

05/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-35AF

NAME AND ADDRESS: NEW SWEDEN IRRIGATION DIST
2350 W 1700 S
IDAHO FALLS ID 83402

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.300 CFS

PRIORITY DATE: 06/01/1885

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	1.300 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 SRBA 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.

This right is limited to the irrigation of 65 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Great Western Canal and Porter Canal.

**New Sweden Irrigation District
Service Area Boundary**

-  District Boundary
-  Township/Range
-  Sections



Right Nos: See Attachment A

03N37E

02N36E

02N37E

01N36E

01N37E

01S36E

01S37E

Prepared by M. Holliday
Date: December 12, 2006
2004 Aerial Photography

New Sweden Irrigation District
Service Area Boundary

- District Boundary
- Township/Range
- Sections



0 1 2 3 4 5 Miles

03N37E

02N36E

02N37E

01N36E

01N37E

01S36E

01S37E

New Sweden Irrigation District

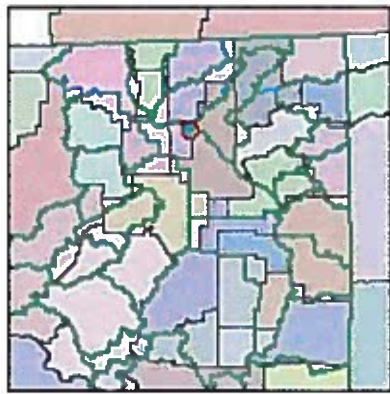
Right Nos: 1-35AF, 1-35AL, 1-35AN, 1-35AP, 1-47M, 1-71D, 1-80D, 1-83AC, 1-109F, 1-113R, 1-116AM, 1-125D, 1-134A, 1-134B, 1-135C, 1-136D, 1-162G, 1-162J, 1-162K, 1-162L, 1-163J, 1-163K, 1-164J, 1-164K, 1-165G, 1-165J, 1-165K, 1-181C, 1-195N, 1-320, 1-2009A, 1-2009B, 1-2074, 1-10099, 1-10104, 1-10134, 1-10155, 1-10161, 1-10162, 1-10163, 1-10182, 1-10183, 1-10207, 1-10208, 1-10493, 1-10495

