

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

RIGHT NUMBER: 1-181C

NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 46.000 CFS
2,466.80 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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

The reservoir established by the storage of water under this right shall not exceed a total capacity of 1100 acre feet or a total surface area of 73 acres. This right authorizes additional storage in the amount of 186 afa to make up losses from evaporation and 980.8 afa for seepage losses.

PRIORITY DATE: 06/16/1900

POINT OF
DIVERSION:

T02S R35E S27 SWNE Lot 9 Within BINGHAM County
T02S R35E S27 NESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	200.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	200.00 AFY
DIVERSION TO STORAGE	04/01 10/31	46.000 CFS
RECREATION STORAGE	01/01 12/31	2,266.80 AFY
IRRIGATION	04/01 10/31	1.000 CFS 200.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R35E S27 Tract 38 NESW	0.70	T02S R35E S27 Lot 17 NESW	0.50
T02S R35E S27 Tract 38 SESW	6.80	T02S R35E S27 Tract 39 SESW	2.10
T02S R35E S27 Lot 18 SESW	0.80	T02S R35E S33 Lot 10 NESE	9.10
T02S R35E S33 Lot 11 NWSE	0.70	T02S R35E S33 Lot 11 SWSE	0.60
T02S R35E S33 Lot 10 SESE	1.10	T02S R35E S34 Tract 39 NWNE	1.80
T02S R35E S34 Tract 38 NENW	5.60	T02S R35E S34 Tract 39 NENW	8.50
T02S R35E S34 Lot 11 NENW	0.50	T02S R35E S34 Tract 38 SWNW	4.00
T02S R35E S34 Tract 39 SWNW	1.50	T02S R35E S34 SWNW	0.40
T02S R35E S34 Lot 11 SWNW	1.40	T02S R35E S34 Tract 39 SENW	1.10
T02S R35E S34 NWSW	0.20	T02S R35E S34 Tract 39 NWSW	2.10
T02S R35E S34 Tract 41 NWSW	0.50		

50 ACRES TOTAL

IRRIGATION STORAGE in BINGHAM County

T02S R35E S27	SWSW	T02S R35E S27 Lot 15	SWSW
T02S R35E S27 Lot 18	SWSW	T02S R35E S27	SESW
T02S R35E S27 Lot 15	SESW	T02S R35E S27 Lot 18	SESW
T02S R35E S33 Tract 42	SENE	T02S R35E S33 Tract 42	NESE
T02S R35E S33	NESE	T02S R35E S33 Lot 10	NESE
T02S R35E S34	NWNW	T02S R35E S34 Lot 6	NWNW
T02S R35E S34 Lot 11	NWNW	T02S R35E S34	SWNW
T02S R35E S34 Lot 7	SWNW	T02S R35E S34 Lot 11	SWNW
T02S R35E S34 Tract 39	NWSW	T02S R35E S34	NWSW
T02S R35E S34 Lot 7	NWSW		

IRRIGATION FROM STORAGE same as IRRIGATION

RECREATION STORAGE same as IRRIGATION STORAGE

The place of use for irrigation under this right includes portions of Tract 38 in NESW and SESW of section 27, and NENW and SWNW of section 34; portions of Tract 39 in SESW of section 27, NWNW, NENW, SWNW, SENW, and NWSW of section 34; and a portion of Tract 41 in NWSW of section 34.

The place of use for the storage elements of this right includes portions of Tract 42 in SENE and NESE of section 33, and a portion of Tract 39 in NWSW of section 34.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water under Transfer No. 72385 is subject to additional conditions and limitations contained in a Settlement Agreement-IDWR Transfer of Water Right, Transfer No. 72385, dated June 2006, including any properly executed amendments thereto, entered into by and between the New Sweden Irrigation District, the City of Blackfoot, A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, Twin Falls Canal Company, and North Side Canal Company. The Settlement Agreement has been recorded in Bingham County (Instrument No. 575897) and Bonneville County (Instrument No. 1249899) and is enforceable by the parties thereto.

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

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. At the time of the approval of Transfer No. 72385, this water right was within State Water District No. 01.

