

11/06/2006

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

RIGHT NUMBER: 1-10134

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.660 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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.660 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.

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

This right is subject to a certain agreement between the right holder and the Rudy Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

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 place of use pursuant to Section 42-1425, Idaho Code.

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

This right is a split from former right 1-35B.

Water is delivered through Great Western Canal and Porter Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-10134

WATER RIGHT NUMBER: 1-10134

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BUTLER ISLAND CANAL CO C/O ANN FERGUSON 15533 E RIRIE HWY RIRIE, ID 83443 (208)538-7949
Current Owner	NEW SWEDEN IRRIGATION DIST 2350 W 1700 S IDAHO FALLS, ID 83402 (208)523-0175
Original Owner	HANSEN FARMS INC C/O REED HANSEN 4329 N 26 W IDAHO FALLS, ID 83402 (208)522-5359
Original Owner	N O NYE RIGBY, ID 83442

Priority Date: 06/01/1885

Basis: Decead

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

4.060 CFS

Annual VolumeTotal Diversion: 4.060 CFSLocation of Point(s) of Diversion

SNAKE RIVER

L1 (NE1/4NE1/4NE1/4)

Sec. 35, Twp 04N, Rge 37E, B.M.

JEFFERSON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	37E	2						1.0	13.0										14.0
02N	37E	3	30.0	38.0	40.0	34.0	38.0	37.0	39.0	40.0									296.0
02N	37E	4	37.0	38.0	40.0	39.0	38.0			39.0	39.0			33.0					303.0

Total Acres: 613

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-10134

Conditions of Approval:

Remarks:

1. General TRANS. 278 P/D GREAT WESTERN CANAL.
 THIS RIGHT IS A PORTION OF 01-00035B, AND A01-00035AB.
 MR. HANSEN OWNS 1.66 CFS OF 01-A00035B AND 2.4 CFS. OF 01-00035AB COMBINED
 RIGHT.

Comments: CHANGE OF OWNERSHIP COMPLETE 04/19/2005.KMJ

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: 1-10134

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, 2085297161

SCANNED
MAY 10 2007

PROFILED

RECEIVED

SEP 11 2006

Department of Water Resources
Eastern Region

Louis Thiel
10/2

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 645

THIS IS TO CERTIFY THAT N. O. Nye, of Rigby, State of Idaho, is the owner of and using certain water rights described as being 5.14 cubic feet per second of the waters of Snake River, County of Jefferson, State of Idaho, with a priority of June 1, 1885, decreed to the Butler Island Canal Company, confirmed by decree of Judge 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, Plaintiff,

TETON IRRIGATION COMPANY, ET AL., Defendants

Decree bearing date of December 16, 1910

being appurtenant to the following described real property, situate, lying and being in the County of Jefferson, State of Idaho (Water District No. 36), to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28,
Township 4 North, Range 39 East, B. N.

and is the person to whom such rights so issued, and has become the owner thereof in the following manner:

01-0035 B By Transferred Water Right No. 278 on record in the
Department of Reclamation.

5.14 cu ft
June 1885

That he is also the owner of and using a certain water right for 1.38 cubic feet per second of the waters of Snake River, County of Jefferson, State of Idaho, bearing the following dates of priority:

01-0162 55.51 % - August 13, 1888 (0.755)
01-0163 16.73 % - June 1, 1889 (0.227)
01-0164 7.78 % - June 1, 1900 (0.106)
01-0165 17.98 % - June 1, 1905 (0.272)

decreed to the Rudy Canal Company, by decree of Judge Stevens, of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, State of Idaho; in the case of

REXBURG IRRIGATION COMPANY, Plaintiff,

TETON IRRIGATION COMPANY, ET AL., Defendants,

Said decree bearing date of December 16, 1910,

SCANNED

MAY 10 2007

for the purpose of further irrigating the real property hereinabove described.

Applicant is the owner of Stock Certificate No. 563 for 22.59 shares of stock in said Rudy Canal Company, and as such is the owner of, and the person for whom such water was decreed, in trust, to said Canal Company.

