

JUL 21 2003

Department of Water Resources

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 37-21135
Date Received: 7/17/2003
Receipt No: 5025985
Received By: KKC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

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

2. Date of Priority: 04/15/1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	33	NE NE NE	LINCOLN	
05S	17E	34	SW SW NE	LINCOLN	
05S	17E	34	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	2.6	

7. Total Quantity Appropriated is:
2.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	17E	28	SW SE	IRRIGATION	15
			SE SE	IRRIGATION	9
				Section Acres	24

05S	17E	33	NE	NE	IRRIGATION	19
					Section Acres	19
05S	17E	34	NE	NW	IRRIGATION	13
			NW	NW	IRRIGATION	17
			SW	NW	IRRIGATION	9
			SE	NW	IRRIGATION	22
					Section Acres	61
					Total Acres	104

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:

14. Remarks:

this claim is filed as an expansion claim or beneficial use claim to add acres that have been irrigated but not recognized through the transfer 3111. Priority date and rates were estimated values.

15. Basis of Claim:

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.

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. Yowell Date: 7-17-03
 _____ Date: _____

State of Idaho)
) SS.
 County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 17th day of July 2003



Kelly K. Christensen
 Notary Public

Residing at _____ Twin Falls ID _____
 My commission Expires 3-11-2004

①
Range
60.0 A.

LAND USE PHOTO

② Cult.

8.5 A.

③

Cultivated
12.0 A.

⑧

Range
Total
7.5 A.

⑨

Cultivated
9.0 A.

⑧

Pasture
Total
2.0 A.

④

Range
Total 30.0 A.

⑤

Cultivated
8.5 A.

⑥

⑥A

Pasture
4.0 A.

④

⑦

Post
4.0 A.

⑮

Range
84.0 A.

⑫

Cultivated
5.0 A.

⑬

⑬

⑬

Range 18.0 A.

LITTLE WOOD RIVER

River, Railroad, & Waste 31.0 A.

H. N. Newell

Williston, N.D.

ALBERT DUKE

NO. 182

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Charles E Newell

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>A. SKINNER</u>	Date <u>12/13/2006</u>	Fee <u>\$50.00</u>
Received by <u>C. SKINNER</u>	Date <u>12/13/2006</u>	Receipt No. <u>5029112</u>
Processed by <u>SEC</u> AJ	Date <u>1-11-07</u>	WR <u>SCANNED</u> Date _____

NCAP done 1-17-07

DEC 28 2006

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED
DEC 13 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split
37-4228 ⁺		
37-10048 ⁺		
~~37-596~~	37-596 ⁺	
~~37-432~~	37-432	
~~37-21135~~	37-21135	

Water Right No(s)	Adjudication Claim No(s)	Split

RECEIVED

DEC 27 2006
DEPARTMENT OF
WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Charles Newell / PO Box 584
Henriette Newell / Shoshone Id
83352

4. New Owner/Claimant(s)

Charles Newell Box 584 Shoshone Id
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

SCANNED

DEC 28 2006

6-15-05

Idaho Dept of Water Resources

RECEIVED

RECEIVED

JUN 17 2005

JUN 20 2005

Department of Water Resources
Southern Region

Water Right Number 37-21135

Department of Water Resources

This claim was filed as an expansion claim for beneficial use to add acres that are irrigated but not recognized through transfer 3111, Dated April 15, 1985.

In June of 1985, a sprinkler system was installed to irrigate several fields, making better use of the water. As a result some additional land was brought into production because of sprinkler use.

In March 2003 the Dept of Water Resources suggested I file an enlargement claim for the increased irrigated acres; from 54 ac. to 76 ac.
Filed 7-17-03 Receipt ID S025985

The water used for this expansion claim and the irrigation of existing land on this property is Water Right Number 37-596 and 37-0432

I am not claiming any additional water for this expansion claim.

Thank you,
Charles E Newell
Box 584
Shoshone, Id 83352



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-21135
NEWELL
PO BOX 584
SHOSHONE ID 83352

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

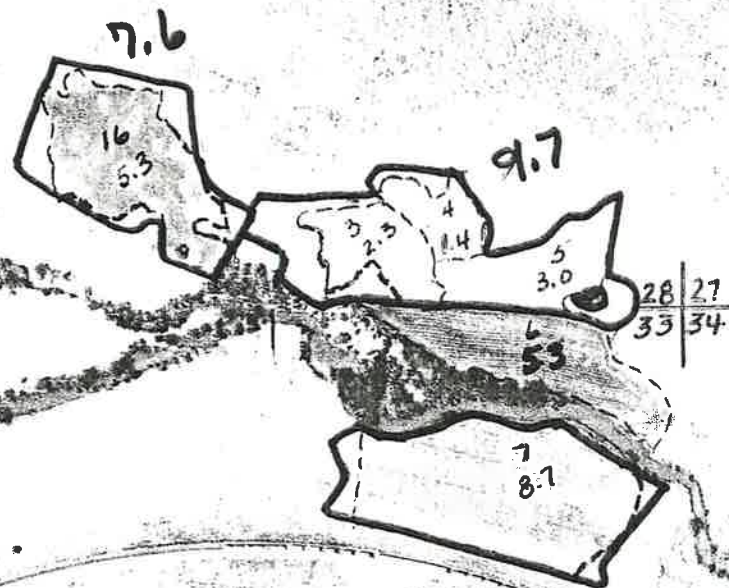
Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

R17E

Total
76.5

T 287 C. Newell
207



9.4

5.4



9.0



T 288 E
512

19.8



9
7.6

T 286 F Bryant

T 284 E Bryant

06/08/2005

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

RIGHT NUMBER: 37-21135
NAME AND ADDRESS: CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352
SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.780 CFS
USE OF THIS RIGHT WITH RIGHT NO. 37-432 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.6 CFS.

