



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 1, 2006

LING ROBINSON & WALKER
A&B IRRIGATION DIST
BURLEY IRRIGATION DIST
PO BOX 396
RUPERT ID 83350

ARKOOSH LAW OFFICES CHTD
AMERICAN FALLS RESERVOIR DIST #2
PO BOX 32
GOODING ID 83330

BARKER ROSHOLT & SIMPSON LLP
MILNER IRRIGATION DIST
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
113 MAIN AVE WEST, STE #303
TWIN FALLS ID 83303-6167

FLETCHER LAW OFFICE
MINIDOKA IRRIGATION DIST
PO BOX 248
BURLEY ID 83318

NEW SWEDEN IRRIGATION DIST
2350 W 1700 S
IDAHO FALLS ID 83402

RE: Application for Transfer of Water Right 72385
Right 1-181c

Dear Applicant:

Enclosed please find a Draft Approval of Transfer 72385 that includes a condition referring to the Settlement Agreement dated June 2006 submitted to the Department.

Copies of the Draft Approval have been sent to the applicant, all protestants and New Sweden Irrigation District. The Department will hold processing of the transfer for 30 days to allow for any comment.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Sr Water Rights Agent

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	N/A	N/A	50.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		46.00 cfs	N/A	N/A	50.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this _____ day of _____, 20____

 Administrator, Water Management Division

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

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.00 CFS	
DIVERSION TO STORAGE	04/01	to 10/31	46.00 CFS	
IRRIGATION STORAGE	01/01	to 12/31		200.0 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		200.0 AF
GROUND WATER RECHARGE	04/01	to 10/31	46.00 CFS	
GROUND WATER RECHARGE STORAGE	01/01	to 12/31		1,286.0 AF
RECREATION STORAGE	01/01	to 12/31	46.00 CFS	1,286.0 AF

SNAKE RIVER	L9 (SWNE)	Sec. 27	Twp 02S	Rge 35E	BINGHAM County
SNAKE RIVER	NESW	Sec. 27	Twp 02S	Rge 35E	BINGHAM County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	27								1.2				9.7					10.9
										L 17				L 18					
02S	35E	33												9.1	.7	.6	1.1		11.5
														L 10	L 11	L 11			
02S	35E	34		1.8				14.6			9.9								26.3

Total Acres: 50

PLACE OF USE: IRRIGATION STORAGE, RECREATION STORAGE,
GROUND WATER RECHARGE & GROUND WATER RECHARGE STORAGE

[illegible]

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.
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_____

Administrator, Water Management Division