Failure of the right holder to comply with the conditions of Transfer No. 72385 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer No. 72385 by February 14, 2008.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 11, 2007

CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

RE: Transfer #72385 for water right(s) 01-181C and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On February 14, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #72385, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

cc: New Sweden Irrigation District

CERTIFICATE OF MAILING

I certify that on April 13, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
NEW SWEDEN IRRIGATION DISTRICT
2350 W 1700 S
IDAHO FALLS ID 83402

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72385

RECEIVED
FEB 20 2007
Department of Water Resources
Eastern Region

This is to certify that: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221
(208)785-8688

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
1-181C	AJC/Decreed	06/16/1900	46.00 cfs	N/A	N/A	616.7	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
1-181C	NO	YES	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
1-181C	1-181C	46.00 cfs	2466.8 af	N/A	50.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		46.00 cfs	2466.8 af	N/A	50.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of February, 2007


Interim Director, Department of Water Resources

Right Holder: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

Tributary: COLUMBIA RIVER

[illegible]

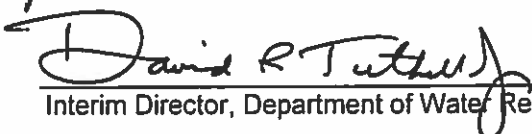
WATER RIGHT NO. 1-181C
As Modified by Transfer No. 72385

CONDITIONS OF APPROVAL

- EXP 1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- EXP 2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- EXP 3. 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. At the time of this approval, this water right is within State Water District No. 01.
- Q 4. The right holder shall maintain a measuring device and lockable controlling works both of which shall be of a type approved by the Department and that will provide the watermaster suitable control of the diversion(s).
- Q 5. The reservoir established by the storage of water under this right shall not exceed a total capacity of 1100 acre feet or a total surface area of 73 acres. This right authorizes additional storage in the amount of 186 afa to make up losses from evaporation and 980.8 afa for seepage losses.
- Q 6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. Water Right no. 1-181C no longer authorizes irrigation of 616.7 acres previously authorized under this right within New Sweden Irrigation District.
8. Approval of this transfer shall not preclude review of the ownership of water right no. 01-181C in the ongoing Snake River Basin Adjudication where New Sweden Irrigation District claims the right.
- GEN 9. The diversion and use of water under this transfer is subject to additional conditions and limitations contained in a Settlement Agreement-IDWR Transfer of Water Right, Transfer No. 72385, dated June 2006, including any properly executed amendments thereto, entered into by and between the New Sweden Irrigation District, the City of Blackfoot, A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, Twin Falls Canal Company, and North Side Canal Company. The Settlement Agreement has been recorded in Bingham County (Instrument No. 575897) and Bonneville County (Instrument No. 1249899) and is enforceable by the parties thereto.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of February, 20 07


Interim Director, Department of Water Resources

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: 1-181C

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
SCANNED
MAY 03 2007

KMJ
10/2

RECEIVED

SEP 11 2006

Department of Water Resources
Eastern Region

Carlsen, Ernie

From: Carlsen, Ernie
Sent: Thursday, May 11, 2006 11:16 AM
To: Rigby, Jerry (IWRB Member)
Subject: RE: City of Blackfoot Transfer

Jerry my answers to the questions posed by Travis follow each question.
 Ernie

-----Original Message-----

From: Jerry Rigby [mailto:jrigby@rigby-thatcher.com]
Sent: Friday, May 05, 2006 11:59 AM
To: Carlsen, Ernie
Subject: FW: City of Blackfoot Transfer
Importance: High

Ernie,
 I received this email from Travis the other day following a conversation I had where I attempted to impress upon him to just realize this can work if it isn't scrutinized too much. He said that he agreed and that it could be a win/win for everyone. Then I received this as though we hadn't even talked.
 Anyway, is there something that we can do to answer these questions sufficiently to have them satisfied?
 Thanks for your help
 PS. Ron C. and I need to come and talk to you about Fremont/Madison water rights next week. Would you have some time any late afternoon next week?
 Thanks

Jerry R. Rigby

Rigby, Thatcher, Andrus, Rigby & Moeller, *Chartered*
 P.O. Box 250
 Rexburg, Idaho 83440
 Telephone: (208) 356-3633 Fax: (208) 356-0768

From: Travis Thompson [mailto:tlt@idahowaters.com]
Sent: Tuesday, May 02, 2006 11:01 AM
To: Jerry Rigby
Cc: Roger D. Ling; Kent Fletcher; Tom Arkoosh (E-mail); jks@idahowaters.com
Subject: City of Blackfoot Transfer
Importance: High

Jerry,

Thanks for your patience on this matter. I spoke with Roger, Kent, and John yesterday about the Blackfoot transfer. I received the letter from Ernie Carlsen documenting the history of the water right. Before agreeing to withdraw the protest we need some additional information from New Sweden.

