

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00432
Date Received: 5/19/1988
Receipt No: 5000348
Received By: AM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRIETTE NEWELL 208-886-2598
Address: P. O. BOX 584
SHOSHONE, ID 83352

AND/OR

Name: CHARLES E. NEWELL 208-886-2598
Address: P. O. BOX 584
SHOSHONE, ID 83352

2. Date of Priority: APR 15, 1885

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	17E	33	NE	NE	NE		LINCOLN
		34	SW	SW	NE		LINCOLN
			SE	NW	NW		LINCOLN

5. Description of diverting works:
MABBUTT #70 HEADGATE, AND 3 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.600		

7. Total Quantity Appropriated is:
2.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 312.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	17E	28	SW	SE		IRR	15.0
			SE	SE		IRR	9.0
					Section Acres		24.0
		33	NE	NE		IRR	19.0
					Section Acres		19.0
		34	NE	NW		IRR	13.0
			NW	NW		IRR	17.0
			SW	NW		IRR	9.0
			SE	NW		IRR	22.0
					Section Acres		61.0
					Total Acres		104.0

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
PART OF 37-0059 50"

14. Remarks:
TRANS. 3111. 2 P/D IN NENE, S33, T5S, R17E.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles E. Newell Date: 6-7-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

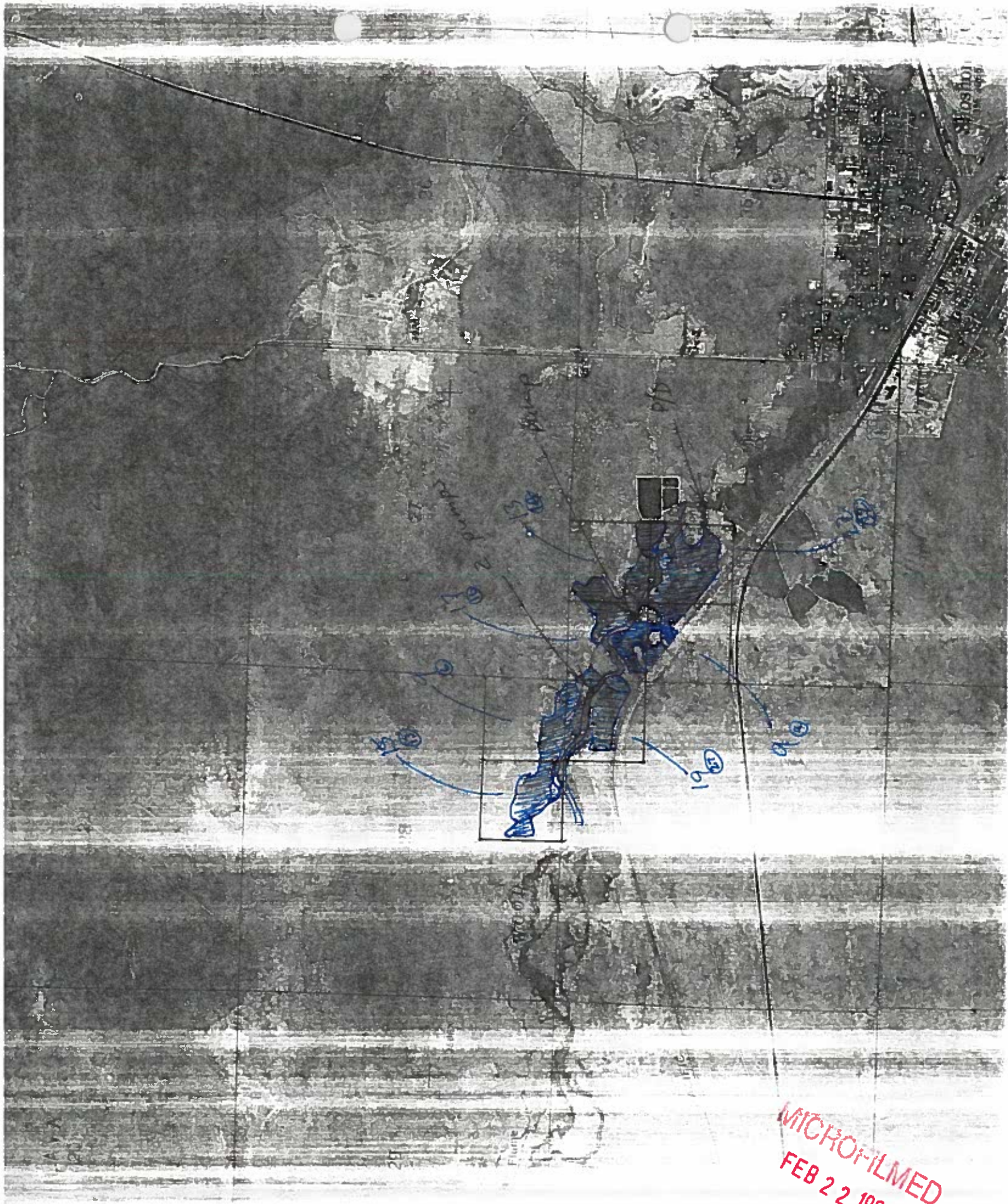
Subscribed and sworn (or affirmed) before me this 7th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Landing, Id
My Commission Expires 10/16/1992



