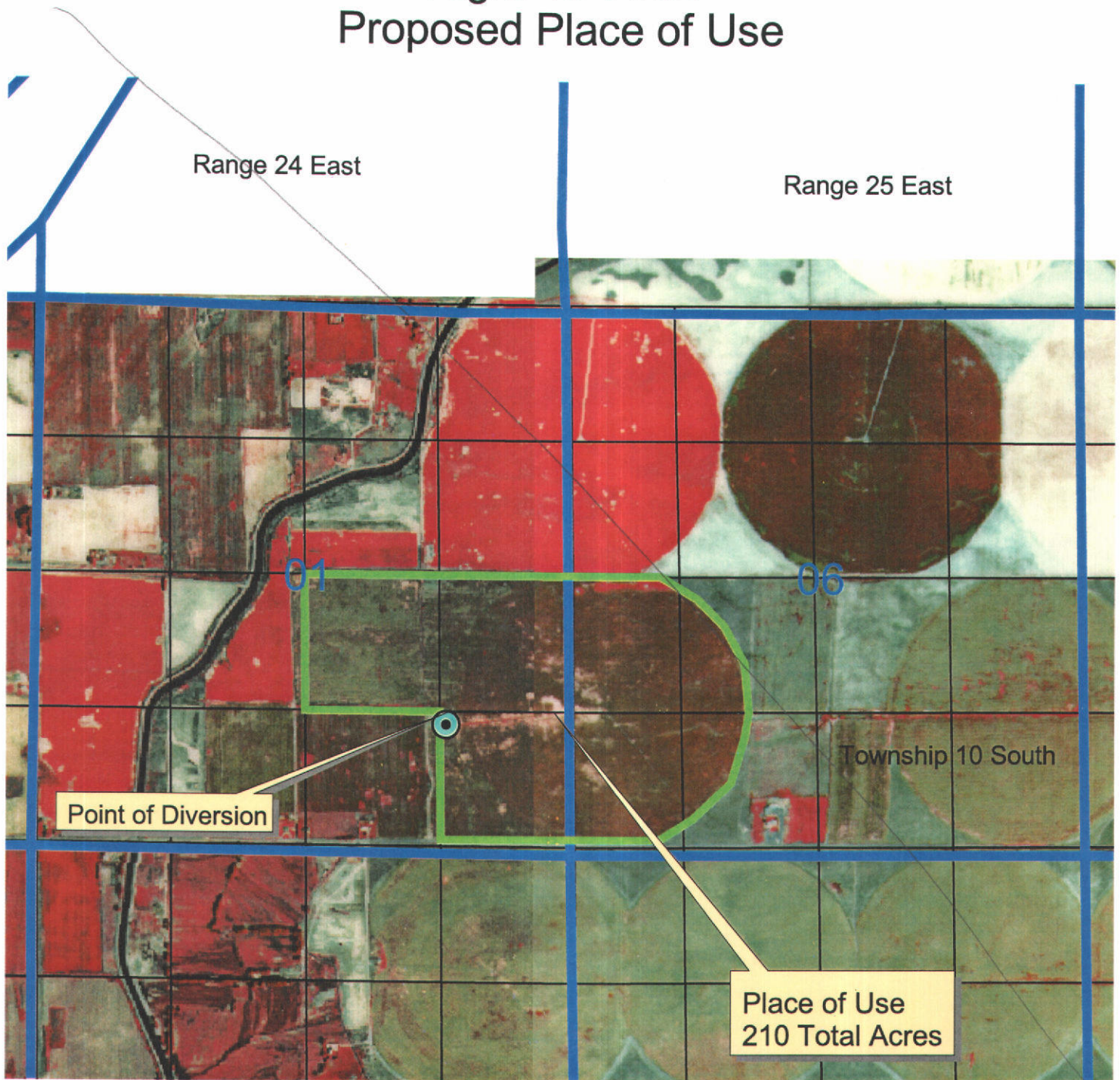


pg 6 of 7

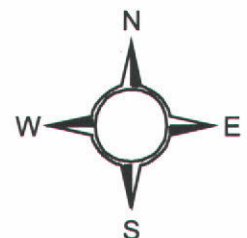
T69448

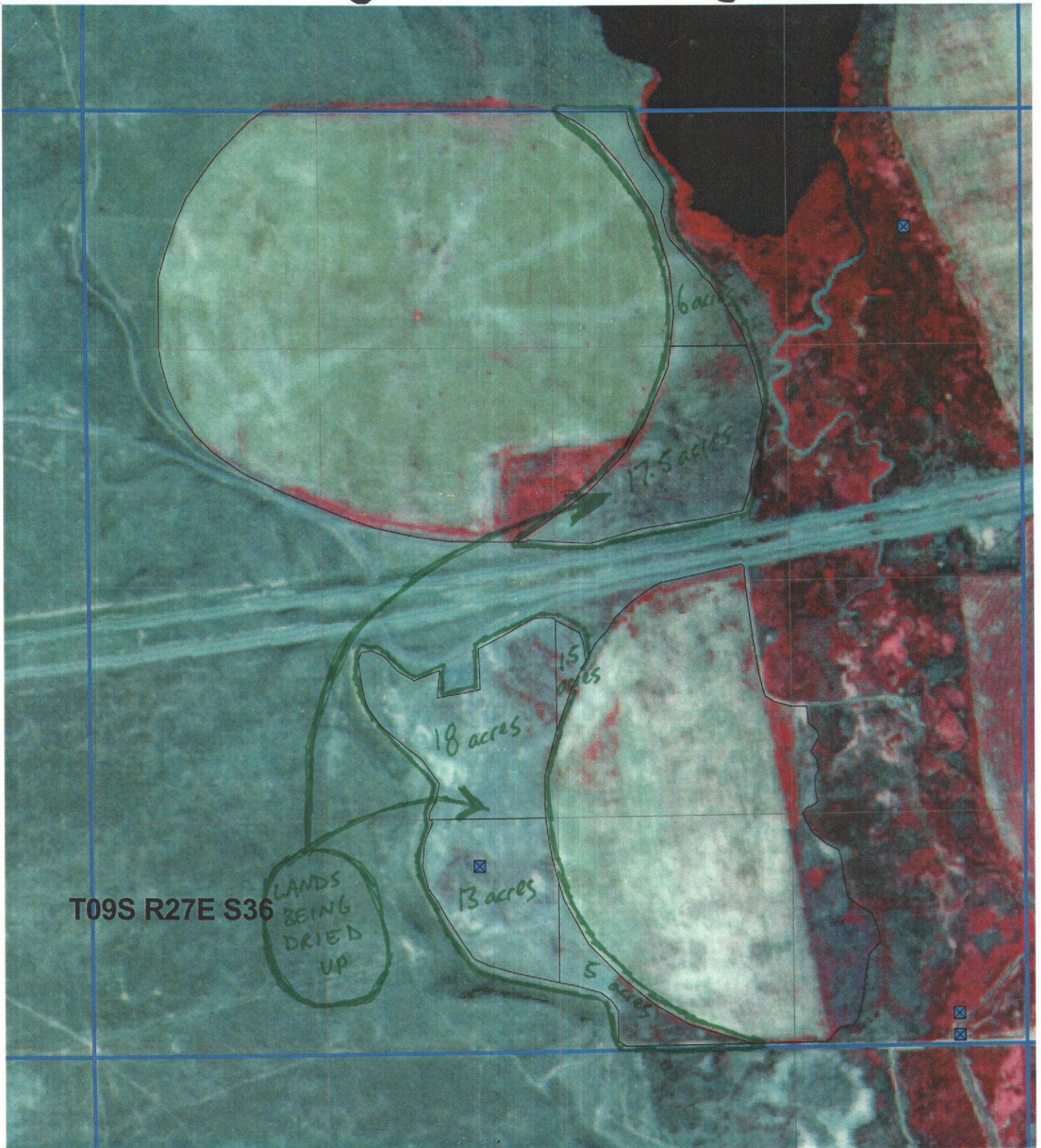
Mark Newcomb Transfer Application Right 43-7002 Proposed Place of Use



- Newcombpod.shp
- Newcomb.shp
- Sections.shp
- T10s25e.shp
- T10s24e.shp

MICROFILMED
Data Entry by C. Skinner
FEB 24 2001





T09S R27E S36

LANDS
BEING
DRIED
UP

330 0 330 660 Feet



- Subject Property
- Point(s) of Diversion
- Section Lines
- Quarter/Quarter Lines

