

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Cheri Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 28 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 21 day of February,

1985, and the date of the last publication was on the 28

day of February, 1985.

Cheri Miller

Subscribed and sworn to before me this 28

day of February, 1985.
(SEAL)

Notary Public

NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 46

Number of Insertions 2

Lines tabular at 315c

46 Lines straight at 21c 23.92

46 Subsequent lines at 15c 17.94

TOTAL COST 41.86

COPY OF NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0432

Notice is hereby given that Henriette &/or Charles E. Newell of Shoshone, Idaho have applied to the Department of Water Resources to add a point of diversion and define place of use of a right from the Little Wood River tributary to Malad River. The right sought to be changed is evidenced by decree to William Mabbutt in case of S.C. Frost et al vs. Alturas Water Co., et al dated December 13, 1909 in Fourth District Court county of Lincoln and is recorded as follows:

AMOUNT: 2.6 cfs

PRIORITY: April 15, 1885

POINT OF DIVERSION: Not given in decree

The water is used for irrigation of 54 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33; NW $\frac{1}{4}$, Sec. 34, T5S, R17E TO BE CHANGED AS FOL-

LOWS:

AMOUNT: 2.6 cfs

POINT OF DIVERSION: Original headgate - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34; 2 points NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T5S, R17E (pumps)

PLACE OF USE: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before March 11, 1985.

A. KENNETH DUNN
Director

Published in Lincoln County Journal on Feb. 21 and Feb. 28, 1985

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
No. 2619

MAR 6 1985

Department of Water Resources
Shoshone District Office

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Henriette &/or Charles E. Newell Phone 886-2598

Post Office address Box 584, Shoshone, ID 83352

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. Decreed to William Mabbutt (Name)
in case of S. C. Frost et al vs Alturas Water Co. et al
dated in 12-13-1909 in Fourth District county of Lincoln (Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Purchase of land & water in 1971
3. Source of water Little Wood River tributary to Malad River
4. Date of priority 4-15-1885
5. Water is used for the following purposes:
amount 2.6 cfs for Irrigation purposes from to
amount for purposes from to
amount for purposes from to (month/day — both dates inclusive)
6. Total amount of water under right: a. 2.6 cubic feet per second &/or
b. acre feet per annum
7. Location of original point of diversion is ¼ of ¼ of Section
Township Range, B.M., in County
Additional points of diversion, if any Not given in decree
8. Lands irrigated or place of use: Actual irrigated acres as shown on recent ASCS aerial photo.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	17E	28															6	5	11 1/2
																	5	9	14
		33	14 1/2																14 1/2
			16																16
		34					7	7	5	10									29 1/2
							15	3	1	11									30

Total number of acres to be irrigated -60- 54

90 1-21-85

9. Describe any other water rights used for the same purpose as described above
50" Big Cottonwood water, 1899 priority
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

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- 1. Amount of water: a. _____ cubic feet per second &/or b. _____ acre feet per annum
- 2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____ Range _____, B.M., _____ County
Additional points _____
- 3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works Existing Mabbutt #70 headgate & ditch. Pump that was installed in 1950's for lower lands on north side of river. Additional pump to be installed for use on lower lands south of river.
- c. Describe the reasons for the proposed changes Reduce ditch loss & facilitate installation of sprinkler system on part of the ground. Also to record existing diversion points.

2. Change in point of diversion

original headgate

Point of diversion SW ¼ NE ¼, Section 34 Township 5S
Range 17E, B.M., Lincoln County
Additional points 2 points NE¼NE¼ Sec. 33 T. 5S R. 17E (pumps)

3. Change in place of use No Change

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

D. REMARKS

Due to condition of ditch and soil, the full water right is needed so that all of the fields can be properly irrigated. Installation of sprinklers on lower field should increase efficiency of the system.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Charles E. Newell
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of January, 19 85.

Mary A. Newell
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0432 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. 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.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37M, Little Wood River.

Witness my hand this 15th day of April, 19 85.