PRIORITY DATE: 04/15/1985

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	0.780 CFS

PLACE OF USE:

<u>IRRIGATION Within LINCOLN County</u>					
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 & 37-432 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 23.2 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 RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-432
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 23.2 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

04/12/2005

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: 37-21135

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):

Priority date

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

*The priority date should be 4/15/85 - 1985 was when
sprinkler pumps were installed*

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

1985 was when the enlargement of irrigated land took place

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

DATE: 6-03-05 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

04/12/2005

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

RIGHT NUMBER: 37-21135

NAME AND ADDRESS: CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.780 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-432 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.6 CFS.

PRIORITY DATE: 04/15/1987

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.780 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			

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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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-432
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 23.2 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

08/08/2003

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

RIGHT NUMBER: **37-21135**

NAME AND ADDRESS: CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.780 CFS

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PRIORITY DATE: 04/15/1987

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.780 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			

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PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

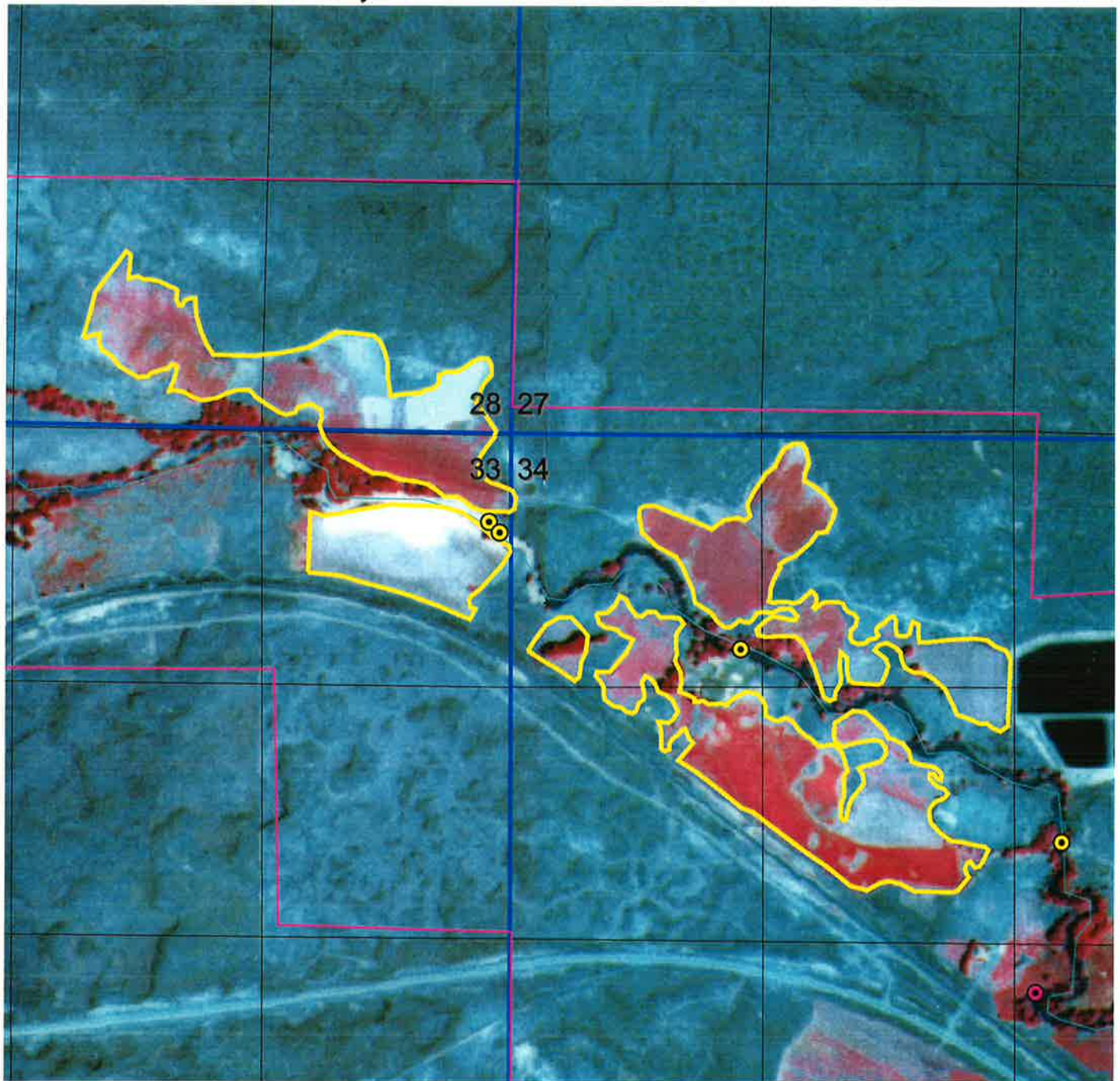
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EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 23.2 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

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

Jim S. 7/17/03
3:15

met w/ Newell in
Office . . .

trans 3111 limits 37-432
to 54 acres - must file
Enlargement for more acres
up to 73.9 as found by
G/S.