

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 87302**

This is to certify that: **NEW SWEDEN IRRIGATION DISTRICT**  
2350 W 1700 S  
IDAHO FALLS, ID 83402

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 Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 1-195Q             | WR/DECREED          | 6/1/1885             | 0.600 cfs             | N/A                     | N/A               | 30.0               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 1-195Q                | NO           | NO         | YES        | NO             | NO                   | NO                   |

**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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 1-195Q                 | 1-195Q                           | 0.600 cfs            | N/A                    | 30.0              | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.600 cfs</b>     | <b>N/A</b>             | <b>30.0</b>       | <b>27,920.0</b>    |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 3<sup>rd</sup> day of March, 2023.

  
\_\_\_\_\_  
Regional Manager

## WATER RIGHT NO. 1-195Q

### As Modified by Transfer No. 87302

In accordance with the approval of Transfer No. 87302, Water Right No. 1-195Q is now described as follows:

**Right Holder:** NEW SWEDEN IRRIGATION DISTRICT  
2350 W 1700 S  
IDAHO FALLS, ID 83402

**Priority Date:** 6/1/1885

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
IRRIGATION

| <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-------------|-----------|-----------------------|
| 04/01       | to 10/31  | 0.600 cfs             |
|             |           | 0.600 cfs             |

**LOCATION OF POINT(S) OF DIVERSION**

|             |        |                        |                   |
|-------------|--------|------------------------|-------------------|
| SNAKE RIVER | NWNENW | Sec 12 Twp 02N Rge 37E | BONNEVILLE County |
| SNAKE RIVER | NENE   | Sec 35 Twp 04N Rge 37E | JEFFERSON County  |

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 30 acres within the authorized place of use in a single irrigation season.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Place of use is within the boundary of New Sweden Irrigation District pursuant to Section 43-323, Idaho Code.
4. 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 place of use.
5. Use of water under this right may 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. 1.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Water is delivered through Great Western Canal and Porter Canal.
8. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 87302