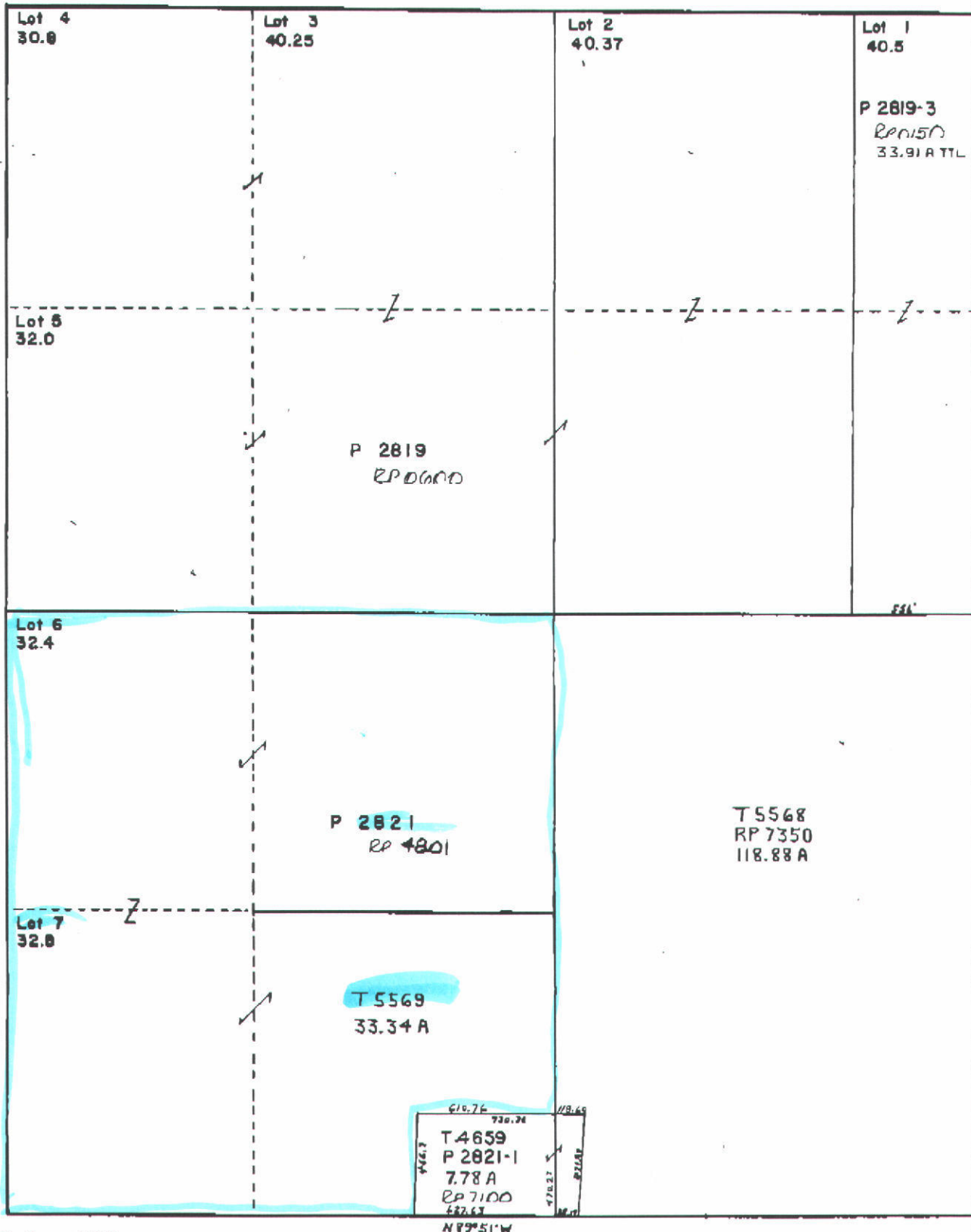
43-7002 & 43-10790

MICROFILMED

FEB 24 2004

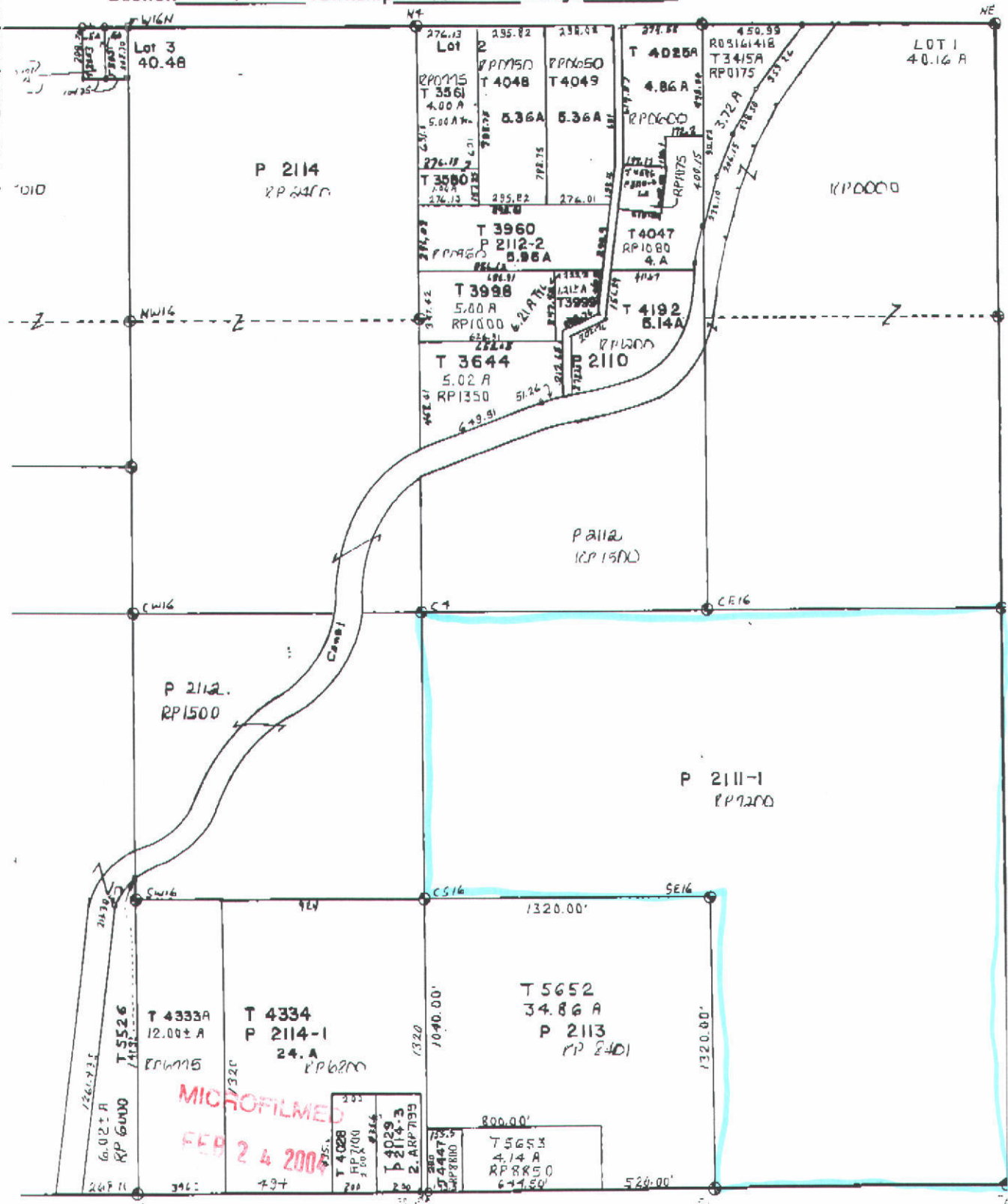


DJONES, 6/11/01

Section **6** Township **10** Range **25**C23
178 134 LMICROFILMED
FEB 24 2004

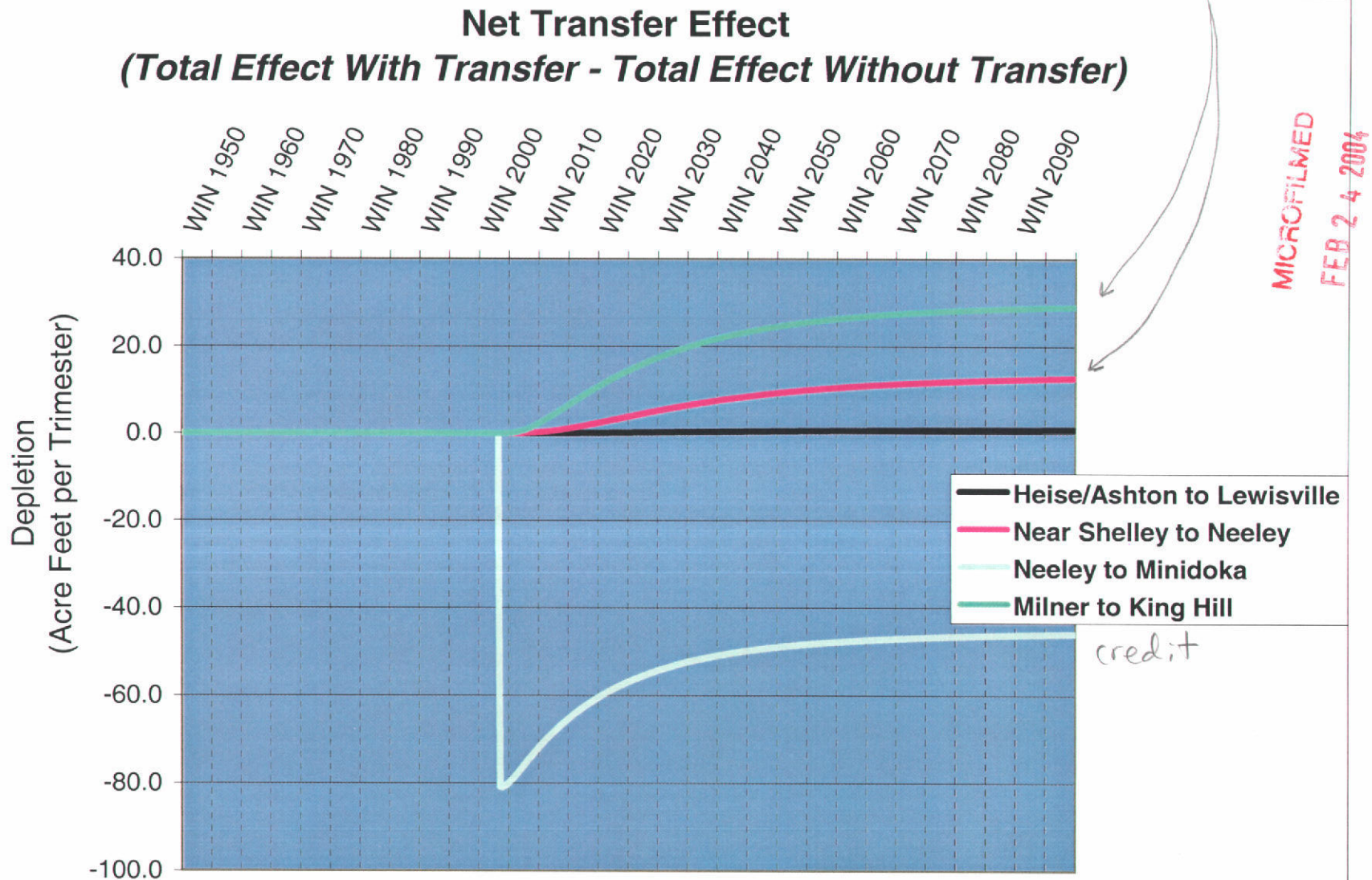
105.24 EOI

Section 1 Township 10 Range 24



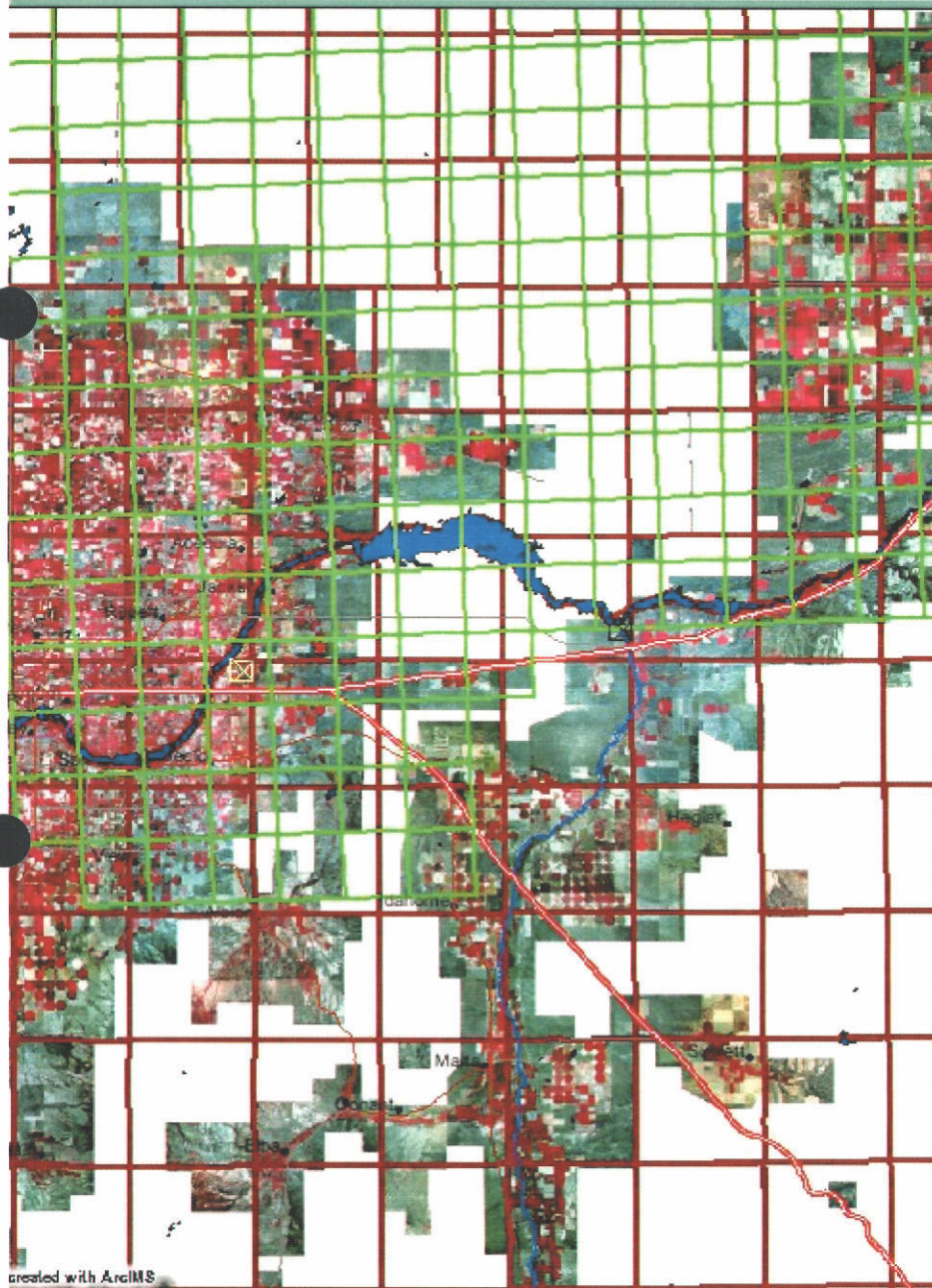
MICROFILMED
FEB 24 2004

Transfer changes from Neeley-Minidoka reach to above the Milner to King Hill Reach - increased impacts to



69448 Newcomb

ADM memo discussed response zone problems - No correspondence to Applicant in file about possible mitigation.



created with ArcIMS

Ground-Water Rights Transfer

Determine ground-water model row and cell for Water Rights Transfers

	Township	Range	Section	Zoom	GW model Row	Column
"To" Cell	10S	24E	01		06	27
	10 S	24 E	6			
"From1" Cell	09S	27E	25		07	33
"From2" Cell						
"From3" Cell						

Display all sections

Determine rows and columns

Help

Fill in the legal description of the cells you want to put in the model spreadsheet and press the "Determine rows and columns" button.

Please note: If a section covers more than one ground-water model cell, the row and column values will be filled from the first cell found. To see a map of the the chosen section/cell press the zoom-button for the cell you want to inspect. **Please display each**

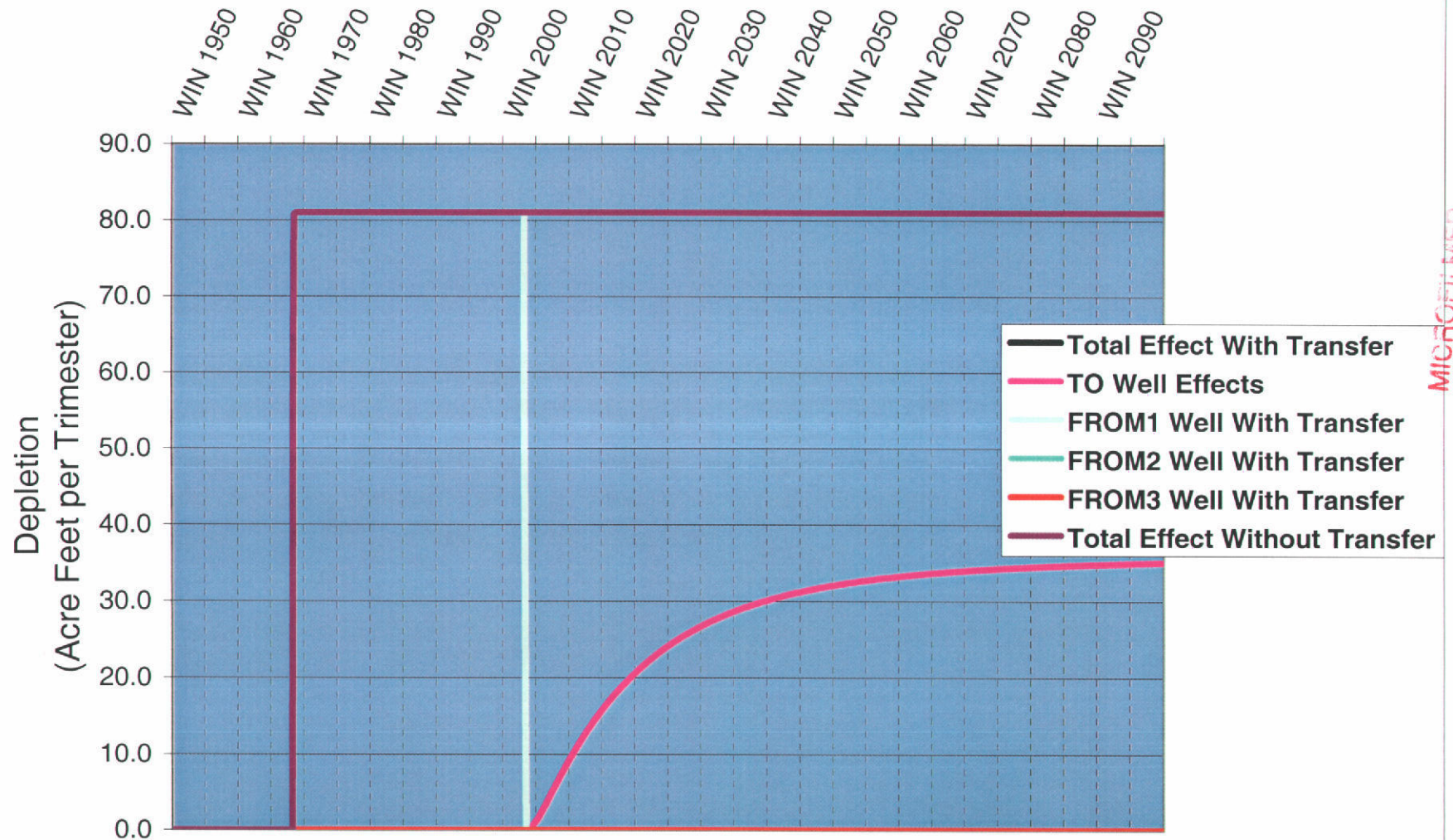
MICROFILMED

FEB 24 2004

Hydrologic Response--Neeley to Minidoka Reach

Customer Name:

Transfer No:



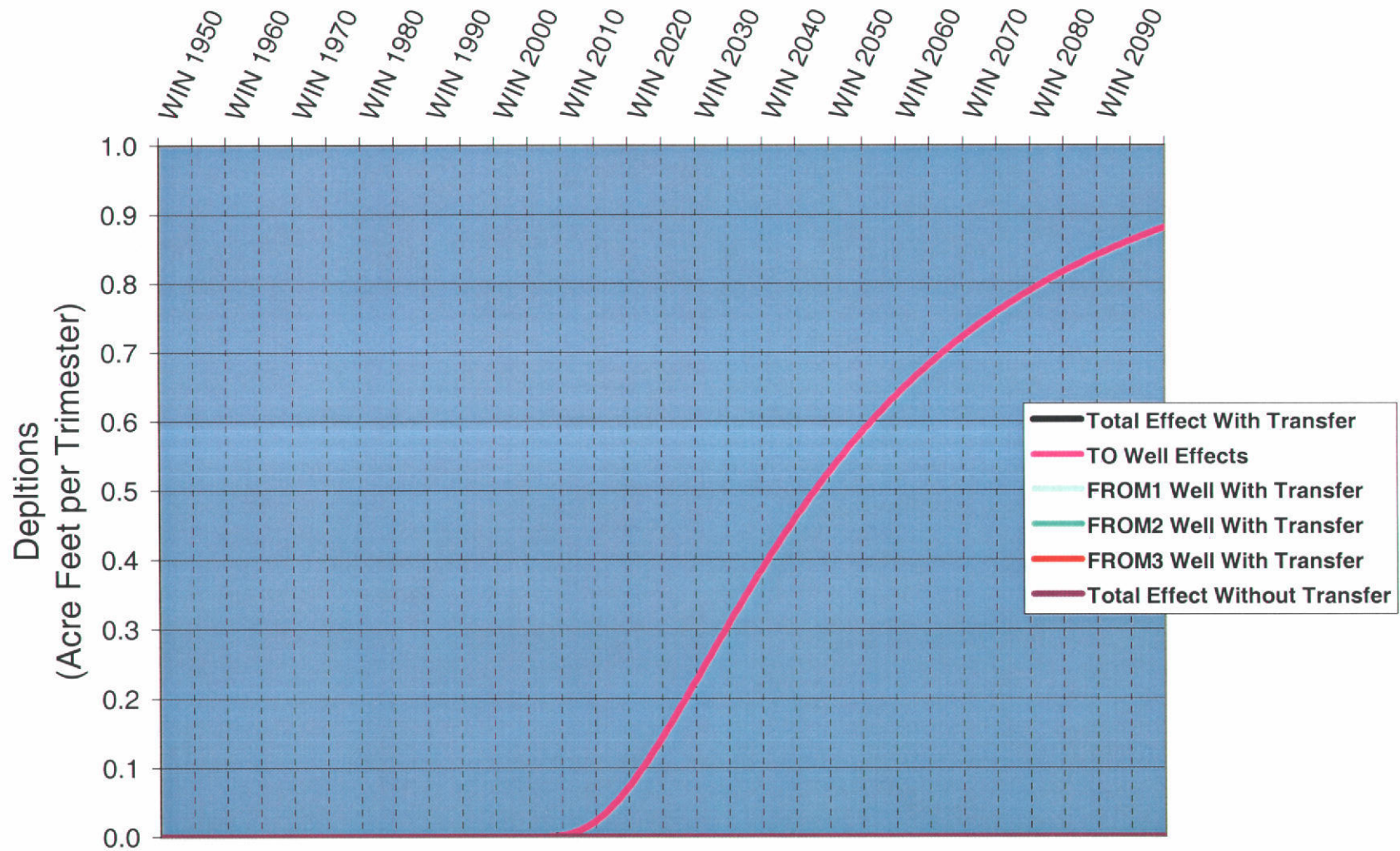
MICROFILMED

FEB 24 2004

Hydrologic Response--Heise/Ashton to Lewisville

Customer Name:

Transfer No:



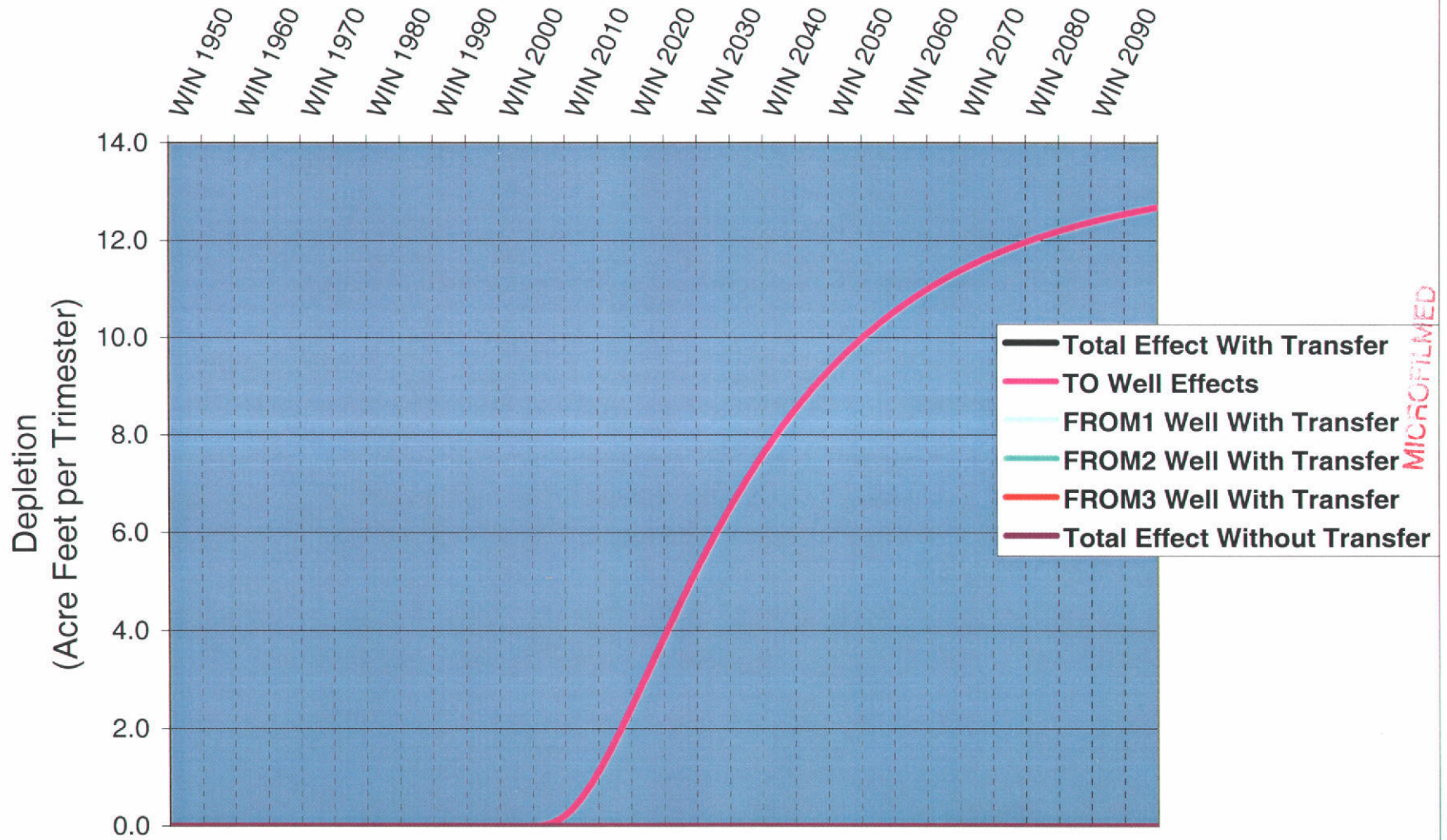
MICROFILMED

FEB 24 2004

Hydrologic Response--Near Shelley to Neeley Reach

Customer Name:

Transfer No:



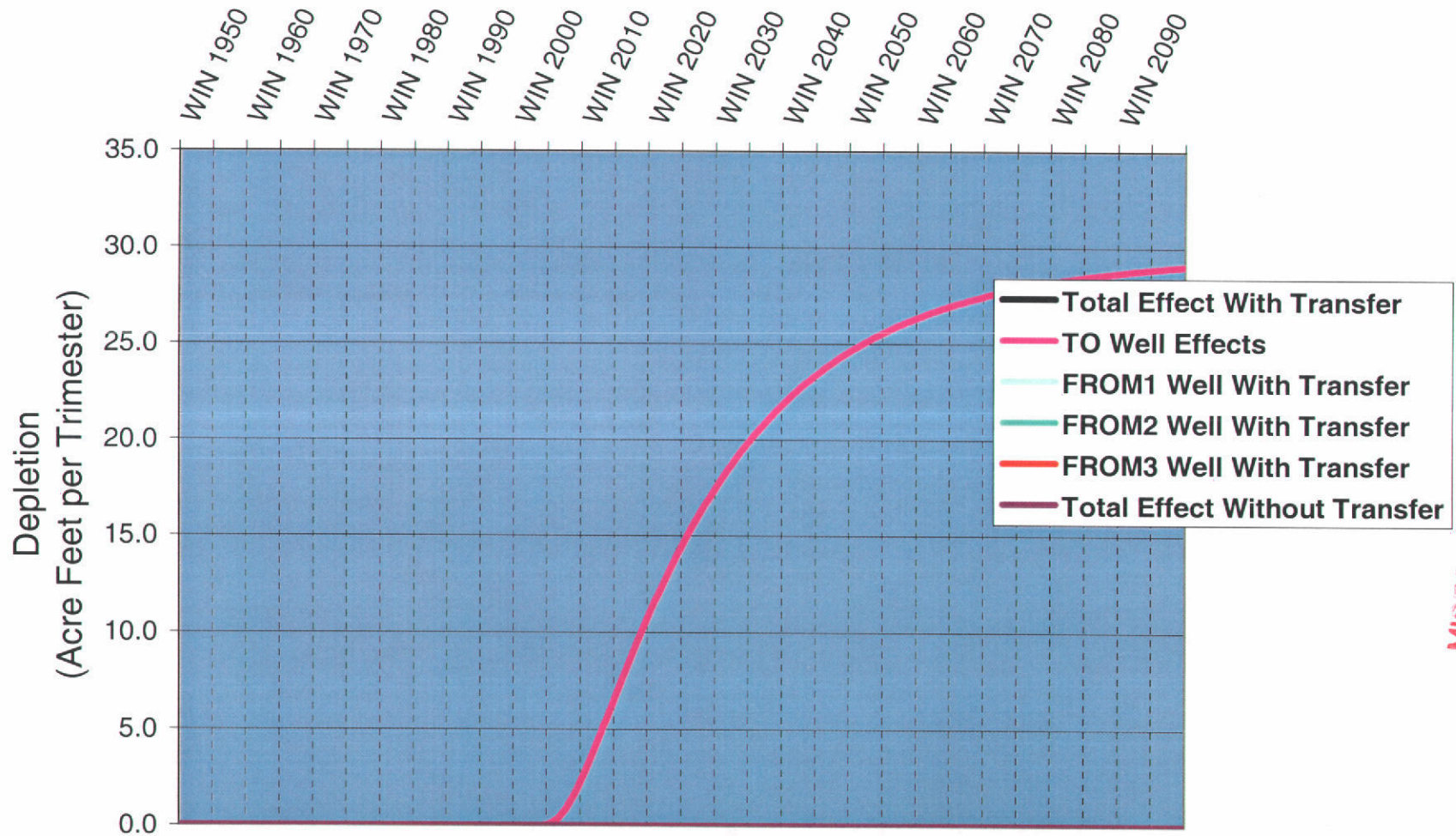
MICROFILMED

FEB 24 2004

Hydrologic Response-- Milner to King Hill Reach

Customer Name:

