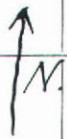


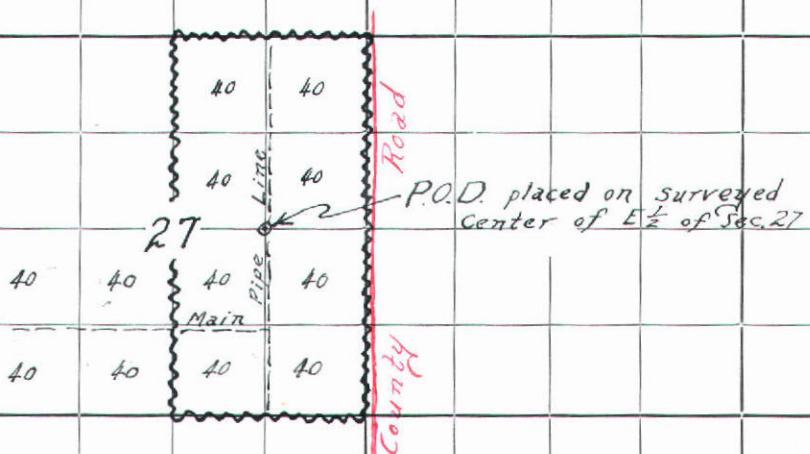
9 lines sprinklers each

3 lines = 75"
8 " = 225"

2, 66 lines per pump here



T 7 S. R. 25 E.



320. Proof made.
Area Irrigated = 480 Acres

T = 56 ° F.

allow 220" as per proof, if possible
Mihidoka



notice says 4.25' cfs.

THE MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, { ss.
STATE OF IDAHO,

Larry H. Robinson, being first
duly sworn, deposes and says that he is the

Co- publisher of The Minidoka County
News, a weekly newspaper published at Rupert,
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
weekly editions of The Minidoka County News

for Four (4) consecutive weeks, commencing
with the issue dated July 19, 1951, and
ending with the issue dated August 9, 1951

Larry H. Robinson

Subscribed and sworn to before me this
26th day of October, 1951

Clayton Smith Notary Public

Cost of Publication \$15.37

Notary Fee

Total Cost

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
11:00 a. m. on the 4th day of
August, 1951, at Burley, County
of Cassia, State of Idaho, before
Norman H. Nielson, Notary
Public, proof will be submitted of
the application to beneficial use
of 4.25 cubic feet per second of the
waters of a certain well pump
construction in accordance with
the terms and conditions of Per-
mit No. 21502 heretofore issued
by the State Reclamation Engin-
eer of the State of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are
W. W. Newcomb, Declo, Idaho.

The use to which said water
has been applied is Irrigation.
The amount applied to bene-
ficial use is 4.25 cubic feet per
second

The place where said water is
used (lands irrigated) The
Northeast Quarter, and the
Southeast Quarter, Section
Twenty-seven, Township Seven
South, Range Twenty-five, East
Boise Meridian.

The name of the canal or ditch
or other works by which said
water is conducted to such place
of use is a well

The right to take water from
such works is based upon Permit
No. 21502

The source of supply from
which such water is diverted is
a well located in the center of
the East Half of Section Twenty-
seven, Township Seven South,
Range Twenty-five, East Boise
Meridian.

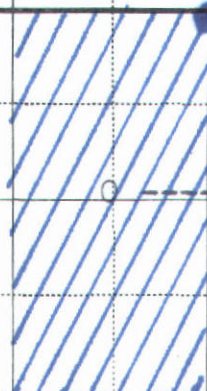
The date of priority which said
user is prepared to establish is
April 28, 1950.

Mark R. Kulp
State Reclamation Engineer.
No. 777—July 19-Aug. 9

21502

AREA TO BE IRRIGATED INDICATED BY CROSS-HATCHED PORTION
BELOW, ALL OF WHICH IS LOCATED IN:

East one-half ($\frac{1}{2}$) of Section twenty-seven (27)
Township Seven (7) South, Range Twenty five (25), East
of the Boise Meridian



Well

Permit Map No. 21502
As Approved
MAY 20 1950
MARK R. KULP
State Reclamation Engineer

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02092

1998 JUN 15 AM 10:40

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: MAINLINE RANCHES INC
RT 2 BOX 353
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.25 CFS
1256.0 AFY

PRIORITY DATE: 04/28/1950

POINT OF DIVERSION: T07S R25E S27 SWSENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.25 CFS 1256.0 AFY

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S27	NENE 38	NWNE 39	SWNE 40	SENE 39
		NESE 39	NWSE 40	SWSE 40	SESE 39
	314 ACRES TOTAL				

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02092

PAGE 1
DEC-11-1997

MICROFILMED

JUN 11 2002

2001 DEC -3 PM 4:29

SRBA PART-SREA
TWIN FALLS CO., IDAHO
FILED

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	)	Water Right 36-02092
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

MICROFILMED
JUN 11 2002

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated December 3, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

This
Right has been
Decreed in the
SRBA.

State of Idaho
License and Certificate of Water Right

Water License No. 21502 36-2092 Amount 4.25 second feet
Water District No. Priority April 28, 1950

THIS IS TO CERTIFY that MARJORIE NEWCOMB and RUSSELL NEWCOMB
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 28, 1950; that Permit No. 21502
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.25 second feet, was issued thereunder on July 19, 1951, showing that said works
were completed on the 29th day of June, 1951; and that on the 29th
day of October, 1951,
W. W. NEWCOMB, Assignee of Marjorie and Russell Newcomb,
of Declo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well (sub-
terranean flow), ~~attributed to~~, for the purpose of irrigation
, under Use Permit No. 21502 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 5190, on the 27th day of November, 1953;
The right hereby confirmed dates from April 28, 1950;

The Point of Diversion is located in the center of the East Half
~~in the~~ ~~1/4~~ ~~1/4~~ Sec. 27, Tp. 7 S., R. 25 E., B. M. County Minidoka
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.25 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	25 E.	27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			Number of Acres Actually Irrigated - -		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
27th day of November, 1953.

