

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 15 2024

**APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION**

DIVISION OF WATER RESOURCES  
EASTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s)
 ☒ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** New Sweden Irrigation District Phone 208.523.0175

2. **MAILING ADDRESS** 2350 W 17th South City Idaho Falls

State Id Zip 83402 Email newswedenirr@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).
- If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 1-320

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

**NEW POD LIMITED TO 0.16 CFS**

4. **TOTAL AMOUNT OF WATER** transferred is 220 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

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

## 6. 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:

*NEW* Diversion will be entitled to .02 cfs /8 acres. Reverting to the river because of lack of access to NSID canals.

- b. Who owns the property at the point(s) of diversion? Leslie & Penny Smelser  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Karl Sheppard  
Signature of applicant or authorized agent

KARL SHEPPARD MANAGER  
Print name and title if applicable

7-15-2024  
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

### FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 200.00 Date 7-15-24 Received by m. fettes Receipt # E050232

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

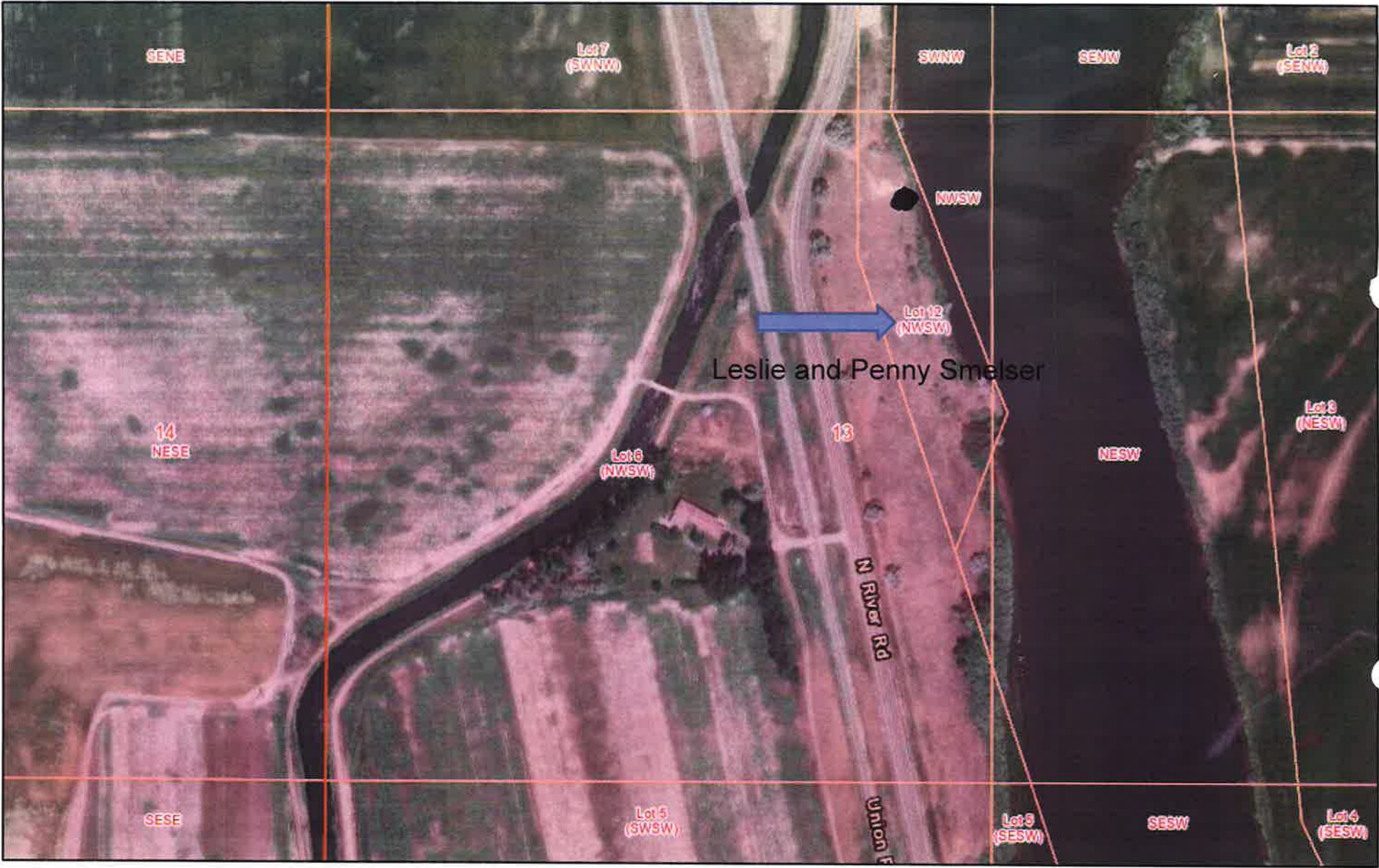
W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