Transfer No:



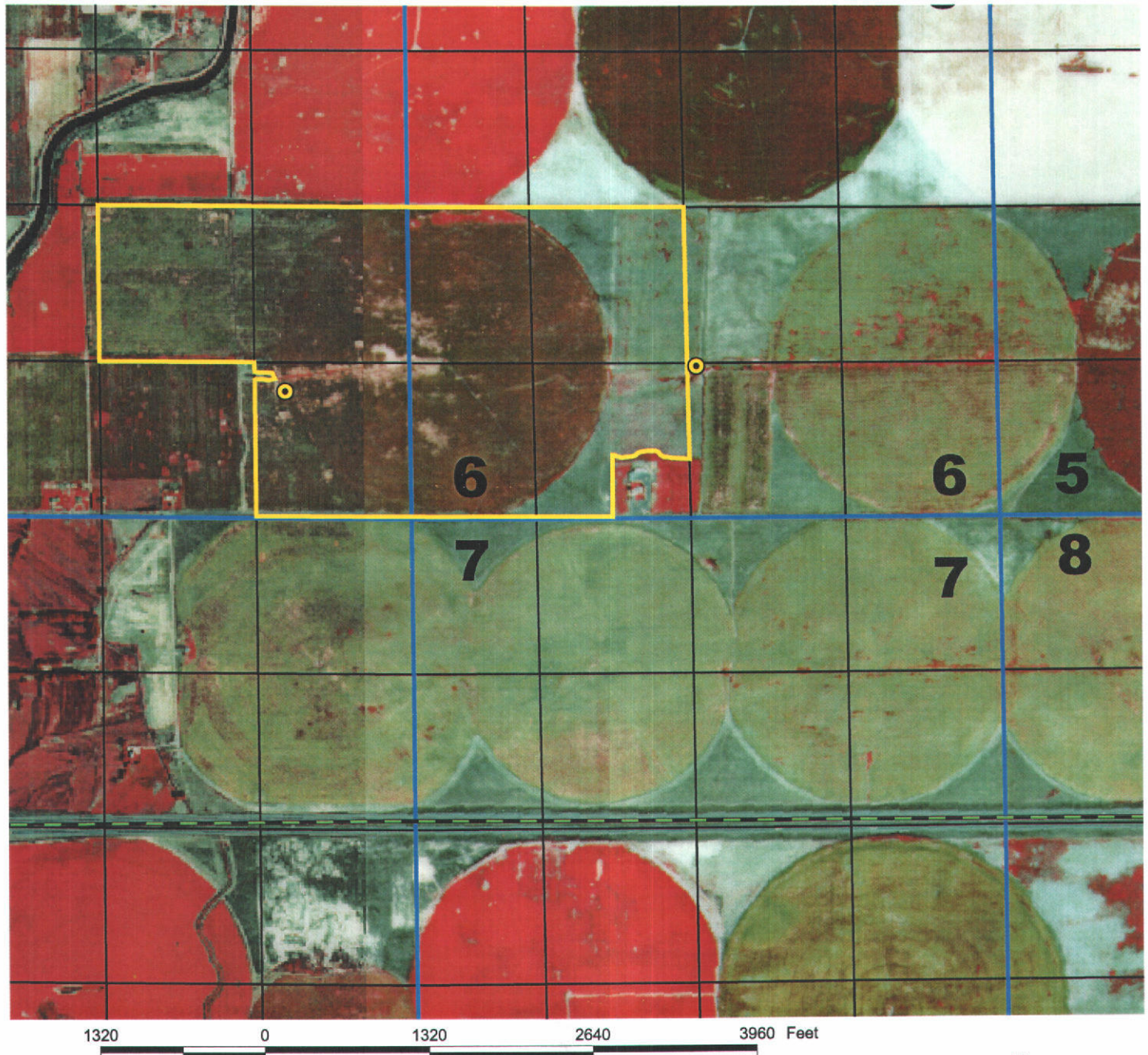
MICROFILMED

FEB 24 2004

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 45-2329A & 45-2370

COPY



PLACE OF USE

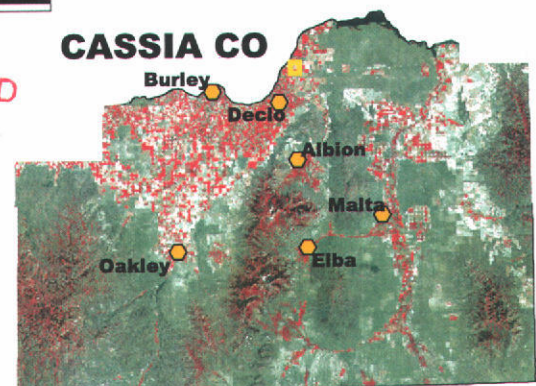
TWP 10S, RNG 24E, SEC 1

TWP 10S, RNG 25E, SEC 6

Data entry on January 18, 2002

MICROFILMED
FEB 24 2004

CASSIA CO



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

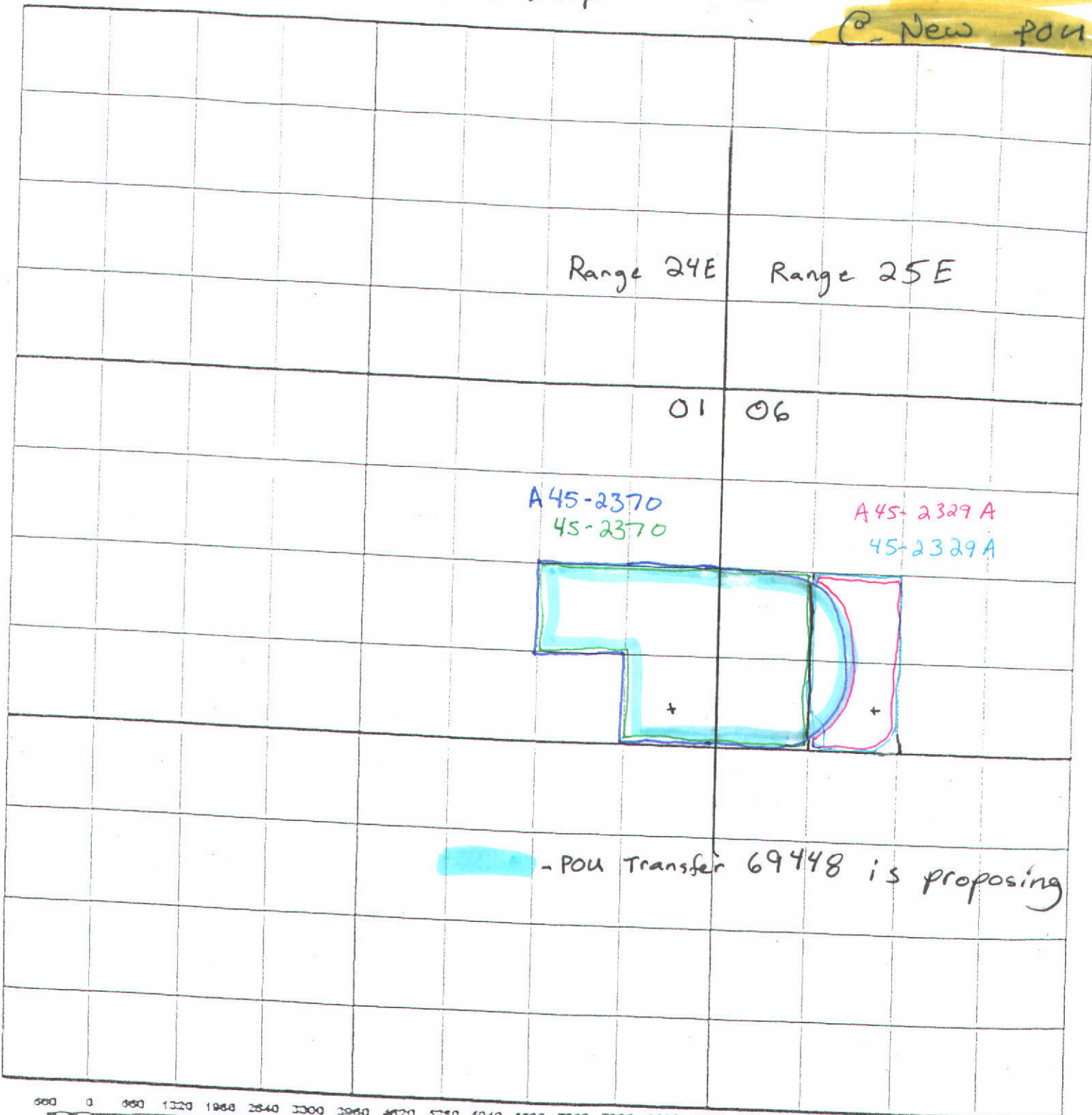
GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



IDAHO DEPARTMENT OF WATER RESOURCES

T69448

Explanatory of overlapping water rights
Township 10 S and claims
@ New POU



- POU Transfer 69448 is proposing

Overlaps @ New POU
MICROFILMED
FEB 24 2004

10/10/01
J.F.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-07002

NAME AND ADDRESS: LOMMA NEWCOMB
MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 5.44 CFS
1088.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.

PRIORITY DATE: 12/21/1969

POINT OF DIVERSION: T09S R27E S36 NESESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	5.44 CFS 1088.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T09S R27E S36	NWNE 22.0	SWNE 27.0
		NENW 40.0	NWNW 23.0
		SWNW 13.0	SENW 32.0
		NESW 19.0	SESW 13.0
		NESE 2.0	NWSE 34.0
		SWSE 37.0	SESE 10.0
	272.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1985 TO 1994.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2003

MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

RE: Application for Transfer 69448 – Right 43-7002

Dear Applicant(s):

The Department acknowledges the withdrawal of Application for Transfer 69448 that proposed a change to Water Right 43-7002.

The application has been voided and no further action will be taken.

Sincerely,

Pamela S. Skaggs
Sr. Water Resource Agent

PSS:klt

MICROFILMED

FEB 24 2004

November 10, 2003

RECEIVED
NOV 14 2003
Department of Water Resources

State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Application for Transfer 69448 - Water Right 43-7002
Attention Jeff Peppersack

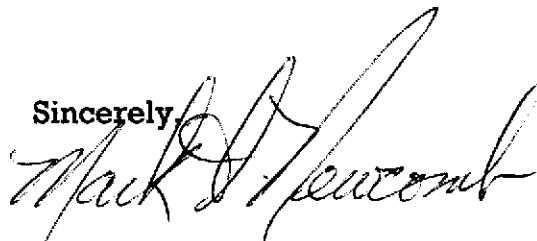
Dear Sir:

I am writing to inform you that I would like to withdraw my transfer request on the above referenced application for transfer for water right #43-7002.

Should there be any further questions, please feel free to contact me.

Thank you.

Sincerely,



Mark T. Newcomb
251 E. 200 S.
Rupert, Idaho 83350

MICROFILMED
FEB 24 2004

MAR 27 2002

Department of Water Resources

Transfer No. 69448

Receipt No. S024102

S024596

**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)436-5679

AMENDED

2/12/2002

MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350
(208)436-5679

RECEIVED

FEB 12 2002

Department of Water Resources
Southern RegionWill this transfer result in an ownership change? Yes ☒ No**2. Current Water Right****Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
43-7002	AJC/License	5.44 cfs	1088.0 af		249.4	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
43-7002	YES	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Move water to a more productive farm.

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**

NA

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

NA

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
43-13205	1.22 cfs	61.0	256.0	244.0 af
TOTAL	1.22 cfs	61.0	61.0	244.0 af

MICROFILMED

FEB 24 2004

69448

Transfer No. 69448
Receipt No. S024102

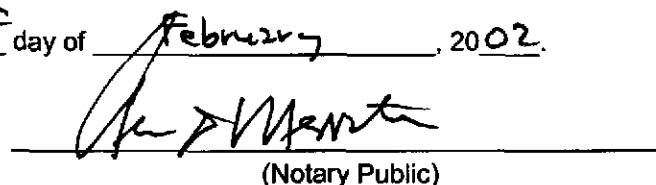
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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)

(Title or Office)

Subscribed and sworn to before me this 12th day of February, 2002.


(Notary Public)

My commission expires

6/30/06



MICROFILMED
FEB 24 2004

Transfer No. 69448
 Receipt No. S024102

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

Current Water Right No. 43-7002

Priority Date: 12/21/1969
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01	11/15	5.44 CFS	1,088.0 AFA	
Total Diversion			5.44 CFS	1,088.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	09S	27E	36	NESESW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S	27E	36	22.0	27.0	40.0	23.0	13.0	32.0	19.0	13.0	2.0	34.0	37.0	10.0	272.0				

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON.

MICROFILMED
 FEB 24 2004

Page 4

6. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1985 TO 1994.

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 affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *Land will no longer be irrigated.*

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

MICROFILMED

SEP 14 2004

Transfer No. 69448
Receipt No. S024102

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

Proposed Water Right No. 43-13205

Priority Date: 12/21/1969
Origin: Adjudication Claim
Basis: License
Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
-----------------------	-------------	-----------	-----------------------	---------------	--------------------

Total Diversion	1.22 CFS	244.0 AFA			
-----------------	----------	-----------	--	--	--

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S	24E	1	NWSESE		CASSIA
GROUND WATER	10S	25E	6	NWSWSE		CASSIA

Describe the proposed diversion system

Point of Diversion # 1 Well, pump, and sprinkler system

PLACE OF USE: IRRIGATION (Limited to 61 acres within PPU described below)

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	1													40.0	40.0			120.0
10S	25E	6									40.0	32.0	32.0	32.0					136.0
											L 6		L 7						

Total Acres: 256

MICROFILMED
FEB 24 2004

Transfer No. 69448
Receipt No. S024102

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

PORTION OF RIGHT No. 43-7002 BEING TRANSFERRED

Priority Date: 12/21/1969

Origin: Adjudication Claim

Basis: License

Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01 11/15	1.22 CFS	244.0 AFA	
	Total Diversion	1.22 CFS	244.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	09S	27E	36	NESESW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S	27E	36		6.0	17.5						18.0			13.0		1.5	5.0		61.0

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FEB 24 2004

Transfer No. 69448

Receipt No. S024102

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)436-5679

MARK T NEWCOMB
 251 E 200 S
 RUPERT ID 83350
 (208)436-5679

*Note: This transfer
 proposes changing
 from basin 43 to
 basin 45*

Will this transfer result in an ownership change? ☐ Yes ☐ No

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

	Origin/Basis	Rate	Volume	Acres	Total	Source
43-7002	AJC/License	5.44 cfs	1088.0 af	272.0	249.4	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
43-7002	YES	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Move water to a more productive farm.

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**

NA

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

NA

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
43-13205	1.22 cfs	61.0	210.0	244.0 af
TOTAL	1.22 cfs	61.0	61.0	244.0 af

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 FEB 24 2004

Transfer No. 69448
Receipt No. S024102

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)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

MICROFILMED
FEB 24 2004

Transfer No. 69448
Receipt No. S024102

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

Current Water Right No. 43-7002

Priority Date: 12/21/1969
Origin: Adjudication Claim
Basis: License
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	03/01 11/15	5.44 CFS	1,088.0 AFA	
Total Diversion		5.44 CFS	1,088.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	09S	27E	36	NESESW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S	27E	36	22.0	27.0	40.0	23.0	13.0	32.0	19.0	13.0	2.0	34.0	37.0	10.0	272.0				

Total Acres: 272

Conditions/Remarks:

1. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1985 TO 1994.
2. 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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.

MICROFILMED
FEB 24 2004

Page 4

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?