- 1) Why was a claim not filed on the water right until February 11, 2005?[Carlsen, Ernie] I have been told the claim was not filed earlier because of an oversight by the management at New Sweden Irrigation District (NSID).
- 2) Please provide the watermaster records which show the diversions of New Sweden and the source of that water.[Carlsen, Ernie] All of NSID's water rights have a source of Snake River. In the WD1 annual report diversions for NSID are listed under Great Western Canal and Porter Canal.
- 3) Please provide the records that show when New Sweden obtained this right. Was there a transfer from another entity?[Carlsen, Ernie] What little record the Department has for decreed right 1-

SCANNED

MAY 03 2007
 PROFILED

- 181 tends to indicate the Taylor and Goshen Canal, the original right holder, ceased to function as an organized canal in 1914 when transfers 129 and 130 moved 140 cfs to the Woodville Canal and Osgood Canal. There is no formal record for the transfer of the remaining 46 cfs (1-181C) to New Sweden Irrigation District. I have been advised examination of the records for NSID failed to locate records documenting how or when this right was obtained by the district.
- 4) What is New Sweden's diversion capacity?[Carlsen, Ernie] Examination of the WD1 annual reports reveals a combined total diversion rate of 1100 cfs for the Great Western Canal and Porter Canal from July 12 to 16 in 1973.
 - 5) How many acres are irrigated by New Sweden? [Carlsen, Ernie] In the claims review process for the SRBA IDWR staff working with personnel from New Sweden Irrigation District identified 27920 acres being served by the District. This includes lands irrigated in 1987 plus land annexed into the district post 1987. Since the transfer proposes to reduce the number of acres from New Sweden's project does it plan on reducing diversions, or just plan on not using this right anymore when its available?[Carlsen, Ernie] Because of housing developments on the west side of Idaho Falls the number of acres being irrigation under the New Sweden system have been in decline for several years. The district records reveal 616 acres were petitioned out of the district since 1987. If the transfer is approved land served by the district will be $27920 - 616 = 27304$ acres. I believe the intend of the transfer is to establish the two diversions on the Snake River for Jensen's Grove Pond as the only diversions for this right.
 - 6) Does New Sweden have additional natural flow rights or does it divert through other canal companies or districts' facilities?[Carlsen, Ernie] NSID has 56 natural flow rights claimed in the SRBA totaling 1074.84 cfs including the 46 cfs under claim 1-181C. At this point in the claims review process recommendations for NSID will likely have a combined diversion rate of around 1057 cfs. Approval of the transfer would reduce the quantity diverted by NSID through the Great Western and Porter Canals by 46 cfs for a combined total of around 1011 cfs. This number is not exact because the recommendations for NSID have not been finalized. As indicated above NSID diverts its water through the Great Western and the Porter Canals.

I'll relay any additional information on to Roger and Kent once I receive it. Roger's questions stem from his review of the WD1 2000 annual report and the fact he cannot find any natural flow rights for New Sweden and didn't know where New Sweden diverts its water. Please call if you have any questions.

Thanks,

Travis

—

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.392 / Virus Database: 268.5.4/332 - Release Date: 5/4/2006

SCANNED
MAY 03 2007

FILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2006

Jerry Rigby
Rigby Thatcher and Andrus
PO Box 250
Rexburg, ID 83440

RE: 01-181C, New Sweden Irrigation District

Dear Jerry:

I have been asked to provide information concerning Notice of Claim 01-181C filed by New Sweden Irrigation District. My investigation of this water right and subsequent claim revealed the following:

- 01-181 was adjudicated in the case of Rexburg Irrigation Co v Teton Irrigation Canal Co etal, signed 12-16-1910.
- The right was decreed to Taylor and Goshen Canal Co for 186 cfs with a priority of June 16, 1900. The location of the point of diversion and place of use was not given in the decree.
- In March 1914 transfers 129 and 130 were filed splitting the water right. Transfer 129 conveyed 40 cfs to Woodville Canal and transfer 130 conveyed 100 cfs to the Osgood Canal.
- In the book entitled Decreed Water Rights District #1, dated August 1976, the remaining 46 cfs still appears in the name of Taylor and Goshen Canal.
- On February 11, 2005, the New Sweden Irrigation District filed Notice of Claim 01-181C for the 46 cfs not transferred to the Woodville and Osgood Canals.
- During 2005 irrigation season, Water District 1 delivered 46 cfs under 01-181C to the City of Blackfoot for Jensen's Grove pond under a drought declaration temporary water right transfer.

