

AMENDEDTransfer No. 76051
Receipt No. S031137

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information MARK T NEWCOMB
 251 E 200 S
 RUPERT ID 83350
 (208)431-0020
 And
 LONNA NEWCOMB
 251 E 200 S
 RUPERT ID 83350
 (208)436-5679

RECEIVED
 CA 9634
 JAN 12 2010
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? Yes

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-2508	WR/License	2.02		249.0	546.0	GROUND WATER
45-2389B	WR/License	0.75		80.0	546.0	GROUND WATER
45-12441	WR/License	4.39		383.0	546.0	GROUND WATER
45-13629	WR/License	0.97		120.0	546.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-2508	NO	YES	NO	YES	NO	NO
45-2389B	NO	YES	NO	YES	NO	NO
45-12441	NO	YES	NO	YES	NO	NO
45-13629	NO	YES	NO	YES	NO	NO

Describe the reason for the proposed changes

One well went dry and two other wells are not producing their historic flow, so we want to drill a replacement well in the same section as the well that went dry; a test well was recently drilled at new location, and was found to have sufficient water. We hope to get 1200 gpm from the new well to replace the water that has been lost. The application also adds the wife of Mark Newcomb as a co-owner of the affected water rights.

The changes to the existing points of diversion were described incorrectly in the original application, so an amended application is being filed to correct this problem.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

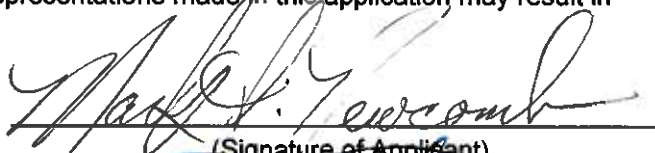
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-2508	2.02 cfs	249.0	546.0	
45-2389B	0.75 cfs	80.0	546.0	
45-12441	4.39 cfs	383.0	546.0	
45-13629	0.97 cfs	120.0	546.0	
TOTAL	8.13 cfs	546.0	546.0	2,184.0 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)


Signed this 11th day of January, 2010.

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

Current Water Right No. 45-2508

Priority Date: November 04, 1955
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.02 CFS	983.9 AFA	
	Total Diversion	2.02 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 12	40.0	22.0	15.0	35.0													112.0
10S 25E 7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S 25E 8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2184 AF. COMBINED RIGHT NOS.: 45-2389, 45-2508, 45-13629, and 45-12441.

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3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 546 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2389, 45-2508, 45-13629 and 45-12441.
4. 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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

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

Current Water Right No. 45-2389B

Priority Date: February 26, 1952
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.75 CFS	320.0 AFA	
	Total Diversion	0.75 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	12	40.0	22.0	15.0	35.0													112.0
10S	25E	7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S	25E	8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 546 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2389, 45-2508, 45-13629, and 45-12441.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2184 AF. COMBINED RIGHT NOS.: 45-2389, 45-2508, 45-13629, and 45-12441.

3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 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. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 45-12441

Priority Date: September 30, 1950
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	4.39 CFS	1,532.0 AFA	
	Total Diversion	4.39 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 12	40.0	22.0	15.0	35.0													112.0
10S 25E 7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S 25E 8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

Conditions/Remarks:

- THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS 45-2328, 45-2330, and 45-2332.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 546 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2508, 45-2389B, 45-12441, and 45-13629.

3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 383 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2184 AF. COMBINED RIGHT NOS.: 45-2508, 45-2389B, 45-12441, and 45-13629.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

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

Current Water Right No. 45-13629

Priority Date: September 01, 1951
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.97 CFS	468.9 AFA	
	Total Diversion	0.97 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 12	40.0	22.0	15.0	35.0													112.0
10S 25E 7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S 25E 8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 546 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-2389, 45-2508, 45-13629 and 45-12441.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2184 AF. COMBINED RIGHT NOS.: 45-2389, 45-2508, 45-13629, and 45-12441.

3. 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.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2369.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-2508

Priority Date: November 04, 1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.02 CFS	983.9 AFA	
	Total Diversion	2.02 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNENW	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NENENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 3 New well, motor, pump, mainline to sprinklers
 Point of Diversion # 4 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 5 Existing well, motor, pump, mainline to sprinklers

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	12	40.0	22.0	15.0	35.0	40.0	33.0	28.0	34.0									112.0
10S	25E	7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S	25E	8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-2389B

Priority Date: February 26, 1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.75 CFS	320.0 AFA	
	Total Diversion	0.75 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNENW	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NENENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 3 New well, motor, pump, mainline to sprinklers
 Point of Diversion # 4 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 5 Existing well, motor, pump, mainline to sprinklers

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	12	40.0	22.0	15.0	35.0													112.0
10S	25E	7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S	25E	8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-12441

Priority Date: September 30, 1950

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	4.39 CFS	1,532.0 AFA	
	Total Diversion	4.39 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNENW	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NENENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 3 New well, motor, pump, mainline to sprinklers
 Point of Diversion # 4 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 5 Existing well, motor, pump, mainline to sprinklers