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

THAT NOW, Upon the application of N. O. Nye, of Rigby, Idaho, for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 6.50 cubic feet per second of the waters of Snake River is hereby abandoned upon the lands above described, and the place of use of water under such right, and to which the water hereby confirmed shall by this certificate become

appurtenant for irrigation and domestic purposes, after a deduction of five per cent of said water rights have been abandoned to Snake River to compensate other water users for the loss caused by the change in point of diversion, is described as follows, limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

01-0035
C. S. Snam
480 ac
F. L. Hansen
473 ac

1.66 cubic feet per second, dated June 1, 1885
SW 1/4 Section 9, and SW 1/4 Section 3, Township 2 North,
Range 37 East, B. M., Bonneville County, Idaho
1.66 cubic feet per second, dated June 1, 1885
Lots 1, 2, 3 & 4 and SW 1/4 Section 3, and Lots 1 & 2
and SW 1/4 Section 4, Township 2 North, Range 37
East, B. M., Bonneville County, Idaho

1-35 AL
AN
AP
Fr. of
01-0035B
1-10134

1.563 cubic feet per second, dated June 1, 1885
217 cubic feet per second, dated August 15, 1888
216 cubic feet per second, dated June 1, 1889
101 cubic feet per second, dated June 1, 1900
100 cubic feet per second, dated June 1, 1905

1-10246
and/or
1-10054?

All that part of the West Half Section 1, Township 1 South, Range 36 East, B. M., lying and being East of the canal of the New Sweden Irrigation District; also Lots 1, 2 & 3 Section 3; the SW 1/4, NE 1/4, SE 1/4, SW 1/4 and SW 1/4 Section 4, excepting therefrom that portion of the SW 1/4 lying East of the canal of the New Sweden Irrigation District; all in Township 1 South, Range 36 East, B. M., Bingham County, Idaho.

That the above described water has heretofore been diverted in the SW 1/4 Section 20, Township 4 North, Range 40 East, B. M., through the Lady Irrigation Company's canal, and will hereafter, by authority of this Certificate, be diverted in the NE 1/4 Section 35, Township 4 North, Range 37 East, B. M., through the Great Western Canal of the New Sweden Irrigation District.

That the right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho; and is also subject to a certain agreement between the applicant and the Lady Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

WITNESS, The seal and signature of the State Reclamation Engineer of the State of Idaho, this 14th day of April, A. D. 1943.

James Spofford
JAMES SPOFFORD
State Reclamation Engineer

CONTINUED
PROTILED



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

April 19, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. BREMER
Director

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT

Dear Claimant:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Katy Jackson
Office Specialist 1

Enclosure

APR 26 2005

SCANNED

PROFILED

RECEIVED

MAR 10 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DELOG MH
 RECEIVED 3/10/05
 MAR 9 2005
 Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
01-10134			01-164G		
01-116AM			01-165G		
01-162G			01-10154		
01-163G			01-10155		
01-10135					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Hansen Farms, Inc.
4512 N 26th W Idaho Falls ID 83402
4. New Owner/Claimant(s) New Sweden Irrigation District
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 2350 W 1700 S
 City, State and ZIP Code Idaho Falls ID 83402
 New Telephone Number (208) 523-0175
5. Date you acquired the property 9-14-2004

PROFILED

SCANNED
 APR 2 2005

CHANGE COMPLETED
 DATE: 4/19/05
 KPM

PEOPLE OF PETITION
OF ANNEXATION

Notice is hereby given that the following named petitioners have each filed a petition of annexation with the Swedeh Irrigation District, an irrigation district with its principal place of business located at 350 W. 17th St., Idaho Falls, Idaho 83402; hereinafter "District". The names, addresses and descriptions of lands proposed to be annexed to the District are described below. (Below described lands) (most of which are commonly referred to as (astside Mutual) include all water rights appurtenant to said lands together with all storage rights, all of which are proposed to be assigned to the District should annexation be ordered by the board of the District. The District has heretofore been silvering said water rights through its District canal system pursuant to carrying agreements with Petitioners.

If persons interested in or that may be affected by such change of boundaries of the district, may appear at the office of the board of directors at the District's address, at 30 o'clock a.m. on September 14, 2004 and show cause in writing, if they have, why the lands above mentioned should not be annexed to the District.

Names, addresses and descriptions of lands petitioned to be annexed to the District are as follows; to-wit:
If lands described below are located in Twp. 2 North, Range 37, 3rd Boise Meridian:

Michael Cates: 5.57 acres in Lot 1, Sec. 3; 2503 West 40th North, Idaho Falls, Idaho 83402.

Reed Hansen: .77 acre in Lot 1, Sec. 3; 4512 North 25th West, Idaho Falls, Idaho 83402.

Brad Snarr: 76.64 acres in 1/2 SW1/4, Sec. 3; and 41.88 acres in NE1/4 SW1/4, Sec. 4; 3977 North 5th West, Idaho Falls, Idaho 83402.

