

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 74468**

This is to certify that: MARK T NEWCOMB And LONNA NEWCOMB

251 E 200 S  
 RUPERT ID 83350  
 (208)431-0020  
 (208)436-5679

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 Change**

| Right   | Origin/Basis | Priority   | Rate     | Volume | Acre Limit | Total Acres | Source       |
|---------|--------------|------------|----------|--------|------------|-------------|--------------|
| 36-7122 | WR/Decreed   | 02/26/1970 | 1.4 cfs  | N/A    | 70.0       | 144.0       | GROUND WATER |
| 36-7170 | WR/Decreed   | 03/22/1971 | 1.18 cfs | 236 af |            | 59.0        | GROUND WATER |
| 36-7890 | WR/Decreed   | 01/17/1980 | 1.48 cfs | N/A    | 74.0       | 144.0       | GROUND WATER |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 36-7122        | NO    | NO  | NO  | NO      | NO            | NO            |
| 36-7170        | NO    | NO  | YES | NO      | NO            | NO            |
| 36-7890        | NO    | NO  | NO  | NO      | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right         | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|------------------------|---------------------------|-----------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 36-7122                | <b>36-7122</b>            | 1.4 cfs         | 280 af          | 70.0       | 144.0       |                             | N/A            | N/A              | N/A                  | N/A                   |
| 36-7170                | <b>36-7170</b>            | 1.18 cfs        | 236 af          | 59.0       | 144.0       |                             | N/A            | N/A              | N/A                  | N/A                   |
| 36-7890                | <b>36-7890</b>            | 1.48 cfs        | 296 af          | 74.0       | 144.0       |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b> |                           | <b>2.38 cfs</b> | <b>576 af</b>   | <b>144</b> | <b>144</b>  |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of May, 20 10

**SUPPORT DATA**

  
 Southern Region Manager

IN FILE # 36-7122

**WATER RIGHT NO. 36-7890**  
**As Modified by Transfer No. 74468**

In accordance with the approval of Transfer No. 74468, Water Right No. 36-7890 is now described as follows.

**Right Holder:** LONNA NEWCOMB  
 251 E 200 S  
 RUPERT ID 83350

And

MARK T NEWCOMB  
 251 E 200 S  
 RUPERT ID 83350

**Priority Date:** January 17, 1980

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.48 CFS              | 296.0 AF      |
|                       |             |           | 1.48 CFS              | 296.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNENE                      Sec. 4    Twp 09S    Rge 24E    MINIDOKA County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |      |    |    | Totals |
|-----|-----|-----|------|----|----|------|----|----|----|----|----|----|----|----|------|------|----|----|--------|
| 09S | 24E | 4   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE |        |
|     |     |     | 38.0 |    |    | 36.0 |    |    |    |    |    |    |    |    | 30.0 | 40.0 |    |    | 144.0  |
|     |     |     | L 1  |    |    |      |    |    |    |    |    |    |    |    |      |      |    |    |        |

Total Acres: 144

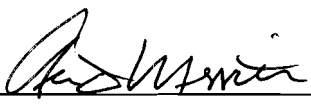
**WATER RIGHT NO. 36-7890**  
**As Modified by Transfer No. 74468**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.
2. Rights 36-7122, 36-7890, and 36-7170 when combined shall not exceed a total diversion rate of 2.38 cfs, a total annual maximum diversion volume of 576 af at the field headgate, and the irrigation of 144 acres.
3. 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. 130.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 74468 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.
6. Use of this right is combined with water from Minidoka Irrigation Dist.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 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.
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.

This water right 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.

Dated this 13<sup>th</sup> day of May, 2010

  
Southern Region Manager

**WATER RIGHT NO. 36-7122**  
**As Modified by Transfer No. 74468**

In accordance with the approval of Transfer No. 74468, Water Right No. 36-7122 is now described as follows.

**Right Holder:** LONNA NEWCOMB  
 251 E 200 S  
 RUPERT ID 83350

And

MARK T NEWCOMB  
 251 E 200 S  
 RUPERT ID 83350

**Priority Date:** February 26, 1970

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/15  | 1.40 CFS              | 280.0 AF      |
|                       |             |           | 1.40 CFS              | 280 0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNESE                      Sec. 4   Twp 09S   Rge 24E   MINIDOKA County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |      |    |    |        |
|-------------|------|----|----|------|----|----|----|----|----|----|----|----|------|------|----|----|--------|
|             | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | Totals |
| 09S 24E 4   | 38.0 |    |    | 36.0 |    |    |    |    |    |    |    |    | 30.0 | 40.0 |    |    | 144.0  |
|             | L 1  |    |    |      |    |    |    |    |    |    |    |    |      |      |    |    |        |

Total Acres: 144

**CONDITIONS OF APPROVAL**

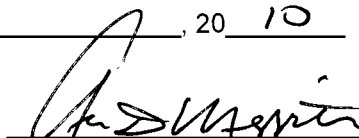
1. This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.
2. Rights 36-7122, 36-7890, and 36-7170 when combined shall not exceed a total diversion rate of 2.38 cfs, a total annual maximum diversion volume of 576 af at the field headgate, and the irrigation of 144 acres.
3. 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. 130.

**WATER RIGHT NO. 36-7122**  
**As Modified by Transfer No. 74468**

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001
5. 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.
6. Prior to the diversion and use of water under Transfer approval 74468 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.
7. Use of this right is combined with water from Minidoka Irrigation Dist.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 13<sup>th</sup> day of May, 20 10

  
Southern Region Manager

**WATER RIGHT NO. 36-7170**  
**As Modified by Transfer No. 74468**

In accordance with the approval of Transfer No. 74468, Water Right No. 36-7170 is now described as follows.