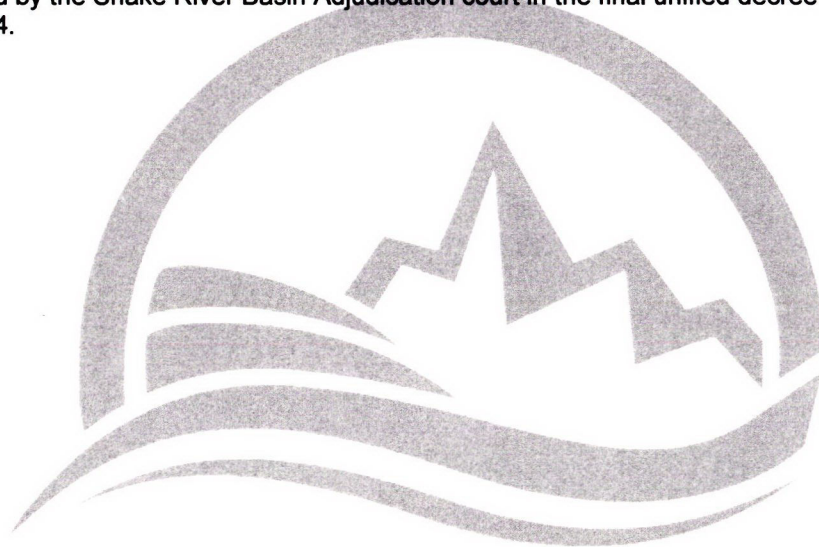
SCANNED  
MAR 06 2023

**WATER RIGHT NO. 1-195Q**

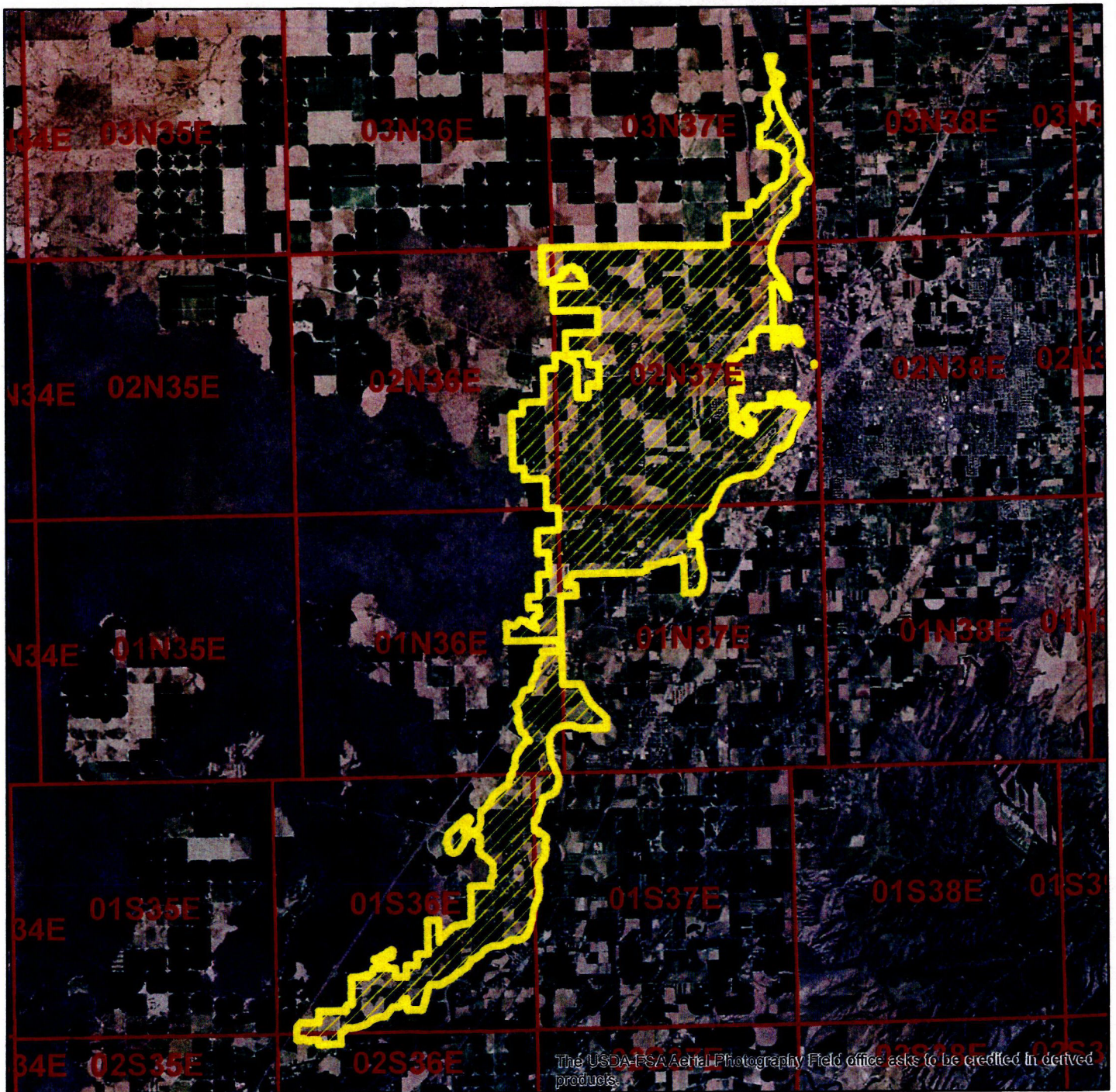
**As Modified by Transfer No. 87302**

**CONDITIONS OF APPROVAL**

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



# New Sweden Irrigation District Transfer



## Legend

-  NSID Digital Boundary
-  Township/Range



SCANNED

MAR 06 2023

MH

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 87302

MAY 03 2022

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERwater Resources  
Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) New Sweden Irrigation DistrictCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A \* Means the item is always required and must be included with the application.

- ☐ \* Completed Application for Transfer of Water Right form, Part 1.
- ☐ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: \_\_\_\_\_

SCANNED  
MAR 06 2023

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

Name of Applicant(s) New Sweden Irrigation District Phone (208)-523-0175  
Mailing address 2350 W. 1700 S., Idaho Falls, ID 83402 Email kailsheppard@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

*Gary Dixon*  
Signature of Applicant or Authorized Representative

Director Gary Dixon Vice Chair  
Print Name and Title if applicable

4/12/22  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

Director \_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.  
The current place of use of water right 1-195Q was annexed into the New Sweden Irrigation District. Upon annexation, this right was deeded to the New Sweden Irrigation District. This transfer proposes to change the POU of right 1-195Q to the New Sweden Irrigation District's service area.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 1-195Q       | 0.6                   | Irrigation    | 04/01 to 10/31 | Snake River        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               |                |                    |

