

05/02/2006

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

RIGHT NUMBER: 1-134B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.350 CFS

PRIORITY DATE: 01/07/1886

POINT OF DIVERSION:

T01S R36E S26 NWSENE Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.350 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 17.5 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

Water is delivered through New Lavaside 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: 1-134B

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 Threl

Please print your name:

Louis Threl

SCANNED

APR 30 2007

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

PROFILED

RECEIVED

SEP 11 2006

Department of Water Resources
Eastern Region

4/10/07

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Post office address Market Road, Idaho Falls, Idaho 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

{Name}

(Name of court)

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Applicant is the original holder of this right

4. Date of priority (A) 01-0134 - 1-07-1886 (B) 01-0135 - 1-24-1891

5. Water is used for the following purposes:

amount 250 for 25 purposes from 2010 to 2011

(month/day – both dates inclusive)

- b. $\frac{\text{acre feet per annum}}{\text{acre}}$

(Porter Canal) ^{D.} 18

- Township 2N Range 37E , B.M., in Bonneville County

Additional points of diversion, if any ⁴NE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 35, T. 4N, R. 37E, B.M., County

of Jefferson

8. Lands irrigated or place of use:

[illegible]

* Not stated in decree

Total number of acres to be irrigated **

*** This figure fluctuates from year to year.

The district has enough water to deliver one miner's inch/acre to 25,711 acres.

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion (A) 0.35 cfs (1-07-86)
a. Amount of water to be diverted (B) 1.15 cfs (1-24-91) c.f.s. &/or _____ acre feet
- * b. Point(s) of diversion SE ¼ SE ¼, Section 27 Township 1S
Range 36E, B.M., Bingham County
Additional points _____

SE
4 NE
Sec 26

- c. Description of diverting works water will travel down river from the old points of diversion and will be diverted at the headworks of the New Lavaside Canal
- d. Describe the reasons for applying for a change in the point(s) of diversion This transfer was requested by a stockholder located at the end of the New Sweden System. Even under normal conditions he has an extremely hard time receiving his decreed water. Efficiency of delivery will be improved by diverting his water into the New Lavaside Canal.

2. Change in place of use NO CHANGE
a. Describe the lands or place of use to which the right will be transferred:

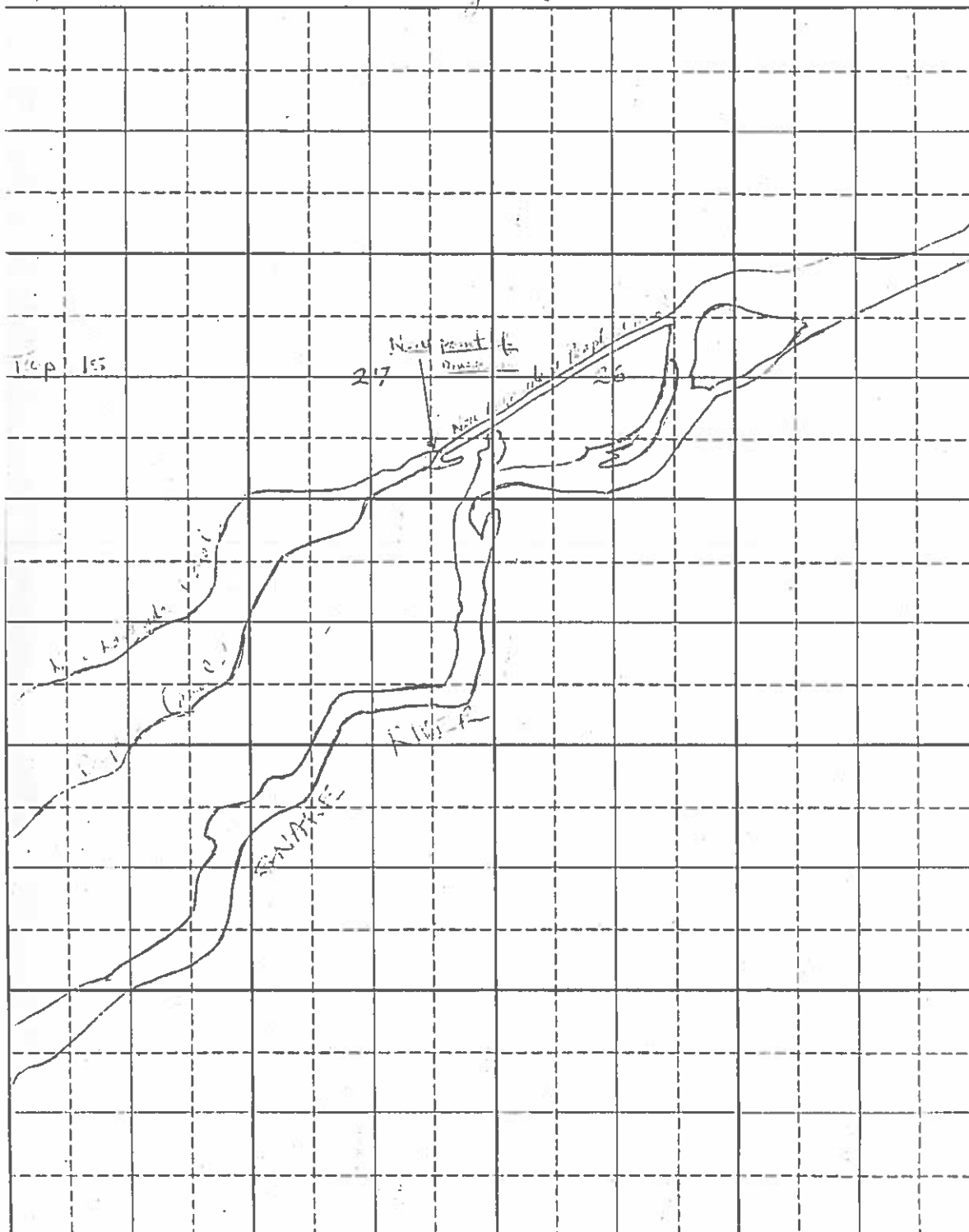
TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

