

Skaggs, Pam

From: Skaggs, Pam
Sent: Thursday, December 28, 2006 12:46 PM
To: 'tlt@idahowaters.com'; 'rdl@idlawfirm.com'; 'wkf@pmt.org'; 'tarkoosh@cableone.net'; 'jks@idahowaters.com'; 'dan@ptius.net'
Cc: Warner, Roger; Peppersack, Jeff
Subject: 72385 City of Blackfoot Transfer - New Draft Approval

Gentlemen:

I have attached a new Draft Approval of Transfer 72385 including the changes we discussed this morning. Please review the draft approval and reply with comments and/or agreement as soon as possible. When all concerns have been addressed, and we have received the County Recording numbers to insert into Condition # 9, this approval can be forwarded for final approval.



72385 City of
Blackfoot-12-28 ...

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

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 _____ day of _____, 20_____

 Chief, Water Allocation Bureau

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

CONDITIONS OF APPROVAL

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.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
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).
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.
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.
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. _____) and Bonneville County (Instrument No. _____) 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 _____ day of _____, 20____

Chief, Water Allocation Bureau