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	12	40.0	22.0	15.0	35.0													112.0
10S	25E	7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
								L 1	L 2										
10S	25E	8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-13629

Priority Date: September 01, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.97 CFS	468.9 AFA	
	Total Diversion	0.97 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SEWNW	Sec. 12 Twp 10S	Rge 24E	CASSIA County
GROUND WATER	NWSWNE	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NWNENW	Sec. 7 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NENENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County
GROUND WATER	NESENW	Sec. 8 Twp 10S	Rge 25E	CASSIA County

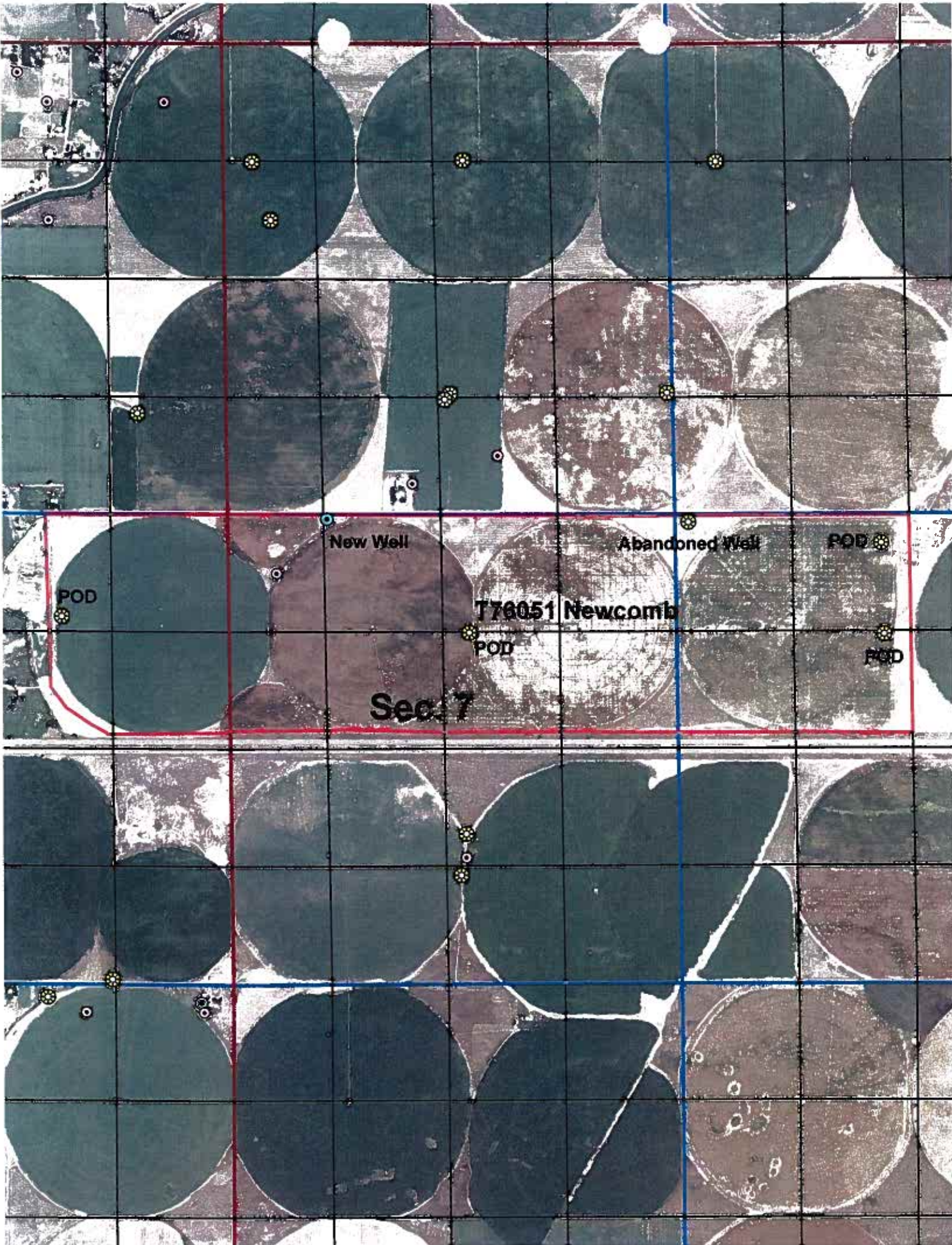
Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 3 New well, motor, pump, mainline to sprinklers
 Point of Diversion # 4 Existing well, motor, pump, mainline to sprinklers
 Point of Diversion # 5 Existing well, motor, pump, mainline to sprinklers

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 12	40.0	22.0	15.0	35.0													112.0
10S 25E 7	40.0	40.0	34.0	35.0	40.0	33.0	28.0	34.0									284.0
10S 25E 8					40.0	40.0	35.0	35.0									150.0

Total Acres: 546



New Well

Abandoned Well

POD

POD

T76051 Newcomb

POD

POD

Sec. 7