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

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

MICROFILMED
FEB 24 2004

Transfer No. 69448
Receipt No. S024102

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

Proposed Water Right No. 43-13205

Priority Date: 12/21/1969
Origin: Adjudication Claim
Basis: License
Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
-----------------------	-------------	-----------	-----------------------	---------------	--------------------

Total Diversion			1.22 CFS	244.0 AFA	
-----------------	--	--	----------	-----------	--

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S	24E	1	NWSESE		CASSIA

Describe the proposed diversion system

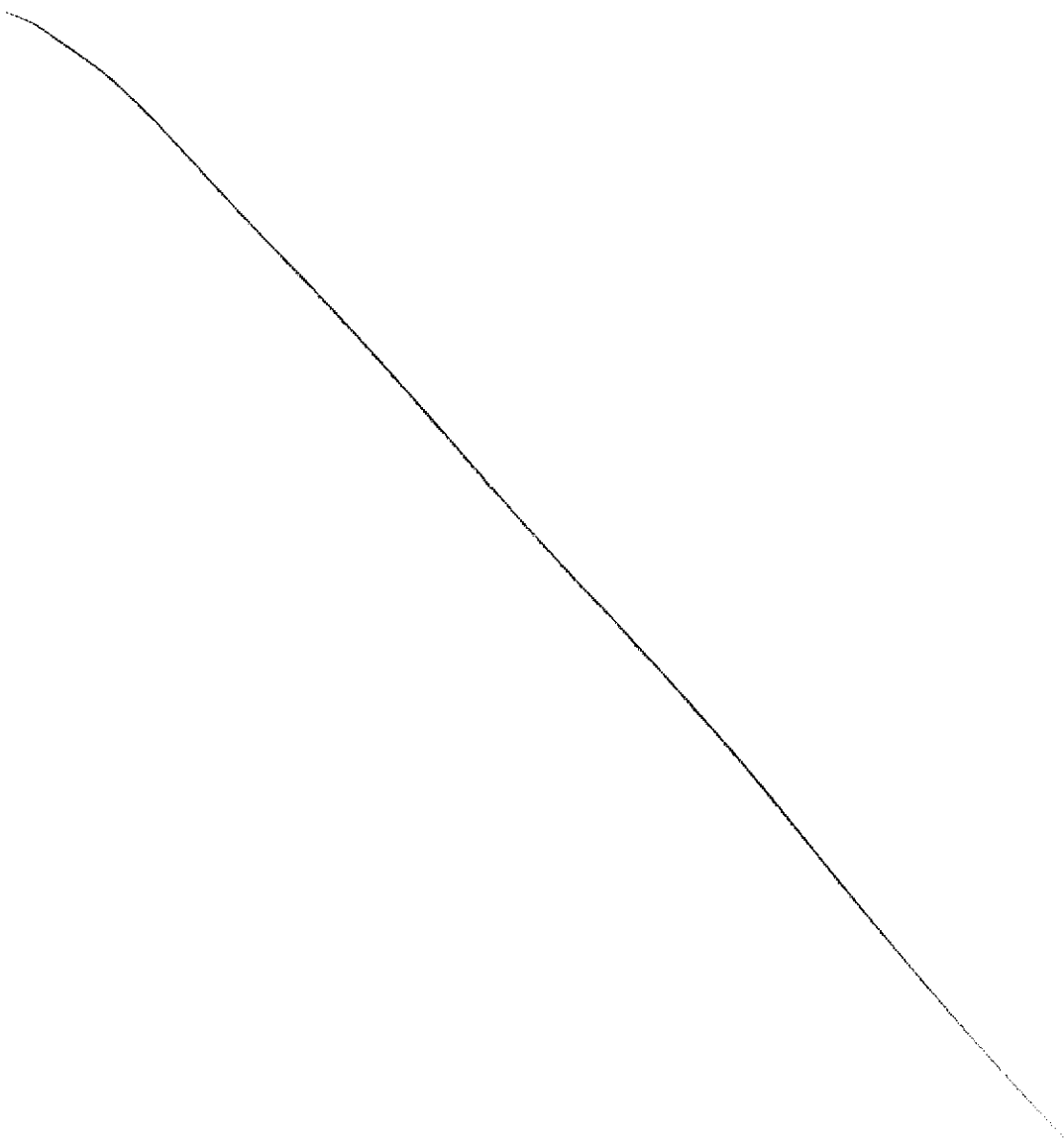
Point of Diversion # 1 Well, pump, and sprinkler system

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	1																40.0	40.0	40.0	120.0
10S	25E	6								14.0	31.0	31.0	14.0								90.0
											L 6	L 7									

Total Acres: 210

MICROFILMED
FEB 24 2004



MICROFILMED

FEB 24 2004

Transfer No. 69448
Receipt No. S024102

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

PORTION OF RIGHT No. 43-7002 BEING TRANSFERRED

Priority Date: 12/21/1969
Origin: Adjudication Claim
Basis: License
Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01 11/15	1.22 CFS	244.0 AFA	
Total Diversion		1.22 CFS	244.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	09S	27E	36	NESESW		CASSIA

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	
09S 27E 36		6.0	17.5						18.0			13.0			1.5	5.0	61.0

Total Acres: 61

RECORDED
JUN 24 2004

(Internet)

Page 1 of 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

69448

RECEIVED

JUL - 6 2001

Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MARK T. NEWCOMB Phone 436-5679
Post Office address 251 E 200 SOUTH RUPERT ID 83350

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes MOVE WATER RIGHT TO A
MORE PRODUCTIVE FARM

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|------------|--------------------------|------------------------------|-------------------------|
| 43-7002 | 12/21/1969 | 1.22 cfs | IRRIGATION | 3/1 to 11/15 |
| 43-12205 | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred | | 1.22 | cubic feet per second and/or | 244 acre-feet per annum |
| 3. Source of water | | GROUNDWATER tributary to | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use: LIMITED TO 61 ACRES

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
10S	24E	01												40	40		40	120	
10S	25E	06									14	31	31	14				90	
Added/Replaced 2-12-2002											LOT 8	LOT 7							

Total acres 210

PART 1

6. General Information:

a. Description of diversion system EXISTING WELL, PUMP, AND SPRINKLER
SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

LAND WILL NO LONGER BE IRRIGATED

d. Remarks:

PROPOSED POINT OF DIVERSION AND PLACE OF USE
SAME AS POINT OF DIVERSION AND PLACE OF USE DESCRIBED
UNDER RIGHT 45-2370

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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FEB 24 2004

Page ~~3~~ 7

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

Current Water Right No. 43-7002**Priority Date:** 12/21/1969**Origin:** Adjudication Recommendation**Basis:** License**Status:** Active**GROUND WATER**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01 11/15	5.44 CFS	1,088.0 AFA	
Total Diversion		5.44 CFS	1,088.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	09S	27E	36	NESESW		CASSIA

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		
09S	27E	36																		
			22.0	27.0			40.0	23.0	13.0	32.0	19.0			13.0	2.0	34.0	37.0	10.0		272.0

Total Acres: 272

Conditions/Remarks:

1. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1985 TO 1994.
2. 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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-10790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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Page ~~A~~ 4 of 7

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

Current Water Right No. 43-7002

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 affect on the current place of use for this water right if the place of use is changed pursuant to this transfer LAND WILL NO LONGER BE IRRIGATED
(61 ACRES)

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

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SEP 24 2004

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.22 cfs for IRRIGATION purposes from 3/1 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	36	09S	27E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
09S	27E	36		6	17.5						18			13		1.5	5		61

Total acres 61

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 4.22 cfs for IRRIGATION purposes from 3/1 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	36	09S	27E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
09S	27E	36		16	9.5		40	23	13	32	1				2	32.5	32	10	211

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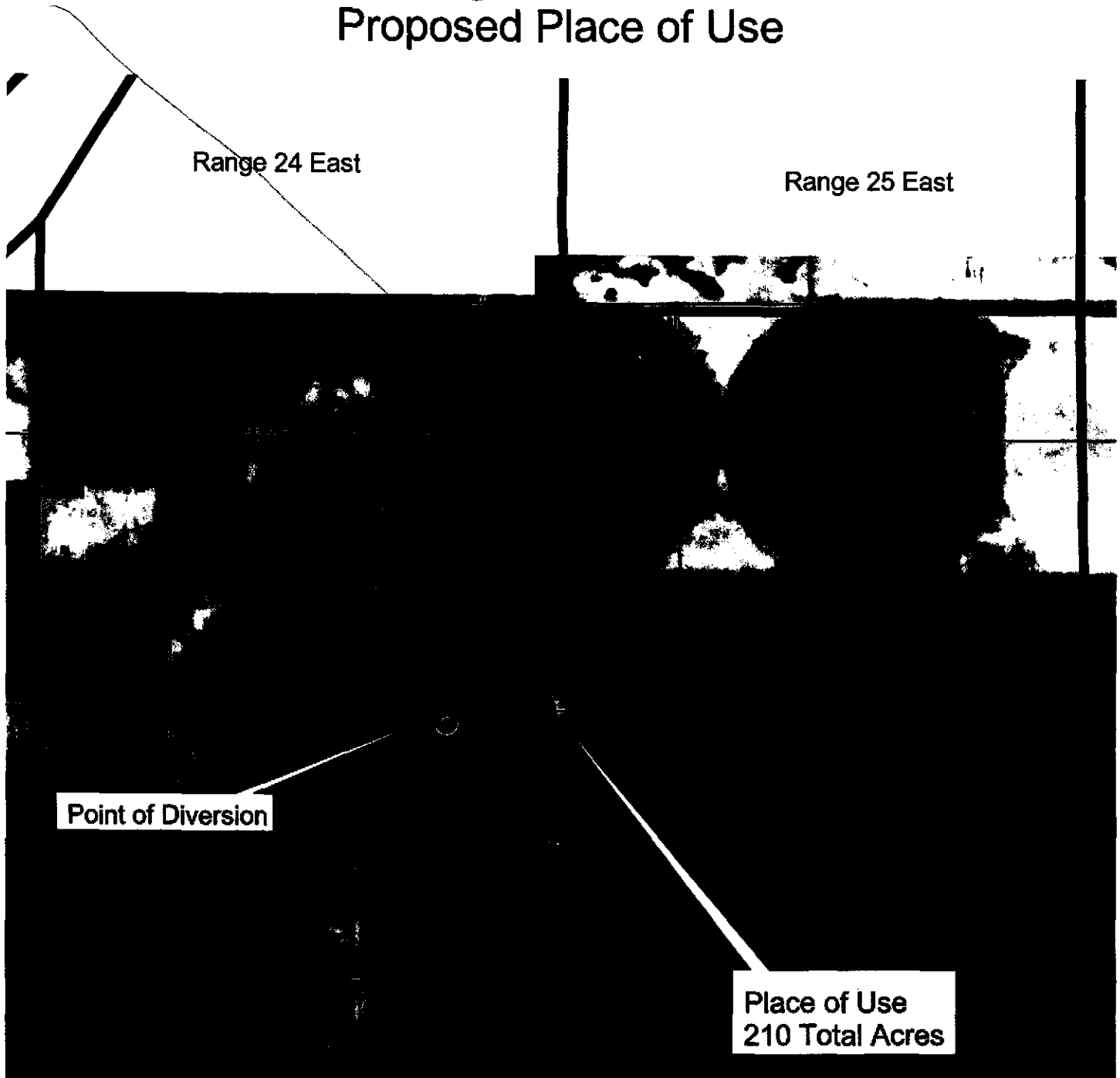
FEB 24 2004

Total acres 211

pg 6 of 7

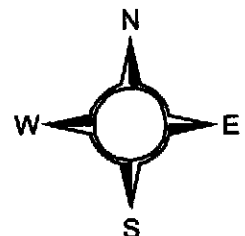
T69448

Mark Newcomb Transfer Application
Right 43-7002
Proposed Place of Use



- Newcombpod.shp
- Newcomb.shp
- Sections.shp
- T10s25e.shp
- T10s24e.shp

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Data Entry by C. Skinner
FEB 24 2001
JUNE 11, 2001



Page 7 of 7

Transfer No. _____

PART 3**B. CHANGES IN NATURE OF USE**

1 <u>NA</u>	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

NA 2. Quantity and quality of return flows and location of discharge:

NA 3. Describe effects on other water uses resulting from the proposed change:

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]
(Signature of Applicant)

Subscribed and sworn to before me this 6 day of July, 19-2001.

[Signature]
(Notary Public)

My commission expires 1-19-2002

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments

Received by JF Date 7/6/01 Protest filed by _____

Prelim. check by JF Fee 290

Receipted by JF Date 7/6/01 5024 102

Published in So. Ill. Press Copies of protest forwarded by _____

Pub. dates 11/12 & 11/19/01 Hearing held by _____ Date _____

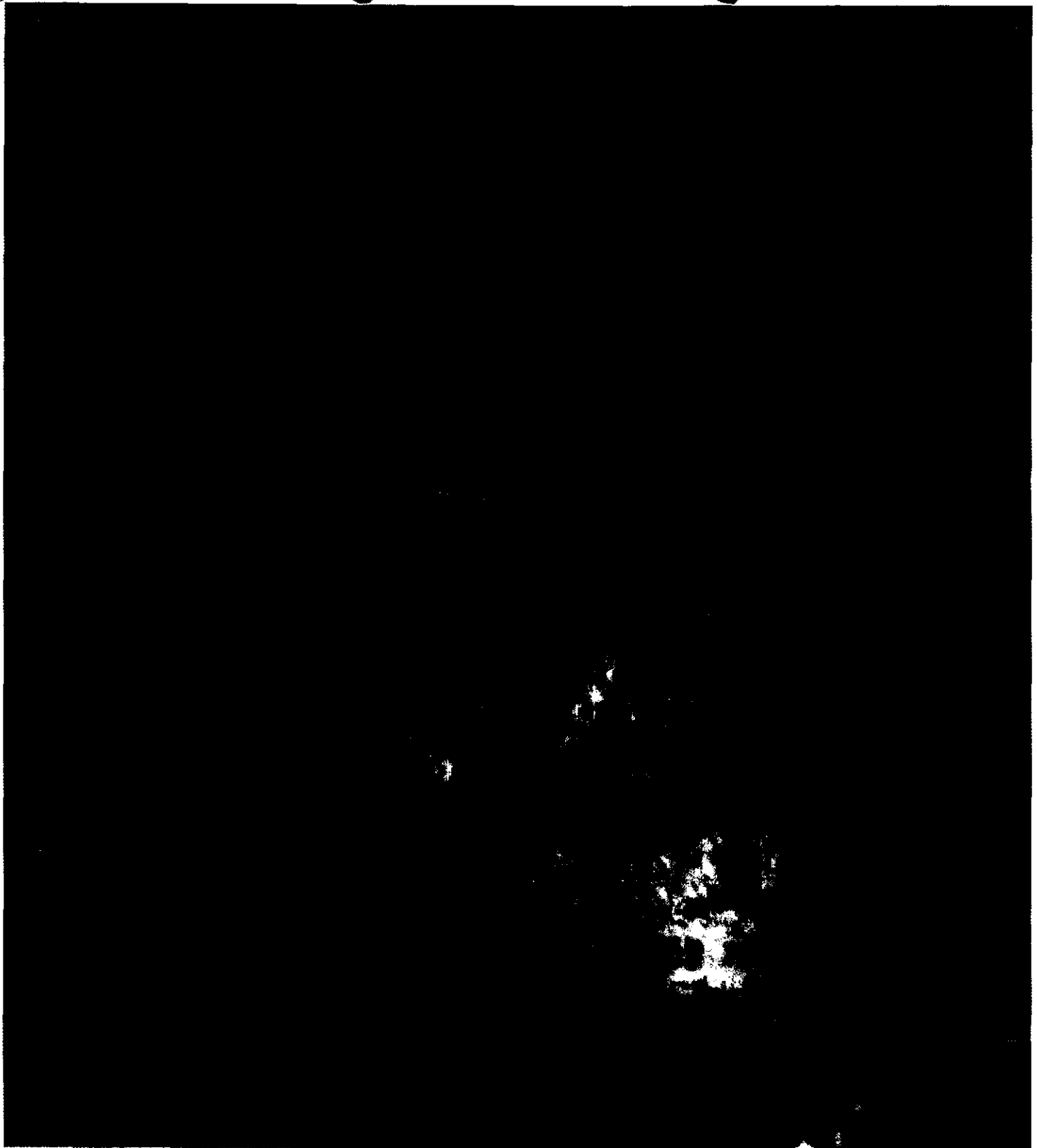
Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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SEP 2 2003



330 0 330 660 Feet



-  Subject Property
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

43-7002 & 43-10790

MICROFILMED

APR 2 4 2005



DJONES, 6/11/01

Office of

T69448

CASSIA COUNTY ASSESSOR*Martell C. Holland*

1459 Overland Avenue
Burley, Idaho 83318
Phone (208) 878-3540

FACSIMILE TRANSMITTAL COVER SHEET

RECEIVED
OCT 22 2001
Department of Water Resources
Southern Region

DATE: 10-22-01
TO: Water Resources
ATTN: John Fretting
FAX NUMBER: 736-3037

FROM: Linda
FAX NUMBER: (208) 878-1014

TOTAL NUMBER OF PAGES SENT, INCLUDING THIS PAGE: 8

RE: _____

MEMO, MESSAGE OR SPECIAL INSTRUCTIONS:

If you do not receive all pages clearly, or if the transmission is not successfully received, please call the sender as soon as possible at our telephone number set forth above. THANK YOU.

FORMS\FAX.FRM

MICROFILMED

OCT 22 2001

16: 10: 36

PH8001
NUMERIC ROLL

** PARCEL KEY **
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

RP 09827E360730 A NEWCOMB, MARK T T 7296
046-00 RP09827E360730T 251 EAST 200 SOUTH S 36 T 9 R 27
RUPERT ID B3350

1	195.000	AC	66.300	2001
2	124.000	AC	42.160	2001
5	76.630	AC	2.432	2001
19	2.750	AC		2001

181943
139770
131431

PROPERTY ADDRESS:

398.380 ** 110,912 ***

COMMENTS: RRF
INSP YR: 2001

CONVERTED* 2001/10/12-08:30:16

RP 10824E017200 A NEWCOMB, MARK
007-00 RP10824E017200T 251 EAST 200 SOUTH
RUPERT ID B3350

N1/2BE, SESE
S 1 T 10 R 24

1	119.250	AC	63.799	2001
19	.750	AC		2001

212679
209000
193698
109136

PROPERTY ADDRESS:

120.000 ** 63,799 ***

INSP YR: 2001

RP 10825E064801 A NEWCOMB, MARK
007-00 RP10825E064801T 251 EAST 200 SOUTH
RUPERT ID B3350

LOTS 6 & 7, NESW, T 5569
S 6 T 10 R 25

1	121.900	AC	65.217	2001
5	15.000	AC	480	2001
19	1.640	AC		2001

212679
209000
193698
108763

PROPERTY ADDRESS:

138.540 ** 65,697 ***

COMMENTS: S1091
INSP YR: 2001

CONVERTED* 2001/10/12-08:30:18

NUMBER OF PARCELS-

3

TOTAL QUANTITY

656.920

TOTAL MARKET **

240.408

**** PROMPT RESPONSES ****

LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS	FROM	TO
	RP09827E360730A	RP09827E360730A
	RP10824E017200A	RP10824E017200A
	RP10825E064801A	RP10825E064801A

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2002 4 2003

02

RECEIVED

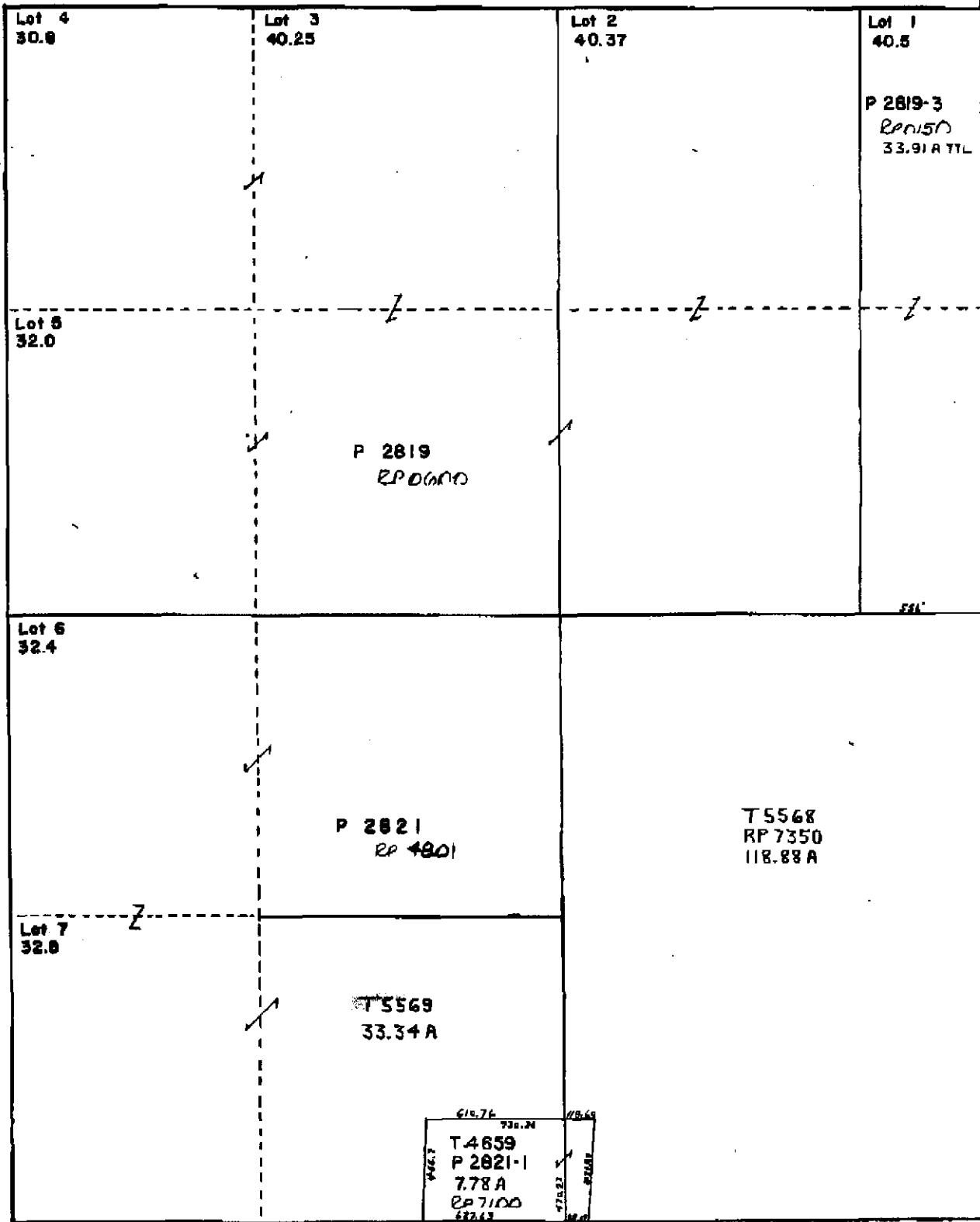
OCT 22 2001

Department of Water Resources
Southern Region

CASSIA COUNTY

10/22/01 15:18 FAX 2088781014

Section **6** Township **10** Range **25**



SCALE 1 in. = 400 ft.