Total authorized under rights 0.6 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.6 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                                                                                                                                                                                         | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |       | Acre Totals |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|-------|-------------|
|                                                                                                                                                                                             |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE    |             |
| POU to match the New Sweden Irrigation District Service Boundary, covering multiple sections in T03N R37E, T02N R37E, T01N R37E, T01S R37E, T02N R36E, T01N R36E, T01S R36E, and T02S R36E. |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |       |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |       |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |       |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |       |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |       |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    | 27920 |             |
|                                                                                                                                                                                             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    | 27987 |             |

Total Acres (for irrigation use)

Acre Limit = 30 acres

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

This water right will continue to be diverted through the Great Western and Porter Canals which both have  
measurements weirs.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes No**

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

12/7/2022

Water Right 1-195Q

**Owner Type**  
Current Owner

**Name**  
FARMS LLC

**Priority Date:** 6/1/1885

**Basis:** Decreed

**Status:** Active

**Source**  
SNAKE RIVER

**Tributary**  
COLUMBIA RIVER

**Beneficial Use**  
IRRIGATION

**From** 04/01  
**To** 10/31  
**Total Diversion**

**Diversion Rate**  
0.600 CFS  
0.600 CFS

**Volume**

**Source and Point(s) of Diversion:**

SNAKE RIVER NWNENW  
SNAKE RIVER NENE

Sec. 12, Twp 02N, Rge 37E, BONNEVILLE County  
Sec. 35, Twp 04N, Rge 37E, JEFFERSON County

**Place Of Use:**

IRRIGATION within BONNEVILLE County

|     |     |     | NE |    |      |    | NW |    |     |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|------|----|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW   | SE | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 37E | 16  |    |    | 10.0 |    |    |    | 9.0 | 11.0 |    |    |    |    |    |    |    |    | 30.0   |

POU Total Acres: 30.0

**Conditions of Approval:**

1. C18 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.
2. F01 Water is delivered through the Great Western Canal and Porter Canal.
3. P21 This right is a split from former right 1-195E.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