(SEAL) MARK R. KULP
State Reclamation Engineer.

36 2092

State of Idaho
License and Certificate of Water Right

Water License No. 19816

Amount 1.3 second feet

Water District No.

Priority April 26, 1946

THIS IS TO CERTIFY that PAUL SCHNELL
of Rogerson, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 26, 1946; that Permit No. 19816
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
10 second feet, was issued thereunder on August 23, 1952, showing that said works
were completed on the 15th day of February, 1952; and that on the 4th
day of May, 1953,

ANNA SCHNELL, Surviving widow of Paul Schnell
of Rogerson, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
stream, ~~artificially constructed~~ (waste water), for the purpose of irrigation
, under Use Permit No. 19816 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 5189, on the 25th day of November, 1953;
The right hereby confirmed dates from April 26, 1946;

The Point of Diversion is located
in the NW ¼ SE ¼, Sec. 35, Tp. 14 S., R. 15 E., B. M. County Twin Falls
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	15 E.	14	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	--
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	8
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	10
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	7
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	--
			S $\frac{1}{2}$ NW $\frac{1}{4}$	80	--
			Number of Acres Actually Irrigated-----		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of November, 1953.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29179
PERMIT No. 21502
DISTRICT No.

Lawrence H. Duffin
Attorney at Law
Box 61, Rupert, Idaho

1. Name of Applicant: MARJORIE NEWCOMB and RUSSELL NEWCOMB, joint tenants, with right of survivorship

Postoffice address: Declo

County: Cassia

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand: \$10,000.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

Personal property other than cash \$15,000.00

Real property - \$25,000.00

2. Quantity of water claimed: 6.4

cubic feet per second.

3. Source of water supply: Subterranean flow from well

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section

, T.

, R.

, B. M., and is in the

center of the East Half

of Section 27

, T. 7 S.

, R. 25 E.

, B. M., County of

Minidoka

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T.

, R.

, B. M., in the

of Section

, T.

, R.

, B. M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B. M., in the

of Section

, T.

, R.

, B. M.

7. Estimated cost of works: \$ 20,000.00

8. Kind of works: Wells as indicated on attached map with sprinkler system.

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

9 and 10 above not applicable as sprinkler system to deliver water from well to land irrigated.

12. The time required for the completion of such work is Five (5)

years.

13. The time required for the complete application of the water to the proposed use is

Four (4)

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

Assigned to W. W. Newcomb
Declo - Idaho

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

MARJORIE NEWCOMB and Applicant.
RUSSELL NEWCOMB

By **Lawrence H. Duffin** *Agent.*
Their Attorney

Date of first receipt at Department of Reclamation: 9:00 A. M. April 28, 1950

Returned to applicant for correction: May 8, 1950

Corrected application received: May 17, 1950

Approval of State Reclamation Engineer

The number of this permit is 21502

Recorded in Book 77 Page 21502 Approved May 20, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before July 20, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 20, 1952

The whole of said work to be completed on or before **May 20, 1955**

Beneficial use of water appropriated in accordance herewith, to be made on or before **May 20, 1959**

WITNESS My hand this 20th day of May, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th
day of May, 1950. STATE OF IDAHO

(SEAL) By J. D. "CY" PRICE *Secretary of State.* By C. A. ROBINS *Governor.*

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals	
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4		
7 S.	25 E.	27	40	40	40	40										40	40	40	40	320
A S S I G N M E N T																				
For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21502 to W. W. Newcomb of Declo, Idaho.																				
State of Idaho) County of Minidoka) ss			MARJORIE NEWCOMB Permit holder. RUSSELL W. NEWCOMB Permit holder.																	
On this 14 day of March, 1951, before me, a Notary Public for the State of Idaho, residing at Rupert, Idaho, personally appeared Marjorie Newcomb and Russell W. Newcomb, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.																				
In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.																				
My commission Expires April 29, 1954. (SEAL)			H. T. BREAZZAL Notary Public, residing at Rupert, Idaho																	
Received and filed for record in the Department of Reclamation at Boise, Idaho, at 1:30 P. M. March 15, 1951.																				
MARK R. KULP State Reclamation Engineer																				

Permit No. 21502
CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that W. W. Newcomb of Declo, County of Cassia, and State of Idaho, the holder of Permit No. 21502, issued upon Application No. 29179 bearing date of priority of April 28, 1950, authorizing the diversion of 6.4 second feet of the waters of subterranean flow from a well, County of Minidoka, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4-1/4 second feet of the waters of said well; that the point of diversion of said waters is on the quarter section line between the NE¹ and the SE¹ Section 27, Township 7 South, Range 25 East, B.M. , and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East Half of Section 27, Township 7 South, Range 25 East, B.M.

Witness my hand this 19th day of July, A. D. 1951.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made June 29, 1951.
Certificate of Completion of Works issued July 19, 1951.

LICENSE ISSUED FOR 4.25 SEC. FT.

pg. 5190

This
Right has been
Decreed in the
SRBA.

MICROFILMED

SEP 11 2002

MEMORANDUM

TO: FILE 36-02092

FROM: VAULT

RE: TRANSFER # 69465

DATE: 12-10-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-02090A

MICROFILMED

JUN 11 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

February 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Lienholder's Interest - Water Rights

David M. Brown
Mutual of New York
One Mid Rivers Mall Dr., #120
St. Peters, MO 63376

Dear Mr. Brown:

We have received your correspondence regarding The Mutual Life Insurance Company of New York's security interest in water rights appurtenant to property now owned by Mainline Ranches, Inc.

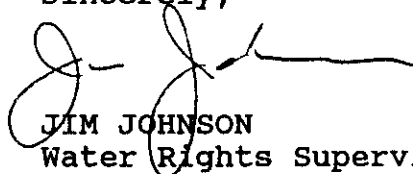
Ownership changes for claims in the Snake River Basin Adjudication must be recorded, therefore, copies of your letter and attachments have been forwarded to the Adjudication Bureau for updating of their records.