C23
178 134 L

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SEP 24 2004

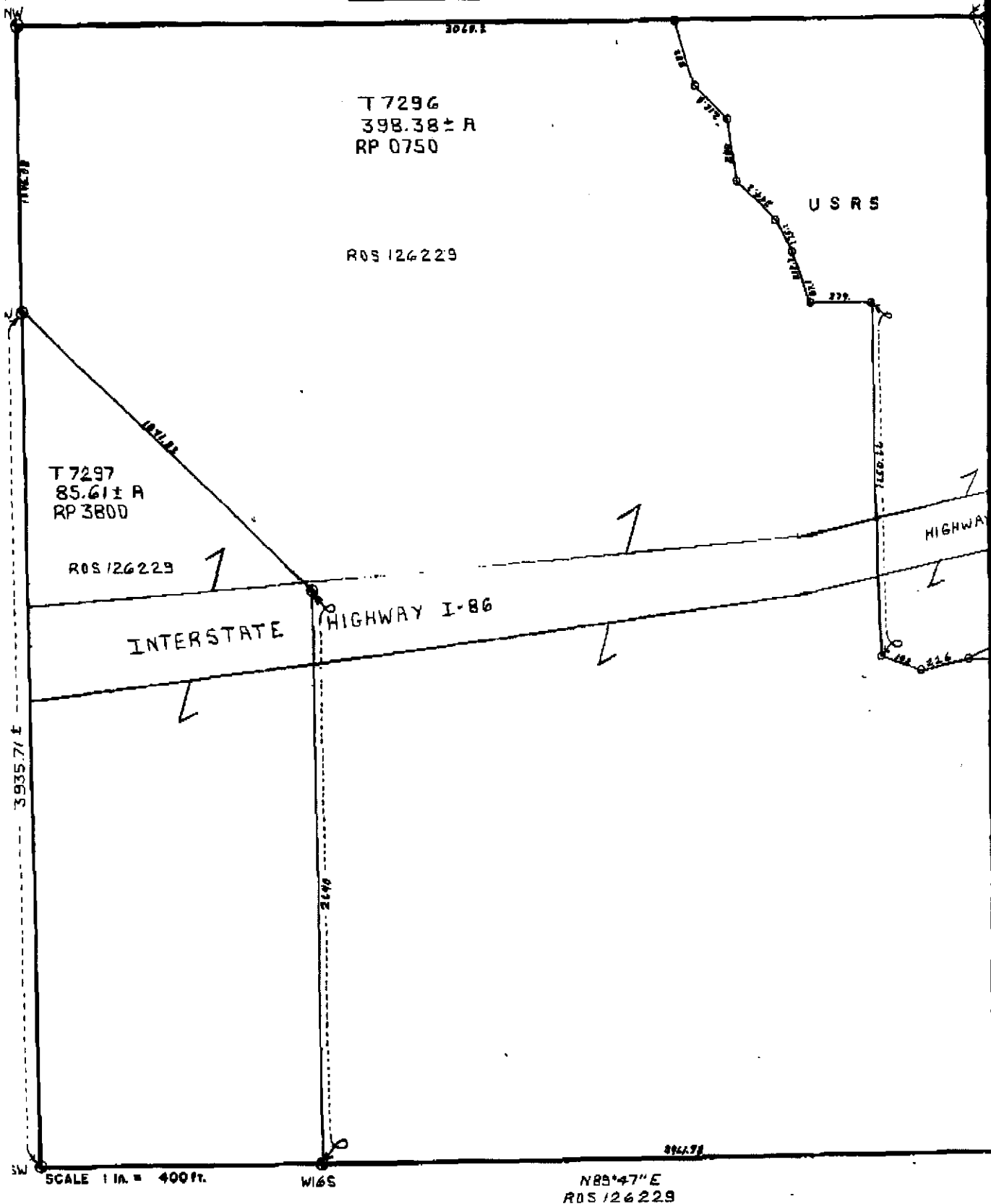
Tax 5569

Township 10 South, Range 25 E.B.M., Section 6; SE $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPT the following described tract: Beginning at the South $\frac{1}{4}$ corner of said Section 6 which shall be the Point of Beginning; Thence N89°51'00"W along the Section line for 627.63 feet; Thence N2°04'18"E for 466.70 feet; Thence N89°47'25"E for 610.76 feet to a point on the $\frac{1}{4}$ Section line; Thence S0°00'00"W along said $\frac{1}{4}$ Section line for 470.27 feet to the Point of Beginning. Per QC212679.

33.34 A

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FEB 24 2008

Section 36 Township 9 Range 27

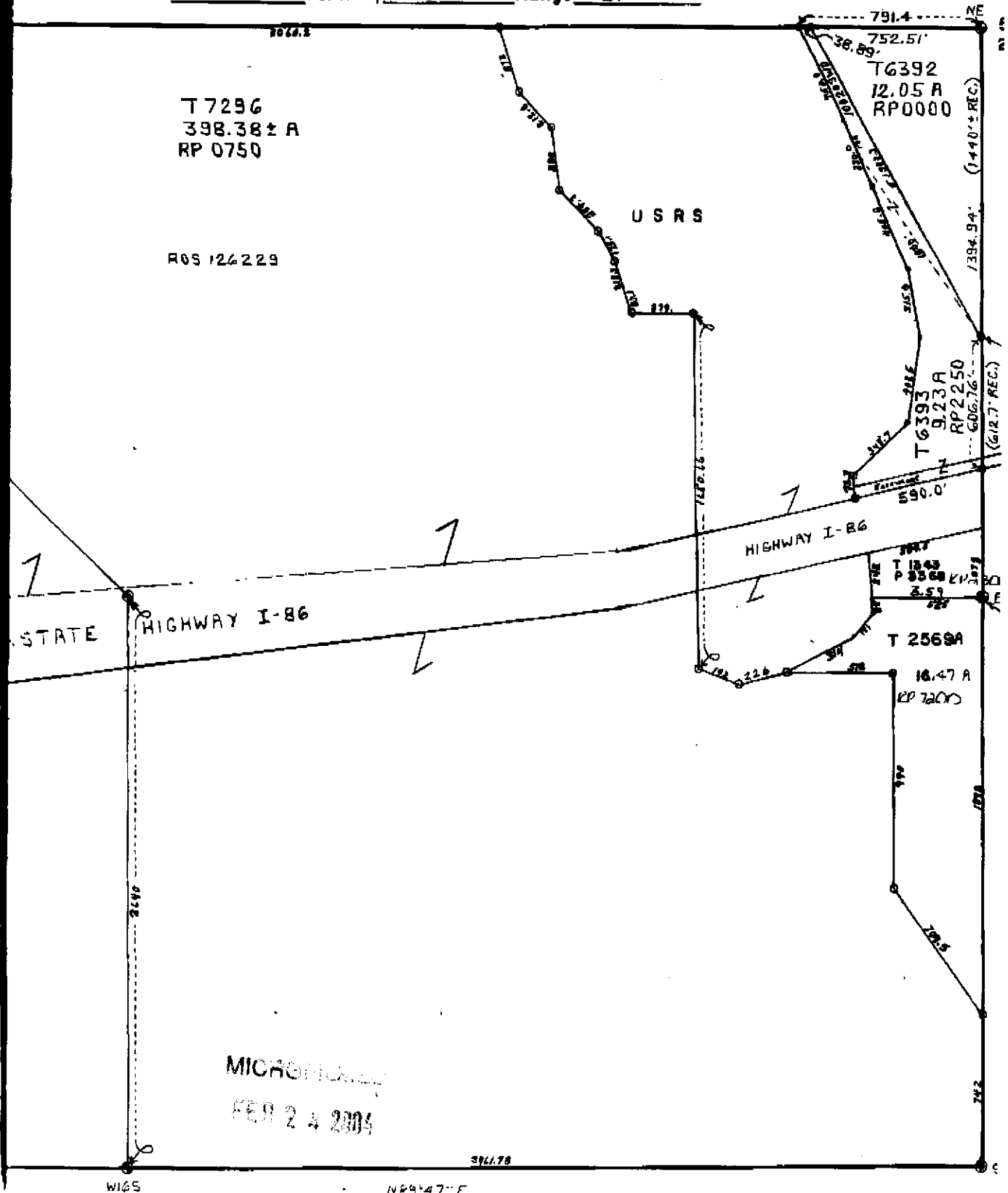


C33
178 38 R

MICROFILMED
FEB 24 2004

09527E36

Section 36 Township 9 Range 27



Tax 7296

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOULE MERIDIAN,
CASSIA COUNTY, IDAHO, Section 36: That portion of said
Section 36, described as follows:

Beginning at the Southeast corner of said Section 36,
which shall be the True Point of Beginning;

Thence North $0^{\circ}17'$ East for 742 feet to a point;

Thence North $35^{\circ}30'$ West for 709.5 feet to a point;

Thence North for 990 feet to a point;

Thence West for 512 feet to a point;

Thence South $72^{\circ}28'$ West for 226 feet to a point;

Thence North $69^{\circ}43'$ West for 192 feet to a point;

Thence North 1650.66 feet to a point;

Thence West for 279.0 feet to a point;

Thence North $19^{\circ}55'$ West for 87.1 feet to a point;

Thence North $18^{\circ}13'$ West for 218.3 feet to a point;

Thence North $27^{\circ}45'$ West for 175.1 feet to a point;

Thence North $43^{\circ}48'$ West for 254.3 feet to a point;

Thence North $7^{\circ}40'$ West for 280 feet to a point;

Thence North $43^{\circ}37'$ West for 212.8 feet to a point;

Thence North $17^{\circ}18'$ West for 273 feet to a point on

the North section line of said Section 36;

Thence North $89^{\circ}40'$ West along said section line
for 3060.2 feet to a point on the West section line;

Thence South along said section line for 1345.08
feet to a point;

Thence South $45^{\circ}30'34''$ East for 1841.83 feet to a
point;

Thence South for 2640 feet to a point on the South
section line of said Section 36;

Thence North $89^{\circ}47'$ East along said section line
for 3961.98 feet to the True Point of Beginning.

EXCEPTING all that portion (of the above) of said
Section 36 that has been conveyed to or taken by the
State of Idaho for Highway right-of-way.

Reference WD181945 and ROS126229. tdm 10/11/96.

398.38± A

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FEB 24 2004

JUL - 6 2001

Department of Water Resources
Southern Region

COPY

209000

WARRANTY DEED

THIS INDENTURE, made this 3 day of July, 1990, between TERRIE L. TAYLOR, a married woman, contracting as and with her sole and separate property, of 2445 River Road, Heyburn, Idaho 83336, ("Grantor"), and BRUCE C. NEWCOMB and MARK NEWCOMB, each married persons contracting as and with their sole and separate property, whose address is 1626 Monroe, Burley, Idaho 83318, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

That property more full described on Exhibit A attached hereto and made a part hereof by reference.

SUBJECT TO: 1990 taxes, levies and assessments, Unpatented mining claims, reservations or exceptions in patents or state grants or in acts authorizing the issue thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder

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PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

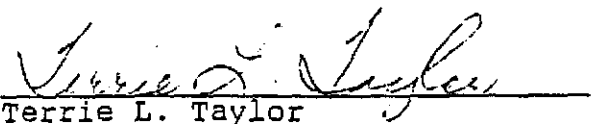
1 and remainders, rents, issues and profits thereof, and all
2 estate, right, title and interest in and to said property as
3 well in law as in equity of the Grantor.

4 TO HAVE AND TO HOLD, all and singular the above-
5 mentioned and described premises, together with appurtenances
6 unto the Grantee and to the heirs and assigns of Grantee
7 forever.

8 The Grantor shall and will warrant and by these
9 presents will forever defend the said premises in the quiet and
10 peaceable possession of the Grantee, and the heirs and assigns
11 of Grantee against all and every person and persons whomsoever
12 lawfully claiming the same, except as aforesaid.

13 The Grantor represents that she is one and the same
14 person as Terrie L. Simpson and Terrie L. Newcomb. The Grantor
15 further represents that although married she is contracting with
16 her sole and separate property in the execution of this deed.

17 IN WITNESS WHEREOF, the Grantor has executed this Deed
18 the day and year first above written.

19 
20 Terrie L. Taylor

21
22
23 STATE OF IDAHO)
24 County of Cassia) ss

25 On this 3 day of July, in the year of 1990, before
26 me, the undersigned, a Notary Public in and for said State,
personally appeared TERRIE L. TAYLOR, known or identified to me
to be the person whose name is subscribed to the within

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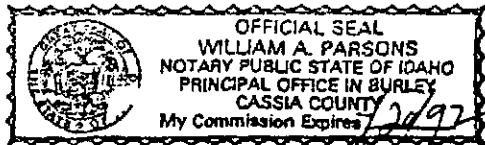
FEB 24 2004

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

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instrument, and acknowledged to me that she executed the same.

William A. Parsons
Notary Public for Idaho
Residing at Burley
My commission expires on _____



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FEB 24 2004

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: NW~~1~~SE~~1~~ and E~~1~~SE~~1~~

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: SW~~1~~, W~~1~~SE~~1~~ and W~~1~~E~~1~~SE~~1~~ EXCEPT the following
described tract:

Beginning at the South quarter section corner of
said Section 6, said point marked by a 5/8 inch
rebar which shall be the Point of Beginning;
Thence North 89°51' West (Basis of Bearing) along
section line for 627.63 feet to a 1/2 inch rebar;
Thence North 2°04'18" East for 466.70 feet to a 1/2
inch rebar;
Thence North 89°47'25" East for 730.36 feet to a
1/2 inch rebar;
Thence South 3°49'18" West for 471.99 feet to a 1/2
inch rebar on section line;
Thence North 89°51' West for 88.14 feet along said
section line to the Point of Beginning.

Exhibit A to Warranty Deed

MICHO

FEB 24 2004

200000

RECORDS & DEEDS
LAND TITLE & ESCROW

FILM 218

AUG 15 A 14⁰⁰ 9⁰⁰

CASSIA COUNTY, IDAHO
FRANK B. EARNES
DEED

FEE 1200 LL

MICROFILMED

FEB 24 2004

JUL - 6 20

Department of Water Resources
Southern Region

COPY T69448

WARRANTY DEED

THIS INDENTURE, made this 29th day of May, 1984,
between ADELLE BRIM, a widow, hereinafter called the "Grantor",
and MARK T. NEWCOMB, whose address is Route 1, Declo, Idaho,
83323, hereinafter called the "Grantee".

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of America,
and other good and valuable consideration, to the Grantor in hand
paid by the Grantee, the receipt whereof is hereby acknowledged,
has granted, bargained and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the
heirs and assigns of Grantee, forever, all of the following
described real estate situated in the County of Cassia, State of
Idaho, to-wit:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 1: That portion of property located in

Lot 3, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3,

thence South 208.7 feet; thence West 626.1 feet;

thence North 208.7 feet; thence East 626.1 feet

to the Point of Beginning.

Section 5: $W\frac{1}{2}$ Lot 4*, $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$.Section 6: $S\frac{1}{2}N\frac{1}{2}$; $SW\frac{1}{4}$; and $SE\frac{1}{4}$ lying North of
Highway 15W right of way, and Lots 1, 2, 3, and 4.

TOWNSHIP 9 SOUTH, RANGE 27 EAST, BOISE MERIDIAN

Section 36: That portion of said Section 36,
described as follows:Beginning at the Southeast corner of said Section 36,
which shall be the True Point of Beginning;

*Designated as Lot 6 in U.S. Patent No. 11-85-077 recorded Cassia
County as Instrument No. 173230, on Film No. 176.

Thence North 0°17' East for 742 feet to a point;
Thence North 35°30' West for 709.5 feet to a point;
Thence North for 990 feet to a point;
Thence West for 512 feet to a point;
Thence South 72°28' West for 226 feet to a point;
Thence North 69°43' West for 192 feet to a point;
Thence North 1650.66 feet to a point;
Thence West for 279.0 feet to a point;
Thence North 19°55' West for 87.1 feet to a point;
Thence North 18°13' West for 218.3 feet to a point;
Thence North 27°45' West for 175.1 feet to a point;
Thence North 43°48' West for 254.3 feet to a point;
Thence North 7°40' West for 280 feet to a point;
Thence North 43°37' West for 212.8 feet to a point;
Thence North 17°18' West for 273 feet to a point on
the North section line of said Section 36;
Thence North 89°40' West along said section line for
3060.2 feet to a point on the West section line;
Thence South along said section line for 1345.08 feet
to a point;
Thence South 45°30'34" East for 1841.83 feet to a
point;
Thence South for 2640 feet to a point on the South
section line of said Section 36:
Thence North 89°47' East along said section line for
3961.98 feet to the True Point of Beginning.

EXCEPTING all that portion of said Section 36 that
has been conveyed to or taken by the State of Idaho
for Highway right of way.

PARCEL #2:

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE MERIDIAN
Section 6: An undivided one-half interest in all
that part of S½SE¼ of said Section 6, lying South
of Highway 15W right of way.

SUBJECT TO:

Taxes, levies and assessments; and a Lease from
United States Department of Interior, Bureau of
Land Management, to Petrolic Corporation and the
Agreement to Purchase of Power with Raft River
Electric.

TOGETHER with all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or in anywise apper-
taining, the reversion and reversions, remainder and remainders,

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FEB 24 2004

rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Adelle Brim

STATE OF IDAHO)
) ss
County of Cassia)

On this 29th day of May, in the year 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared ADELLE BRIM, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Della Mae Johnson
Notary Public for Idaho
Residing at Burley Idaho

MEMORANDUM

Date: November 10, 2003
To: Transfer 69448
From: Shelley Keen *SWK*
Re: Intent to Withdraw

This morning Mark Newcomb (208-431-0020) called to tell me that he intends to withdraw this transfer application.

MICROFILMED
FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 31, 2003

MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

Re: Application for Transfer 69448 - Water Right 43-7002

Dear Applicants:

The Department of Water Resources is currently reviewing your application for transfer of water rights to transfer from irrigation use near Raft River to the same use near the Snake River downstream of Minidoka Dam. After preliminary review of the application, some concerns were identified regarding injury issues that may result from your proposed changes.