Service Area Boundary
GIS Place of Use Illustration



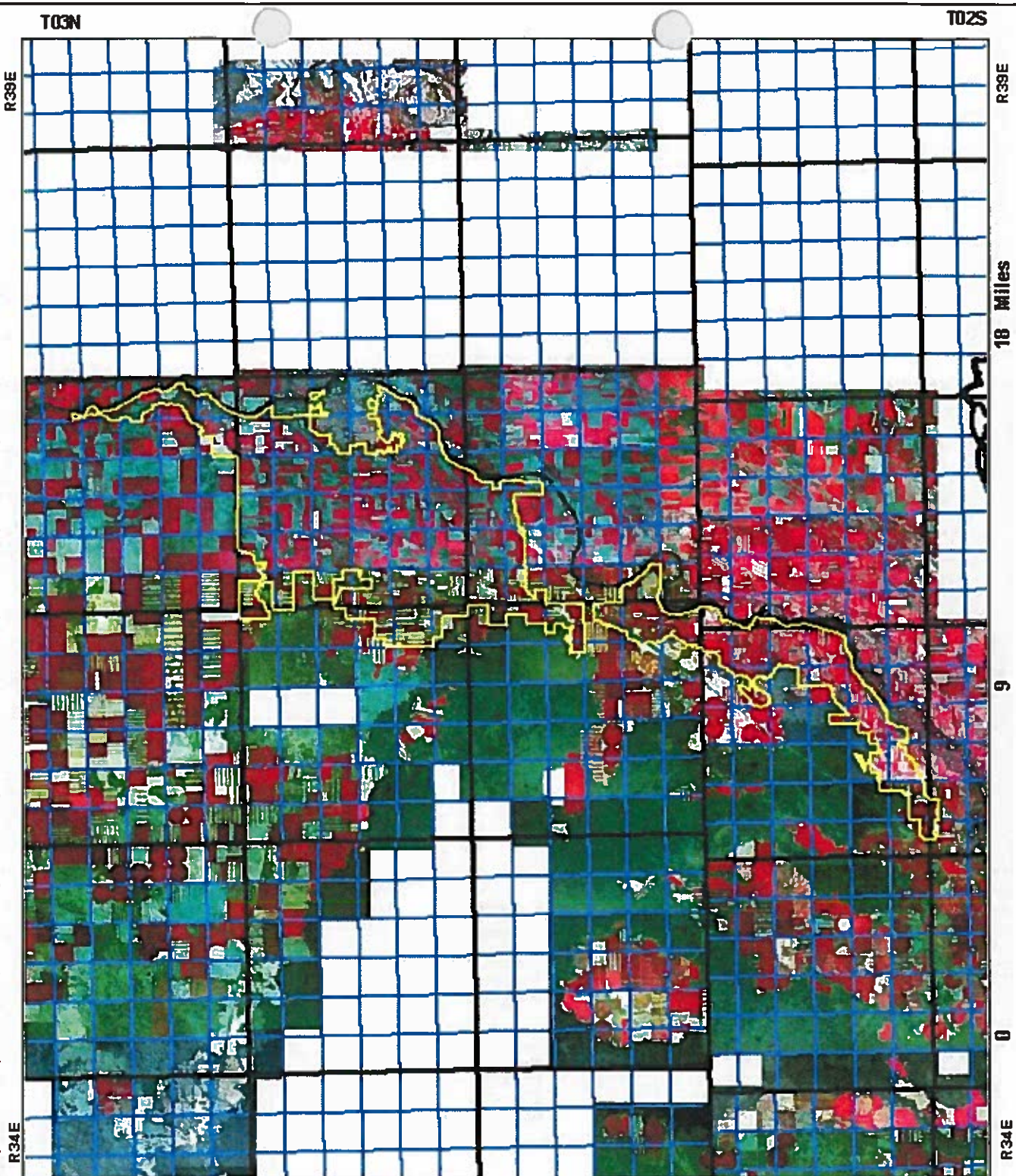
LEGEND

- Service Area
- Townships
- PLS Sections



Bonneville, Bingham Counties
IDWR Basin 1

Prepared by D. Favreau
Date: August 2006
1987/88 Aerial Photography



08/23/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-35AF

NEW SWEDEN IRRIGATION DIST
2350 W 1700 S
IDAHO FALLS ID 83402
Telephone Number: (208)523-0175

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Sept 11, 2006

SIGNATURE: *Louis Thiel*

Please print your name: Louis Thiel

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

RECEIVED

SCANNED

SEP 11 2006

APR 19 2007

Department of Water Resources
Eastern Region

Kuo 10/2



State of Idaho **SCANNED**
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JUNE 21, 1993

NEW SWEDEN IRRIGATION DISTRICT
2350 W 17TH S
IDAHO FALLS ID 83402

RE: CHANGE IN OWNERSHIP FOR A01-00083Z, A01-00125D,
A01-00035AF

Dear Mr. Reed:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

for Gregory J. Taylor
Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

File: P

MICROFILMED
APR 08 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A01-000832, A01-001250, A01-00035AF
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MATT ISOM
5540 W 33 N
- ☐ New Owner/Claimant (Purchaser): IDAHO FALLS ID 83402
New Sweden Irrigation Dist.
- ☐ New Mailing Address: 2350 W. 17th St.
Idaho Falls ID 83402
- ☐ New Telephone Number: (208) 523-0175
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): New Sweden Irrigation Dist. Date 4-13-93
By: D. Reed, Sec. / Pres Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

APR 08 1994

PETITION FOR ANNEXATION

TO THE BOARD OF DIRECTORS
NEW SWEDEN IRRIGATION DISTRICT
IDAHO FALLS, IDAHO

Gentlemen:

We, the undersigned, residents and taxpayers of Bonneville and Bingham Counties, State of Idaho, and owning real property adjacent to the boundaries of the New Sweden Irrigation District, respectfully request that the lands hereinafter described be annexed to, and made a part of said New Sweden Irrigation District, in the manner provided by law.

Said lands are described as follows: (95 acres) N $\frac{1}{2}$

S.E. 5 T 2 N R 37 E

That all of said lands are susceptible to irrigation from the water supply and irrigation system of the New Sweden Irrigation District.

Wherefore, your petitioners respectfully pray that an order be made for the hearing of this petition, as proficed by law, and that upon such hearing and the proofs to be adduced, that the Board of Directors of said Irrigation District make the proper order annexing the above-described lands to the New Sweden Irrigation District.

Dated this 8th DAY OF March 1993.