Wayne Snarr: 1.58 acres in W1/4 SW1/4, Sec. 3; 3400 West 3rd North, Idaho Falls, Idaho 83402.

Robert Snarr: 5.72 acres in 1/2 SW1/4, Sec. 3; 3114 West 3rd North, Idaho Falls, Idaho 83402.

Bryon Reed: 162.28 acres in 1/2 SW1/4 and SE1/4, lying West of the Great Western Canal, Sec. 3; 277 North 35th West, Idaho Falls, Idaho 83402.

Basil Barna: 1.65 acres in 1/2 SW1/4, Sec. 3; 3040 West 3rd North, Idaho Falls, Idaho 83402.

Hansen Farms, Inc.: 7 acres in W1/4 NW1/4, lying West of the Great Western Canal, Sec. 2; 253.77 acres in N1/2, Sec. 3; and 164.51 acres in Lots 1-2, S1/2 NE1/4, 1/2 NE1/4, Sec. 4; 52 acres in 1/2 NE1/4, lying east of the Great Western Canal, Sec. 4; 125 acres in Lot 1, E1/4 NW1/4, E1/2 SW1/4, Sec. 3;

429 North 25th West, Idaho Falls, Idaho 83402.

Von White: 8.0 acres in 1/2 SW1/4, Sec. 4; 4194 West 3rd North, Idaho Falls, Idaho 83402.

Tom Bailey: 4.89 acres in 1/2 SW1/4, Sec. 4; 4292 West 3rd North, Idaho Falls, Idaho 83402.

Ted Trillhaase: 4.5 acres in 1/2 SW1/4, Sec. 4; 4058 West 3rd North, Idaho Falls, Idaho 83402.

John & Carolina Newman Trust: 7.64 acres in S1/2 SE1/4, Sec. 4; 549 North 35th West, Idaho Falls, Idaho 83402.

Lex Hightower: .87 acres in the E corner, Sec. 4; 3335 North 35th West, Idaho Falls, Idaho 83402.

Carl Landeen: 1.5 acres in NE corner, Sec. 3; 3281 North 35th West, Idaho Falls, Idaho 83402.

Charles LeRoy Reed: 310.88 acres in E1/2 and E1/2 SW1/4, Section 9; 14 acres in NW1/4 SW1/4, lying West of the Great Western Canal, Sec. 10; 2212 North 35th West, Idaho Falls, Idaho 83402.

David Pancherl: 1 acre in E1/4 NE1/4, Sec. 9; 2807 North 35th West, Idaho Falls, Idaho 83402.

Jerry Becker: 1.15 acres in W1/4, east of Oakland Canal, Sec. 3; 3050 North 45th West, Idaho Falls, Idaho 83402.

Ivan Johnson: 140 acres in SW corner of NW1/4 and SW1/4, Sec. 9; 558 North 45th West, Idaho Falls, Idaho 83402.

Richard Woodruff: 1.28 acres in SW corner, Sec. 3; 8490 West 33rd North, Idaho Falls, Idaho 83402.

Published: July 20, 27,

SCANNED

NOV 18 2004

PROFILED

AUG 27 2001

50x

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: A01-10134
Date Received: 8/15/1989
Receipt No: E00 9986 / 80
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HANSEN FARMS INC. 208-522-5359
Address: % REED HANSEN
4329 N. 26 W.
IDAHO FALLS, ID 83402

2. Date of Priority: JUN 01, 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		NE	1	JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL CO. IS THE DELIVERY SYSTEM. CONCRETE DIV. WOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.060		

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

8. Total consumptive use is 1532.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	37E	2	NW		NW		IRR	1.0
			SW		NW		IRR	13.0
Section Acres								14.0

A01-10134

Page 1

Date: 08/18/89

COPY

MICROFILMED
OCT 20 1992

A0110134



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	37E	3	NE		NE		IRR	30.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	34.0
			NE		NW		IRR	38.0
			NW		NW		IRR	37.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	296.0
		4	NE		NE		IRR	37.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	38.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			SE		SW		IRR	33.0
							Section Acres	303.0
							Total Acres	613.0

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:

01-0163G/0162G/0165G/0164G/00118AP/00116AM.

14. Remarks:

TRANS. 278

P/D GREAT WESTERN CANAL.

THIS RIGHT IS A PORTION OF 01-00035B, AND A01-00035AB.