Such updates are not required in our water right processing, thus copies of your documentation have been placed in our paper files on Right Nos. 36-02097, 36-02259 and 36-02092 for future reference only. The addition of a lienholder into our computer system serves little purpose and correspondence which would be generated on these rights from our processing staff likely would have no application for a lienholder.

In the future, you can direct this type of correspondence directly to the Adjudication Bureau.

If I can be of further assistance, please feel free to contact me.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

cc: Adjudication Bureau

RECORDED

APR 11 1994

David M. Brown
Senior Counsel
MONY Agricultural Investment

Mutual Of New York
One Mid Rivers Drive, Suite 120
St. Peters, Missouri 63376
314 278-5555
Telecopier - 314 278-6763



November 16, 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

**Re: MONY Loan No. 12045
Idaho Ag., Inc.
Water Rights - Lienholder's Interest**

Gentlemen:

The Mutual Life Insurance Company of New York (MONY) has closed a loan transaction with Mainline Ranches, Inc., an Idaho corporation. In connection with said loan transaction, MONY has mortgaged certain real estate owned by Mainline Ranches, Inc., an Idaho corporation, and taken a security interest in the water rights appurtenant to and used in connection with said real property.

It is my understanding that State of Idaho Department of Water Resources now has all water rights on a computer system and that a notice of MONY's security interest will be entered into that system. For your use, I now enclose duplicate copies of the legal descriptions for the real property encumbered by MONY's mortgage and the water rights appurtenant thereto. It is my understanding that one copy will be dated the day that you receive it and returned to me to acknowledge receipt, and that the second copy will be retained by your department for your file.

The lienholder's name and address to be registered in you system and used for all required notifications and correspondence is as follows:

The Mutual Life Insurance Company of New York
One Mid Rivers Mall Drive
Suite 120
St. Peters, MO 63376

Copy to:
The Mutual Life Insurance Company of New York
1740 Broadway
New York, NY 10019

RECEIVED

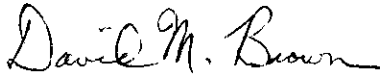
APR 11 1994

Idaho Department of Water Resources
November 16, 1993
Page 2 of 2 Pages

Upon receipt of this letter I request that you return one copy of the legal description and appurtenant water rights with your date stamp attached in the enclosed self-addressed, stamped envelope, for our records. If there is anything further you require to register MONY's lienholder's interest in these water rights please contact me at your earliest convenience.

Thank you for your cooperation and assistance in this regard.

Yours very truly,



David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

RECEIVED

APR 11 1994

EXHIBIT A

TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 27: E $\frac{1}{2}$

TOWNSHIP 8 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 1: That part of the S $\frac{1}{2}$ S $\frac{1}{2}$ of said Section 1, lying
South of the Union Pacific Railroad right of way,
SAVE AND EXCEPT the following described parcel:

Beginning at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said
Section 1, which point shall be known as the True
Point of Beginning;

Thence East for 700 feet;

Thence South for 300 feet;

Thence West for 700 feet;

Thence North for 300 feet to the True Point of
Beginning.

ALSO SAVE AND EXCEPTING THE FOLLOWING DESCRIBED
PARCEL:

Beginning at the quarter corner common to Sections
1 and 12, Township 8 South, Range 25 East of the
Boise Meridian, Minidoka County, Idaho; thence
along the boundary common to said Sections 1 and
12, South 89°59' East for 40.0 feet; thence North
1°59' West for 45.00 feet to the True Point of
Beginning;

Thence continuing North 1°59' West for 510.00 feet;

Thence North 88°00'36.9" East for 199.88 feet;

Thence South 1°59' East for 510.00 feet;

Thence South 88°00'36.9" West for 199.88 feet to
the True Point of Beginning.

Section 1: That part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1, lying
South of the Union Pacific Railroad right of way,
SAVE AND EXCEPT the following described parcel:

W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

Lot 6 in Block 9 of Sears Addition No. 1 to the City of
Minidoka, Minidoka County, Idaho, as the same is platted in the
official plat thereof, now of record in the office of the
Recorder of said County.

TOWNSHIP 8 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, more particu-
larly described as follows:

Beginning at the Southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 180 feet along the East section line
of said Section 2;

Thence West 330 feet;

Thence South 180 feet;

Thence East 330 feet to the Point of Beginning.

EXHIBIT "A"

TOWNSHIP 0 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 6: A parcel of land in the SW 1/4 SE 1/4, described as follows:

BEGINNING at the South quarter corner of Section 6; thence North 240 feet to the South right-of-way of Roosevelt Highway; thence S. 72° 57' E. 792 feet along said right-of-way; thence West 783 feet to the TRUE POINT OF BEGINNING;

AND

A parcel of land in the SE 1/4 SW 1/4, described as follows:

BEGINNING at the South quarter corner of Section 6; thence North 240 feet to the South boundary right-of-way of Roosevelt Highway; thence N. 81° 23' W., 1325 feet; thence South 640 feet; thence East 1320 feet to the point of beginning; and Lot 7 of Section 6 South of railroad.

AND

Section 7: All except that portion of the NE 1/4 NE 1/4 lying North of the railroad.

AND

Section 8: All of that part of Section 8, lying South of the Union Pacific Railroad right-of-way.

AND

Section 9: All of that part of the SW 1/4 NW 1/4 of Section 9, lying South of the Union Pacific Railroad Company right-of-way, and the W 1/2 SW 1/4 of Section 9.

EXCEPTING therefrom the right-of-way for the Railroad and Highway right-of-way.

NOT RECORDED

APR 11 1994

EXHIBIT B

NOTIFICATION OF IDAHO DEPARTMENT OF WATER RESOURCES OF SECURITY
INTEREST IN WATER RIGHTS.

LICENCE #36-02097 FOR 6.8 CFS appurtenant to 533 acres in
Sections 8 and 9, Township 8 South, Range 26 East.