Matthew D. Isom

STATE OF IDAHO

COUNTIES OF BONNEVILLE
AND BINGHAM

On this 8th day of March 1993, before me, the undersigned, a Notary Public for Idaho, personally appeared, Matthew D. Isom known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to be that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

DeLillian Reed
Notary Public for Idaho

Lilie Idaho
Residing at
My commission expires: 4/10/97

MICROFILMED

APR 08 1994

ESTIMATED VALUE OF WATER RIGHTS
HELD BY MATT ISOM

Prepared for New Sweden Irrigation District

Matt Isom Claims the following rights:

RIGHT	PRIORITY	QUANTIY	EST. VALUE
AO1-00035AF	6/01/85	1.3	\$6500
AO1-00083Z	6/01/91	0.6	\$2250
AO1-00125D	4/30/00	0.8	<u>\$ 800</u>
			\$9550

This assessment is based upon a value of \$100 per inch for a full water supply. The value may be more or less if sold outside the New Sweden Irrigation district, but is probably of most value when delivered through a canal company or irrigation district.

Ronald D. Carlson
Watermaster

MICROFILMED
APR 08 1994

1,800

Matt farm

32 35

E-250

E-15

77.7

T02N
R37E
S05

E-284

E-17

8.7

21.7

18.4

E-285

E-14

80

E-20

25.6

20

13.8

17.7

5.7

17.9

43

7.8

10.7

E-32

E-37

17.2

3.4

29.4

152

80

MICROFILMED

APR 08 1954

SCANNED

AUG 17 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00035AF

Date Received: 5/26/1992

Receipt No: E017372

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: NEW SWEDEN IRRIGATION DISTRICT 208-523-0175
Address: 2350 W 17TH S
IDAHO FALLS ID 83402

2. Date of Priority: JUN 1, 1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	37E	35		NE	NE		JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.300		

7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 381.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	5	NE	NE	1	IRR	32.0
			NW	NE	2	IRR	29.0
			SW	NE		IRR	39.0
			SE	NE		IRR	23.0
			SE	NW		IRR	4.0

COPY

A01-00035AF

Page 1

Date: 06/21/93
MICROFILMED

APR 08 1994

10. Place of Use: Continued

Section Acres 127.0

Total Acres 127.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

01-00083Z, 01-00125D

14. Remarks:

TRANS. 764, 1025.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO.

Decree Plaintiff

TETON IRRIGATION CANAL CO.

vs Decree Defendant

"ok"

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00035AF

Date Received: 8/18/1989

Receipt No: 8017372

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MATT ISOM 208-524-1950
Address: 5540 W 33RD N
IDAHO FALLS ID 83402

2. Date of Priority: JUN 1, 1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	37E	35	NE	NE			JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.300		

7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 381.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	5	NE	NE	1	IRR	32.0
			NW	NE	2	IRR	29.0
			SW	NE		IRR	39.0
			SE	NE		IRR	23.0
			SE	NW		IRR	4.0



10. Place of Use: Continued

Section Acres 127.0

Total Acres 127.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

01-00083Z, 01-00125D

14. Remarks:

TRANS. 764, 1025.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO.

Decree Plaintiff

TETON IRRIGATION CANAL CO.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Matthew D. Lamm

Date: 5-26-92

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of May 1992 [Signature]
Notary Public

Seal

Residing at Heise Id
My Commission Expires 2/26/96

2.4



Math Ison

5840 W 33 N.

I.F. Id.

53402

5241950

or

5237590

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT TRANSFERRED RIGHT NO. 1025

THIS IS TO CERTIFY, That C. W. Burke, Darrel W. Burke, Murland J. Ted Ray Hoopes, all of Route #5, Idaho Falls, Idaho; Loran Morris of Idaho; Nelma McNeil of Heyburn, Idaho; Adrian Crossley Burke of Springer, Idaho; and Leora Flynn of Philadelphia, Pennsylvania; are the owners of and a certain water right of the waters of Snake River as follows; and under of Idaho, Department of Reclamation, Certificates of Transfer of Water Right Nos. 614, 764, 809, and 924, or portions thereof, arising out of the Decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al

Plaintiffs

vs.

