

05/02/2006

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

RIGHT NUMBER: 1-125D

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 04/30/1900

POINT OF DIVERSION:

T02N R37E S12 NWNENW Within BONNEVILLE County

T04N R37E S35 NENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.800 CFS

PLACE OF USE:

27920 ACRES TOTAL

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

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 32 acres within the place of use described above in a single irrigation season.

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.

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

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: 1-125D

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:

PROFILED

SCANNED

APR 30 2007

☒ 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

RECEIVED

SEP 11 2006

Department of Water Resources
Eastern Region

KW
10/2

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. Burke, Ted Ray Hoopes, all of Route #5, Idaho Falls, Idaho; Loran Morris of Idaho Falls, Idaho; Nelma McNeil of Heyburn, Idaho; Adrian Crossley Burke of Springer, Oklahoma; and Leora Flynn of Philadelphia, Pennsylvania; are the owners of and using a certain water right of the waters of Snake River as follows; and under State of Idaho, Department of Reclamation, Certificates of Transfer of Water Right Nos. 614, 764, 809, and 934, or portions thereof, arising out of the Decree of 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 CO., et al

Defendants

said Decree bearing date of December 16, 1910, said transferred rights being in 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:

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;

01-0083H

Transfer No. 764: 1.30 cubic feet per second (Ralph Moss)
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;

01-00035

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,
Range Thirty-seven (37), East of the Boise
Meridian;

01-0125C

Transfer No. 934: 0.60 cubic foot per second
Priority date: June 1, 1891, for use on the West
Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$) of Sec-
tion Five (5), Township Two (2) North, Range
Thirty-seven (37), East of the Boise Meridian;

01-0083T

PROFILED

SCANNED

APR 30 2007

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

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 4.95 cubic feet per second of the waters of Snake River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water rights HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

N41D 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 $9^{\circ}38'57''$ 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.

3WNW
NW SW
SW SW
4

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 94.34 acres, more or less, and being in Bonneville County, Idaho;

SE NE
E 1/2 SE
NE 1/4
S

N51D DARREL W. BURKE: 0.60 cubic feet from Transfer No. 934; 01-0083 Z
1.30 " " " " " 764; 01-00035 AF
0.80 " " " " " 809; 01-0125 D

SCANNED

Beginning at a point that is North $89^{\circ}33'20''$ West along the section line 54.91 feet from the Northeast corner of Section 5, Township 2 North, Range 37, East of the Boise Meridian; thence

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thence South 14°05' West 2360.89 feet; thence South 30.0 feet; thence South 89°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 beginning. Containing 127.7 acres, and located in Bonneville County, Idaho;

C. W. BURKE: 0.20 cubic feet from Transfer No. 809 01-0125 E
0.20 " " " " " 614 01-0083 V (AB)

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; 01-0125 F

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 actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

DARREL W. BURKE: 0.60 cfs, priority June 1, 1891 01-0083
1.30 cfs, priority June 1, 1885 01-0003 F
0.80 cfs, priority April 30, 1900 01-0125 D

C. W. BURKE: 0.20 cfs, priority April 30, 1900 01-0125 E
0.20 cfs, priority June 1, 1891 01-0083 V (AB)

A. N. ISOM: 1.05 cfs, priority April 30, 1900 01-0125 F

TED RAY HOOPES: 0.80 cfs, priority June 1, 1891 01-0083

That the water rights hereby transferred have heretofore been conducted 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, Township 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, Township 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, Township 4 North, Range 37 E.B.M.,

Transfer No. 934: Through the Great Western Canal, with point of diversion in the NE $\frac{1}{4}$, Section 35, Township 4 North, Range 37 E.B.M.,

SCANNED
APR 30 2007

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.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

SCANNED

APR 30 2007

0.025 CFS/AC

1-125 A

15.32 CFS

MATTSON, BC+CG

1-125

MATTSON, BC+CG

4/30/1900

20 CFS

SNAKE RIVER

P.O.U.

B.G. MATTSON

4N 40E 35 NW 1/4

160 AC

C.G. MATTSON

4N 40E 25 SW 1/4

26 SE 1/4

36 NW 1/4

35 NE 1/4

640 AC

XFR 809

0.58 CFS ABANDONED TO

COMPENSATE FOR

TRANSMISSION LOSSES

WATER MOVED OFF OF

SENW + E 1/2 SWNW

OF SECTION 36

1-125 B

2.05 CFS

W.G. BURKE

P/D: GREAT WESTERN HEAD

POU: 2N 37E 7 NE 1/4

E 1/2 NW 1/4

LOTS 1+2

1-125 C

2.05 CFS

C.W. BURKE

P/D: GREAT WESTERN HEAD

POU: 2N 37E 5 LOTS 3+4

5 1/2 NW 1/4

6 LOT 1

SENE

1-125 D

PARREL W BURKE

0.80 CFS

127.7 AC

W/IN 2N 37E 5

1-125 E

C.W. BURKE

0.20 CFS

3N 37E 33 SW 1/4

1-125 F

A.N. 150M

1.05 CFS

2N 37E 16 N 1/2 NE 1/4

XFR 1025 LEFT

P/D UNCHANGED

PROFILED

SCANNED

APR 30 2007

SCANNED

AUG 2 2001

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,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

File: P

MICROFILMED
NOV 05 1996



NOTICE NEW PROPERTY OWNER 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
IDAHO FALLS ID 83402
- ☐ New Owner/Claimant (Purchaser): New Sweden Irrigation Dist.
- ☐ New Mailing Address: 2350 W. 17th S.
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 X 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
Rep. D. Leach, Sec. Treas. 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: _____