LICENSE #36-10515 for 2.0 CFS appurtenant to 157 acres in
Sections 6 and 7, Township 8 South, Range 25 and 26 East.

LICENSE #36-02259 FOR 7.8 CFS appurtenant to 515 acres in
Sections 6 and 7, Township 8 South, Range 25 and 26 East.

LICENSE #36-02092 FOR 4.25 CFS appurtenant to 320 acres in
Section 27, Township 7 South, Range 25 East.

LICENSE #36-10517 FOR .09 CFS Stock and Domestic Filing.

LICENSE #36-10516 FOR .11 CFS Stock and Domestic Filing.

MICROFILMED

APR 11 1994

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P. O.)..... Declo, Cassia County, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley-Herald of Burley, Idaho published in
the county in which the works are situated.

.....

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

21502

Form No.11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P.O.)..... Declo, Cassia County, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at
my expense in the..... Burley-Herald of Burley, Idaho published in
the county in which the works are situated.

.....
.....

(In case of canals or other works designed to divert and carry more than 50 cubic
feet of water per second, the following certificate must be signed by a well-known and
competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer

21502

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P. O.)..... Declo, Cassia County, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
..... Minidoka County News of Rupert, Idaho published in
the county in which the works are situated.

.....


(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

21498

✓
November 30, 1953

RE: Permit No. 21502

Mr. W. W. Newcomb
Declo
Idaho

Dear Mr. Newcomb:

We enclose License and Certificate of Water Right issued under Permit No. 21502, confirming your right to the use of 4.25 second feet of water from a well in the center of the E $\frac{1}{2}$ Section 27, Township 7 South, Range 25 East, B.M., with priority of April 28, 1950, for the irrigation of E $\frac{1}{2}$ of said Section 27.

We also enclose departmental receipt No. 26354 for the \$16.00 License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

✓
November 23, 1953

RE: Permit No. 21502

Mr. W. W. Newcomb
Declo
Idaho

Dear Mr. Newcomb:

We believe that Permit No. 21502 is the one to which you refer in your letter of November 21, 1953.

The enclosed copy of a letter written to you on September 9, 1952, is self-explanatory.

This department has never received a reply to that letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg
Enc.

21502



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

November 23, 1953

RE: Permit No. 21502

RECEIVED
NOV 27 1953
Department of Reclamation

Mr. W. W. Newcomb
Declo
Idaho

Dear Mr. Newcomb:

We believe that Permit No. 21502 is the one to which you refer in your letter of November 21, 1953.

The enclosed copy of a letter written to you on September 9, 1952, is self-explanatory.

This department has never received a reply to that letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By *E. N. Humphrey*
E. N. Humphrey
Deputy State Reclamation Engineer

H:fg
Enc.

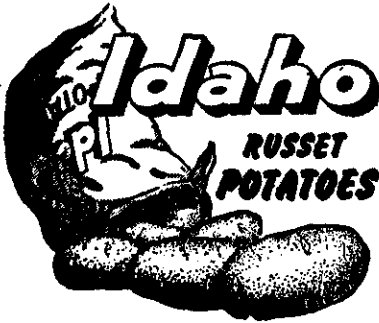
*This Check is to cover this Permit -
Thanks -
Wayne Newcomb -*

21502

NEWCOMBS
PIONEER BRAND

GRAND CHAMP
PURPLE RIBBON BRAND
RN RANCHES

W. W. & W. T. NEWCOMB, Inc.



GROWERS *Idaho's Pioneer Firm Since 1912*

BONDED SHIPPERS

PHONE 135 — L. D. 299

TWX - RUPERT 381

SPEEDCODE

BOX 562

RUPERT, IDAHO

Nov. 21, 1953

SELECT
UNIFORM
QUALITY

"PLEASES THE TRADE"

RECEIVED
NOV 23 1953
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Dep't. of Reclamation
Boise, Idaho

Dear Mr. Kulp:

This has reference to our pump one and one-half mile North and $1\frac{1}{2}$ miles west of Minidoka. It runs in my mind the water license was all completed except a few dollars more you wanted because we put some water on some government ground up there, and I don't know if that money was ever sent to you or not.

Will you kindly check into this and advise status of this pump and water license.

Very truly yours,

W. W. & W. T. NEWCOMB, INC.

W. Wayne Newcomb

WWN/fm

21502

September 9, 1952

RE: Permit No. 21502

Mr. W. W. Newcomb
Declo
Idaho

Dear Mr. Newcomb:

The report of our field engineer on examination for beneficial use under your Permit No. 21502, shows that you have irrigated 480 acres in the E $\frac{1}{2}$ and SW $\frac{1}{4}$ of Section 27, Township 7 South, Range 25 East, B.M., although your proof of beneficial use was only made on the E $\frac{1}{2}$ of said section.

Upon receipt of the statutory fee of \$16.00, which is at the rate of \$2.00 for each 40 acre subdivision in which the irrigated land is located, a license will be issued for 4.25 second feet of water from your well located in the center of the E $\frac{1}{2}$ of said Section 27.

The license can only be issued for the E $\frac{1}{2}$ of Section 27, but later on, if you wish to transfer a part of this water to be used on the SW $\frac{1}{4}$ of the section, it may be done by filing an application for transfer in the usual manner.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21502

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21502This proof is for Beneficial use

In Water District No. _____

1. Name of applicant W. W. Newcomb, Declo, Idaho
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the center of East half of Section 27
T. 7 S. R. 25 E. County of Minidoka
4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 280' deep. Static water level is 180', no drawdown. Depth of pump is 230', 12" column. 2' of 10" discharge pipe runs westerly to 8" mainline. 1 3/4 mile of 8" steel pipe (mainline). 2 1/4 mile of 4" aluminum pipe (lateral). Layne pump # 21066. U.S. motor # 854958, 200 HP., 440V., 240 amps., 1800 rpm., 3 phase. Westinghouse line starter, 440V., 60 cycle 297 Rain Bird sprinklers with 3/16"x 1/8" jets. 60 lbs. pressure at the pump and 35 lbs. pressure at the end of the laterals. Eight of nine laterals are in constant operation while the ninth is being moved. The addition of the ninth lateral the pressure falls.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 & East Half Section 27, Twp. 7 South, Range 25 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Crops: potatoes, peas, barley, and wheat. Land: rolling.This examination was made on the 8th day of July, 1952(Signed) Alfred O. Lamm
Examiner.