MR. HANSEN OWNS 1.66 CFS OF 01-A00035B AND 2.4 CFS. OF 01-00035AB
COMBINED RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRRIGATION CO.

Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET

Decree Defendant

A01-10134

Page

2

Date: 08/18/89

MICROFILMED

OCT 20 1992

(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.

MICROFILMED
OCT 20 1992

State of Idaho)
County of Bonner) SS.

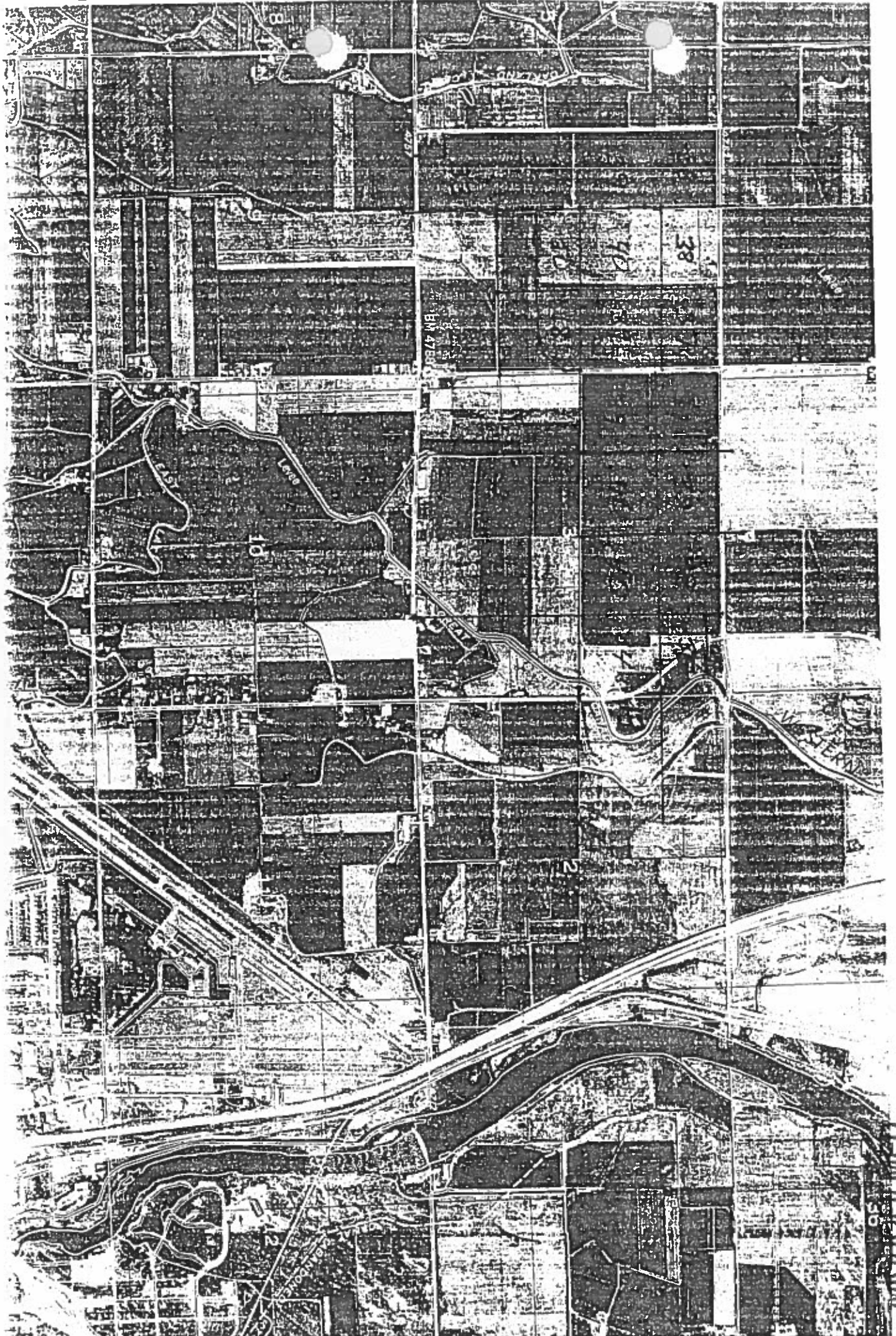
Subscribed and sworn (or affirmed) before me this 18 day
of Aug 19 29

Seal

John D. Carlson
Notary Public

Residing at Bonneville

My Commission Expires 5/7/94



OCT 20 1992