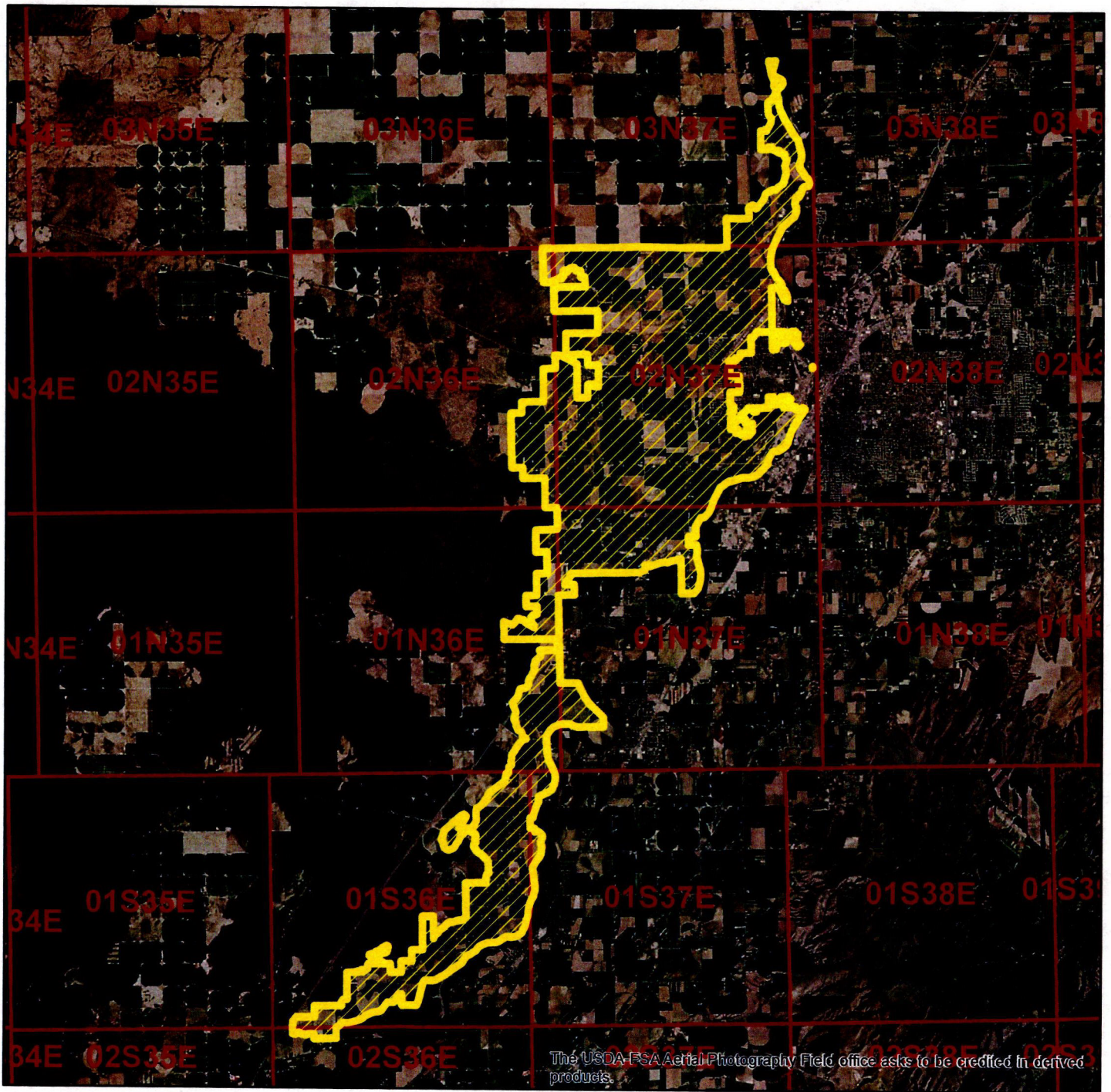
**Comments:**

**Dates and Other Information:**

Decreed Date: 9/14/2007  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 01  
Mitigation Plan: False



# New Sweden Irrigation District Transfer



0 3 6 12 Miles

## Legend

-  NSID Digital Boundary
-  Township/Range



SCANNED  
MAR 06 2023

MH

mt 2013025150

## WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, RALPH and PAULA ISOM, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto ROBERT L. MARTIN and KATHRYN J. MARTIN, husband and wife, the Grantees, whose current address is 290 Nye Road, Twin Bridges, MT 59754, the following described real estate situated in Bonneville County, State of Idaho, to-wit:

See attached Exhibit "A"

TOGETHER WITH all appurtenants thereto, including but not limited to, appurtenant or related water, canal and/or ditch rights and any and all associated irrigation equipment and head gates.

SUBJECT TO all existing easements or claims of easement, roadways, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions.

TO HAVE AND TO HOLD the said premises with their tenements, hereditaments and appurtenances unto the said Grantees, their successors and assigns forever. Grantors do hereby covenant to and with the said Grantees that they are the owner in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Instrument # 1442485  
IDAHO FALLS, BONNEVILLE, IDAHO  
2013-03-29 04:27:36 PM No. of Pages: 4  
Recorded for: MOUNTAIN WEST TITLE & ESCROW I  
RONALD LONGMORE Fee: \$19.00  
Ex-Officio Recorder Deputy DWoolf  
Index To: DEED WARRANTY  
Electronically Recorded by Simplifile

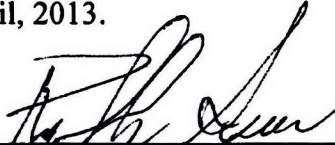
{00152121;1}

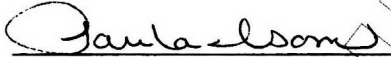
SCANNED

MAR 06 2023 1442485

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED this 29 day of April, 2013.

  
RALPH ISOM

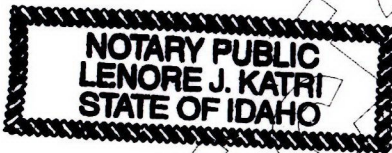
  
PAULA ISOM

STATE OF IDAHO           )  
                                          ) ss.  
County of Bonneville    )

ON THIS 29<sup>th</sup> day of ~~April~~ <sup>March</sup>, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH ISOM and PAULA ISOM, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first-above written.

