

WATER DISTRICT #32-D
PO BOX 33
DUBOIS ID 83423

August 27, 1998

MR. TED SORENSON
5203 S 11TH E
IDAHO FALLS ID 83404

RE: Newman Diversions from Willow Creek

Dear Mr. Sorenson,

On August 24, 1998, Greg and I traveled to Willow Creek and measured the waters being diverted to Newman. The flow diverted totaled 2.55 c.f.s. Mr. Newman had all of Willow Creek diverted to his East ditch, then to sprinkler to irrigate lands near and south of his farm residence. We traveled a section of Willow Creek below the McCune cabin and found a small amount of water flowing from spring sources, which seeped back into the channel bottom and disappeared further down stream. Willow Creek had dropped dramatically in flow since measurements we made July 22, 1998.

I find however that Mr. Newman has many more water rights than you list in your letter of 8/11/98. His water rights from Willow and the Little and Big Jump Creeks exceed 20.00 c.f.s. by quite an amount. His claims also reflect the same.

If your figures had been right and Mr. Newman had been using 2.17 c.f.s. more than his decreed source, I would have been reluctant to shut him down under the futile call option. Shutting him down would not have made a surface water gain because it would not reach Birch Creek. After hearing your testimony of Birch Creek not responding to return flows, this would further reaffirm my decision to let Newman divert this small amount of water.

McCune Spring or No Name Creek's direction of flow is into the same area as the Smelter Gulch sinks area but I can't be sure what it would be tributary to specifically. It probably doesn't reach any other source by surface source as it is a small stream and remains so at all times, as I understand from conversation with Newman.

Sincerely,

Donald W. Shenton
Donald W. Shenton

CC: I.D.W.R.
Lavar Newman