MICROFILMED
FEB 22 1993

08/08/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-432

NAME AND ADDRESS: HENRIETTE NEWELL
PO BOX 584
SHOSHONE ID 83352

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.600 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-21135 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.6 CFS.

PRIORITY DATE: 04/15/1885

POINT OF DIVERSION:

T05S R17E S33 NENENE Within LINCOLN County
T05S R17E S33 NENENE Within LINCOLN County
T05S R17E S34 SWSWNE Within LINCOLN County
T05S R17E S34 SENWNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.600 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R17E S28	SWSE	7.8	T05S R17E S28	SESE	9.7
T05S R17E S33	NENE	15.0	T05S R17E S34	NENW	11.0
T05S R17E S34	NWNW	11.0	T05S R17E S34	SWNW	5.7
T05S R17E S34	SENW	17.0			

77.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 37-59G & 37-21135 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 77.2 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 54 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

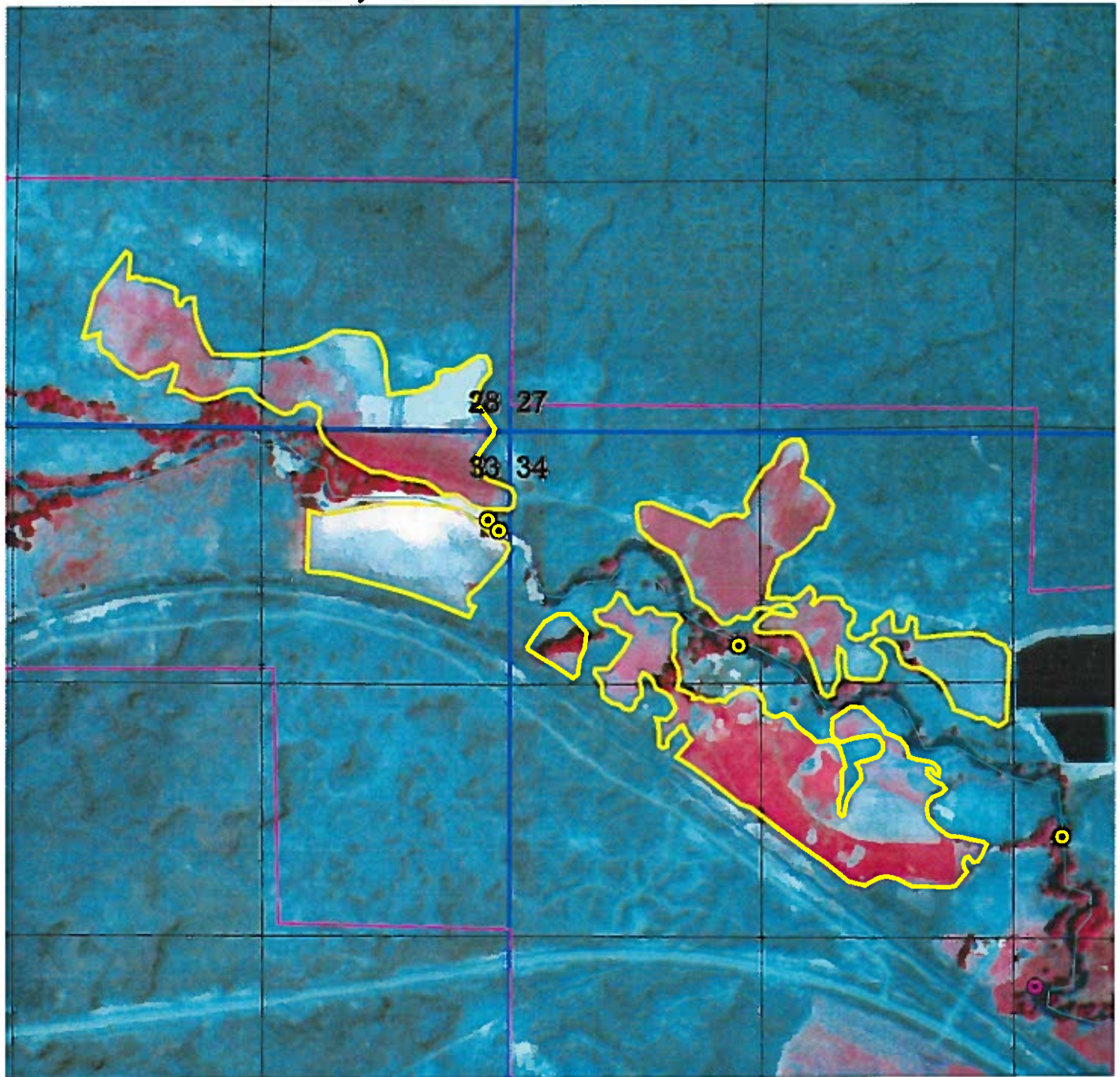
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