S  
E  
A  
L



  
Notary Public for Idaho  
Residing at: Idaho Falls  
My Commission Expires:

Residing at Idaho Falls, Idaho  
My Commission Expires: 01/30/2015

{00152121;1}

**EXHIBIT "A"**

Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 16: SW 1/4 NE 1/4  
S 1/2 NW 1/4  
SW 1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. Beginning at a point that is North along the Section line 6.89 feet and S89°28'24"E 29.50 feet from the West Quarter Corner of Section 16, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho; running thence S89°28'24"E 160.00 feet along an existing fence line; thence N32°57'45"E 326.52 feet along an existing fence line; thence N89°50'23"W 182.21 feet; thence S50°23'36"W 201.67 feet; thence South 144.37 feet to the Point of Beginning.
- b. Beginning at the Southwest Corner of Section 16, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho; running thence N0°31'03"E 205.12 feet; thence S89°28'57"E 25.00 feet; thence S42°04'24"E 51.53 feet; thence S84°39'51"E 717.22 feet to the TRUE POINT OF BEGINNING; running thence N02°56'27"E 73.09 feet; thence N05°17'59"E 176.98 feet; thence S87°03'49"E 477.69 feet; thence S01°47'00"E 272.10 feet to a point on the North right-of-way line of U.S. Highway No 20; thence N84°39'51"W along said Highway right-of-way, 507.83 feet to the True Point of Beginning.
- c. Beginning at a point that is North 8.29 feet and East 1354.64 feet from the Southwest Corner of Section 16, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, said point being also on the North right-of-way line of U.S. Highway No. 20; running thence East along the said right-of-way line 459.49 feet; thence North 410.00 feet; thence West 459.49 feet, more or less, to the West line of the Southeast Quarter of the Southwest Quarter of said Section 16; thence South along said West line 410.00 feet to the Point of Beginning.
- d. Beginning at a point that is South along the Section line 1300.58 feet from the Northwest Corner of Section 16, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho; running thence S88°48'19.0"E 748.639 feet; thence S01°49'29.0"W 60.34 feet; thence S22°13'10.2"W 188.396 feet; thence S39°02'50"W 315.42 feet; thence S55°43'20"W 226.28 feet; thence S13°44'59"W 263.07 feet; thence S30°17'56"W 123.96 feet; thence S51°15'26"W 210.95 feet; thence North 1118.409 feet to the True Point of Beginning.

SCANNED  
MAR 06 2023

1442485

e. That certain property conveyed to the State of Idaho for roadway purposes by that certain State Highway Right of Way Deed recorded in Book 45 at Page 223 of Deed Records; that certain Quitclaim Deed recorded in Book 47 at Page 237 of Deed Records; and those certain Warranty Deeds recorded as Instrument Nos. 854195, 856131, 856132 and 885119, all being recorded in the records of Bonneville County, Idaho.

Unofficial Document

SCANNED

MAR 06 2023

1442485

## Quit Claim Deed

FOR VALUE RECEIVED, Robert Martin, hereinafter  
called the GRANTOR(S), whose current address is 1879 Warm Springs Rd, Idaho Falls, ID, do(es)  
hereby convey, release, remise and forever quitclaim unto New Sweden Irrigation District  
\_\_\_\_\_, hereinafter called the GRANTEE(S), who's current  
address is 2350 W 1700 S, Idaho Falls, ID, the following premises:  
See attached.

Water Right 00195Q 01-00195Q

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: \_\_\_\_\_  
Robert Martin  
Grantor's Signature

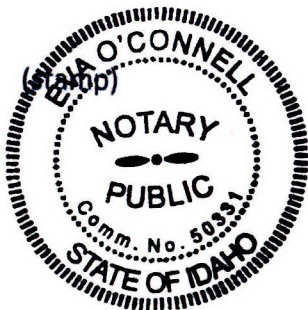
Robert Martin  
Grantor's Name

Kathryn Martin  
Grantor's Signature

Kathryn Martin  
Grantor's Name

STATE OF IDAHO )  
County of Bonneville )ss.

This record was acknowledged before me on the 12 day of January, 2023,  
by Eva O'Connell, as \_\_\_\_\_ of \_\_\_\_\_.



