

RECEIVED

DEC 20 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION: DALLAS

SOURCES STATE 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 change

1. APPLICANT(S) MARK T. Newcomb Phone 431-0020
2. MAILING ADDRESS 751 E 200S City Rupert
State Idaho Zip 83350 Email mtar@jmt.org

- ☐ 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) 45-2636, 45-2754, 45-7252, 45-72683

- ☐ 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 4.0 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*.

[illegible]

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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:

Add new well to existing system with 10" discharge with
at least 10 feet above ground with accuracy measuring & control device

- b. Who owns the property at the point(s) of diversion? applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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 $\frac{1}{4}$ 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.

Mark T. Newcomb
Signature of applicant or authorized agent

MARK T. Newcomb
Print name and title if applicable

12/20/2013
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.

Flow rate at new well to be limited to applied for rate.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by D Jones

Date 12-20-13

\$740 Fee paid \$740 Date 12-20-13

Received by D Jones

Receipt # 5033215

Preliminary review completed by _____

Date _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Mark Newcomb

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes **N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
Wells Fargo listed as having interest - see attached email: No letter required
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

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

Current Water Right No.: 45-2636

Current Owner: MARK T NEWCOMB

Priority Date: 2/8/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

2.79 CFS

840 AF

Total Diversion

2.79 CFS

840 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4SW1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

SE1/4NW1/4NE1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

NE1/4SE1/4SE1/4

Sec. 8, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

SW1/4NW1/4SW1/4

Sec. 9, Twp 10S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T10S R25E S8	NESW	37.00	T10S R25E S8	SESW	39.00
T10S R25E S8	NESE	27.00	T10S R25E S8	NWSE	37.00
T10S R25E S8	SWSE	39.00	T10S R25E S8	SESE	38.00
T10S R25E S17	NENE	38.00	T10S R25E S17	NWNE	40.00
T10S R25E S17	SWNE	40.00	T10S R25E S17	SENE	39.00
T10S R25E S17	NENW	40.00	T10S R25E S17	NWNW	40.00
T10S R25E S17	SWNW	40.00	T10S R25E S17	SENW	40.00
T10S R25E S17	NESW	40.00	T10S R25E S17	NWSW	40.00
T10S R25E S17	SWSW	40.00	T10S R25E S17	SESW	39.00
T10S R25E S17	NESE	39.00	T10S R25E S17	NWSE	39.00
T10S R25E S17	SWSE	32.00	T10S R25E S17	SESE	39.00

Total Acres: 842

Page _____ of _____

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 840 AF. COMBINED RIGHT NOS.: 45-2636, and 45-7268B.
2. Right No. 45-02636 is limited to the irrigation of 210.0 acres in the place of use described above in a single irrigation season.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3248 AF. COMBINED RIGHT NOS.: 45-2636, 45-2754, 45-7252, and 45-7268B.
4. 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.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 812 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2636, 45-2754, 45-7252, and 45-7268B.
6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2636, and 45-7268B.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-2754

Current Owner: MARK T NEWCOMB
Priority Date: 8/28/1952
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.06 CFS	960 AF
	<u>Total Diversion</u>	4.06 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SW1/4	Sec. 17,	Twp 10S,	Rge 25E B.M.
CASSIA County				
GROUND WATER	SE1/4NW1/4NE1/4	Sec. 17,	Twp 10S,	Rge 25E B.M.
CASSIA County				
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 8,	Twp 10S,	Rge 25E B.M.
CASSIA County				
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 9,	Twp 10S,	Rge 25E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T10S R25E S8	NESW	37.00	T10S R25E S8	SESW	39.00
T10S R25E S8	NESE	27.00	T10S R25E S8	NWSE	37.00
T10S R25E S8	SWSE	39.00	T10S R25E S8	SESE	38.00
T10S R25E S17	NENE	38.00	T10S R25E S17	NWNE	40.00
T10S R25E S17	SWNE	40.00	T10S R25E S17	SENE	39.00
T10S R25E S17	NENW	40.00	T10S R25E S17	NWNW	40.00
T10S R25E S17	SWNW	40.00	T10S R25E S17	SENW	40.00
T10S R25E S17	NESW	40.00	T10S R25E S17	NWSW	40.00
T10S R25E S17	SWSW	40.00	T10S R25E S17	SESW	39.00
T10S R25E S17	NESE	39.00	T10S R25E S17	NWSE	39.00
T10S R25E S17	SWSE	32.00	T10S R25E S17	SESE	39.00

Total Acres: 842

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Conditions of Approval:

