

MEMORANDUM

Date: March 04, 2004
To: Transfer 69903
From: kwilson
Re: General

This transfer proposes to add four separate points of diversion in the river in Lot 8 (NENW) Sec 24, T03N, R37E to serve shareholders whose ditch has been eliminated by roadwork. Each new diversion point will serve one of four individual lots for a total of 11 acres. Doug Harmel, Lueva Wackerli, Jim Linco and Dick Fowler are the owners of the place of use. Each individual owns only one of the four lots. Maximum diversion rate from these four separate points of diversion will be 0.22 cfs. The New Sweden Irrigation Co. will commit 3.0 af per acre of storage water to these four points of diversion.

Authority to File:

This water right is decreed to the New Sweden Irrigation District, and an adjudication claim has been filed in the SRBA in the name of New Sweden Irrigation District. Water District No. 01 lists this water right under the New Sweden Irrigation District. The amended application has been signed by C. Ladd Holmquist a Director in the New Sweden Irrigation District.

Water Right Validity:

This water right was decreed to New Sweden Irrigation District in Aberdeen-Springfield Canal Company, et. al. vs Henry Eagle, Watermaster District No. 36 in the District Court of the Seventh Judicial District on March 12, 1969. In addition Transfer No. 4609 was filed by, and in the name of, New Sweden Irrigation, and approved June 22, 1995. This water right is delivered by the watermaster of Water District No. 01.

Injury to Other Water Rights:

This water right is administered and delivered according to the priority date by the watermaster of Water District No. 01, and therefore will not injure and other water rights.

Enlargement of Use:

This transfer proposes to add four points of diversion to the existing water right and does not change the place of use. No enlargement will occur.

Local Public Interest:

It is in the interest of the local public that this transfer is being filed.

Beneficial Use Conservation of Water Resources:

The ditch loss associated with delivery of water to these shareholders will be eliminated.

The review of this application finds no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The original transfer application was protested by the United States Department of Interior Bureau of Reclamation on the basis of injury to Reclamation Project water rights, in specific adjudication claims 01-02064L, 01-2068M, and 01-10043. After review of this amendment to Transfer No. 69903 the United States Department of Interior Bureau of Reclamation has withdrawn their protest.

Other Issues:

No issues identified.

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Re: Comment

Land within the district is privately owned by individuals of entities serviced by the district. Adjudication Claims: 01-35AF, 01-47M, 01-71D, 01-80D, 01-83Z, 01-109F, 01-115R, 01-125D, 01-134, 01-135, 01-136D, 01-320, 01-2009A, 01-2009B, 01-2009D, 01-2064L, 01-2068M, 01-2074, 01-10043, 01-10161, 01-10162, 01-10182, 01-10183, 01-10207, 01-10208. Point of diversion added by Transfer No. 4609. The rate of diversion claimed by New Sweden Irrigation Co. in the SRBA equals a total of 997.08 cfs.

According to Water District 01 water rights accounting program the New Sweden Irrigation Co. delivers 107 water rights for a total flow rate of 1085.467 cfs. The diversion rate of 1085.467 cfs includes numerous water rights associated with the Shattuck Butte Dissolution.