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JP Date 1-23-85
Prelim. check by JB Fee \$50.00 #35265
Receipted by JP Date 1-23-85
Published in Lincoln Co. Journal
Pub. dates 2/21 & 2/28/85
Watermaster recommendation requested on 2/13/85
rec'd. 2/19/85

Protest filed by None
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by ADA Sim Dor

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton, IDWR

DATE 1-29-85

TO Charles Newell

SUBJECT Application for Transfer, Amended Land List

Received the ASCS photo. The land description of the irrigated acres has been changed on the transfer to reflect what the photo shows. Please note the total of 54 acres irrigated instead of 60 acres as originally shown. Let me know if this is not satisfactory, otherwise the transfer will be processed using the new ~~acres~~ acreage figures.


SIGNATURE

MICROFILMED

Jan. 25, 1985

Jim Stanton -

As you requested by phone
Jan. 25, 1985 -

Enclosed is copy of current map
from ASCS office.

The A, B, C's etc are separate fields.
The numbers are the field acreages
under irrigation.

If any further questions
please call.

Thank you,
Charles E Newell

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MAR 6 1985

Department of Water Resources
Sawtooth District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 18, 1985

RE: Transfer of Water Right No. 37-0432

Henriette &/or Charles E. Newell
Box 584
Shoshone, ID 83352

Dear Right Holders:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3111). Be sure to note the conditions of approval as listed on the final page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

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APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0432

RECOMMENDATION OF WATERMASTER

RECEIVED
FEB 19 1985
Department of Water Resources
Southern District Office

I, Reid J Newby, watermaster of Little Wood River,
of Water District No. 37M, County of Lincoln, State of Idaho,
whose address is Box T Shoshone, Idaho 83352

have read the attached copy of the application for transfer of water right for _____
Henriette &/or Charles Newell, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: That a perment measureing device be
installed and maintained at the new points of diversion

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 14th day of February, 1985.

Reid Newby
(signature)

Please use reverse side if needed.

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0432

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PRIORITY: April 15, 1885

POINT OF DIVERSION: Not given in decree

The water is used for irrigation of 54 acres within the S1/2SE1/4, Sec. 28; NE1/4NE1/4, Sec. 33; NW1/4, Sec. 34, T5S, R17E

TO BE CHANGED AS FOLLOWS:

AMOUNT: 2.6 cfs

POINT OF DIVERSION: Original headgate - SW1/4NE1/4, Sec. 34; 2 points NE1/4NE1/4, Sec. 33, T5S, R17E (pumps)

PLACE OF USE: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before March 11, 1985.

A. KENNETH DUNN
Director

Published in Lincoln County Journal on Feb. 21 and Feb. 28, 1985

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SHONI LEGAL

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 37-0432**

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A. KENNETH DUNN
Director

Published in Lincoln County Journal on
Feb. 21 and Feb. 28, 1985

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*CP
meyer
2/22/85*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 11, 1985

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right No. 37-0432

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 11, 1985

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right 37-0432

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: T.C.B.

1. Right number 37-0432 Applicant NEWELL, Henriette &/or Charles E.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Other Define P/u

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use not in decree
- b. ☒ Description of original point of diversion. not in decree
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

☒ Check description of point(s) of diversion. 3 pt -

N/A. ☒ Check description of place of use. No change

☒ Check map (shows p.d. and p.u. after transfer). -ok - checked acreage

☒ Check for correct signature, notarization, and fee.

N/A ☒ Check proof of ownership of right &/or land from which water is transferred. P/D & only

h. ☐ Check for expansion in use of right. Comments NONE

N/A ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) P/D & only

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 37-m - Little W. R.

FINAL PROCESSING REVIEW BY: ADm

1. Watermaster recommendation requested on 2/11/85 Received on 2/19/85
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* OIE, 05 (37-m Little Wood River)

4. By ADm Date 3/12/85

MAR 18 1985

Jan 4-12-85 - USE ABOVE CONDITIONS
* All uses within Watermaster Districts require special conditions.

Department of Water Resources

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