A hydrologic review was completed for your transfer and found that the proposed change would result in increased depletions to separate reaches of the Snake River. Based on guidance issued by the Director in October 2002, transfers proposing to move the point of diversion for ground water rights within the East Snake Plain Aquifer are not approvable if the change would result in increased depletions to any hydraulically-connected reach of the Snake River unless acceptable mitigation is provided. In addition, the change essentially amounts to a new appropriation in the proposed area which is prohibited under the existing Snake River moratorium order.

You may wish to withdraw your application or amend it with an alternate proposal that will avoid injury to other water right holders. The Department will hold further processing of this application for 30 days to allow submittal of a withdrawal or amendment or any additional information you may wish to submit in support of your existing application. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if we do not receive a response from you regarding the application, the Department will issue a preliminary order to reject or deny the application.

If you have questions, please feel free to contact the department.

Sincerely,

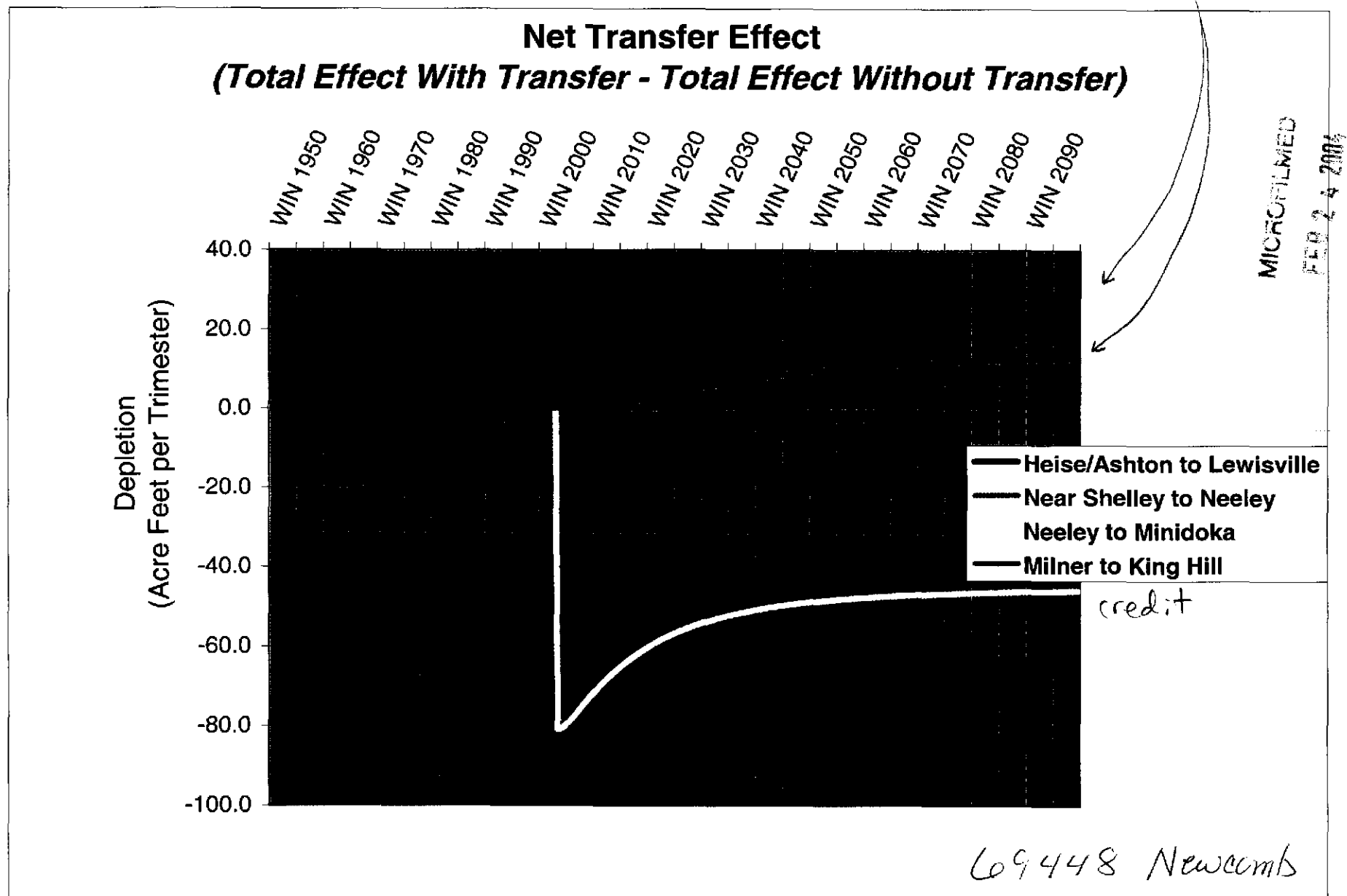
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

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FEB 24 2004

Transfer changes from Neeley-Minidoka reach to above the Milner to King Hill Reach - increased impacts to



ADM memo discussed response zone problems - No correspondence to Applicant in file about possible mitigation.



Ground-Water Rights Transfer

Determine ground-water model row and cell for Water Rights Transfers

	Township	Range	Section	Zoom	GW model	
					Row	Column
"To" Cell	10S	24E	01		06	27
	10 S	24 E	6			
"From1" Cell	09S	27E	25		07	33
		Actually 34 - Outside Model				
"From2" Cell						
"From3" Cell						

Fill in the legal description of the cells you want to put in the model spreadsheet and press the "Determine rows and columns" button.

Please note: If a section covers more than one ground-water model cell, the row and column values will be filled from the first cell found. To see a map of the the chosen section/cell press the zoom-button for the cell you want to inspect. Please display each

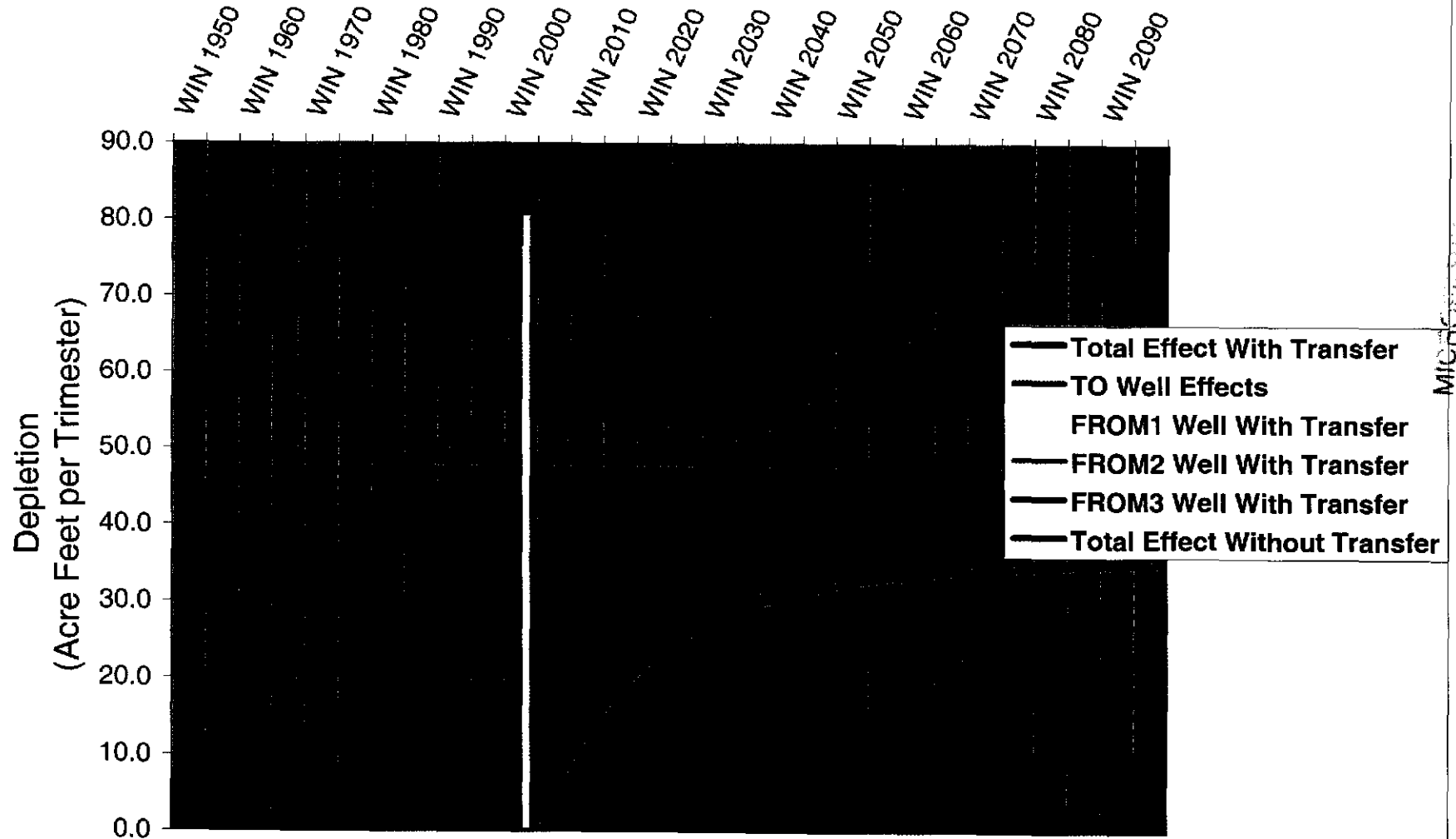
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FEB 24 2004

Hydrologic Response--Neeley to Minidoka Reach

Customer Name:

Transfer No:



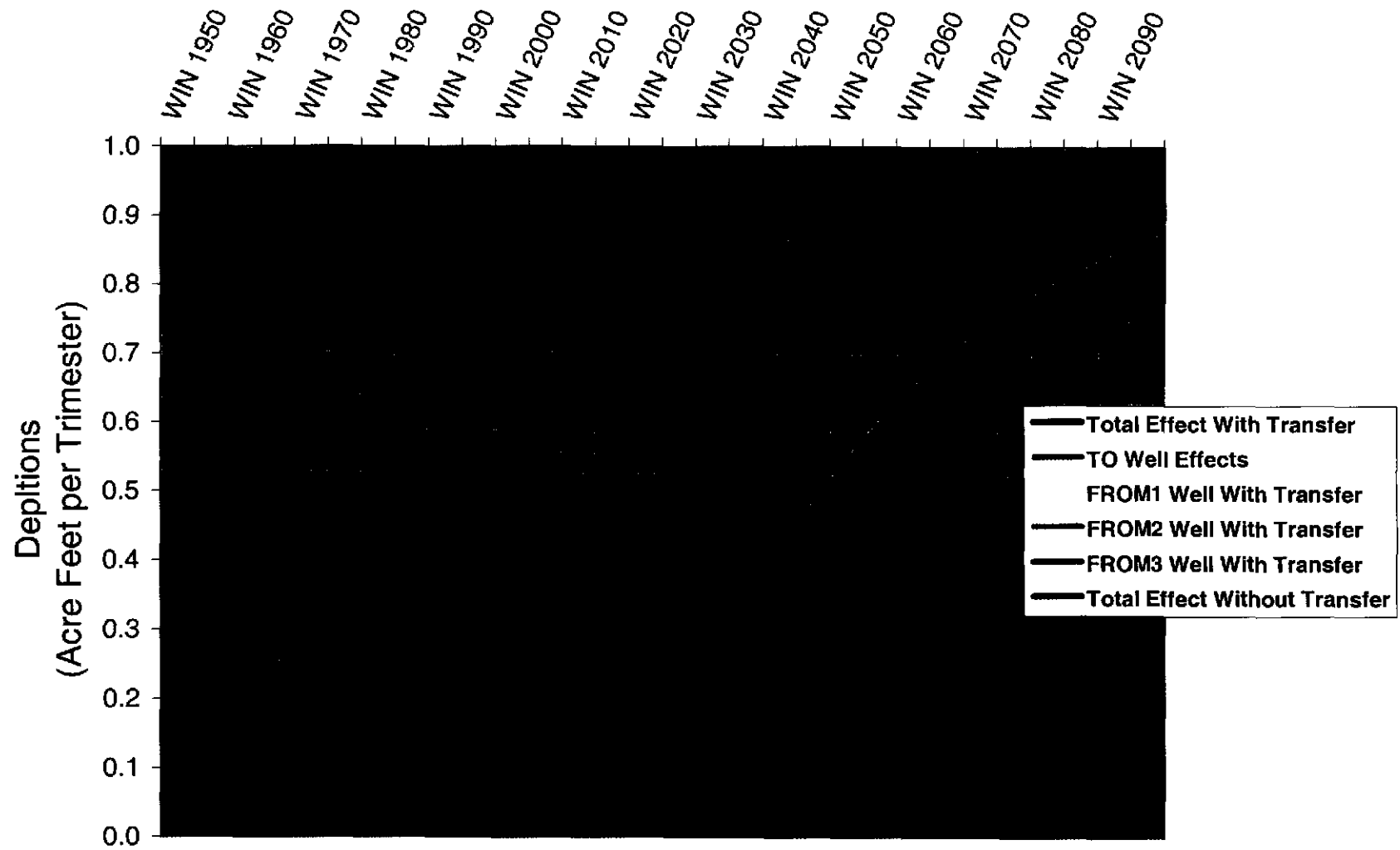
MICROFIT/ML2

FEB 24 2006

Hydrologic Response--Heise/Ashton to Lewisville

Customer Name:

Transfer No:



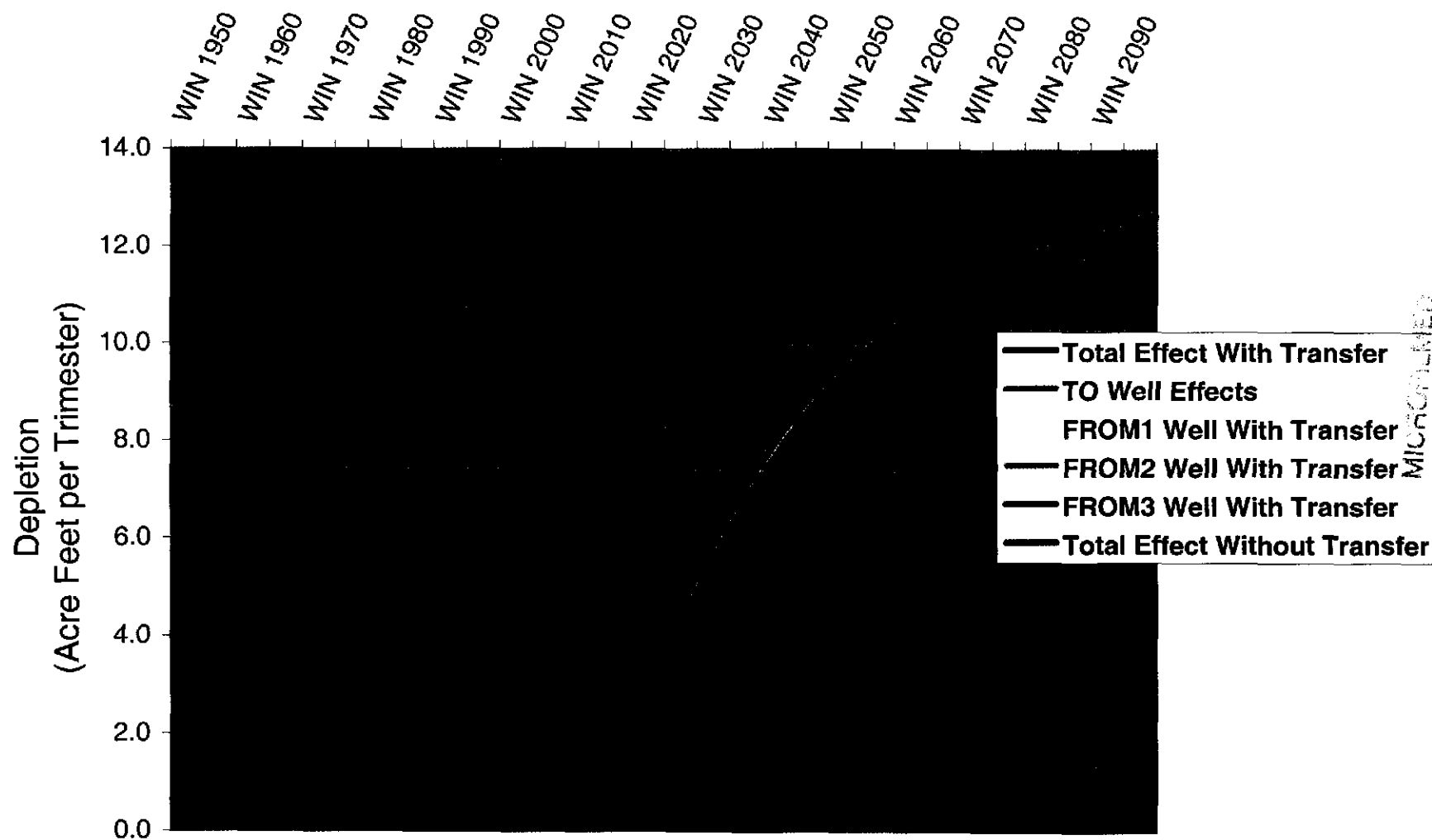
MICROSOFT EXCEL

FEB 24 2006

Hydrologic Response--Near Shelley to Neeley Reach

Customer Name:

Transfer No:

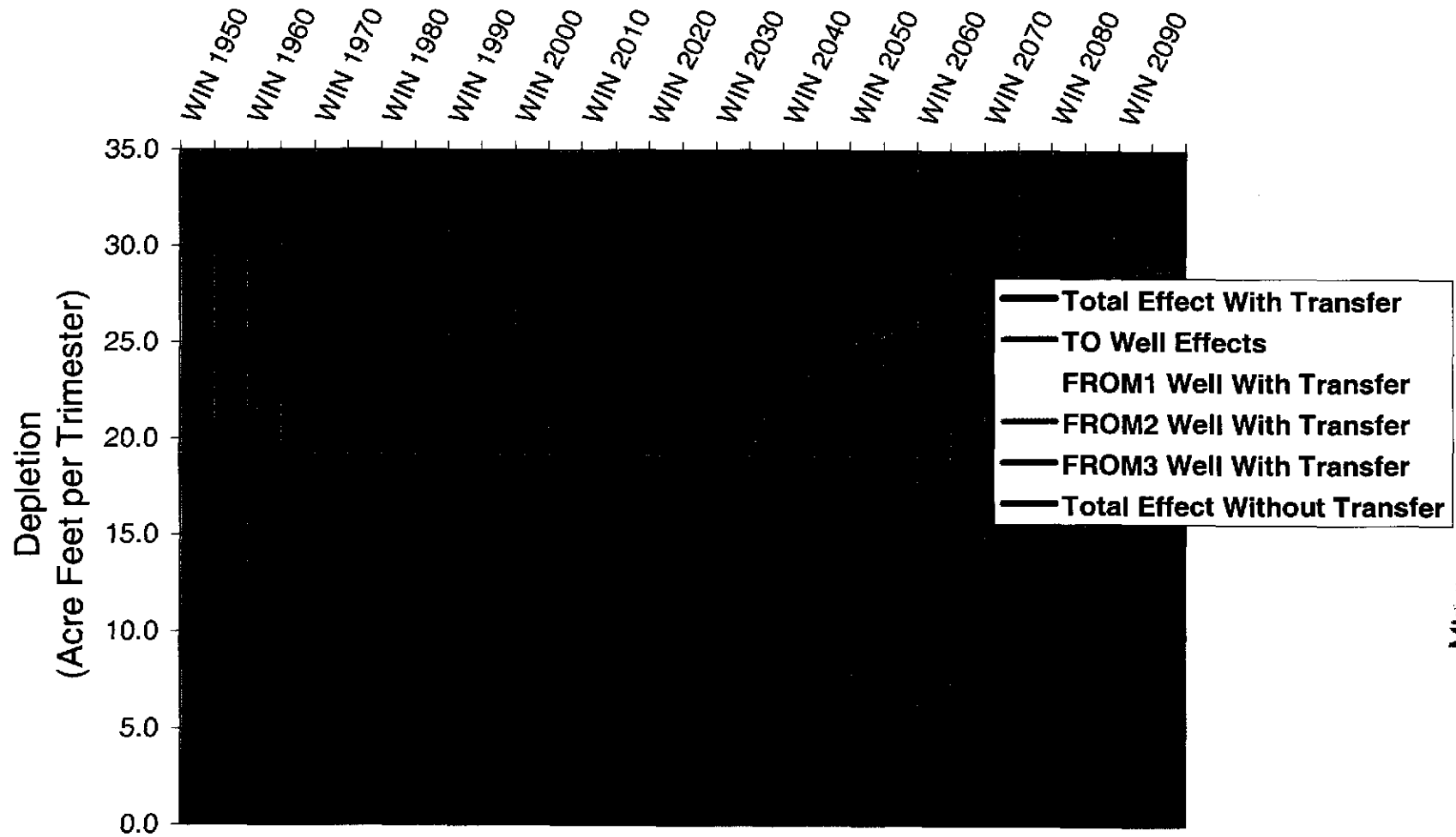


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Hydrologic Response-- Milner to King Hill Reach

Customer Name:

Transfer No:



MICROSOFT
SEP 2 4 2008

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Mary Newcomb
43-7002

TRANSFER NO.