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

And

LONNA NEWCOMB  
251 E 200 S  
RUPERT ID 83350

**Priority Date:** March 22, 1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/15  | 1.18 CFS              | 236.0 AF      |
|                       |             |           | 1.18 CFS              | 236.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNESE                      Sec. 4   Twp 09S   Rge 24E   MINIDOKA County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |      |    |    |        |
|-------------|------|----|----|------|----|----|----|----|----|----|----|----|------|------|----|----|--------|
|             | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | Totals |
| 09S 24E 4   | 38.0 |    |    | 36.0 |    |    |    |    |    |    |    |    | 30.0 | 40.0 |    |    | 144.0  |
|             | L 1  |    |    |      |    |    |    |    |    |    |    |    |      |      |    |    |        |

Total Acres: 144

**CONDITIONS OF APPROVAL**

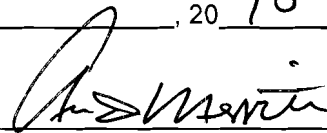
1. This right is limited to the irrigation of 59 acres within the place of use described above in a single irrigation season.
2. Rights 36-7122, 36-7890, and 36-7170 when combined shall not exceed a total diversion rate of 2.38 cfs, a total annual maximum diversion volume of 576 af at the field headgate, and the irrigation of 144 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001

**WATER RIGHT NO. 36-7170**  
**As Modified by Transfer No. 74468**

4. 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. 130.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 74468 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.
7. Use of this right is combined with water from Minidoka Irrigation Dist.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

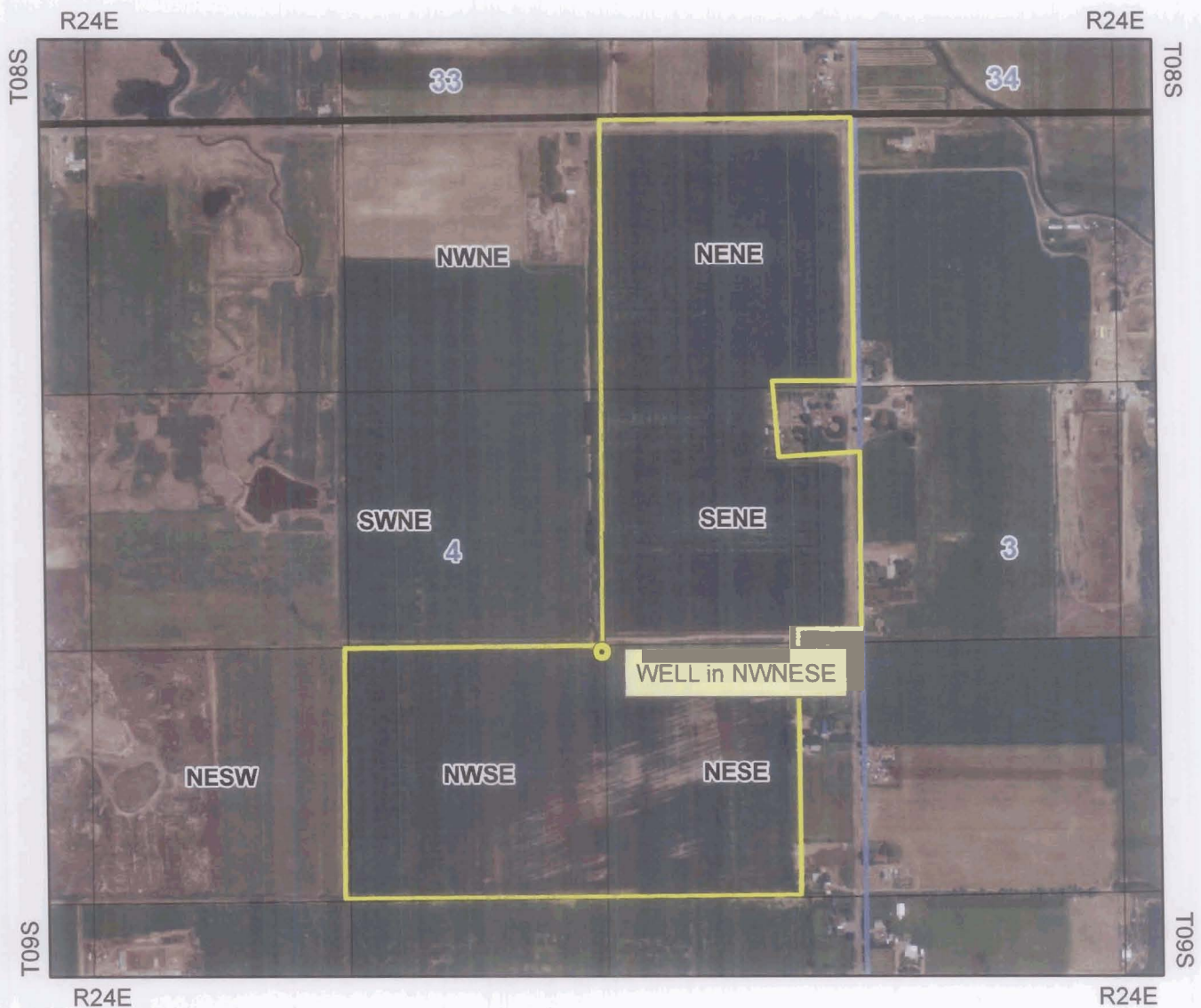
Dated this 13<sup>th</sup> day of May, 2010

  
Southern Region Manager

State of Idaho  
Department of Water Resources  
**Transfer Of Water Right**

Transfer No. 74468

Water Service Area Boundary for Mark T Newcomb  
Rights: 36-7122, 36-7170, 36-7890



**Legend**

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

0 0.1 0.2 0.4 Miles