With a June 16, 1900, priority the water right is deliverable most of the time in most years. It certainly would be deliverable this year.

Respectfully yours,

Ernie Carlsen
Water Right Supervisor

emc

SCANNED
MAY 03 2007

PROCESSED

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

RIGHT NUMBER: 1-181C

NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 46.000 CFS
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PRIORITY DATE: 06/16/1900

POINT OF
DIVERSION:

T02S R35E S27 SWNE Lot 9 Within BINGHAM County
T02S R35E S27 NESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	200.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	200.00 AFY
DIVERSION TO STORAGE	04/01 10/31	46.000 CFS
RECREATION STORAGE	01/01 12/31	2,266.80 AFY
IRRIGATION	04/01 10/31	1.000 CFS 200.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R35E S27 Tract 38 NESW	0.70	T02S R35E S27 Lot 17 NESW	0.50
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T02S R35E S34 Tract 39 SWNW	1.50	T02S R35E S34 SWNW	0.40
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T02S R35E S34 Tract 41 NWSW	0.50		

50 ACRES TOTAL

IRRIGATION STORAGE in BINGHAM County

T02S R35E S27	SWSW	T02S R35E S27 Lot 15	SWSW
T02S R35E S27 Lot 18	SWSW	T02S R35E S27	SESW
T02S R35E S27 Lot 15	SESW	T02S R35E S27 Lot 18	SESW
T02S R35E S33 Tract 42	SENE	T02S R35E S33 Tract 42	NESE
T02S R35E S33	NESE	T02S R35E S33 Lot 10	NESE
T02S R35E S34	NWNW	T02S R35E S34 Lot 6	NWNW
T02S R35E S34 Lot 11	NWNW	T02S R35E S34	SWNW
T02S R35E S34 Lot 7	SWNW	T02S R35E S34 Lot 11	SWNW
T02S R35E S34 Tract 39	NWSW	T02S R35E S34	NWSW
T02S R35E S34 Lot 7	NWSW		

IRRIGATION FROM STORAGE same as IRRIGATION

RECREATION STORAGE same as IRRIGATION STORAGE

The place of use for irrigation under this right includes portions of Tract 38 in NESW and SESW of section 27, and NENW and SWNW of section 34; portions of Tract 39 in SESW of section 27, NWNE, NENW, SWNW, SENW, and NWSW of section 34; and a portion of Tract 41 in NWSW of section 34.

The place of use for the storage elements of this right includes portions of Tract 42 in SENE and NESE of section 33, and a portion of Tract 39 in NWSW of section 34.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water under Transfer No. 72385 is subject to additional conditions and limitations contained in a Settlement Agreement-IDWR Transfer of Water Right, Transfer No. 72385, dated June 2006, including any properly executed amendments thereto, entered into by and between the New Sweden Irrigation District, the City of Blackfoot, A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, Twin Falls Canal Company, and North Side Canal Company. The Settlement Agreement has been recorded in Bingham County (Instrument No. 575897) and Bonneville County (Instrument No. 1249899) and is enforceable by the parties thereto.

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

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. At the time of the approval of Transfer No. 72385, this water right was within State Water District No. 01.

Failure of the right holder to comply with the conditions of Transfer No. 72385 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer No. 72385 by February 14, 2008.

08/22/2006

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

RIGHT NUMBER: 1-181C

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 46.000 CFS

PRIORITY DATE: 06/16/1900

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

46.000 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.

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.

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 01-181CDate Received 2/11/05Receipt Number E030602

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) New Sweden Irrigation District Phone (208) 523-0175Mailing Address 2350 W 1700 S Idaho Falls ID Zip 834022. Date of Priority (Only one (1) per claim) June 16, 19003. Source of water supply (a) Snake River
which is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 04N Range 37E Section 35,
NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of JeffersonAdditional points of diversion if any: T 02N R37E Sec. 12, NE 1/4 NW 1/4 Lot 8

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of

COPY

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Heading for Great Western Canal and
the heading for the Porter Canal.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 46.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 46.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

SEE ATTACHMENT A

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 28,130.1

11. In which county (ies) are lands listed above as place of use located? Bonneville/Bingham

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

see remarks

or None ()

14. Remarks:

Land within the District is privately owned by individuals or entities serviced by the District.

