

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: A37-00059G
Date Received: 5/20/1988
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: MAY 27, 1899

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	1.000		

7. Total Quantity Appropriated is:
1.000 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:
A37-00432

14. Remarks:
THIS RIGHT IS A PORTION OF 37-0059E WHICH IS THE REMAINING
UNSPILT PORTION OF THE ORIGINAL RIGHT WHICH HAS BEEN SPLIT BY
NUMEROUS UNRECORDED TRANSFERS.

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

S.C.FROST ET. AL.
Decree Plaintiff

vs

ALTURUS WATER CO., 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 ☒ 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.

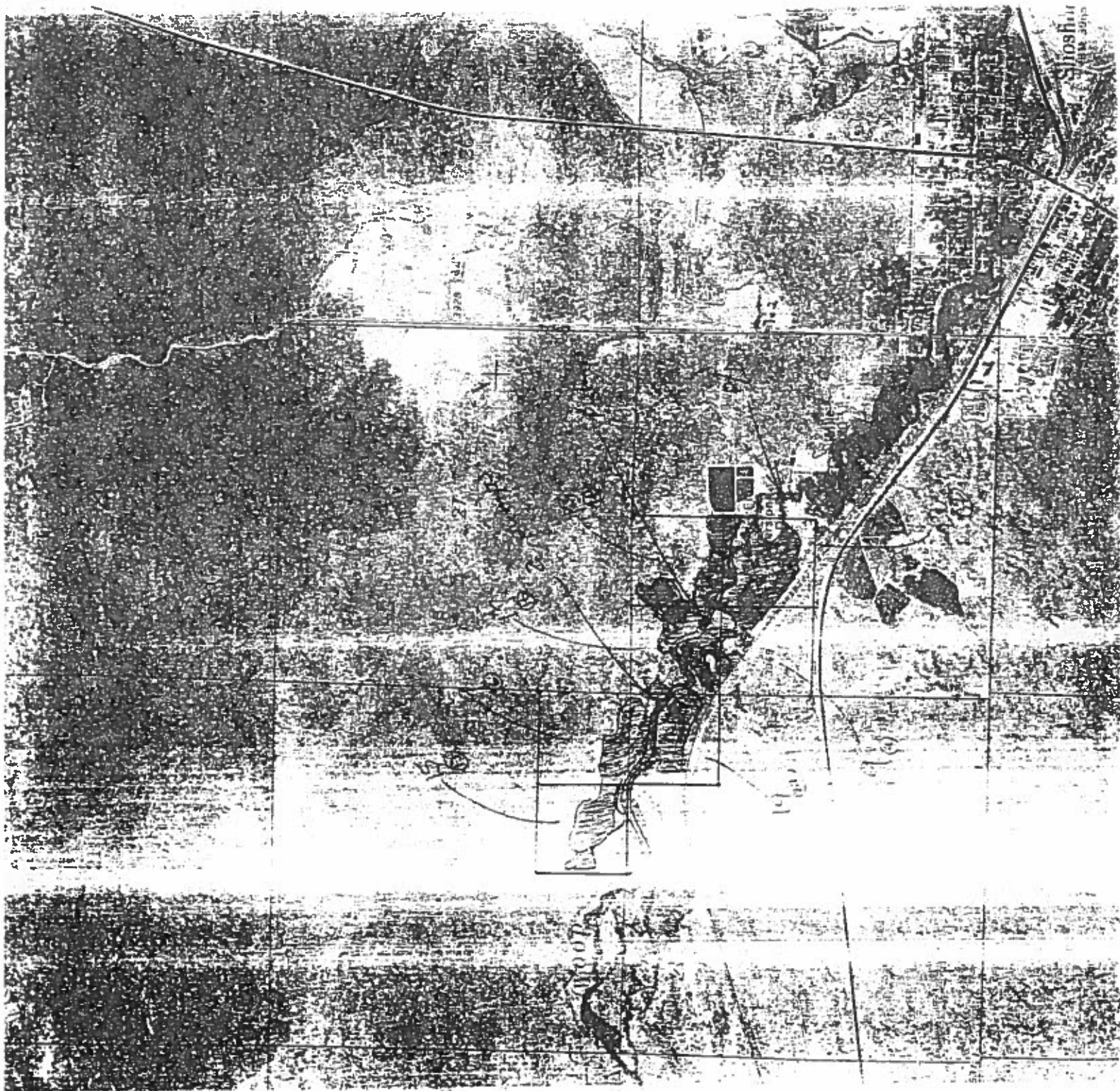
Subscribed and sworn (or affirmed) before me this 7th day
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

MICROFILMED
FEB 22 1993



MICROFILMED
FEB 22 1993

10/21/2006

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

RIGHT NUMBER: 37-59G

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

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE
LITTLE WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD
RIVER.