21502

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

W. W. Newcomb
Declo, Idaho

Permit No. 21502

Examination for Beneficial use

County Minidoka

T 7 S - R 25 E

Well

4.25' - filed on 6.4' of

P.D. - on 1/4 sec. line between
NE 1/4 & SE 1/4 S 27

use on E 1/2 of S. 27

Priority Apr. 28-50

Comp. of water due Nov. 1952
B. N. due May 20 1959

Irrig.

Sprinkler system

RECEIVED
SEP 3 1952
Department of Reclamation

Depth of well 280' X ?

Casing

Column 12" dia Bowl ?

Static water level 180'
(220 min. inch soil flow)

No drawdown

10" Discharge pipe X 2' long
to westerly direction to

8" main line steel (1 3/4")

2 1/4 mi 4" = 9 lines down
lateral.

297 sprinklers

Rain bird 40 3/16 X 1/8 nozzle

35# pressure at end of lateral

60# pressure at pump

potatoes peas barley wheat

Layne pump # 21066

W. I. motor # 854958

200 HP 140V 240 amps

1800 rpm 3 phase

Starting house line starter

440V 60 amp

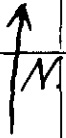
Depth of pump 230'

56° F

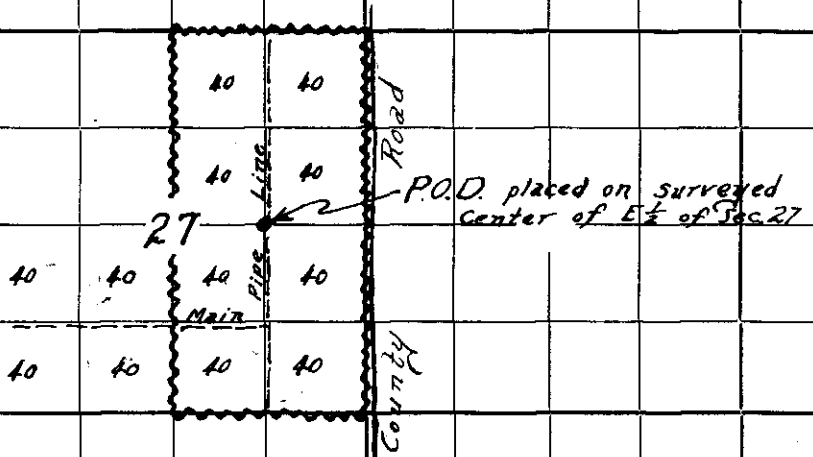
9 lines 5 sprinklers each

3 lines = 75"
8 " = 225"

2, 66 lines per pump here



T 7 S. R. 25 E.



320. Proof made.
Area Irrigated = 480 Acres

T = 56° F.

allow 220" as per proof if possible
Mitidoka



Notice says 4.25' cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21502

REPORT ON PROOF OF Beneficial use

W. W. NEWCOMB, Declo, Idaho

4.25 cfs
mark

app - 6.4 cfs
C/W 4.25 cfs

320 acres

8.4 cfs

33
9
297
2079
148
9)2227
249

NEWCOMBS
PIONEER BRAND



W.W. & W.T. NEWCOMB, INC.

GROWERS

Idaho's Pioneer Firm

BONDED SHIPPERS

PHONE 106 — L. D. 432

SPEEDCODE

Russet Potatoes

SELECT
UNIFORM
QUALITY

"PLEASED THE TRADE"

BOX 646

BURLEY, IDAHO

July 8, 1952

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

Please advise by return mail whether or not you have any "permits issued to any of the Newcombs" on the N $\frac{1}{2}$ of Section 7, Township 10, Range 25, giving us the number and status. Also, on the S $\frac{1}{2}$ of the Section 5, Township 10, R 25.

Thanks.

Very truly yours,

W. W. & W. T. NEWCOMB, INC.

W. Wayne Newcomb

WWN/fm

RECEIVED
JUL 11 1952

Department of Reclamation

21502

July 1, 1952

RE: Permit No. 21502

Mr. W. W. Newcomb
Declo
Idaho

Dear Mr. Newcomb:

Before license can be issued on your Permit No. 21502, State Law requires that an inspection be made by a member of this department.

Accordingly, I intend to call on you early Tuesday morning, July 8, 1952, to make this inspection. I shall attempt to contact you by telephone, but if unsuccessful I will drive on out to your place.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21502

✓
November 5, 1951

RE: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We have placed on file the depositions of W. W. Newcomb and two witnesses together with affidavit of publication in the Minidoka County News, all in proof of beneficial use under Permit No. 21502.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made as this department has but one field engineer who makes examinations all over the state.

However, he will try to contact Mr. Newcomb at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

see affidavit with Permit 21498

21502

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21502

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W. W. Newcomb; Declo, Idaho; farmer and potato buyer, Declo, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 21502 Date of priority April 28, 1950

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Quarter Section line between Northeast Quarter and Southeast Quarter of Section 27, Township 7 South, Range 25, E. B. M. Source of water supply - a well.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Water is diverted through a sprinkling system and the lines are capable of conveying 220 miner inches or 5 1/4 cubic inches. The well is approximately 268 feet deep. There is no casing in the said well except a few feet right at the top of the said well. It is 195 feet from the top of the well to the water level. The pump discharges 4 1/2 cubic feet per second of water, and it is measured through the use of 8 sprinkling lines, each line having 33 nozzles which gives a total number 264 sprinkling nozzles on the 8 lines. Each nozzles discharges approximately 7 1/2 gallon of water per minute giving a total of 1980 gallons per minute or 220 miner inches of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water applied for under this application is used for irrigation and is used to irrigate the Northeast Quarter and the Southeast Quarter of Section 27, Township 7 South, Range 25, E. B. M. Approximately the total area, that is 320 acres, are under cultivation. The said land is cultivated and has been improved by the drilling of a well thereon and by the establishment of a small shed and pole line and transformers on the said land.