69448

1. Right number(s)

2. Type of right

☐ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other:

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☐ Overlapping rights on original place of use

Comments: Note overlapping water right 43-10790
Raft River water for 211.3 acres. 43-7002
is for 272 acres from ground water, so
211.3 acres of 43-7002 should be left at original

5. Check Proposed Right for amount of land &/or water transferred: (see memo)

☒ Also see attached memo for more analysis information

a. ☐ All of right

b. ☒ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)

c. ☒ Description of point(s) of diversion

d. ☒ Description of place of use

e. ☒ Map showing P/D & P/U after transfer

f. ☒ Correct notarized signature and \$100 fee

g. ☒ Proof of ownership of right &/or land from which water is transferred

h. ☒ Expansion in use of right - Comments: Transfer is drying
up 61 acres of 43-7002, should
be 60.7 acres exactly. → See Memo

(69448)

- i. ✓
Existing rights from same source, on land water is being transferred to; right number(s): _____
see memo and attachments
- j. ✓
SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) see memo and attachments
- k. ✓
Comment letters _____ Yes ✓ No
If yes _____ Water District #
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY J.F. DATE 10-15-01
 SRBA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 11/6/01, 2/20/02

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? Yes No
4. Affidavit of publication received? Yes No
5. Protests received? Yes No; Acknowledgement sent? Yes
6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. Approve
2. Deny due to _____
3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 3/25/22

4. By Date 3/25/02

69948

MAR 27 2002

Department of Water Resources

MEMO

FROM: Allen Merritt



DATE: March 25, 2002

TO: Transfer File No. T69448 AS AMENDED 2/12/2002

In the name of: Mark Newcomb

Water Right(s): 43-7002 ----- 43-13204
 \----- 43-13205 (needs to be changed to basin 45 number)

SUBJECT: Review and Recommendation

This transfer proposes to move water from basin 43 to basin 45. The well in basin 43 is located a few hundred feet south of the ESPA boundary but a portion of the lands irrigated are in the ESPA boundary. The lands being dried up are in a portion of the ESPA not covered by a response zone but would appear to be associated closely with zone III-1. The transfer proposes to move the water to response zone III-2 to the west. In analyzing the water rights associated with the land where the water is being moved it is found that the land is currently irrigated under existing licenses and would not represent an increase in acres or volume. The increase in total appears to be an increase in diversion rate.

The proposed PPU is covered as follows:

Right No.	Rate	Licensed acres	SRBA Claimed acres
45-2370	2.42	184	210
45-2329A	1.60	152	108
Total		336	318

Kelly Christensen has finalized SRBA review for the above rights as follows:

45-2370	2.42	184 acres in 256 acre PPU
45-2329A	0.76	72 acres in 256 acre PPU
	3.18 cfs	

** diverted out of two connected wells.

After review by SRBA and consultation with the applicant the applicant amended his transfer to conform with the SRBA recommendation. In essence he changed the PPU and added a PD to the original transfer application.

The amended application was processed without protest.

Since the first transfer proposes to move water from 61 acres from one response zone to another it needs to be reviewed by hydrology and administration (the director). I recommend that the transfer be approved since acres are actually being dried up with a decrease in volume taken from the total system for what is essentially an increase in diversion rate without an increase in historically

RECORDED
 FEB 27 2002

irrigated acres or increase in volume diverted from the aquifer in response zone 111-2.

The recommended PD & PPU GIS shapes were created by Kelly Christensen and are saved in his work domain.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- When rights 45-2370 and 45-2329A are combined with this right 45-##### they shall not exceed $3.18 \text{ cfs} + 1.22 \text{ cfs} = 4.40 \text{ cfs}$ and 1024 afa for irrigation of no more than 256 acres.
- Right 45-##### provides no additional acres or volume to the 256 acre PPU, only diversion rate.
- Rights 45-2370 and 45-2329A are subject to SRBA determination.
- Other standard conditions such as:

WATER RIGHT NO. 43 13205

- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- T19 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.
- W27 This right is limited to the irrigation of 60.7 acres within the place of use described above in a single irrigation season.
- WB4 The total instantaneous diversion of water from all points of diversion under Rights 45-2370, 45-2329A and this right shall not exceed 4.40 cfs, nor total combined annual volume of 1024 af for the irrigation of 256 acres.

WATER RIGHT NO. 43 13204

- GEN Conditions for right 43-10790 shall be conformed for approval of Transfer 69448 which will replace reference to right 43-7002 with reference to 43-13204.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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FEB 24 2004

- T19 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.
- W35 Rights 43-10790 and 43-13204 when combined shall not exceed a total diversion rate of 4.22 cfs, a total annual maximum diversion volume of 845.2 af at the field headgate, and the irrigation of 211.3 acres.
- WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 845.2 af at the field headgate for the lands above.

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FEB 24 2004

NO. 43-7002

Mark D. Newcomb

43-7002

INIT.	DATE	COMMENT
clw	7/6/01	Stuffed to John Freitag
JF	10/15/01	To MB for advertising
MB	11/1/01	Adv. sch SP 11/2 + 11/19/01; 11/30/01
MB	11/5/01	Ltr. to app.
MB	11/21/01	Pub. off. Rec. SP.
MB	12/3/01	to ADM for signoff
Am	12/4/01	to ICC for AT Review
KC	2/14/02	to ADM to amend.
Adm	2/12/02	to MB to re-advertise.
MB	2/19/02	Adv. sch - SP 2/25 + 3/4/02; 3/15/02
MB	2/20/02	Ack. LTR. TO applicant
MB	3/6/02	Pub. off. rec.
MB	3/18/02	to ADM for signoff
Adm	3/25/02	to AB to forward to S.O.
clw	3/26/02	Sent to Base State Office

RECEIVED
MAR 18 2002
CLERK OF DISTRICT COURT
CASSIA COUNTY

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated February 25, 2002 and ending with the issue dated March 4, 2002.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 4th day of March in the year of 2002 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN HARPER
NOTARY PUBLIC
STATE OF IDAHO

Ann Harper
Notary Public for Idaho
Residing at: Burley, Idaho
My commission expires: 9-14-2007

Cost of Publication 68.64
Affidavit Fee 5.00
Total Cost 73.64

02-073

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that two Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia County:

PICKETT RANCH & SHEEP CO., 1650 S 568 W; OAKLEY ID 83346, filed Application No. 69682 on 2/12/02 for diversion of 2.97 cfs from ground water (existing well located 4.25 miles North and 1.5 miles West of Oakley) for irrigation of 176 acres. The transfer proposes changing the place of use of the rights to property that the applicant has purchased 2.5 miles to 3.0 miles North and 1.5 miles to 2.25 miles West of Oakley.

Application for Transfer No. 69448 filed by MARK T. NEWCOMB, 251 E 200 S; RUPERT ID 83350 was ~~Amended on 02/12/02~~. The transfer proposes to divert 1.22 cfs from ground water for irrigation. The purpose of the transfer is to change the place of use of 61 acres and change the point of diversion to two existing wells; this change to move water to a more productive farm. The new place of use is located 4 to 5 miles North and between 1 to 2 miles East of Declo, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before March 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
February 25 and March 4, 2002.

Small errors noted

*MB
3/6/02*

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FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2002

MARK T. NEWCOMB
251 E 200 S
RUPERT ID 83350

RE: **AMENDED** Application for Transfer No. **69448**, Water Right No. 43-7002

Dear Mr. Newcomb:

The Department of Water Resources acknowledges receipt of your Amended application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the **South Idaho Press** for 2/25 and 3/4/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (March 15, 2002)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

A Regional Snake River Basin Adjudication Claim Review Memorandum composed 1/24/02 has been included in your application file.

State Office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

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FEB 24 2004

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

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Karl J. Dreher, Director

Published in the South Idaho Press on 02/25 & 03/04/02.

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FEB 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

February 20, 2002

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

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FEB 24 2004

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-24-2002

File: T-69448 M Newcomb

Prepared by Kelly K Christensen

ADJUDICATION REVIEW OF T-69448
43-7002 overlapping with 45-2329A and 45-2370

As the adjudication recommendation for 43-7002 has recently been made, I am not rereviewing that right.

I have reviewed and made recommendations for the two B-45 claims. They were claimed oddly and after reviewing the system with Mark Newcomb, he decided that the logical method for claiming the two rights would be that they be combined into a PPU. My recommendation reflects that PPU and the combination of the two individual wells for each right into a common system recommendation. Attached is a proof report for 45-2370 and an Arcview layout showing the recommended place of use and points of diversion.

45-2329A is being split with Bruce Newcomb and therefore does not reflect the water right as depicted on the allocations data base.

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T #69448

IDAHO DEPARTMENT OF WATER RESOURCES 01/24/2002
 PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 45-2370

NAME AND ADDRESS: MARK T NEWCOMB
 251 E 200 S
 RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.42 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
 RATE OF 3.18 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
 1024 AF. COMBINED RIGHT NOS.: 45-2329A and 45-2370.

PRIORITY DATE: 02/16/1951

POINT OF DIVERSION:

T10S R24E S1 NWSESE Within CASSIA County

T10S R25E S6 NWSWSE Within CASSIA County

PURPOSE AND
 PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.420 CFS 736.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R24E S01	NESE	40.0	T10S R24E S01	NWSE	40.0
T10S R24E S01	SESE	40.0	T10S R25E S06	NESW	40.0
T10S R25E S06 Lot 6	NWSW	32.0	T10S R25E S06 Lot 7	SWSW	32.0
T10S R25E S06	SESW	32.0			

256 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 184 ACRES WITHIN THE PLACE OF
 USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

COPY

Water Right 45-2370

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FEB 24 2004

1

IDAHO DEPARTMENT OF WATER RESOURCES 01/22/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 45-2329A

NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

VERIFIED BY *KKC*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.76 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 3.18 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
1024 AF. COMBINED RIGHT NOS.: 45-2329A and 45-2370.

PRIORITY DATE: 09/30/1950

POINT OF DIVERSION:

T10S R24E S1 NWSESE Within CASSIA County

T10S R25E S6 NWSWE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.760 CFS 288.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R24E S01	NESE	40.0	T10S R24E S01	NWSE	40.0
T10S R24E S01	SESE	40.0	T10S R25E S06	NESW	40.0
T10S R25E S06 Lot 6	NWSW	32.0	T10S R25E S06 Lot 7	SWSW	32.0
T10S R25E S06	SESW	32.0			

256 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

COPY

Water Right 45-2329A

1

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FEB 24 2004

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated November 12, 2001 and ending with the issue dated November 19, 2001.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 19th day of November in the year of 2001 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN HARPER
NOTARY PUBLIC
STATE OF IDAHO

Ann Harper
Notary Public for Idaho
Residing at: Burley, Idaho
My commission expires: 9-14-2007

OK
MB
11/21/01
See
Reverse
side

Cost of Publication 153.01
Affidavit Fee 5.00
Total Cost 158.01

RECEIVED
NOV 21 2001
Department of Water Resources
Southern Region

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FEB 24 2004

01-473

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that several applications for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia County, as listed below:

MARK T. NEWCOMB, 251 E 200 S; RUPERT ID 83350 filed Application No. 69448 on 7/6/01 for diversion of 1.22 cfs from ground water (existing well) for the purpose of changing the Place of Use for 61 acres to a more productive farm located 4 to 5 miles North and between 1 to 2 miles East of Declo, ID. The land being dried up is 5 miles North and 20 miles East of Declo.

BRIGHAM YOUNG UNIVERSITY, C/O OFFICE OF GENERAL COUNSEL, A-357 ASB, PO BOX 21333; PROVO UT 846021333 filed ten Applications for Transfer on 10/05/01. These transfers dry up land on the BYU farm located 11 to 14 miles North and 2 miles West of Malta and move the water to other farms, described as follows.

Transfer No. 69388 proposes to divert a combined total of 2.63 cfs from ground water (two existing wells) for irrigation of 180 acres in a 672 acre permissible Place of Use located 11 miles North and 7.5 miles East of Malta, ID.

Transfer No. 69391 proposes to divert 0.07 cfs from ground water (existing well) for irrigation of 4 acres at the Raft River LDS church located approximately 12.5 miles North and 4 miles East of Malta, ID.

Transfer No. 69392 proposes to divert a combined total of 0.78 cfs from ground water (three existing wells) for irrigation of 53 acres in an existing 362 acre permissible Place of Use located 4 miles South and 1.5 miles east of Malta, ID.

Transfer No. 69396 proposes to divert a combined total of 0.29 cfs from ground water (five existing wells) for irrigation of 20 acres located 13 miles North and 7 miles East of Malta, ID.

Transfer No. 69397 proposes to divert a combined total of 2.61 cfs from ground water (two existing wells) for irrigation of 180 acres in a 735.5 acre permissible Place of Use located 15.5 miles North and 6.5 miles East of Malta, ID.

Transfer No. 69406 proposes to divert a combined total of 1.49 cfs from ground water (twelve existing wells) for irrigation of 100 acres in a 2212.7 acre permissible Place of Use located 10.5 miles to 14 miles North and 3 miles to 5.5 miles East of Malta, ID.

Transfer No. 69408 proposes to divert a combined total of 1.49 cfs from ground water (two existing wells) for irrigation of 100 acres in a 669.7 acre permissible Place of Use located 13.5 miles North and 4.5 miles East of Malta, ID.

Transfer No. 69409 proposes to divert a combined total of 1.79 cfs from ground water (eight existing wells) for irrigation of 120 acres in an existing 3,160 acre permissible Place of Use located 3 to 6 miles due East of Malta, ID (South of Sublett Road).

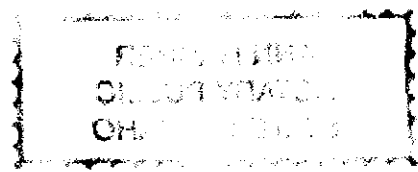
Transfer No. 69411 proposes to divert a combined total of 4.89 cfs from ground water (four existing wells) for irrigation of a 322 acre permissible Place of Use on the same farm located 2 miles West and 11 to 14 miles North of Malta, ID (South and West of Highway 81).

Transfer No. 69412 proposes to divert a combined total of 0.19 cfs from ground water (one existing well) for irrigation of 12 acres at the public school located near the West edge of Malta, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 30, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
November 12 and 19, 2001.

OK
MB
11/21/01



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FEB 24 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 6, 2001

MARK T. NEWCOMB
251 E 200 S
RUPERT ID 83350

RE: Application for Transfer No. 69448, Water Right No(s). 43-7002

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the South Idaho Press for 11/12 and 11/19/01. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (November 30, 2001)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

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FEB 24 2004

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

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Karl J. Dreher, Director

Published in the South Idaho Press on 11/12 & 11/19/01.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

November 5, 2001

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

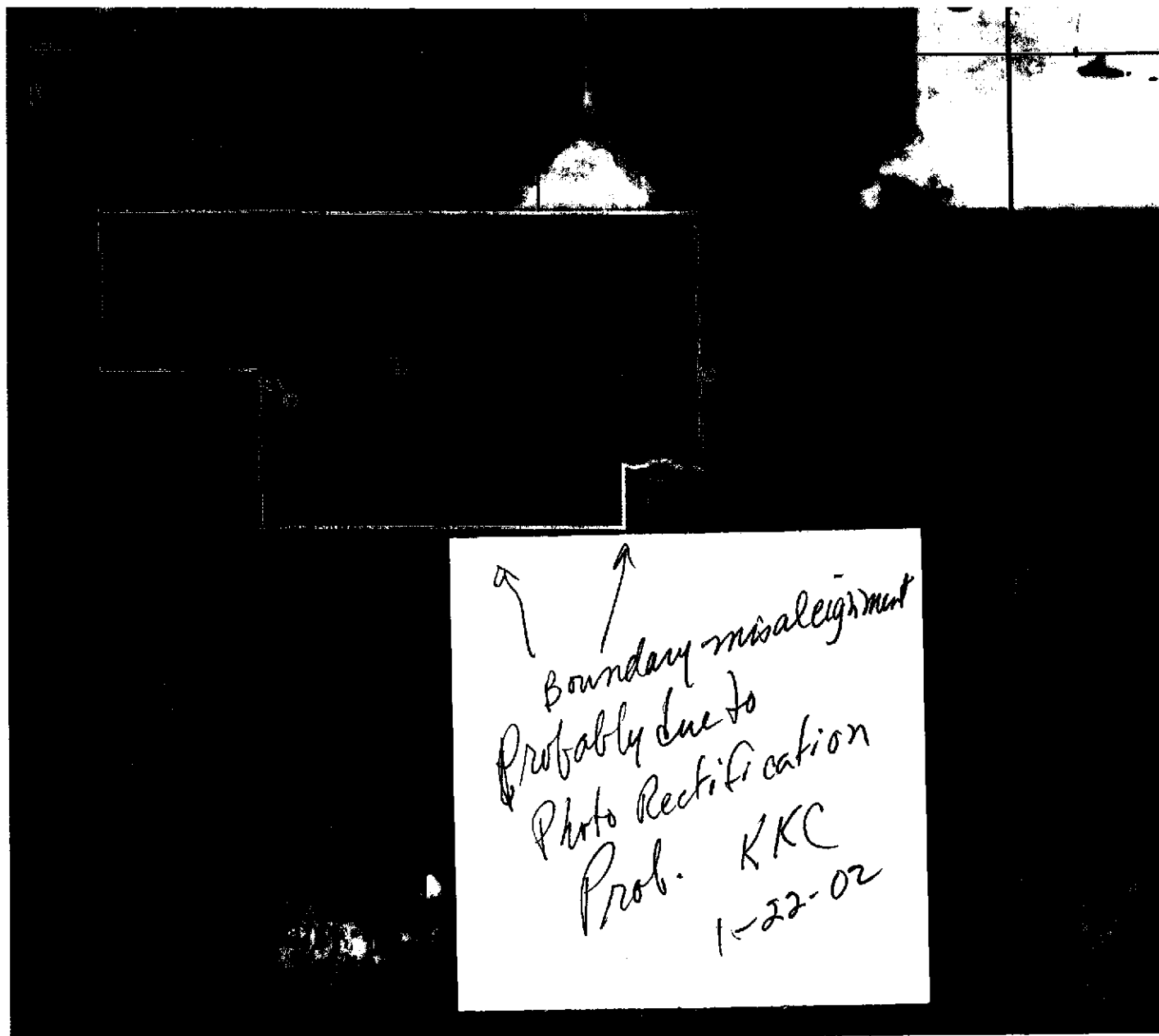
Mary A. Baldwin
Administrative Assistant