RIGHT NO. 37-21135 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

IDAHO DEPT OF WATER RESOURCES

37-59G, 37-432 & 37-21135



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 17E

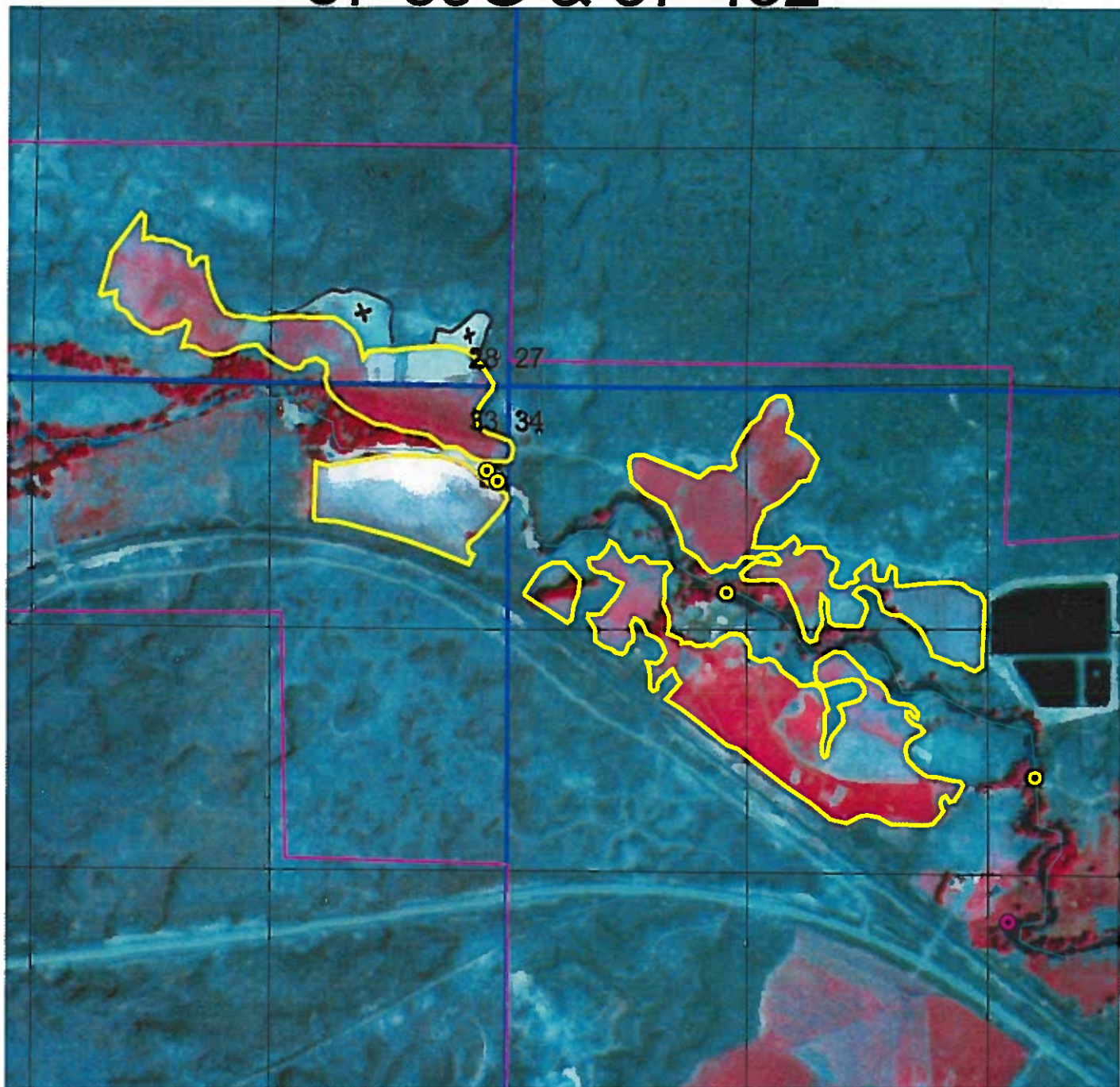


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: AUGUST 8, 2003

IDAHO DEPT OF WATER RESOURCES

37-59G & 37-432



1320 0 1320 Feet

- Basin 37 part 1-POU
- Basin 37 part 1-POD
- Ownership FED-Private
- ~ Streams
- Section Lines
- Quarter - Quarter lines

** Revised
8-8-03
SCC*

TWN: 5S
RNG: 17E



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 25, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

MARCH 5, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES E NEWELL
HENRIETTE NEWELL
PO BOX 584
SHOSHONE ID 83352

RE: INITIAL REVIEW OF CLAIMS 37-59G & 37-432

Dear Claimants,

After the initial review of your claims in the SRBA process the following issues were raised. You appear to have increased the number of irrigated acres beyond the number of acres documented in your Transfer 3111, in 4/15/1985, from 54 acres to the current level of 71 acres. The transfer indicated you were installing sprinklers to better use your water in 1985. If this is correct you may want to file an enlargement claim for the increased irrigation uses. Secondly, you did not include the 37-59G right in the 1985 transfer so I have questions as to when you obtained this right and began to use it on the property. Was it after 1985 or before? You may need to file an enlargement claim for this right as well depending on your answer.