21502

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. the total amount of water it necessary to properly irrigate said land

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. There is sufficient water produced under this permit to irrigate 329 acres of land.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water from said well has been used for more than a year and has been put to beneficial on the land by sprinkling lines and nozzles. The total amount of water, to-wit: 220 miner inches, have been applied to beneficial use on the land as set out in this application.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The water from the well is diverted upon the land and used for the irrigation of the same, and there is no other water other than from the well, and there are no other water rights to the said land other than the water produced from the said well.

(Sign) M. W. Neucomb

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 29th day of October, A. D. 1951,

My commission expires May 12, 1954

21502

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21502

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. M. E. Nielsen, 33 years of age, potato dealer by occupation, P.O. address
Eden, Idaho.

Ques. 2. Are you acquainted with W. W. Newcomb, the holder of Permit No. 21502 ? How long have you known him and where does he reside?

Ans. I have known Mr. Newcomb approximately 6 years and he resides at Declo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21502, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The flow of said water supply is from a well located on the Quarter Section line between the Northeast Quarter and the Southeast Quarter of Section 27, Township 7 South, Range 25, E. B. M. Said water is pumped under pressure through pipe lines which distribute the water to nozzles on the said pipe lines which water is thus discharged through the said nozzles to crops grown on the land.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Said works carry approximately 220 miner inches, and that is the amount of water I have seen being conveyed through the sprinkling pipe lines

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump deliver 220 miner inches of water from the well described in permit 21502. I measured the amount of water conveyed by the fact that there are 8 sprinkling lines on the pump with 33 nozzles on each line, giving a total of 264 sprinkling nozzles with each nozzle discharging $7\frac{1}{2}$ gallons per minute giving a total of 1980 gallon per minute which gives 220 miner inches of water produced from the said well.

21502

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate the Northeast and Southeast Quarters of Section 27, Township 7 South, Range 25, E. B. M. That approximately 320 acres are irrigated, that is 160 acres in each subdivision. Said land is now cultivated and was reclaimed from desert, sagebrush land to irrigated land. The well has been placed upon the said land together with a small shed and pole line as well as transformers in the use of discharging the said water.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land which has been reclaimed is a sandy, loam soil and the amount of water diverted is sufficient to profitably irrigate the said land set out in this application.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have visited the land on numerous occasions while said pump was in operation and have observed the lines carrying the amount of water set out in this application.

(Signed) _____

W. E. Nielsen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____ Burley _____, County of _____ Cassia _____, State of Idaho, on this 29th day of _____ October _____, A. D. 19 _____.

Notary Public.

My commission expires _____ May 12, 1954 _____

21502

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21502

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Mrs. Florence C. Manning, legal age, stenographer by occupation, Burley, Idaho.

Ques. 2. Are you acquainted with W. W. Newcomb, the holder of Permit No. 21502? How long have you known him and where does he reside?

Ans. I have known Mr. Newcomb approximately 10 years, and he resides at Declo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21502, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The flow of said water supply is from a well located on the Quarter Section line between the Northeast Quarter and the Southeast Quarter of Section 27, Township 7 South, Range 25, E. B. M. Said water is pumped under pressure through pipe lines which distribute the water to nozzles on the said pipe line which water is thus discharged through the said nozzles to crops grown on the land.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Said works carry approximately 220 miner inches, and that is the amount of water I have seen being conveyed through the sprinkling pipe lines.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump deliver 220 miner inches of water from the well described in permit 21502. I measured the amount of water conveyed by the fact that there are 8 sprinkling lines on the pump with 33 nozzles on each line, giving a total of 264 sprinkling nozzles with each nozzle discharging $7\frac{1}{2}$ gallons per minute giving a total of 1980 gallon per minute which gives 220 miner inches of water produced from the said well.

21502

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate the Northeast and South east Quarters of Section 27, Township 7 South, Range 25. E. B. M. That approximately 320 acres are irrigated, that is 160 acres in each subdivision. Said land is now cultivated and was reclaimed from desert, sagebrush land to irrigated land. The well has been placed upon the said land together with a small shed and pole line as well as transformers in the use of discharging the said water.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land which has been reclaimed is a sandy, loam soil and the amount of water diverted is sufficient to profitably irrigate the said land set out in this application.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have visited the land on numerous occasions while said pump was in operation and have observed the lines carryin the amount of water set out in this application.

(Signed) _____

Herbert C. Manning

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley
County of Cassia, State of Idaho, on this 29th day of October
A. D. 1951.

Notary Public.

My commission expires May 12, 1954.

21502

THE MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, { ss.
STATE OF IDAHO, {

Larry H. Robinson, being first
duly sworn, deposes and says that he is the

CO- publisher of The Minidoka County
News, a weekly newspaper published at Rupert,
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
weekly editions of The Minidoka County News

for Four (4) consecutive weeks, commencing
with the issue dated July 19, 1951, and
ending with the issue dated August 9, 1951

Larry H. Robinson

Subscribed and sworn to before me this

26th day of October, 1951

Notary Public

Cost of Publication \$15.37

Notary Fee

Total Cost

NOTICE OF WATER

Notice is hereby given that at
11:00 a. m. on the 28th day of
August, 1951, at Boise, County
of Cassia, State of Idaho, before
Norman H. Nielson, Notary
Public, proof will be submitted of
the application to beneficial use
of 4.25 cubic feet per second of the
waters of a certain well pump
construction in accordance with
the terms and conditions of Per-
mit No. 21502, heretofore issued
by the State Reclamation Engineer
of the State of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is
W. W. Newcomb, Boise, Idaho.