Other Water Rights: A01-00136D/ 0080D/ 10161/ 00134/ 00225R/ 0047M/ 10162/ 0071D/

00135/ 10182/ 10183/ 02009A/ 02009B/ 10207/ 02009D/ 00265C/ 02074/ 00320/ 00109F

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 01-00181C

Court _____ Case Number _____ Decree Date 12-16-1910

Plaintiff vs Defendant Rexburg Irrigation Co. etal vs. Teton Irrigation Canal Co. etal

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chairman of the Board
Title

of New Sweden Irrigation District
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.

Signature of Authorized Agent *Lauri Hall*

Title and Organization Board Chairman, New Sweden Irrigation Dist Date 2/9/2005

State of Idaho/or _____)
County of Bonneville &) SS.
Bingham

Subscribed and sworn (or affirmed) before me this 9th day of February XX 2005

SEAL

Notary Public *DeGillian Reed*

Residing at *Idaho Falls, Idaho*

My Commission Expires *1/24/09*

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

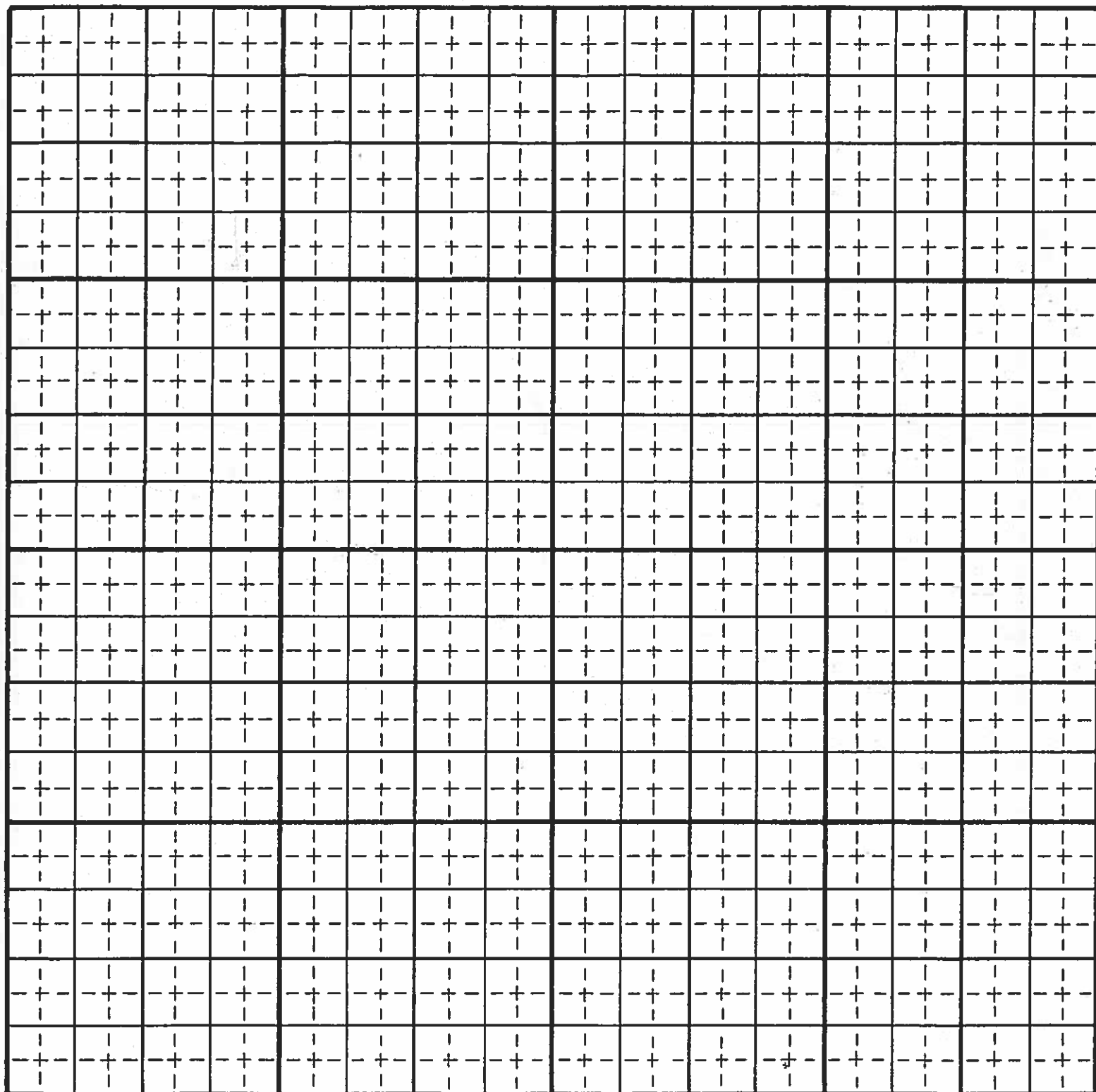
Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

Transfer No.