If you will provide me with a brief history of the use of these two rights and your sprinkler irrigation I will be better able to correctly recommend your rights for the pending Director's Report for Basin 37 Part 1. I can also assist you in filing additional claims if that is necessary.

If you have further questions on this water right then please feel free to call me at our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-432

WATER RIGHT NUMBER: 37-432

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES E NEWELL PO BOX 584 SHOSHONE, ID 83352
Original Owner	WILLIAM MABBUTT , ZZ
Current Owner	HENRIETTE NEWELL PO BOX 584 SHOSHONE, ID 83352

Priority Date: 04/15/1885

Basis: Decreed

Status: Active

Source

LITTLE WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

2.600 CFS

Annual VolumeTotal Diversion:

2.600 CFS

Location of Point(s) of Diversion

LITTLE WOOD RIVER

SW1/4NE1/4

Sec. 34, Twp 05S, Rge 17E, B.M.

LINCOLN County

LITTLE WOOD RIVER

NE1/4NE1/4

Sec. 33, Twp 05S, Rge 17E, B.M.

LINCOLN 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	
05S 17E 28															6.0	5.0	11.0
05S 17E 33	14.0																14.0
05S 17E 34					7.0	7.0	5.0	10.0									29.0

Total Acres: 54

Conditions of Approval:

- 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

$$\frac{2.6 \text{ cfs}}{54} = \underline{\underline{0.048 \text{ cfs/ac}}}$$

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-432

2. 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

1. General TRANS. 3111.
2 P/D IN NENE, S33, T5S, R17E.

4/15/85

To install
SprinklersComments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
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: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Trans. was for POD