QUANTITY: 1.370 CFS

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 1.0 CFS CAN BE
REDIVERTED FROM LITTLE WOOD RIVER.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SWSENE Within BLAINE County
T03S R19E S19 SWNE Injection Within LINCOLN County
T04S R19E S25 SENWSE Injection Within LINCOLN County
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S34 SWSWNE Rediversion Within LINCOLN County
T05S R17E S34 SENWNW Rediversion 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	1.370 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R17E S28	SWSE	7.80	T05S R17E S28	SESE	9.70
T05S R17E S33	NENE	15.00	T05S R17E S34	NENW	11.00
T05S R17E S34	NWNW	11.00	T05S R17E S34	SWNW	5.70
T05S R17E S34	SENW	17.00			

77.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 37-432 & 37-21135 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 77.2 ACRES 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: BASIS OF CLAIM - Decreed

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-59G

HENRIETTE M NEWELL
PO BOX 584
SHOSHONE ID 83352
Telephone Number: (208)886-2598

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352
Telephone Number: (208)886-2598

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Source, Point of diversion, Conveyance Loss

2. Describe the changes you wish to make in the proposed recommendation:

*The source has always been listed as: Little Wood River, Trib. To Maled R.
The point of diversion has been TS 5S R 17E Sec 33 & 34
No conveyance Loss*

3. Give a brief explanation as to why you disagree with these portions:

Please see below

I don't I AGREE with this proposed recommendation: ~~no~~ changes need to be made.

DATE: 6-2-05 SIGNATURE: Charles E Newell
Please print your name: Charles E Newell

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

*The quantity of water has always been 1,000 cfs and the water was measured at point of diversion at: TS 5S R 17E Sec 33 & 34
(Please see IDWR page)*

There has never been a conveyance loss for this water right. The full amount of 1,000 cfs has always been delivered when this water right was in use.

04/12/2005

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

RIGHT NUMBER: 37-59G
NAME AND ADDRESS: HENRIETTE M NEWELL
PO BOX 584
SHOSHONE ID 83352

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE LITTLE
WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD RIVER.

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

~~T02S R18E S30 SWSENE Within BLAINE County~~
~~T03S R19E S19 SWNENE Injection Within LINCOLN County~~
~~T04S R19E S25 SENWSE Injection Within LINCOLN County~~
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S34 SWSWNE Rediversion Within LINCOLN County
T05S R17E S34 SENWNW Rediversion Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.000 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

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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: BASIS OF CLAIM - Decreed

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 0.73 CFS CAN BE
REDIVERTED FROM LITTLE WOOD RIVER.

SCANNED
JUN 7 2005

08/08/2003

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

RIGHT NUMBER: 37-59G

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

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE LITTLE
WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD RIVER.

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SWSENE Within LINCOLN County — BLAINE
T03S R19E S19 SWNENE Injection Within LINCOLN County
T04S R19E S25 SENWSE Injection Within LINCOLN County
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S33 NENENE Rediversion Within LINCOLN County
T05S R17E S34 SWSWNE Rediversion Within LINCOLN County
T05S R17E S34 SENWNW Rediversion 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	1.000 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