TETON IRRIGATION CANAL CO., et al

Defendants

said Decree bearing date of December 16, 1910, said transferred rights be the following amounts and dates of priority, and all standing in the name of C. W. Burke, and for use on the following described lands:

80 ac. → Transfer No. 614: 1.00 cubic foot per second
Priority date: June 1, 1891, for use on the
East half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$)
and Northeast Quarter of Southeast Quarter
($NE\frac{1}{4}SE\frac{1}{4}$) of Section Five (5), Township Two
(2) North, Range Thirty-seven (37) East of
the Boise Meridian;

(Transfer No. 764: 1.30 cubic feet per second
Priority date: June 1, 1885, for use on the
West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$)
of Section Five (5), Township Two (2) North,
Range Thirty-seven (37), East of the Boise
Meridian;

Transfer No. 809: 2.05 cubic feet per second
Priority date: April 30, 1900, for use on
Lots Three (3) and Four (4), the South Half
of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section
Five (5), Lot One (1) and the Southeast
Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of
Section Six (6), all in Township Two (2), North,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 3 of Decrees at Page 450

That said C. W. Burke, Darrel W. Burke, Murland J. Burke, Ted Ray Hoopes, Lorna Morris, Nelma McNeil, Adrian Crossley Burke and Leora Flynn, have become the owners of said water rights by purchase or by deeds of gift;

And that now upon the application of C. W. Burke, Darrel W. Burke, Murland J. Burke, Ted Ray Hoopes, Lorna Morris, Nelma McNeil, Adrian Crossley Burke, and Leora Flynn, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 4 cubic feet per second of the waters of Snake River upon the above described is hereby abandoned, and the lands under such right, and to which the water is HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

TED RAY HOOPES: 0.80 cubic foot from Transfer No. 614:

Beginning at a point on the section line common to Sections 4 and 5 of Township 2 North, Range 37 East of the Boise Meridian; which point is North $0^{\circ}12'51''$ East, 24 feet from the Southwest corner of the aforesaid Section 4, Township 2 North, Range 37, East of the Boise Meridian; thence running North $0^{\circ}12'51''$ East along the West line of Section 4, a distance of 3768.51 feet; thence turning and running South $89^{\circ}03'46''$ East a distance of 639.59 feet; thence South $0^{\circ}17'46''$ East 185.80 feet; thence South $23^{\circ}05'02''$ West 551.0 feet; thence South $0^{\circ}29'32''$ West 541.20 feet; thence South $13^{\circ}27'33''$ East 358.50 feet; thence South $3^{\circ}35'23''$ East 231.60 feet; thence South $9^{\circ}30'57''$ West 303.3 feet; thence South $1^{\circ}46'03''$ East 383.70 feet; thence South $5^{\circ}21'33''$ East 675.6 feet; thence South $30^{\circ}03'27''$ West 224.40 feet; thence South $3^{\circ}57'33''$ East 131.0 feet; thence South $28^{\circ}50'53''$ East 203.3 feet; thence South $0^{\circ}21'30''$ West 92.0 feet; thence North $89^{\circ}24'$ West a distance of 549.8 feet, more or less, to the point of beginning. Containing a calculated area of 43.23 acres, more or less.

Beginning at a point which is 24.0 feet North $0^{\circ}12'15''$ East of the Southeast Corner of Section 5, Township 2 North, Range 37, East of the Boise Meridian, said point being coincident with the East line of said Section 5; thence running North $89^{\circ}33'$ West and parallel to the South line of the said Section 5, a distance of 1315.8 feet; thence turning and running North $0^{\circ}07'33''$ East a distance of 2669.32 feet; thence North $57^{\circ}39'30''$ East 1057.7 feet; thence North $24^{\circ}18'20''$ East 625.2 feet; thence South $89^{\circ}03'46''$ East 173.01 feet; thence turning and running South $0^{\circ}12'51''$ West a distance of 3768.51 feet, more or less, to the point of beginning. Containing a calculated area of 91.34 acres, more or less, and being in Bonneville County, Idaho;

DARREL W. BURKE: 0.60 cubic foot from Transfer No. 924;

1.30 " " " " " 764;

" " " " " 809;

North 89°33'20" West along said section line 2391.58 feet;
 thence South 14°50' West 2360.89 feet; thence South 30.0 feet;
 thence South 89°35'15" East 1722.9 feet; thence North 30.0
 feet; thence North 57°39'30" East 1057.20 feet; thence North
 24°18'20" East 616.70 feet; thence North 14°24'40" East 497.60
 feet; thence North 0°11'15" East 666.50 feet to the point of begin-
 ning. Containing 127.7 acres, and located in Bonneville County,
 Idaho;