Receipt No.

ATTACHMENT "A"

PLACE OF USE:

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer No. _____
Receipt No. _____

ATTACHMENT "A"

PLACE OF USE (Cont.): IRRIGATION

Twp Rge Sec		NE			NW			SW			SE			Totals	
		NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW	SE	
02N 36E 36		43.8	40.0	40.0	43.7	40.0	22.8	3.6	40.0		43.6		29.3	348.8	
02N 37E 1		L1			L2					6.4	4.0	9.2	L6	L4	19.6
02N 37E 2		24.0	37.0	40.0	23.6	40.0	35.0	30.0	40.0	40.0	40.0	40.0	33.2	40.0	580.8
02N 37E 3		L1	L2		L3	L4									
02N 37E 4		4.0			1.0					13.0	22.8		26.8	5.6	74.4
02N 37E 5										40.0	40.0	40.0	10.4	40.0	286.4
02N 37E 6		28.0	40.0		28.0	32.0	40.0	40.0	8.8	26.4	10.0	10.0	40.0	8.8	372.0
02N 37E 7		40.0	40.0	40.0	40.0	40.7	40.5	40.0		L6	L7				
02N 37E 8		40.0	40.0	40.0	36.4	40.0	40.0	40.0	40.0	40.0	40.0	23.2	40.0	31.6	611.2
02N 37E 9						16.0	10.0							1.0	27.0
02N 37E 10		40.0	36.8	40.0	40.0	24.0	17.2	40.0	40.0	18.0	35.0	40.0	40.0	36.8	567.8
02N 37E 11		6.8	40.0	33.2	2.5	27.6	34.4	40.0	40.0	39.0	40.0	15.0	8.0		366.5
02N 37E 12													3.0		3.0
02N 37E 13		10.8	4.8		4.8									L5	20.4
02N 37E 14						17.0	30.0	20.0	40.0	2.0					109.0
02N 37E 15		40.0	40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	636.0
02N 37E 16		4.0	30.0	32.8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	546.8
02N 37E 17		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 18		40.0	40.0	40.0	40.0	40.0	40.0	40.0	20.0	37.2	39.5	40.0	40.0	2.4	575.8
02N 37E 19		40.0	40.0	40.0	40.0	39.4	39.2	40.0	40.0	38.9	38.7	40.0	40.0	40.0	636.2
02N 37E 20		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 21		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 22		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	12.8	498.0
02N 37E 23						37.6	40.0			7.2	40.0	37.2	40.0	14.0	293.6
02N 37E 24										36.0	36.0	18.0	9.2		102.2
02N 37E 25						12.8	40.0	40.0	20.0	2.0	27.2				142.0
02N 37E 26		39.2	38.0	38.0	34.0	16.0	40.0	32.8	39.0	38.0	40.0	40.0	40.0	28.2	582.2
02N 37E 27		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	34.0	634.0
02N 37E 28		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 29		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 30		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	38.3	38.3	40.0	40.0	40.0	633.6
02N 37E 31		40.0	40.0	40.0	40.0	40.0	38.1	40.0	40.0	38.0	37.9	40.0	40.0	40.0	632.2
02N 37E 32		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	L3	L4				640.0
02N 37E 33		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02N 37E 34		34.0	36.0	35.6	36.0	40.0	40.0	40.0	33.2	40.0	37.2	38.0	2.4	32.8	498.4
02N 37E 35		4.8	35.2	2.4	L1	40.0	40.0	15.2	12.0				L2	L2	149.6
02S 36E 5		1.0				16.8	24.8								42.6
02S 36E 6		40.0	40.0												80.0
03N 37E 12										10.0	12.4				22.4
03N 37E 13						7.2	16.8	17.0	6.0		17.6	35.0	5.0		104.6
03N 37E 23						L8	L8	L7	L7		L6	L5	L5		10.0
03N 37E 24		9.2				16.8	31.6	40.0	31.6	32.0	20.0		18.4	27.0	261.8