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FEB 24 2004

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 45-2329A & 45-2370

COPY



1320 0 1320 2640 3960 Feet

PLACE OF USE

TWP 10S, RNG 24E, SEC 1

TWP 10S, RNG 25E, SEC 6

Data entry on January 18, 2002

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CASSIA CO

Burley

RECOMMENDED POINT OF DIVERSION

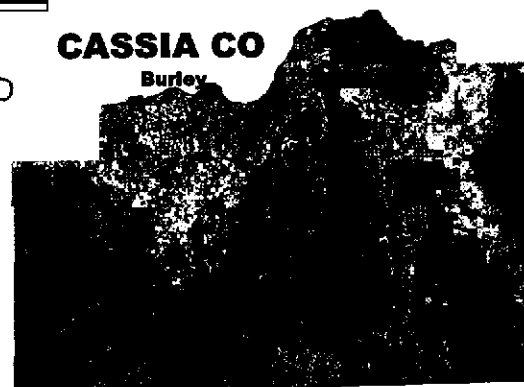
RECOMMENDED PLACE OF USE



SECTION LINES

QUARTER/QUARTER LINES

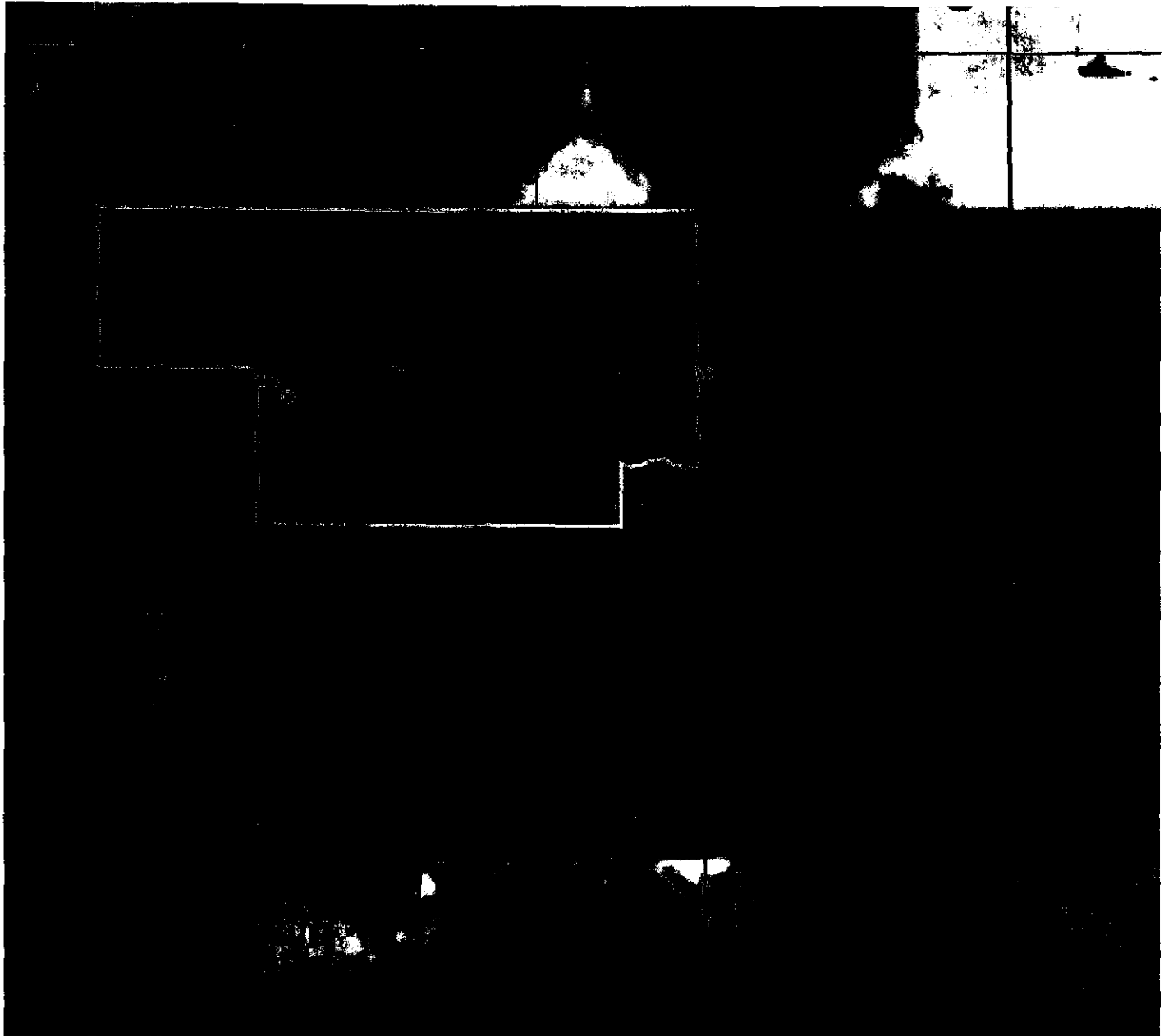
GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
45-2329A & 45-2370**

COPY



1320 0 1320 2640 3960 Feet

PLACE OF USE**TWP 10S, RNG 24E, SEC 1****TWP 10S, RNG 25E, SEC 6****Data entry on January 18, 2002**MICROFILMED
FEB 24 2004**CASSIA CO**

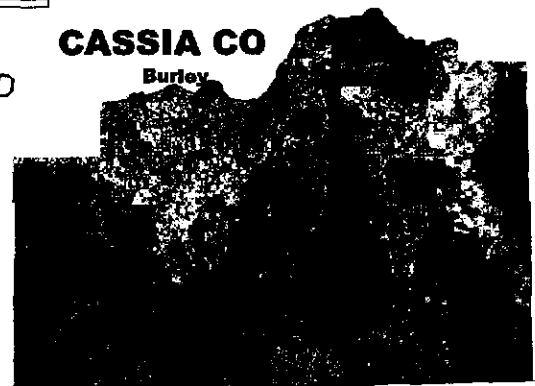
Burley

② RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

Y302

↑ ↑
Boundary misalignment
Probably due to
Photo Rectification
Prob. KKC
1-22-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

T69448

SOUTHERN REGION

Memorandum

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

To: Transfer 69448

From: John Freitag, Water Resource Agent

Re: Transfer notes

Date: 10/15/01

The water right for this transfer 43-7002 from groundwater was licensed for 272 acres, there also exists overlapping water right 43-10790 from Raft River, recommended for 211.3 acres. The transfer is proposing to dry up 61 acres of 43-7002. It should be noted that 272 minus 61 is 211, which leaves the original POU 0.3 acres short of groundwater.

The new POU has two overlapping water rights and two claims(45-2370 and 45-2329A), the overlaps are most easily understood by the map which is attached with the transfer file.

This transfer is proposing to CHANGE BASINS, from basin 43 to basin 45.

*Transfer proposes 210 PPU for 61 acres
of irrigation with-in the irrigation season.*
J.F.

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FEB 24 2004

T69448

The new place of use is located 4 to 5 miles north and between 1 to 2 miles east of Declo Idaho.

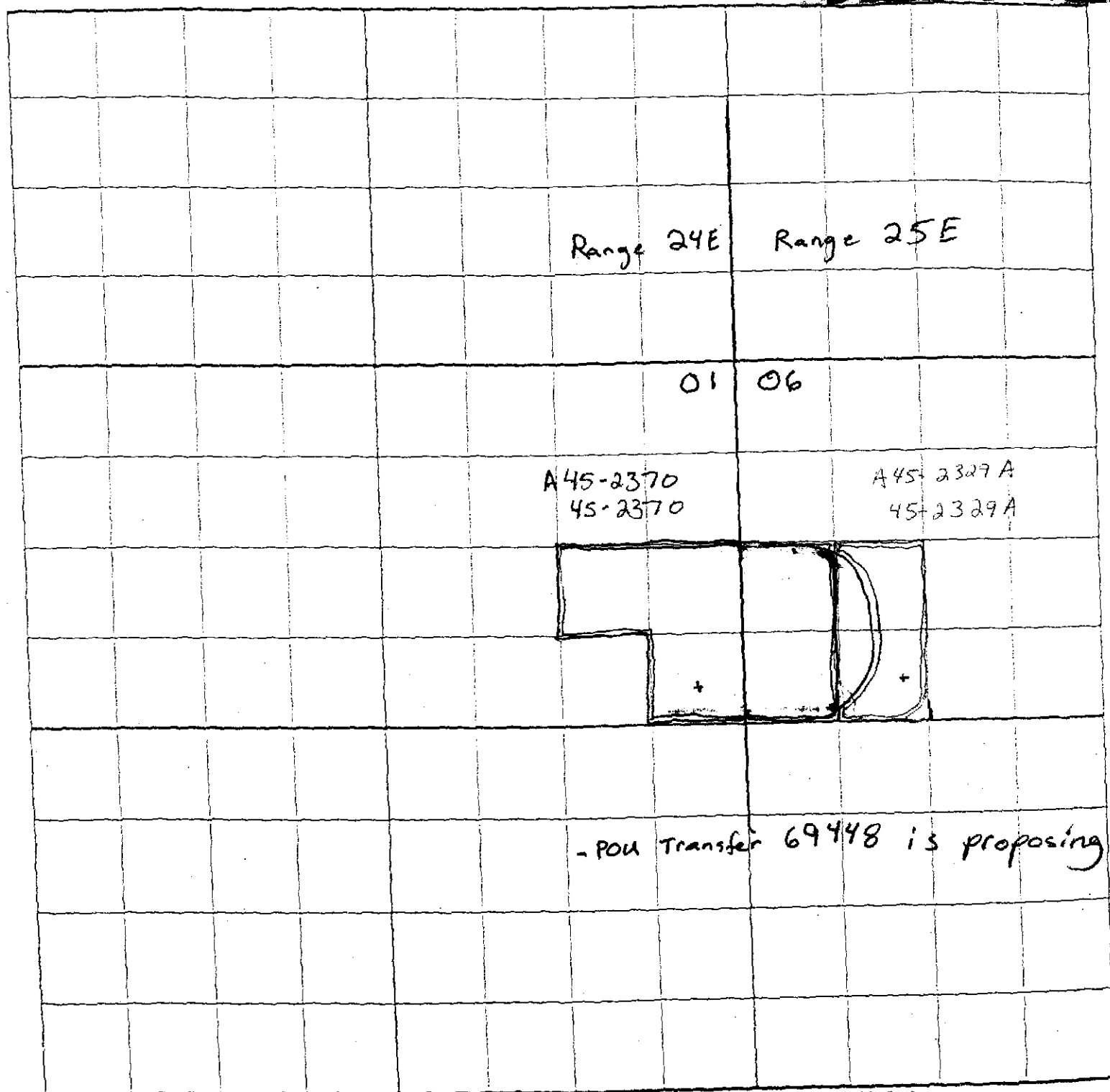
Application is proposing to change the place of use of 61 acres and change the point of diversion to an existing well. This change is to move water to a more productive farm.

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T69448

IDAHO DEPARTMENT OF WATER RESOURCES

Explanatory of overlapping water rights
Township 10S



500 0 560 1020 1580 2140 2700 3260 3820 4380 4940 5500 6060 6620 7180 7740 8300 8860 9420 9980 10540 Feet

Overlaps @ New MICROFILMED
PO 4 FEB 24 2004

10/10/01
J.P.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 43-10790 V1

WATER RIGHT NUMBER: 43-10790 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK T NEWCOMB 251 E 200 S RUPERT, ID 83350 (208)436-5679
Current Owner	LOMMA NEWCOMB 251 E 200 S RUPERT, ID 83350

Priority Date: 08/27/1881

Basis: Decreed

Status: Active

Source

RAFT RIVER

Tributary

SNAKE RIVER

*Overlapping
 Raft River
 Right
 at existing
 POU*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.220 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	4.220 CFS	

Location of Point(s) of Diversion

RAFT RIVER	SE1/4SE1/4SE1/4	Sec. 36, Twp 09S, Rge 27E, B.M.
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	
09S	27E	36	16.0	10.0			40.0	23.0	13.0	32.0	.6			.3	1.7	33.0	32.0	9.7	211.3

Total Acres: 211.3

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	27E	36			X	X									X			X	

Total Acres: 0

Conditions of Approval:

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FEB 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10790 V1

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.

Remarks:

1. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-00261 AND 43-00262.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.44 CFS.
3. Quantity THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-07002 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 43-07002 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON.
5. General THE REMAINDER OF THIS RIGHT REPRESENTS USE THAT IS RELINQUISHED AND ABANDONED.

Comments:

1. jroberts 10/27/2000 Basis of Recommendation
Comment: Gis showed 249.4 irrigated acres, reduced PoU and Diversion Rate accordingly; stockwater use not part of original decree; overlaps with 43-07002 so combined limits needed; part of right forfeited for non-use between 1985 (transfer #3135) and 1994 (ASCS MA)
2. djones 6/12/2001 AMENDED PDR
Comment: CLAIMANT CAME IN TO DISCUSS RECOMMENDATIONS AND POTENTIAL TRANSFER. THE POU FOR 43-7002 WAS CHANGED TO INCLUDE OTHER AREAS AND THE FLOW RATE WAS ADJUSTED. WATER UNDER THIS CLAIM HAS NOT BEEN DIVERTED IN MANY YEARS DUE TO NONAVAILABILITY IN RAFT RIVER. IF WATER WAS EVER GOING TO BE DIVERTED IT WOULD GO ON PIVOT AREAS. CLAIMANT INDICATED HE DID NOT WANT THE RIGHT DESCRIBED ON OTHER LANDS AND THE POU WAS REDUCED AND THE FLOW RATE LIKEWISE PROPORTIONED. REMARK ADDED TO DESCRIBE THIS AS RELINQUISHED AND ABANDONED. ACREAGE ABANDONED HAS GROUND WATER RIGHT THAT IS BEING TRANSFERRED TO OTHER LANDS, SO ONLY PIVOT LAND WILL HAVE ANY WATER RIGHT.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 43A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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FEB 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10790 V1

MICROFILMED

FEB 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2329A

WATER RIGHT NUMBER: 45-2329A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUSSELL NEWCOMB
	DECLO, ID 83323
Current Owner	MARJORIE NEWCOMB
	DECLO, ID 83323

Priority Date: 09/30/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 6, Twp 10S, Rge 25E, B.M.
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	25E	6									40.0				40.0				40.0	32.0	152.0

Total Acres: 152

Conditions of Approval:Remarks:

1. General TRANS. 2911.^^

Comments:Dates and Other Information:

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FEB 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2329A

Dates and Other Information:

Licensed Date: 3/26/1984
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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SEP 24 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2329A

WATER RIGHT NUMBER: 45-2329A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK T NEWCOMB 251 E 200 S RUPERT, ID 83350 (208)436-5679

Priority Date: 09/30/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4SE1/4	Sec. 6, Twp 10S, Rge 25E, B.M.
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	25E	6									26.0	1.0	1.0	19.0	1.0	30.0	29.0	1.0	108.0
											L 3		L 4						

Total Acres: 108

Conditions of Approval:Remarks:

- General 06/28/99, CHANGED ADDRESS AS PER REQUEST RECEIVED 06/24/99. C.T.

Comments:Dates and Other Information:

MICROFILMED

FEB 2 1 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2329A

Dates and Other Information:

Claim Received Date: 5/8/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MICROFILMED

FEB 24 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2370

WATER RIGHT NUMBER: 45-2370

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK T NEWCOMB 251 E 200 S RUPERT, ID 83350 (208)436-5679

Priority Date: 02/16/1951

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.420 CFS	
	<u>Total Diversion:</u>	2.420 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 1, Twp 10S, Rge 24E, B.M.
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	1													40.0	40.0		40.0	120.0
10S	25E	6									14.0	31.0	31.0	14.0					90.0
												L 3	L 4						

Total Acres: 210

Conditions of Approval:Remarks:

1. General

THIS CLAIM IS BASED ON THE SYSTEM & LANDS DEVELOPED UNDER LICENSE 45-02370 AND THOSE ADDITIONAL ACRES WHICH WERE ORIGINALLY LICENSED UNDER 45-02329A AND NOT CLAIMED UNDER A45-02329A.^^^

***** 06/29/99, CHANGED ADDRESS AS PER REQUEST RECEIVED 06/24/99. C.T.

Comments:

MICROFILMED

FEB 24 2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2370

Dates and Other Information:

Claim Received Date: 5/8/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MICROFILMED

FEB 26 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2370

WATER RIGHT NUMBER: 45-2370

Owner Type Name and Address
 Current Owner MARJORIE NEWCOMB

DECLO
 DECLO, ID 83323
 Current Owner RUSSELL NEWCOMB

DECLO
 DECLO, ID 83323

Priority Date: 02/16/1951

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.420 CFS	
	<u>Total Diversion:</u>	2.420 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec. 1, Twp 10S, Rge 24E, B.M.
 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	1													40.0	40.0		40.0	120.0
10S	25E	6															32.0	32.0	64.0

Total Acres: 184

Conditions of Approval:Remarks:Comments:

MICROFILMED

FEB 14 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2370

Dates and Other Information:

Licensed Date: 6/5/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

MICROFILMED
FEB 24 2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69448

MARK T NEWCOMB

251 E 200 S

RUPERT ID 83350, has filed Application No. 69448 for changes to the following water rights within CASSIA County:

Right No. 43-7002

Priority 12/21/1969

Source GROUND WATER

Use IRRIGATION (272 acres) 5.44 CFS 1,088.0 AFA

Total Amount 5.44 CFS 1,088.0 AFA

Point(s) of Diversion NESESW S36 T09S R27E

Place of Use S36 T09S R27E

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 43-13204 (split from Parent Right No. 43-7002)

Priority 12/21/1969

Source GROUND WATER

Use IRRIGATION (272 acres) 5.44 CFS 1,088.0 AFA

Total Amount 5.44 CFS 1,088.0 AFA

Point(s) of Diversion NESESW S36 T09S R27E

Place of Use S36 T09S R27E

Proposed Right No. 43-13205 (split from Parent Right No. 43-7002)

Priority 12/21/1969

Source GROUND WATER

Use IRRIGATION (210 acres)

Total Amount 1.22 CFS 244.0 AFA

Point(s) of Diversion NWSESE S1 T10S R24E

Place of Use S1 T10S R24E
S6 T10S R25E

Remark: Application is proposing to change the place of use of 61 acres and change the point of diversion to an existing well. This change is to move water to a more productive farm.

The new place of use is located 4 to 5 miles north and between 1 to 2 miles east of Decio Idaho.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 30, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on _____ and _____

MICROFILMED

FEB 24 2004