

Birch Power Company

5203 South 11th East
Idaho Falls, Idaho 83404

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RECEIVED

AUG 13 1998

Department of Water Resources
Eastern Region

8/11/98

12:29 PM

Donald W. Shenton
Water Master
Water District 32-D
P.O. Box 33
Dubois, ID 83423

RE: NEWMAN DIVERSIONS FROM WILLOW CREEK

Dear Mr. Shenton:

Thank you for measurements per memo of 7/28/98. Willow Creek is a tributary to Birch Creek. The water rights are from the same decree.

This letter is written to request that the Newman Diversions from Willow Creek and Smelter Gulch be limited to his decreed water rights:

Specifically:	Willow Creek A32-00096	3.2 cfs
	Willow Creek A32-00097	3.2 cfs
	Smelter Gulch A32-00094	1.0 cfs

Per your measurement of July 22, 1998, Newman's Willow Creek Diversions equaled 8.57 cfs. This exceeds his water rights by 2.17 cfs. I, therefore, request you limit Newman's diversion to his water rights.

Is no name creek or McLune Spring tributary to Willow Creek or Smelter Gulch? What decreed water right is associated with this diversion?

Very truly yours,



Ted S. Sorenson

TSS:mjm

cc: Harold Jones, IDWR, Idaho Falls
Kent Foster