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

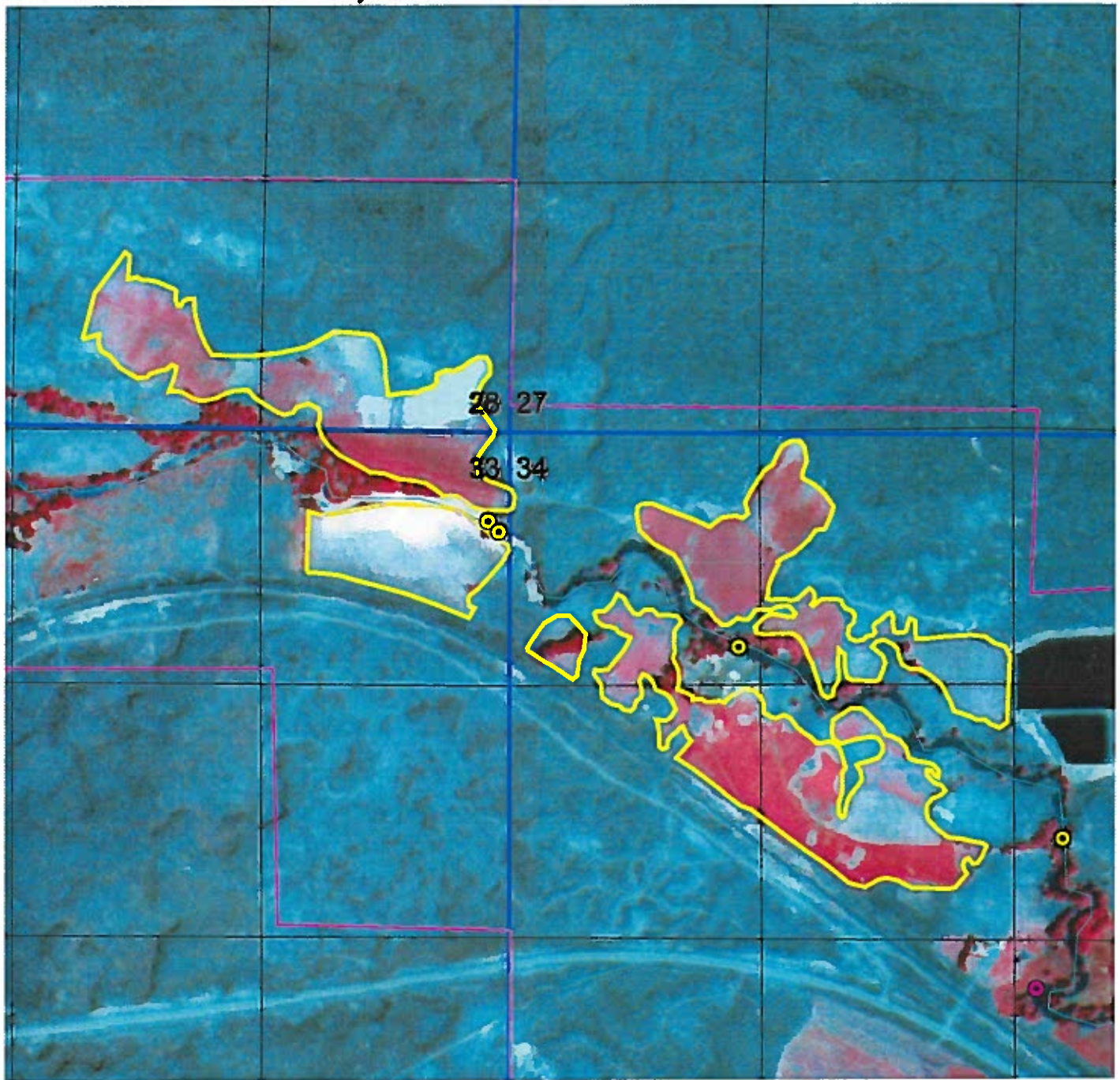
This partial decree is subject to such general provisions necessary for
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EXPLANATORY MATERIAL:

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 0.73 CFS CAN BE
REDIVERTED FROM LITTLE WOOD RIVER.