C. W. BURKE: 0.20 cubic feet from Transfer No. 809
 0.20 " " " " " 614

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
 of Section Thirty-three (33), Township Three (3) North,
 Range Thirty-seven (37), East of the Boise Meridian, in
 Bonneville County, Idaho;

A. N. ISOM: 1.05 cubic feet from Transfer No. 809;

The North half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section
 Sixteen (16), Township Two (2) North, Range Thirty-seven
 (37), East of the Boise Meridian, in Bonneville County,
 Idaho;

That the said water is to be limited at any given time to an amount a
 needed and beneficially used for such purposes, and shall not exceed the fol
 amount, to-wit:

DARREL W. BURKE: (0.60 cfs, priority June 1, 1891 - 01-00083Z *
 1.30 cfs, priority June 1, 1895 - 01-00035AF *
 0.80 cfs, priority April 30, 1900 - ~~01-000425~~ 01-00125D *)

C. W. BURKE: 0.20 cfs, priority April 30, 1900
 0.20 cfs, priority June 1, 1891

A. N. ISOM: 1.05 cfs, priority April 30, 1900

TED RAY HOOPES: 0.80 cfs, priority June 1, 1891

4.95
 - 4.15
 0.8 loss

That the water rights hereby transferred have heretofore been conduct
 from Snake River to the first above described lands as follows:

Transfer No. 614: Through the Great Western Canal with point
 of diversion in the NE $\frac{1}{4}$, Section 35, Town-
 ship 4 North, Range 37 E.B.M.,

Transfer No. 764: Through the Great Western Canal, with point
 of diversion in the NE $\frac{1}{4}$, Section 35, Town-
 ship 4 North, Range 37 E.B.M.,

Transfer No. 809: Through the Great Western Canal, with point
 of diversion in the NE $\frac{1}{4}$, Section 35, Town-
 ship 4 North, Range 37 E.B.M.,

That the water rights hereby transferred will hereafter be conducted to the last above described lands, with no change in point of diversion;

That the rights to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of March, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

Certificate of Water Right
Transferred Right No. 764.

THIS IS TO CERTIFY That RALPH S. MOSS and VETA MOSS, his wife, of Rigby, Idaho, are the owners of and using a certain water right from Snake River, in the amount of 1.44 cubic feet per second, with priority of June 1, 1885, said water being decreed to Butler Island Canal Company, by Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company, et al
Plaintiffs,

vs.

Teton Irrigation Canal Company, et al
Defendants.

said decree bearing date of December 18, 1910, and being appurtenant to the following described lands, to-wit:

Lands lying under the Butler Island
Canal on Butler Island, Jefferson
County, Idaho.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 450.

That Certificate of Water Right, Transferred Right No. 408, dated September 23, 1927, authorized the transfer of this water right from the above described lands to the following described lands, to-wit:

Fractional SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28,
Township 4 North, Range 40 East,
B.M.

That said transfer is recorded in the Department of Reclamation of the State of Idaho, in Volume 1 of Transfers, at Page 408.

That said Ralph S. Moss and Veta Moss have become the owners of said water right through purchase.

And that now upon the application of Ralph S. Moss and Veta Moss, of Rigby, Idaho, for the transfer of 1.44 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.44 cubic feet per second of the

being? decided to transfer. The water right described in the first paragraph of the first
amount of 1.3 cubic feet per second, with priority of June 1, 1885, and water
right in the Snake River of any lands or certain water right from Snake River in the
State of Idaho is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed

DEPARTMENT OF RECLAMATION
OFFICE OF WATER RIGHTS

DEPARTMENT OF RECLAMATION
B U I L D I N G I D A H O

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.3 cubic feet per second of the
water of Snake River, with priority
of June 1, 1885.

That the water right hereby transferred has heretofore been conducted from Snake River to the first above described lands through the Steele Ditch, with point of diversion in the SW $\frac{1}{4}$ Section 27, Township 4 North, Range 40 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Great Western Ditch with point of diversion in the NE $\frac{1}{4}$ Section 35, Township 4 North, Range 37 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 29th day of July, 1950.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer.

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Ralph S. Moss and Veta Moss
of Rigby, Idaho

For a Transfer of Water Right, in Water
District No. 36, Jefferson County, Idaho.

1.30 @ 11
65 1586
ORDER GRANTING TRANSFER

No. 764

WHEREAS, On the 28th day of July, 1950, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Ralph S. Moss and Veta Moss, of Rigby, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of July, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer.