of Declo. Five wells (four existing and one new) will be used to divert up to 9.9 cfs and 3248 af for the irrigation of 812 acres on the farm.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79382** ✓

FED AGRIBUSINESS LLC, 568 W 1650 S, OAKLEY, ID 83346; has filed Application No. 79382 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No (s). 45-10158, 45-10164, 45-12757, 45-2338, 45-2374, 45-2380, 45-2381, 45-2384, 45-2589, 45-2596, 45-2626, 45-2715, 45-4239, 45-7156, 45-7201, 45-7456. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to combine the place of use for 16 water rights and change or add a point of diversion to several of the water rights including one new well. The new well will be a low temperature geothermal well and will be located approximately 4.5 miles south and 3.5 miles east of Murtaugh. The combine system will irrigate 2,330 acres with a total flow of 30.68 cfs.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79434**

WEBB BROTHERS LAND & LIVESTOCK LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 79434 for changes to the following water rights within CASSIA County(s): Right No (s). 43-10089, 43-13118, 43-13412, 43-13414. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new well to be drilled as an authorized point of diversion to a group of groundwater rights used to provide water for a CAFO facility and nearby domestic residences on property located approximately 3.8 - 4.7 miles south and 13.0 - 13.3 miles east of the Interstate 84 and Interstate 86 interchange. The application also proposes modifying the existing point of diversion and/or the place of use descriptions for the group of rights to more accurately reflect actual locations. In total, up to 0.42 cfs and 29.3 afa will be diverted from the new well and two existing wells on the property to provide water for the domestic residences and the CAFO facility. ✓

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79466** ✓

FOUR SISTERS DAIRY LLC, PO BOX 105, TWIN FALLS, ID 83303-0105; has filed Application No. 79466 for changes to the following water rights within TWIN FALLS County(s): Right No (s). 47-2306B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a point of diversion and changing the place of use of a water right associated with an existing dairy facility located approximately 4.0 to 4.5 miles south and 2.0 to 2.5 miles west of the Highway 30 and Highway 93 intersection. The application proposes adding a new well to be drilled at the dairy site as an authorized point of diversion for the existing water right associated with the facility. This new well, along with the two currently authorized wells, will divert up to 0.59 cfs and 250 AF per year as allowed by the existing water right associated with the facility. The application also proposes to change the commercial place of use of the water right to more accurately reflect the actual dairy site.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 25, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 7th & 14th, 2014

✓ OK DML 8/25/2014

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Monday, August 11, 2014 8:43 AM
To: Maline, Denise
Subject: Re: Comment Letters

Hi Denise.

We have no comment on Transfer 79000 for Mark Newcomb.

Thank you.

Brian

From: Maline, Denise
Sent: Thursday, July 31, 2014 3:13 PM
To: Brian Higgs
Subject: Comment Letters

Hi Brian,

Attached please find a copy of a cover letter, recommendation forms, and Transfer 79000 (Newcomb) and 79382 (FED Agribusiness). Please review the information and provide any necessary comments within 21 days.

Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

MEMORANDUM

Date: July 15, 2014
To: Transfer 79000
From: Doug Jones
Re: Review & Evaluation of Sufficiency of Information

The properties and points of diversions involved with the application are located within Water District 140 and the ESPA but the three wells are all located in adjacent cells and are within 1 mile of each other so a model analysis is not necessary. Watermaster comments will be necessary.

Note, the new well will be limited to 4.0 cfs and the processing fee has been adjusted accordingly.

- **Authority to File:**

The applicant is listed as the current owner of involved water rights according to IDWR records as well as the involved property.

- **Water Right Validity:**

All four water rights have been decreed in the SRBA. Review of aerial photos indicates that the lands involved with the transfer have recently been irrigated.

- **Injury to Other Water Rights:**

The new well and an existing well that is part of the current system will be just over ¼ mile apart. The new well will be 1/2 mile from an irrigation well owned by another farmer. All five wells will be located on an existing farm within 1 1/4 mi. of each other and in the same cell or just over the line of an adjacent model cell within the smooth boundary.

- **Enlargement of Use:**

None anticipated, but the potential will present to increase the total rate per acre from the currently authorized 0.012 cfs/ac.

- **Local Public Interest:**

No hydrological impact anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.