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

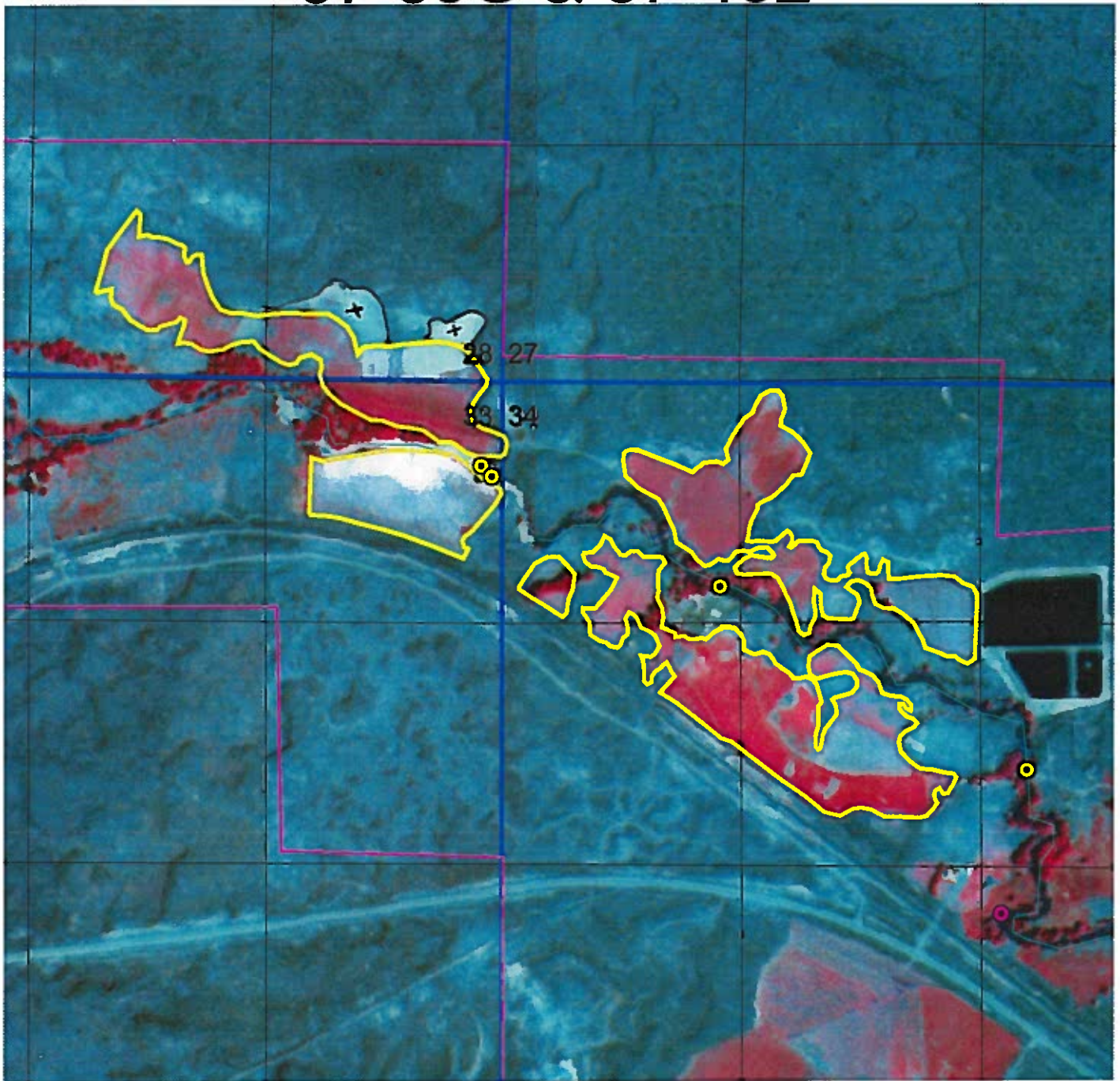


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

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
SW*

TWN: 5S
RNG: 17E



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

Date: MARCH 25, 2003

37-59 G

3-4-03
scc

37-432

-59G 1.0 cfs

-432 2.6 cfs
3.6

-27% = 0.73 cfs
what about 27% loss?
is this really 1.37 cfs?
to deliver 1.0 cfs

180" on 104 Ac.
= 1.73"/Ac

3/5/03 letter to ask about enlargement.

1985 54 acres per trans. 3/11

1987 71 acres due to sprinkler use.

VM 3/20/03

(sister)
Barbara McNally

Re: Newell WR 406-793-5685

call back 3/21/03 9:30 AM N/Answer

10:30 AM (see memo)

11:AM call back in from B. McNally.

3/21/03

POD: <see map sketch>

POU: revised acres per GIS = 73.9 AC.

8/8/03 scc
* Revised acres
based on map in 37-21135
increased acres to = 77.2

Remarks:

POU: combined limit 77.2
73.9 acres

Source G02 (-59G only)

No BWC

27% C.L. limit.

