

05/02/2006

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

RIGHT NUMBER: 1-135B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.150 CFS

PRIORITY DATE: 01/24/1891

POINT OF DIVERSION:

T01S R36E S26 NWSENE Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.150 CFS

PLACE OF USE:

27920 ACRES TOTAL

This right is limited to the irrigation of 57.5 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.

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.

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.

Water is delivered through New Lavaside Canal.

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: 1-135B

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

RECEIVED

SEP 11 2006

Department of Water Resources
Eastern Region

[Handwritten initials]

OCT 2 1978

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant New Sweden Irrigation District Phone 523-0175Post office address Market Road, Idaho Falls, Idaho 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to New Sweden Irrigation District
(Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
dated 12-16-1910 in Sixth Judicial Dist. county of Fremont
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

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 _____

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER4. Date of priority (A) 01-0134 - 1-07-1886 (B) 01-0135 - 1-24-1891

5. Water is used for the following purposes:

01-0134 amount 118.93 for Irrigation purposes from * to *01-0135 amount 395.29 for Irrigation purposes from * to *amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

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 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

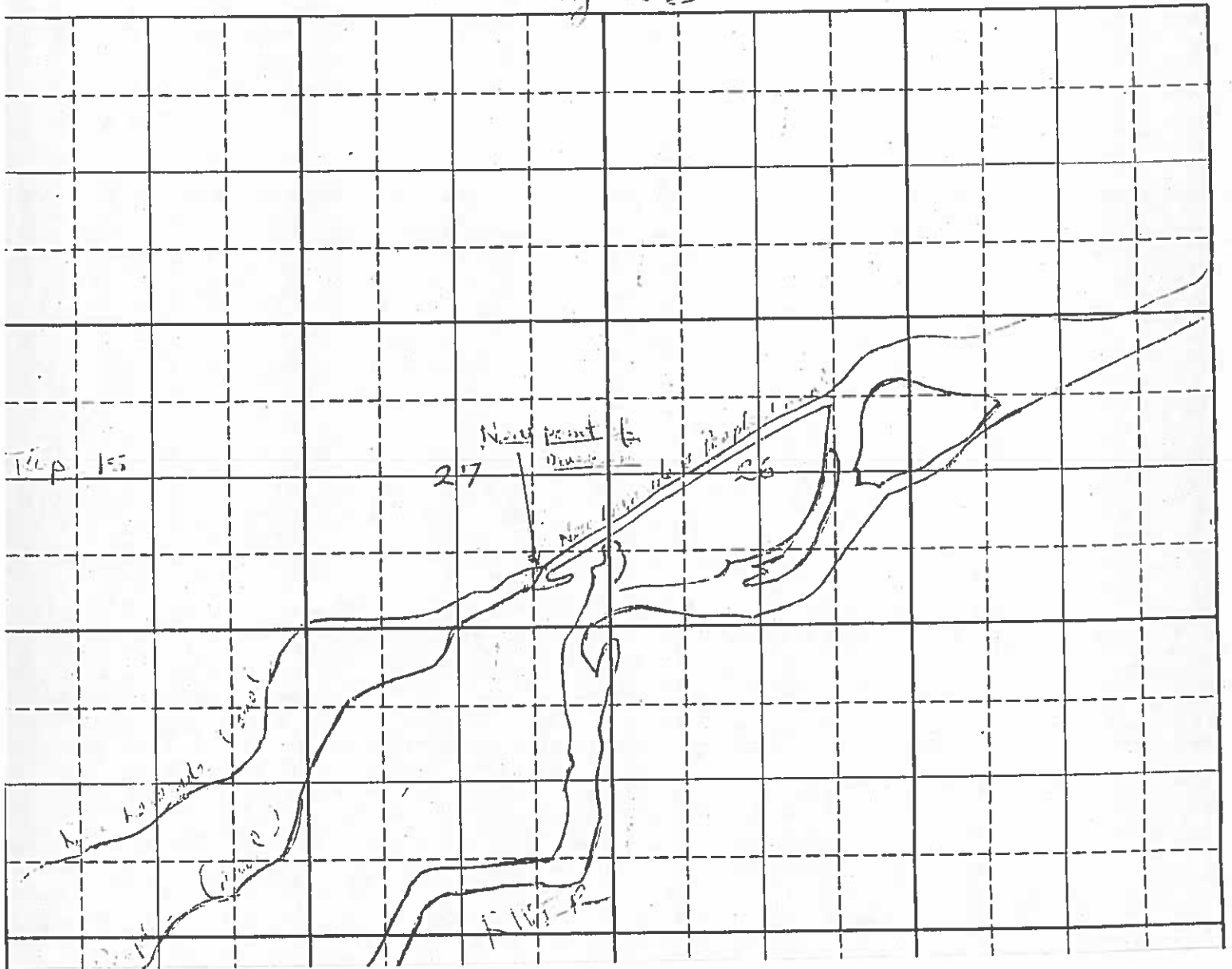
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27 Township 1S
Range 36E, B.M., Bingham County
Additional points _____

SE
NE
26

- 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



3. Remarks There is also an application for transfer filed by Monroc 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.

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 1-135B
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: 01/24/1891

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	1.15	

7. Total Quantity Appropriated is:
1.15 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

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 _____ Title
Organization, that I have signed the foregoing
document in the space below as Board Chairman of
New Sweden Irrigation District _____ Title
Organization and that the statements contained in the
foregoing document are true and correct. Louis Skul
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

