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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21135 V1

WATER RIGHT NUMBER: 37-21135 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES E NEWELL PO BOX 584 SHOSHONE, ID 83352 (208)886-2598

Priority Date: 04/15/1987

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.780 CFS	
	<u>Total Diversion:</u>	0.780 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4NE1/4NE1/4	Sec. 33, Twp 05S, Rge 17E, B.M.
LINCOLN County		
LITTLE WOOD RIVER	NE1/4NE1/4NE1/4	Sec. 33, Twp 05S, Rge 17E, B.M.
LINCOLN County		
LITTLE WOOD RIVER	SW1/4SW1/4NE1/4	Sec. 34, Twp 05S, Rge 17E, B.M.
LINCOLN County		
LITTLE WOOD RIVER	SE1/4NW1/4NW1/4	Sec. 34, 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															7.8	9.7	17.5
05S	17E	33	15.0																15.0
05S	17E	34					11.0	11.0	5.7	17.0									44.7

Total Acres: 77.2

Conditions of Approval:

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1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 37-432 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.6 CFS.
2. Place of Use - Irrigation 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.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-432 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 23.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 23.2 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:Dates and Other Information:

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

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		77.2

Combined Water Rights: 37-59G , 37-432 , 37-21135

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.6		

Combined Water Rights: 37-432 , 37-21135

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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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352

RE: Water right number(s): 37 21135

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

CHARLES E NEWELL
PO BOX 584
SHOSHONE ID 83352