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SEP 13 2007

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 SRBA

Case No. 39576

Subcase No. 01-134A

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT:**

New Sweden Irrigation District

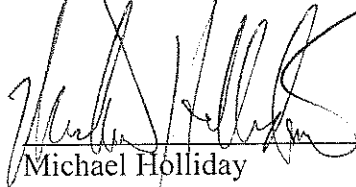
**OBJECTOR:**

United States of America  
Bureau of Land Management

Paul R. Berggren 9-25-07  
By: Paul R. Berggren Date  
Title: Chairman of the Board

Larry A. Brown 10/12/07  
Larry A. Brown, USDOJ Date  
Attorney for Objector

**IDWR Concurrence:**

  
\_\_\_\_\_  
Michael Holliday      Date  
Senior Water Resource Agent      9/20/2007

  
\_\_\_\_\_  
Garrick L. Baxter      Date  
Deputy Attorney General      9/14/07  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-134A  
NAME AND ADDRESS: NEW SWEDEN IRRIGATION DIST  
2350 W 1700 S  
IDAHO FALLS ID 83402

*MNH* *CRB* *AB*

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

*ON*

QUANTITY: 119.650 CFS

When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Water District 01 Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 01/07/1886

POINT OF  
DIVERSION:

T02N R37E S12 NWNENW Within BONNEVILLE County  
T04N R37E S35 NENE Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 119.650 CFS     |

PLACE OF USE:

27920 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SREA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the boundary of New Sweden Irrigation District pursuant to Section 43-323, Idaho Code.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Great Western Canal and Porter Canal.

JS

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of July 17, 2006, this water right is within State Water District No. 01.

The right holder shall accomplish the change authorized by transfer 71810 by July 17, 2007.

Failure of the right holder to comply with the conditions of transfer 71810 is cause for the Director to rescind approval of the transfer.

MMH

CRB

ON



# New Sweden Irrigation Dist

SRBA Recommendations: 1-35AF, 1-35AL, 1-35AN, 1-35AP, 1-47M, 1-71D, 1-80D, 1-83AC, 1-109F, 1-115R, 1-116AM, 1-125D, 1-134A, 1-134B, 1-135B, 1-135C, 1-136D, 1-162G, 1-162J, 1-162K, 1-162L, 1-163J, 1-163K, 1-163L, 1-164G, 1-164J, 1-164K, 1-165G, 1-165J, 1-165K, 1-195N, 1-320, 1-2009A, 1-2009B, 1-2074, 1-10099, 1-10104, 1-10134, 1-10155, 1-10161, 1-10162, 1-10163, 1-10182, 1-10183, 1-10207, 1-10208, 1-10493, 1-10495

*Handwritten notes:*  
220  
M  
N

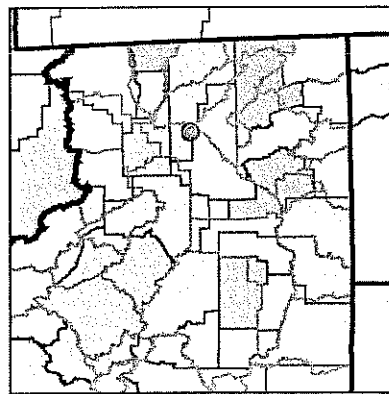
Service Area Boundary  
GIS Place of Use Illustration