Enlargement:

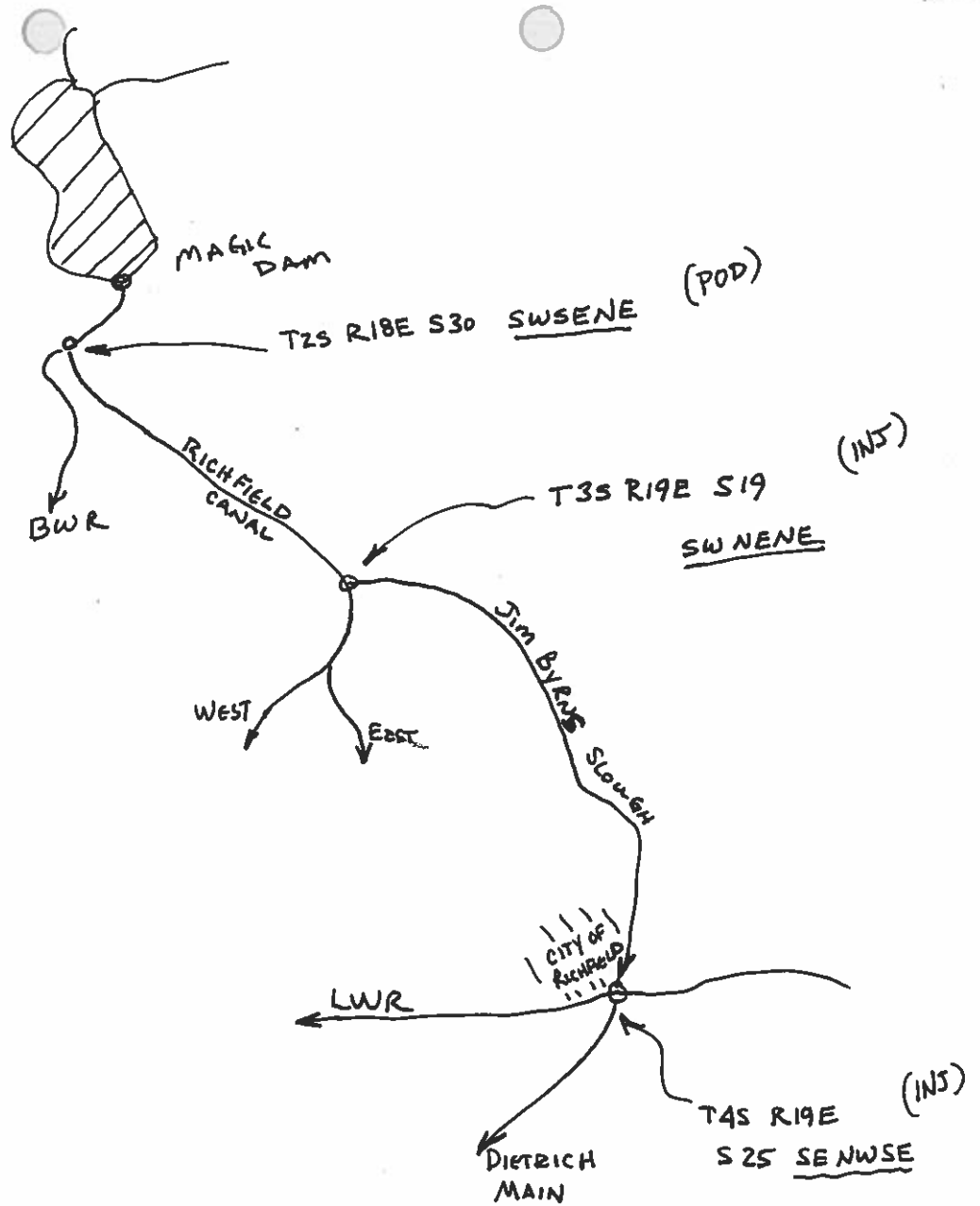
Q. $2.6 \div 77.2 \text{ Ac}$

= 0.0337 cfs/Ac

* $23.2 \text{ Ac} = \underline{0.78 \text{ cfs}}$

COMMUNICATION DOCUMENTATION

All this can wait until Mr. Newell returns to Shoshone in June 2003. He will need to contact me to arrange the filing of the enlargement claim and review of the maps. Until then any contacts needed can continue with Barbara



37-59G

COMMUNICATION DOCUMENTATION

Claim No. 37-59G

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland



3/21/2003 10:30 AM

NAME:

RE:

BARBARA MCNALLY

CALLIN

NEWELL RIGHTS

She called and said she is the sister to Mr. Newell and is currently handling his affairs. I explained the details of my letter to her and why I needed the information. She will work to put the info together ASAP. Phone 406-793-5685

11 Am

She called again and has found the transfer & SPG claim. I told her how this fits into my Review of the rights.

also asked & explained about the 27% cony. loss on -59G. she will look into this.