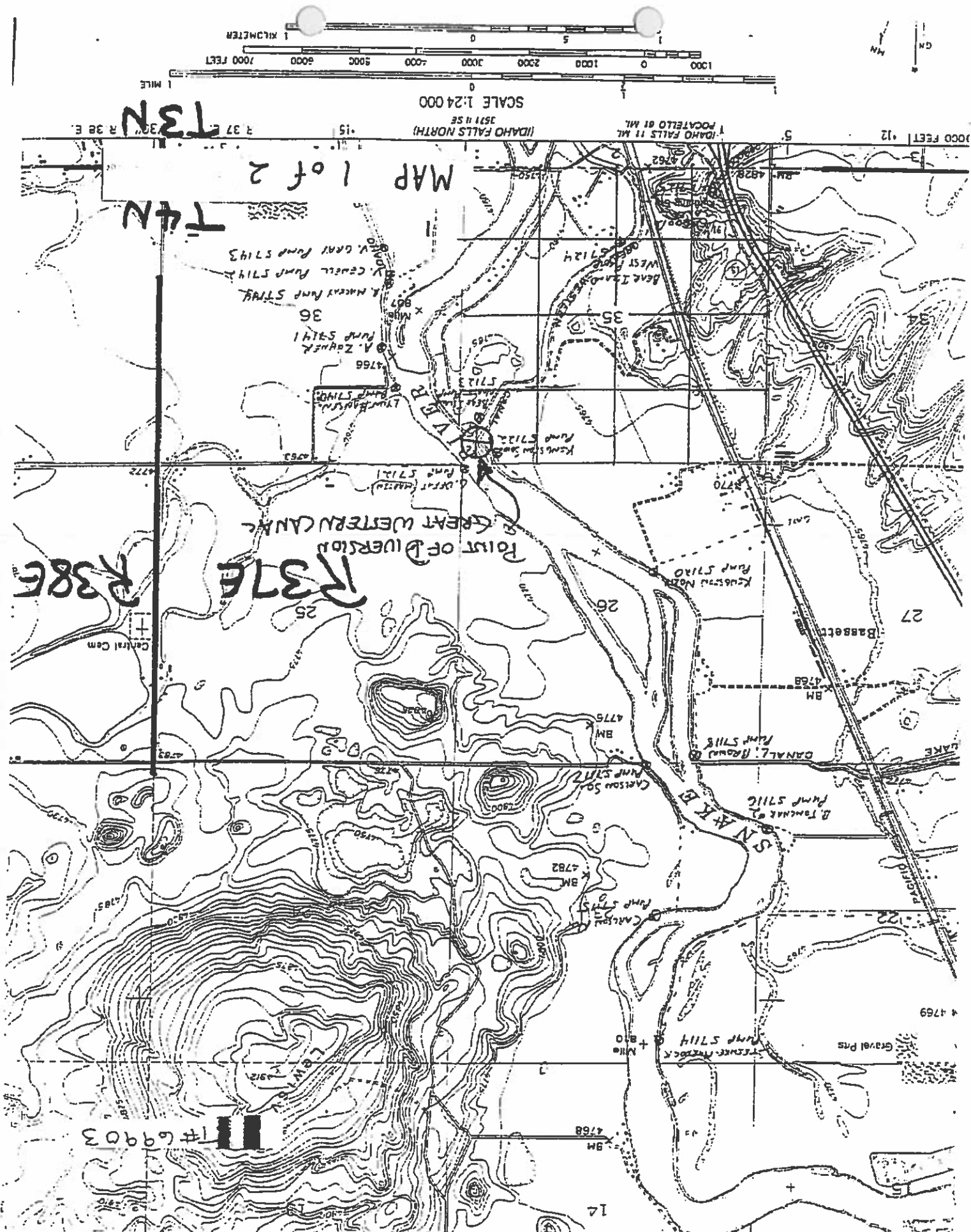
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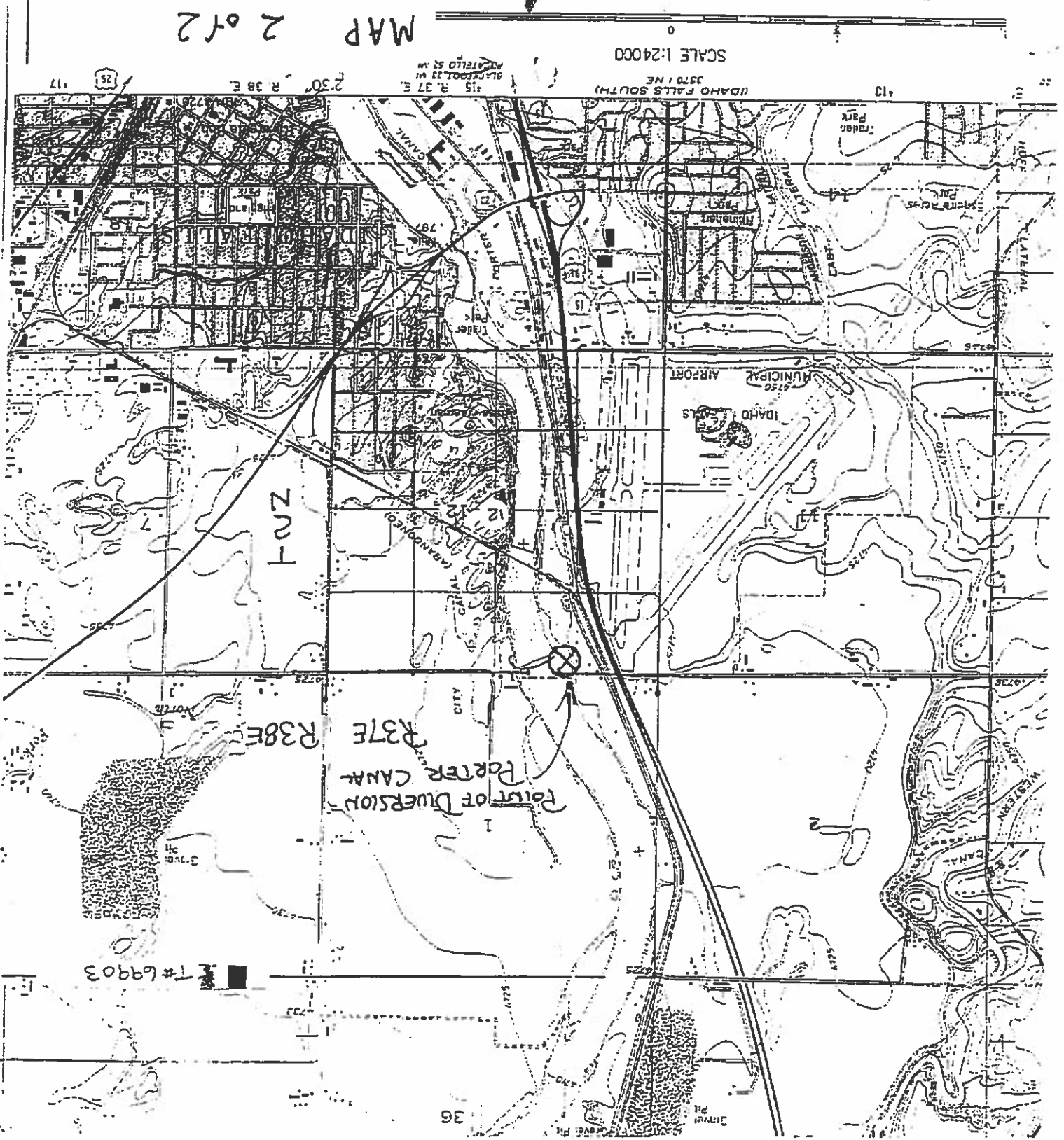
Receipt No.

ATTACHMENT "A"

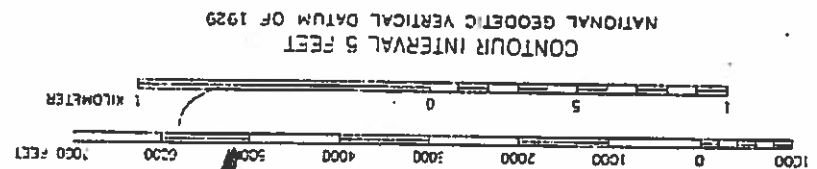
PLACE OF USE (cont.): IRRIGATION

[illegible]





MAP 2 of 2



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON VIRGINIA 22092 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Revisions shown in purple color loc. This detail of map 1776 and other source data - This detail of field checked. Map edited 1979

ID7