The use to which said water
has been applied is Irrigation.

The amount applied to bene-
ficial use is 4.25 cubic feet per
second

The place where said water is
used (lands irrigated) The
Northeast Quarter, and the
Southeast Quarter, Section
Twenty-seven, Township Seven
South, Range Twenty-five, East
Boise Meridian.

The name of the canal or ditch
or other works by which said
water is conducted to such place
of use is a well

The right to take water from
such works is based upon Permit
No. 21502

The source of supply from
which such water is diverted is
a well located in the center of
the East Half of Section Twenty-
seven, Township Seven South,
Range Twenty-five, East Boise
Meridian.

The date of priority which said
user is prepared to establish is
April 28, 1950.

Mark R. Kulp
State Reclamation Engineer.
No. 777 July 19-Aug. 9

21502

October 4, 1951

RE: Permit Nos. 21502 and 21498

Mr. Norman H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We have received no reply to office letter addressed you on August 16, 1951, inquiring whether or not beneficial use proof was made on Permit No. 21498 in the name of Marjorie and Russell Newcomb, and Permit No. 21502 in the name of W. W. Newcomb.

If these proofs were made, they should be transmitted promptly to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

~~21498~~

21502

✓
August 16, 1951

Permit Nos. 21502 and 21498

Mr. Norman H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We do not seem to have received proofs of beneficial use under Permit No. 21498 of Marjorie and Russell Newcomb, and Permit No. 21502 in the name of W. W. Newcomb, which were advertised to be made before you, as Notary Public, on August 4, 1951.

Please advise if these proofs have been made, and, if so, they should be transmitted to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21502

21502

Refer to letter of transmittal in file No. 21498.

✓
July 23, 1951

Re: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We enclose Certificate of Completion of Works issued under Permit No. 21502 in the name of W. W. Newcomb for the diversion of 4-1/4 second feet of water from a well on the quarter section line between the NE¹/₄ and the SE¹/₄ Section 27, Township 7 South, Range 25 East, B.M., for the irrigation of land in the E¹/₂ of said Section.

We also enclose Departmental Receipt No. 23537 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21502

July 13, 1951

Re: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

In writing you yesterday, we omitted to enclose the necessary forms for making Proof of Beneficial Use under Permit No. 21502, which forms are enclosed herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21502

July 12, 1951

Re: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

Your letter of July 10, in reply to our letter of July 9, requesting information as to the amount of water Mr. W. W. Newcomb is making proof on, did not reach us until yesterday afternoon, which we are afraid was too late to get the notice to the Minidoka County News in time for this week's publication.

However, we got it off in the afternoon mail, setting the date for August 4, 1951, but asked them if it was too late for this week's issue, to change the date to August 11 and notify us accordingly.

Certificate of Completion of Works will be issued as soon as we receive a supply of the necessary forms from the printer, as we are at present out of same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21502

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21502

Date: July 11, 1951

Minidoka County News

Rupert, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 4, 1951** the date set for proof, the expense of the publication to be paid by the applicant, **W. W. Newcomb** of **Declo Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

P. S. If this is too late for this week's issue, please change the date to August 11th, and notify us at once of such change. Thank you.

21502

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at ^{11:00}~~10~~ A. M. on the 4th day of August, 19⁵¹,
at Burley, County of Cassia, State of Idaho, before
NORMAN H. NIELSON, Attorney at Law, ~~Notary Public~~, proof will be submitted of the
application to beneficial use of 4.25 cubic feet per second of the waters of a certain well
pump construction in accordance with the terms and conditions of Permit No. 21502
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

W. W. NEWCOMB, Declo, Idaho.

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 4.25 cubic feet per second

The place where said water is used ~~(if for irrigation, give full and accurate description of the~~
lands irrigated) The Northeast Quarter, and the Southeast Quarter, Section Twenty-seven,
Township Seven South, Range Twenty-five, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is a well

The right to take water from such works is based upon Permit No. 21502

The source of supply from which such water is diverted is a well located in the center of
the East Half of Section Twenty-seven, Township Seven South, Range Twenty-five, East
Boise Meridian.

The date of priority which said user is prepared to establish is April 28
~~July 1st~~ 1950

MARK R. KULP

State Reclamation Engineer.

21502

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO
July 10th 1951

RECEIVED
JUL 11 1951
Department of Reclamation

A. H. NIELSON
N. H. NIELSON

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mark R. Kulp
State Reclamation Engineer
By: Jeanne L. Anderson
Chief Clerk

Dear Miss Anderson:

Relative to your request of July 9th we return
herewith Proof of Completion of Works in connection with Permit No.
21502 showing Question 7 completed.

Will you please add this information to the Notice
of Beneficial Use Proof.

August 4th 1951 appears to be satisfactory as the
date in which proof can be made on this application.

Thank you for your consideration in this matter,
we remain

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

NHN:ew
Enclosure

21502

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P. O.).....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Minidoka County News of Rupert, Idaho published in
the county in which the works are situated.

N. H. Nelson

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

21502

Permit No. 21502

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

ss.

W. W. NEWCOMB

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 21502, and that his postoffice address is Declo

State of Idaho

Second: That the name of the stream which said water is to be ~~diverted~~ ^{FROM} is

subterranean water pumped from well

Third: That the point of diversion of said water is a well located 1320 feet North and 1320 feet West of the Southeast corner of the Southeast Quarter. Said well being located on the quarter section line between the Northeast Quarter and the Southeast Quarter, of Township Seven South, Range Twenty-five, East Boise Meridian.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 20, 1955.

Fifth: That the use for which said water is intended is irrigation of 320 acres.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Well for irrigation to be operated by electricity
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: Irrigation by sprinkling

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir ~~xxxxx~~ feet. Irrigating will be

(c) Size of headgate: Width feet, height feet. done by sprinkling

(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 4 1/4 second feet of water.