*re-mailed 3-12-03.
-ss*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

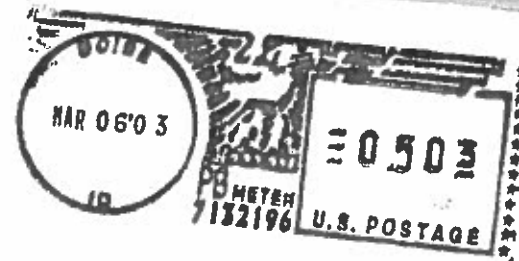
Return Service Requested

RECEIVED

MAR 12 2003

Department of Water Resources

PRESORTED
FIRST CLASS



*37-596
37-432*

CHARLES E NEWELL
HENRIETTE NEWELL
PO BOX 584
SHOSHONE ID 83352

AAAGTMS 83352

NEWES84 T833522004 1C02 05 03/10/03
NEWELL RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER



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:

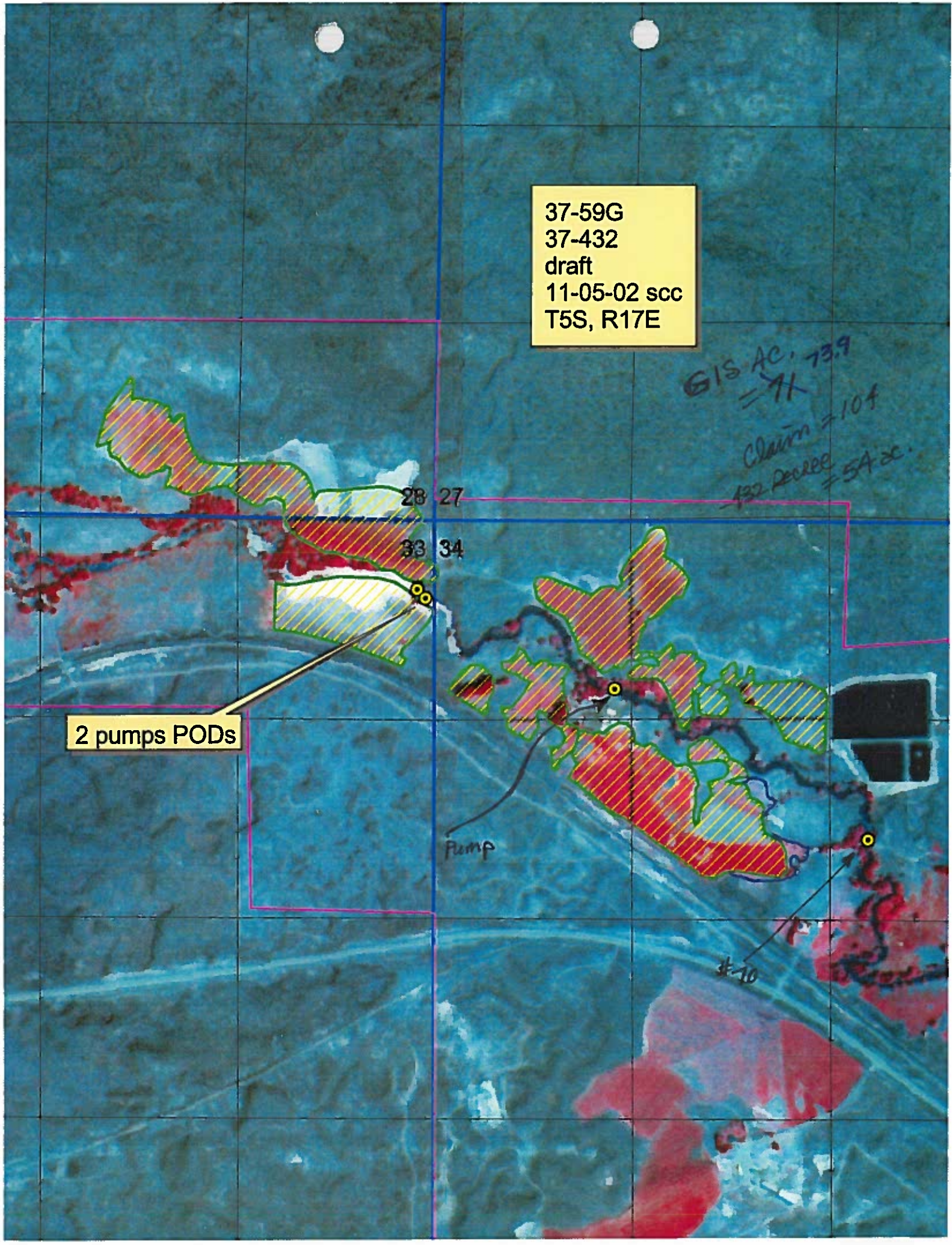
37-59G
37-432
draft
11-05-02 scc
T5S, R17E