1. Right No. 45-02754 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.50 CFS. COMBINED RIGHT NOS.: 45-2754, and 45-7252.
3.  USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3248 AF. COMBINED RIGHT NOS.: 45-2636, 45-2754, 45-7252, and 45-7268B.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 812 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2636, 45-2754, 45-7252, and 45-7268B.
5. 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.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-7252

Current Owner: MARK T NEWCOMB
Priority Date: 7/2/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

4.56 CFS

1448 AF

Total Diversion

4.56 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4SW1/4

Sec. 9, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

NE1/4SE1/4SE1/4

Sec. 8, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

SE1/4NW1/4NE1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

NW1/4SE1/4SW1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T10S R25E S8	NESW	37.00	T10S R25E S8	SESW	39.00
T10S R25E S8	NESE	27.00	T10S R25E S8	NWSE	37.00
T10S R25E S8	SWSE	39.00	T10S R25E S8	SESE	38.00
T10S R25E S17	NENE	38.00	T10S R25E S17	NWNE	40.00
T10S R25E S17	SWNE	40.00	T10S R25E S17	SENE	39.00
T10S R25E S17	NENW	40.00	T10S R25E S17	NWNW	40.00
T10S R25E S17	SWNW	40.00	T10S R25E S17	SENW	40.00
T10S R25E S17	NESW	40.00	T10S R25E S17	NWSW	40.00
T10S R25E S17	SWSW	40.00	T10S R25E S17	SESW	39.00
T10S R25E S17	NESE	39.00	T10S R25E S17	NWSE	39.00
T10S R25E S17	SWSE	32.00	T10S R25E S17	SESE	39.00

Total Acres: 842

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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.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.50 CFS. COMBINED RIGHT NOS: 45-2754, and 45-7252.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3248 AF. COMBINED RIGHT NOS.: 45-2636, 45-2754, 45-7252, and 45-7268B.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 812 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2636, 45-2754, 45-7252, and 45-7268B.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-7268B

Current Owner: MARK T NEWCOMB

Priority Date: 5/14/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

0.61 CFS

136 AF

Total Diversion

0.61 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4SW1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

SE1/4NW1/4NE1/4

Sec. 17, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

NE1/4SE1/4SE1/4

Sec. 8, Twp 10S, Rge 25E B.M.

CASSIA County

GROUND WATER

SW1/4NW1/4SW1/4

Sec. 9, Twp 10S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T10S R25E S8	NESW	37.00	T10S R25E S8	SESW	39.00
T10S R25E S8	NESE	27.00	T10S R25E S8	NWSE	37.00
T10S R25E S8	SWSE	39.00	T10S R25E S8	SESE	38.00
T10S R25E S17	NENE	38.00	T10S R25E S17	NWNE	40.00
T10S R25E S17	SWNE	40.00	T10S R25E S17	SENE	39.00
T10S R25E S17	NENW	40.00	T10S R25E S17	NWNW	40.00
T10S R25E S17	SWNW	40.00	T10S R25E S17	SENW	40.00
T10S R25E S17	NESW	40.00	T10S R25E S17	NWSW	40.00
T10S R25E S17	SWSW	40.00	T10S R25E S17	SESW	39.00
T10S R25E S17	NESE	39.00	T10S R25E S17	NWSE	39.00
T10S R25E S17	SWSE	32.00	T10S R25E S17	SESE	39.00

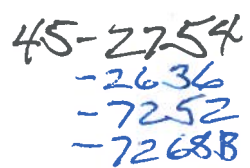
Total Acres: 842

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Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3248 AF. COMBINED RIGHT NOS.: 45-2636, 45-2754, 45-7252, and 45-7268B.
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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 812 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2636, 45-2754, 45-7252, and 45-7268B.
4. Right No. 45-07268B is limited to the irrigation of 34.0 acres in the place of use described above in a single irrigation season.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 840 AF. COMBINED RIGHT NOS.: 45-2636, and 45-7268B.

Decreed Date: 5/13/2005



-7268B



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

July 31, 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

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 **TIMES NEWS on 8/7/2014 and 8/14/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 25, 2014**).

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 31, 2014 11:18 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on August 7th & 14th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

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



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

July 31, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 79000

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

RE: Transfer No. 79382

Water 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

RE: Transfer No. 79434

Water Right No(s): 43-10089, 43-13118, 43-13412, 43-13414

RE: Transfer No. 79466

Water Right No(s): 47-2306B

RE: Application For Permit No.(s): 47-17620

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 25, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 31, 2014 3:14 PM
To: 'Brian Higgs'
Subject: Comment Letters
Attachments: Comment letter to WM140.pdf; Transfer 79000.pdf; Transfer 79382.pdf

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



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

July 31, 2014

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

Via e-mail

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

RE: Transfer No. 79382
Water 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

Dear Mr. Higgs:

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

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. 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.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)