Eighth: That water appropriated under said permit is available for 320 acres of land described as follows: The Northeast Quarter, and the Southeast Quarter, Section Twenty-seven, Township Seven South, Range Twenty-five, East Boise Meridian.

Ninth: Remarks: That well has been pumped continuously for one season commencing with the 1st day of July 1950. That said well has a 28-inch casing for 18-feet and an 18-inch casing for 270-feet. That the pump in the said well is a 200 h.p. Layne & Bowler pump, which lifts the said water approximately 210-feet. That said well is approximately 288 feet deep.

(Sign Here)

Subscribed and sworn to before me this 29 day of June 1951

My commission expires May 12th 1954

NORMAN H. NIELSON, Notary Public.
in and for Idaho, Residing at
Burley therein.

21502

✓
July 9, 1951

Re: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We return the Proof of Completion of Works under Permit No. 21502 of W. W. Newcomb in order that Question 7 may be completed showing the amount of water the works are capable of conducting to the place of intended use.

Notice of Beneficial Use Proof to be made under this Permit also fails to state the amount of water on which proof is to be made and it does not give the date for making the proof.

If we have your reply by return mail we can set this for August 4, 1951, the same date on which proof is to be made on Permit No. 21498 in the name of Marjorie and Russell Newcomb. Otherwise, you may set a date that will be convenient for you and the Permit holder.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21502

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW

BURLEY, IDAHO
July 6th 1951

A. H. NIELSON

N. H. NIELSON

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mark R. Kulp
State Reclamation Engineer
By: Jeanne L. Anderson

ML

Dear Miss Anderson:

The well described in Proof of Completion of Works and Notice of Beneficial Use Proof under Permit No.21498, should be in the center of the Southeast Quarter of Section Twelve, Township Ten South, Range Twenty-four, East Boise Meridian.

Also enclosed you will find Proof of Completion of Works under Permit No.21502 and Notice of Proof Application of Water to Beneficial Use, as well as a check in the amount of \$5.00 to cover the filing of said application.

Yours very truly yours,

NIELSON & NIELSON

By *Norman H. Nielson*
Norman H. Nielson

NHN:ew
Enclosures

RECEIVED
JUL 7 1951
Department of Reclamation

21502

✓
June 3, 1951

Re: Permit No. 21502

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. N. H. Nielson

Dear Mr. Nielson:

We return Proof of Completion of Works and
Notice of Beneficial Use Proof on Permit No. 21502
made out in the name of Marjorie Newcomb and Russell
Newcomb.

Our records show that this Permit was
assigned by them to W. W. Newcomb on March 14, 1951,
and the proof should be made in his name.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21502

✓
March 16, 1951

Re: Permit No. 21502

Mr. W. W. Newcomb
Declo, Idaho

Dear Mr. Newcomb:

We have recorded the Assignment of Permit No. 21502 from Marjorie and Russell Newcomb to you, and return same herewith, together with the original Permit.

We also Enclose Departmental Receipt No. 23196 for the \$.50 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21502

March 8, 1951

Mr. W. W. Newcomb
Burley, Idaho

Dear Mr. Newcomb:

In reply to your telephone request, we enclose a form of assignment to be used in transferring the permit in the name of Marjorie and Russell Newcomb to you.

There is a fee of fifty cents for recording the assignment, and when it is so recorded the assignment will be returned to you, and the permit show as in your own name.

Very truly yours,

MARK R. HULP
State Reclamation Engineer
By

Chief Clerk

21502

February 15, 1951

Re: Permits Nos. 21498, 21499, 21500, 21501 and 21502.

Mr. Norman H. Nielsen
Attorney at Law
Burley, Idaho

Dear Mr. Nielsen:

We acknowledge receipt of your letter of February 7, 1951, which reached us this morning, enclosing three applications for Permit in the names of Marjorie and Russell Newcomb, also forms in connection with the statutory proofs on the above numbered Permits, and your check for \$42.25.

We regret that it is necessary to return the forms tendered in proof on these several Permits for the following reasons:

First, the Affidavits in Proof of Completion of Works in each case only describe one well; Question 3 should give the point or points of diversion (location of the wells) in legal subdivisions, Sections, Townships and Ranges; Question 7 should state the total amount of water the well or wells are capable of producing; under "Remarks" give the size and depth of the well and casing, and also describe the pump or pumps.

Only one Affidavit should be made in Proof of Completion of Works and this Affidavit should cover all of the wells included in the Permit.

Proof of Beneficial Use should also include all the wells described in each Permit and not a separate proof for each well.

Since this will require making new notices on each of these five Permits, and as these notices are to be made in duplicate for each, we are enclosing ten other copies of Form 10 for your use in making the corrected notices. We also enclose five other form 6 in case you may wish to make new affidavits in Proof of Completion of Works instead of correcting the ones previously submitted.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

A:hh
Enc.

Chief Clerk

21502

MARJORIE & RUSSELL MESCOMB

SEE ALSO PERMITS NOS.:

21498

21499

21500

21501

21502

21503

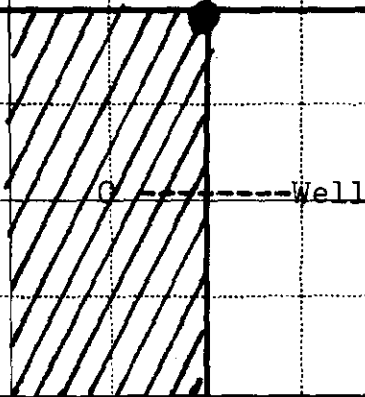
22007

22008

22009

AREA TO BE IRRIGATED INDICATED BY CROSS-HATCHED PORTION
BELOW, ALL OF WHICH IS LOCATED IN:

East one-half ($\frac{1}{2}$) of Section twenty-seven (27)
Township Seven (7) South, Range Twenty five (25), East
of the Boise Meridian



Permit Map No. 21502
As Approved
MAY 20 1950
MARK R. KULP
Civil Reclamation Engineer