GIS AC. 73.9
= 71
Claim = 104
132 Acres = 54 ac.

2 pumps PODs

Pump

#10



37-59 REVIEW/SPLITS

11/4/02
SCC

Bas	Seq	Suffi	Bas	Statu	Right ID	Priority	Dat	Rate/c	Volum	Source	Wat	Owner(s)	Version	Source Ta	App.ID
37	59		Decr	Active	234414	1899-05-27	2.3			BIG WOOL IRRIGATION ARKOOSH, BILL (Current);	wr	AdjudicationClaim			
37	59	A	Decr	Active	234415	1899-05-27	4.66		692	BIG WOOL IRRIGATION ANCHUSTEGUI, ALEX (Current);	wr	AdjudicationClaim			
37	59	B	Decr	Active	234416	1899-05-27	4.16			BIG WOOL IRRIGATION TABER, DONALD (Current);	wr	AdjudicationClaim			
37	59	C	Decr	Active	234417	1899-05-27	3.58		642	LITTLE WOOD IRRIGATION DINGES, RICHARD A (Current);	wr	AdjudicationClaim			
37	59	D	Decr	Active	234418	1899-05-27	0.38			BIG WOOL IRRIGATION BRYANT III, ERNESTATE /	wr	AdjudicationClaim			
37	59	G	Decr	Active	234419	1899-05-27	1			LITTLE WOOD IRRIGATION NEWELL, CHARLES E (Current);	wr	AdjudicationClaim			
37	59	H	Decr	Active	234420	1899-05-27	2.88			BIG WOOL IRRIGATION THORNTON, LARRY (Current);	wr	AdjudicationClaim			
37	59	I	Decr	Active	234421	1899-05-27	0.32			LITTLE WOOD IRRIGATION PRICE, SANDRA (Current);	wr	AdjudicationClaim			
37	59	J	Decr	Active	234422	1899-05-27	0.23			LITTLE WOOD IRRIGATION MC DADE, ERNESTATE J /	wr	AdjudicationClaim			
37	59	K	Decr	Active	282299	1899-05-27	21.76		872	BIG WOOL IRRIGATION STIMPSON, DON F (Current);	wr	AdjudicationClaim			
37	59	A	Decr	Active	346578	1899-05-27	4.66		692	BIG WOOL IRRIGATION ANCHUST		1	wr	AdjudicationRecommendation	
37	59	K	Decr	Active	346552	1899-05-27	21.76		872	BIG WOOL IRRIGATION STIMPSON		1	wr	AdjudicationRecommendation	
37	59	B	Decr	Active	36644	1899-05-27	4.16			BIG WOOL IRRIGATION TABER, DONALD (Current);	wr	WaterRight			
37	59	D	Decr	Active	36646	1899-05-27	0.38			BIG WOOL IRRIGATION BRYANT III, ERNESTATE /	wr	WaterRight			
37	59	F	Decr	Active	36648	1899-05-27	21.76		872	BIG WOOL IRRIGATION STIMPSON, DON F (Current);	wr	WaterRight			
37	59	G	Decr	Active	36649	1899-05-27	161			BIG WOOL IRRIGATION COTTONWOOD CANAL /	wr	WaterRight			
37	59	H	Decr	Active	36650	1899-05-27	4.66		692	BIG WOOL IRRIGATION ANCHUSTEGUI, ALEX (Current);	wr	WaterRight			
37	59	K		Active	346552	1899-05-27	21.76		872	BIG WOOL IRRIGATION		xrFromAdj		70080	
37	59	K		Active	561456	1899-05-27	21.76		872	BIG WOOL IRRIGATION		xrToAdjCla		70080	

Base portion to claim AGAINST.