**Legend**

Service Area

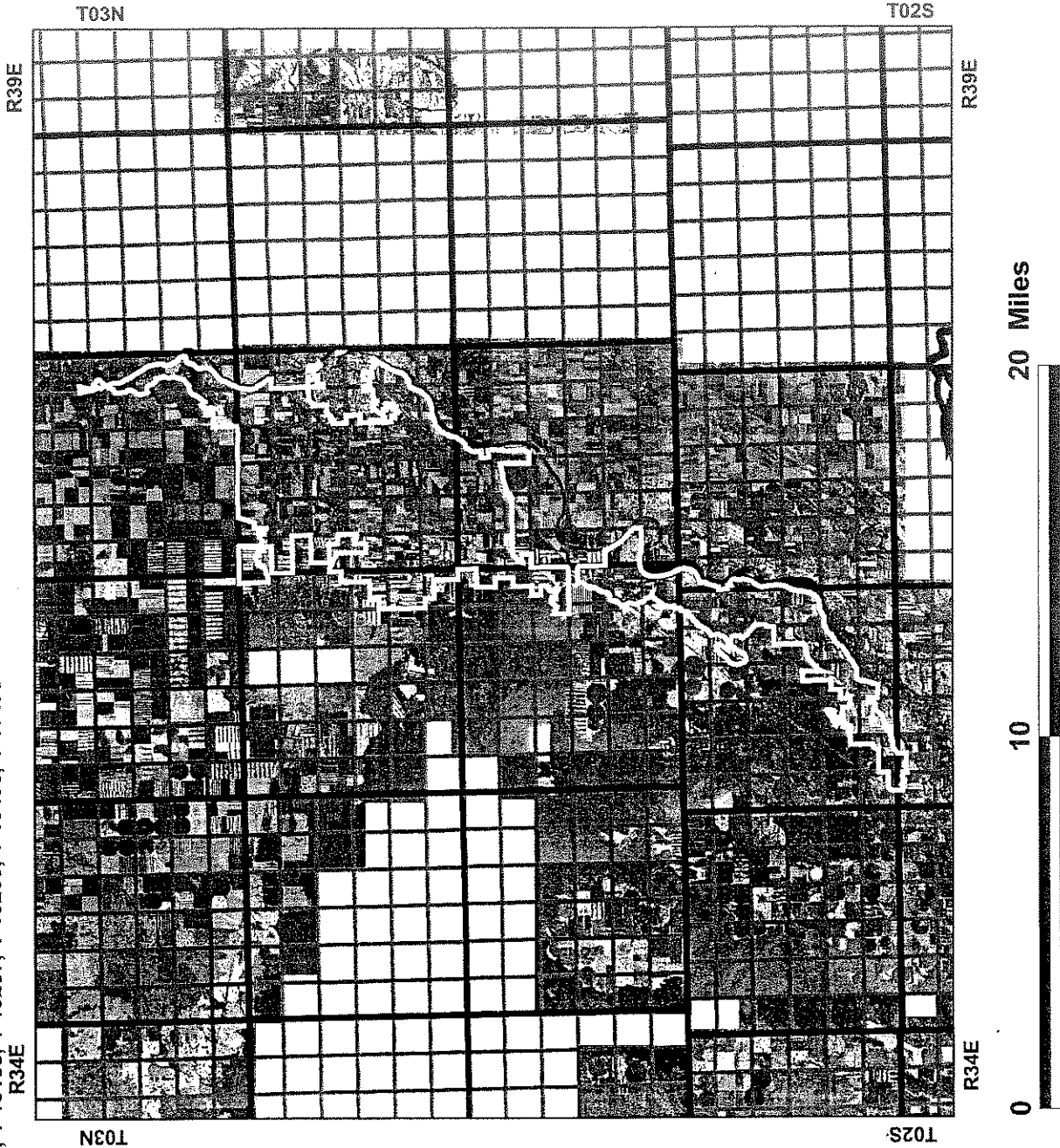
Townships

PLS Sections



Bingham, Bonneville Counties  
IDWR Basin 1

Prepared by D. Favreau  
On Tuesday, September 11, 2007  
1987/88 Aerial Photography



## CERTIFICATE OF MAILING

I certify that on October 17, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

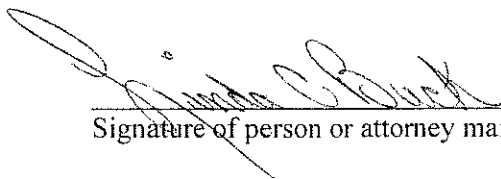
CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