Eva O'Connell  
Signature of Notary Public

My Commission Expires: 7-10-25

SCANNED  
MAR 06 2023



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

March 03, 2023

**NEW SWEDEN IRRIGATION DISTRICT  
2350 W 1700 S  
IDAHO FALLS ID 83402**

**Re: Transfer No: 87302  
Water Right No(s): 1-195Q**

**Transfer Approval Notice**

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

**SCANNED**  
**MAR 06 2023**

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman  
Administrative Assistant

Enclosure

CC:

SCANNED

MAR 06 2023

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 03, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 87302**

**Water Right No(s): 1-195Q**

**NEW SWEDEN IRRIGATION DISTRICT  
2350 W 1700 S  
IDAHO FALLS ID 83402**



---

**Christina Henman  
Administrative Assistant**

**SCANNED  
MAR 06 2023**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** March 2, 2023  
**To:** Transfer 87302  
**From:** Michael Holliday  
**Re:** Review & Evaluation of Sufficiency of Information

The right included in this transfer was recently annexed into New Sweden Irrigation District. The purpose of the transfer is to change the place of use of the right to the NSID digital boundary.

### Authority to File:

An ownership notice was filed and processed in 2014 to change ownership of water right 1-195Q from the decreed owner to Farms LLC. However, during this transfer review, an intervening deed was discovered which showed that Robert and Kathryn Martin were the actual owners of the right in 2014, and that Farms LLC never had ownership interest in the right. The applicant provided a deed from the Martins demonstrating ownership of right 1-195Q. The transfer application was signed by the Vice Chairman of the Board, an authorized representative of the irrigation district.

### Water Right Validity:

Right 1-195Q was decreed in the SRBA in 2007. Post-decree aerial photography shows regular irrigation of the place of use since the time of the decree. Forfeiture is not an issue.

### Injury to Other Water Rights:

Other rights will not be injured by the change. Right 1-195Q has been delivered through the NSID system for many years. While the proposed place of use will include all the irrigated lands assessed by the District, neither the points of diversion nor the quantity diverted will change as a result of the transfer. Because the transfer will have no hydrologic impact, public notice will not be required. The Water District 1 Watermaster reviewed the application and did not oppose its approval.

### Enlargement of Use:

The proposed changes will not result in enlargement of use. While the description of the place of use will change from a land list to a digital boundary, the number of acres authorized for irrigation under right 1-195Q will not increase. There are no overlaps at the current place of use of this right. The entire place of use has been annexed into the District and will, from this point forward, be irrigated with NSID rights. Right 1-195Q will be limited to the irrigation of 30 acres in order to prevent enlargement.

Approved transfer 79061 was like this transfer in that it also involved an NSID annexation. Transfer 79061 added 67 acres to the 27,920 acres decreed to NSID in the SRBA. However, NSID has decided to change the total acreage back to what was decreed in the SRBA. The applicant is concerned that increasing total acres might violate the terms of its USBR storage contracts. The applicant amended the total acres on the transfer application to the number of acres appearing on the SRBA decrees.

### Local Public Interest:

No issues identified.

### Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED  
MAR 06 2023

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)  
RECOMMENDATION FORM

RE: Transfer No. 87302

Transfer Applicant's Name: NEW SWEDEN IRRIGATION DISTRICT  
2350 W 1700 S  
IDAHO FALLS, ID 83402

Watermaster's Recommendation:

- a)   X   I do not oppose approval of this application.
- b)            I do not oppose approval of this application if it is conditioned as follows:
- c)            I oppose approval of this application for the following reasons:
- d)            Additional comments:

Dated this 2<sup>nd</sup> day of MARCH, 2023

Tony Olverick  
Watermaster's Signature  
WD01

SCANNED  
MAR 06 2023

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Thursday, March 2, 2023 4:18 PM  
**To:** Olenichak, Tony  
**Subject:** Application for Transfer No. 87302  
**Attachments:** tmp60ED.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

March 2, 2023

FARMS LLC  
C/O BRAD HALL  
PO BOX 50620  
IDAHO FALLS ID 83405-0620

Re: Corrected Change of Ownership for Water Right No(s): 1-195Q

Dear Water User:

In 2007 the SRBA Court decreed water right 1-195Q to Ralph Isom. The Department received a notice of change in water right ownership from Farms LLC in 2014 and updated our records based on the evidence submitted with the notice. While reviewing transfer application 87302, filed by New Sweden Irrigation District (NSID), we discovered that the previous ownership change was processed in error. NSID provided a warranty deed showing that Ralph and Paula Isom conveyed water right 1-195Q to Robert and Kathryn Martin in 2013. The Martins recently conveyed the water right to NSID. The Department intends to update the ownership of water right 1-195Q based on the deeds submitted by NSID. Enclosed are copies of those deeds.

If you have questions or concerns, please feel free to contact me at (208) 525-7161.

Sincerely,

Michael Holliday  
Water Rights Supervisor

Enclosure(s)