*Water is diverted from the Snake River at a point located in the SW¼NE¼, Sec. 26, T. 1S, R. 36E, into a conveyance canal shared by the Peoples Canal and The New Lavaside Canal. Water is diverted into the Lavaside Canal at a point described under C1b.

Total number of acres to be irrigated

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Ry: 2E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks There is also an application for transfer filed by Monroe for a change in point of diversion and nature of use for 94.5 inches of New Sweden Irrigation District Water. This application is still pending approval and if approved would subject the amounts listed under No. 5 to change.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Donald E. Linn
(Signature of applicant)
Chairman of Board of Directors

Subscribed and sworn to before me this 17th day of May, 19 78.

[Signature]
(Notary public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0134/01-0135 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this transfer is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 22nd day of September, 19 78.

[Signature]
Administrator

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>5-18-78</u>	Protest filed by _____
Prelim. check by <u>ARK</u>	Fee <u>5-22-78</u>	_____
Receipted by <u>AW</u>	Date <u>5-22-78</u>	_____
Published in <u>Arkansas Water</u>		Copies of protest forwarded by _____
Pub. dates <u>June 15 1978</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>5-15-78</u>		Recommended for <u>approval</u> denial
rec'd. <u>8-04-78</u>		by <u>ARK J.S.</u>

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 1-134B
Date Received: 7/22/2005
Receipt No: E031103
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 01/07/1886

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	Type
01S	36E	26	NW SE NE 1	BINGHAM	

5. Description of diverting works:

NEW LAVASIDE CANAL HEADWORKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.35	

7. Total Quantity Appropriated is:

0.35 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

This claim is for 28,130.1 acres within the boundary of New Sweden Irrigation District.

11. Place of use in counties: BONNEVILLE, BINGHAM

COPY

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

TRANS. 2255 P/D CHANGE.
P/D NEW LAVASIDE CANAL.
P/U LANDS OF NEW SWEDEN IRRIGATION DISTRICT.

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am Board Chairman of
New Sweden Irrigation District, that I have signed the foregoing
document in the space below as Board Chairman of
New Sweden Irrigation District and that the statements contained in the
foregoing document are true and correct.
Signature of Authorized Agent

Chairman New Sweden Irrigation District
Title and Organization

July 28, 2005
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of July 2005

Delillian Reed

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires 1/24/2009

