

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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PROOF OF BENEFICIAL USE

DEC 03 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 43-13419 Telephone No. (28) 670-3758
2. Name of Permit Holder(s): Bruce Newcomb, Mark T. Newcomb, Sonja Newcomb
3. Mailing Address: 4406 N. 1400 E.
City Buhl State Id Zip 83316 Email: bruce.newcomb@idwr.idaho.gov
4. Source of Water: well If **GROUNDWATER** (well), Date Drilled: mo. June yr. 1960
Well Driller: State of Idaho DOT contractor on interstate Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 250 beef cattle
Irrigation (No. of acres): _____ Other: 15000 cfs OR 900000 gallons per day
6. Total rate of diversion and/or volume for which proof is submitted: 15000 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Bruce Newcomb Telephone Number: 208-670-3758
Address: 4406 N. 1400 E. Buhl, ID 83316

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 11/29/07
(include your title, if on behalf of company or organization)
on behalf of Mark T. Sonja Newcomb as well

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FORM 2800-14
(August 1985)

Issuing Office:
BURLEY FIELD OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-35908

1. a. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

- a. By this instrument, the holder:

BRUCE NEWCOMB
3181 WATERBURY LANE
BOISE, ID 83706

receives a right to construct, operate, maintain, and terminate a BURIED STOCKWATER PIPELINE on public lands described as follows:

T. 09 S., R. 26 E., B.M., Cassia County
SECTION 32: S½SW¼,
T. 10 S., R. 26 E.
SECTION 05: LOTS 3,5.

- b. The right-of-way area granted herein is 10.0 feet wide, 1248.0 feet in length, and contains 0.286 acres, more or less.
- c. This instrument shall terminate on November, 2037, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. At the discretion of the authorized officer this instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer *unless specifically exempted from such payment by regulation*. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The map set forth in Exhibit "A-3", dated August 14, 2007, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.