NEW SWEDEN IRRIGATION DIST  
2350 W 1700 S  
IDAHO FALLS, ID 83402

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098



Signature of person or attorney mailing the form



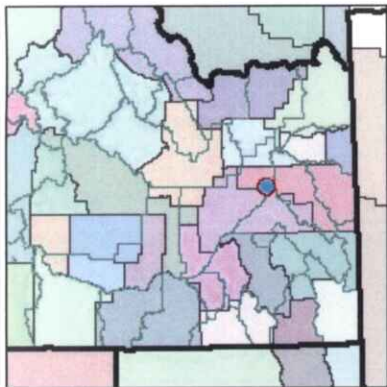
# New Sweden Irrigation Dist

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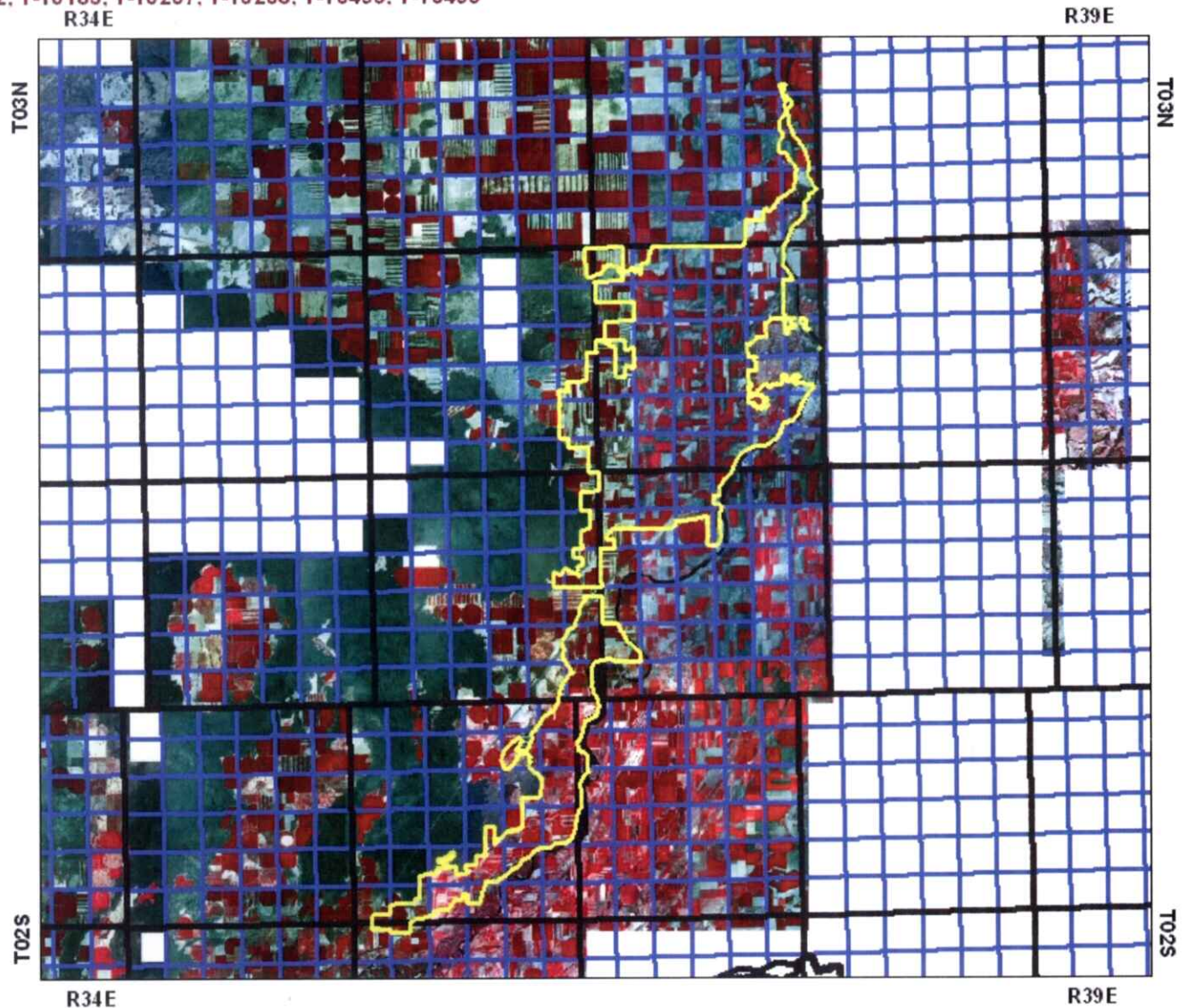
Service Area Boundary  
GIS Place of Use Illustration

## Legend

-  Service Area
-  Townships
-  PLS Sections



Bingham, Bonneville Counties  
IDWR Basin 1



0 10 20 Miles

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