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NOV 05 1996

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

SCANNED

AUG 2 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: A01-00125D
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
Address: 2350 W 17TH S
IDAHO FALLS ID 83402
208-523-0175

2. Date of Priority: APR 30, 1900

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	NE	1	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	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NA

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

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	5	SE	NW		IRR	4.0

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:
01-0035AF/ 00083Z

14. Remarks:
TRANS. 1025
P/D GREAT WESTERN CANAL FROM USGS MAP.
P/U INCOMPLETE. AC. IRR. = 127.4.
P/U GIVEN BY MEET & BOUNDS DESCRIPTION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO.
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
vs Decree Defendant

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: A01-00125D
Date Received: 8/28/1989
Receipt No: 6017372
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 30, 1900

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	NE	1	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	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NA

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

A0100125D

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OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	5	SE	NW		IRR	4.0
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:
01-0035AF/ 00083Z

14. Remarks:
TRANS. 1025
P/D GREAT WESTERN CANAL FROM USGS MAP.
P/U INCOMPLETE. AC. IRR. = 127.4.
P/U GIVEN BY MEET & BOUNDS DESCRIPTION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO.
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
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: _____

MICROFILMED
OCT 19 1992

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. Som

Date:

5-26-92

Date:

State of Idaho

County of

Bonneville

) ss. 519-88-7542

Subscribed and sworn (or affirmed) before me this 26 day

of

May

19

92

Dave C. Galt

Notary Public

Seal

Residing at

Heise, ID

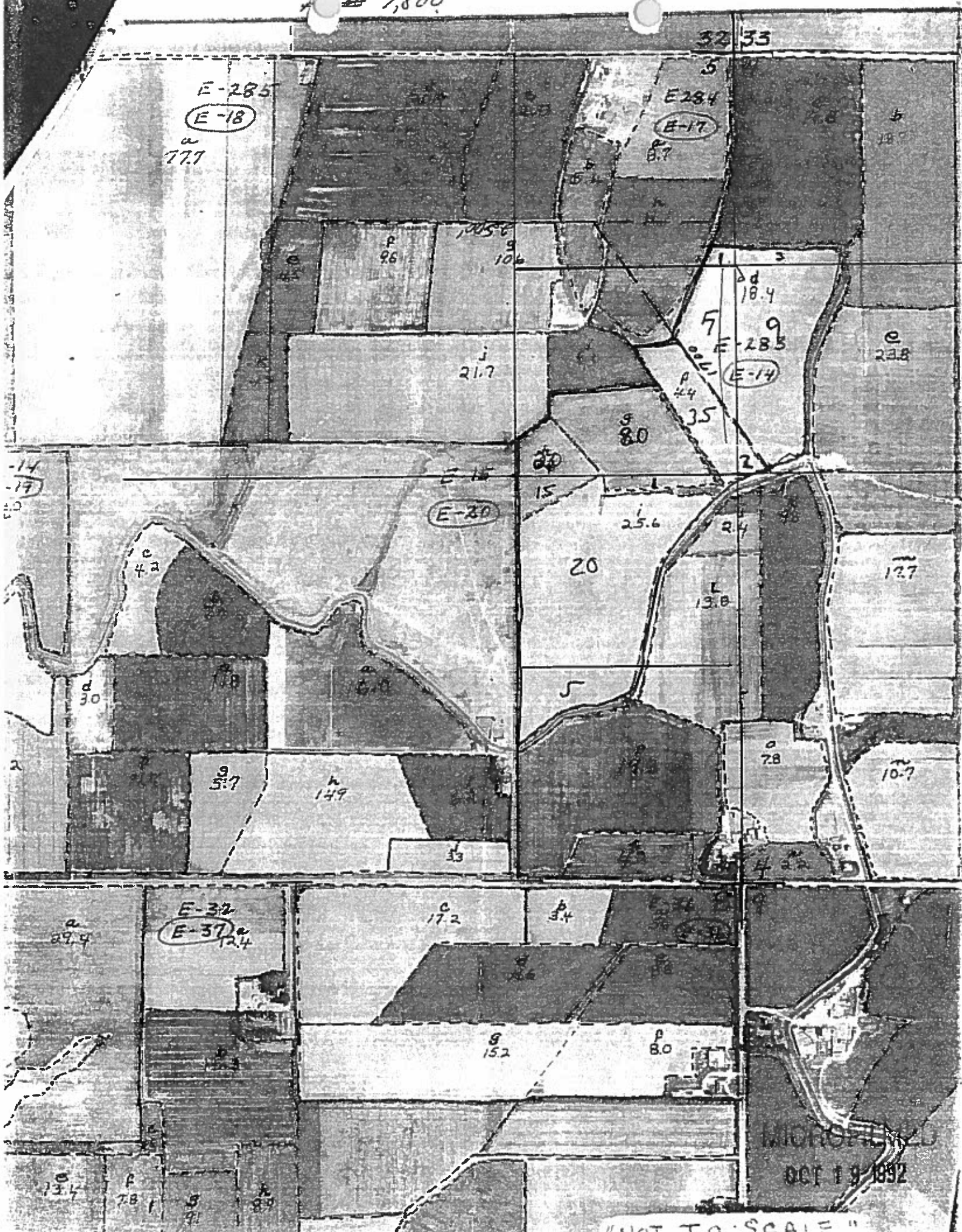
My Commission Expires

2/26/96

MICROFILMED

OCT 19 1992

1,800



MICROFILMED
OCT 19 1892

"NOT TO SCALE"