| New Points of Diverson      |     |      |      |      |      |    |     |             |            |                     |
|-----------------------------|-----|------|------|------|------|----|-----|-------------|------------|---------------------|
|                             |     |      |      |      |      |    |     |             |            |                     |
| New                         | Lot | 1/4. | 1/4. | 1/4. | Sec. | T  | Rge | Source      | County     | Local name          |
| x                           | 12  | NW   | SW   |      | 13   | 3N | 37E | Snake River | Bonneville | Smelser pump        |
|                             |     |      |      |      |      |    |     |             |            |                     |
| Existing Pionts of Diverson |     |      |      |      |      |    |     |             |            |                     |
|                             |     | NE   | NW   |      | 31   | 1N | 37E | Snake River | Bingham    | Oxbow Farm pump     |
|                             |     | NW   | NE   | NW   | 12   | 2N | 37E | Snake River | Bonneville | Porter Canel        |
|                             | 7   | SE   | NE   | NW   | 25   | 2N | 37E | Snake River | Bonneville | Monroc-Lyons pump   |
|                             | 8   | NW   | NW   |      | 13   | 3N | 37E | Snake River | Bonneville | Crandal Pump        |
|                             | 8   | NE   | NW   |      | 24   | 3N | 37E | Snake River | Bonneville | Harmell pump        |
|                             | 8   | NE   | NW   |      | 24   | 3N | 37E | Snake River | Bonneville | Wackerli pump       |
|                             | 9   | NE   | NW   |      | 24   | 3N | 37E | Snake River | Bonneville | Lingo pump          |
|                             | 9   | NE   | NW   |      | 24   | 3N | 37E | Snake River | Bonneville | Fowler pump         |
|                             |     | NE   | NE   |      | 35   | 4N | 37E | Snake River | Jefferson  | Great Western Canal |
|                             |     | SW   | SW   |      | 36   | 3N | 37E | Snake River | Bonneville | McDevitt pump       |
|                             |     | SW   | SW   |      | 36   | 3N | 37E | Snake River | Bonneville | Griffen pump        |
|                             | 4   | NW   | NW   |      | 1    | 2N | 37E | Snake River | Bonneville | Craig pump          |
|                             | 4   | NW   | NW   |      | 1    | 2N | 37E | Snake River | Bonneville | Hahn pump           |
|                             | 4   | NW   | NW   |      | 1    | 2N | 37E | Snake River | Bonneville | Jensen pump         |
|                             | 10  | SW   | NW   |      | 10   | 1N | 37E | Snake River | Bonneville | SJS Property pump   |
|                             | 11  | NE   | SW   |      | 10   | 1N | 37E | Snake River | Bonneville | Brown/Rumsey pump   |

ArcGIS Web Map

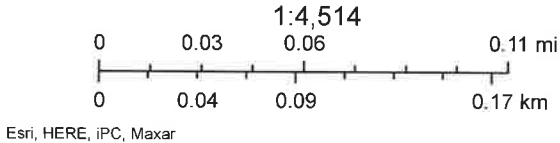
89179



6/17/2024, 2:09:49 PM

- Counties
- Quarter Quarters
- Townships
- ESPA Model Outline
- PLS Sections

SEC. 13 T3 N R 37 E



IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/17/2024

Water Right 1-320

Owner Type

Current Owner

Name

NEW SWEDEN IRRIGATION DISTRICT

Priority Date: 4/1/1939

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

220.000 CFS

Volume

Total Diversion

220.000 CFS

Source and Point(s) of Diversion:

|             |            |                                              |
|-------------|------------|----------------------------------------------|
| SNAKE RIVER | NENW       | Sec. 31, Twp 01N, Rge 37E, BINGHAM County    |
| SNAKE RIVER | NWNENW     | Sec. 12, Twp 02N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L7(SENENW) | Sec. 25, Twp 02N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L8(NWNW)   | Sec. 13, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L8(NENW)   | Sec. 24, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L8(NENW)   | Sec. 24, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L9(NENW)   | Sec. 24, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L9(NENW)   | Sec. 24, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | NENE       | Sec. 35, Twp 04N, Rge 37E, JEFFERSON County  |
| SNAKE RIVER | L10(SWNW)  | Sec. 10, Twp 01N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L11(NESW)  | Sec. 10, Twp 01N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | L4(NWNW)   | Sec. 1, Twp 02N, Rge 37E, BONNEVILLE County  |
| SNAKE RIVER | L4(NWNW)   | Sec. 1, Twp 02N, Rge 37E, BONNEVILLE County  |
| SNAKE RIVER | L4(NWNW)   | Sec. 1, Twp 02N, Rge 37E, BONNEVILLE County  |
| SNAKE RIVER | SWSW       | Sec. 36, Twp 03N, Rge 37E, BONNEVILLE County |
| SNAKE RIVER | SWSW       | Sec. 36, Twp 03N, Rge 37E, BONNEVILLE County |

Place Of Use:

IRRIGATION within BONNEVILLE, BINGHAM Counties

Large POU not displayed

Total Acres = 27,920.0

Conditions of Approval:

1. 186 Diversion of water from the 7 additional pumps authorized under Transfer 85346 located in SWSW, Sec. 36, T03N, R37E; Lot 4, Sec. 1, T02N, R37E; and Lots 10 and 11, Sec. 10, T01N, R37E shall not exceed a total combined

## Proof Report

- maximum diversion rate of 1.84 cfs.
2. 186 Diversion of water from the additional pump authorized under Transfer 77804 located in NENW, Sec. 31, T01N, R37E (Oxbow Farm Pump) shall not exceed a maximum diversion rate of 1.62 cfs.
  3. 186 Diversion of water from the additional pump authorized under Transfer 71806 located in Lot 7 (SENENW), Sec. 25, T02N, R37E (Monroc-Lyons Pump, Diversion # 13059490) shall not exceed a maximum diversion rate of 4.61 cfs.
  4. 186 Diversion of water from the 4 additional pumps authorized under Transfer 69903 located in Lots 8 and 9 (NENW), Sec. 24, T03N, R37E shall not exceed a total combined maximum diversion rate of 0.22 cfs.
  5. R64 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.
  6. 172 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.
  7. 127 Place of use is within the boundary of New Sweden Irrigation District pursuant to Section 43-323, Idaho Code.
  8. R05 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.
  9. R43 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).
  10. F01 Water under this right is delivered through Oxbow Farm pump, Monroc-Lyons pump, Crandall pump, Harmel pump, Wackerli pump, Lingo pump, Fowler pump, McDevitt pump, Griffin pump, Craig pump, Hahn pump, Jensen pump, SJC pump, Brown/Rumsey pump, Great Western Canal, and Porter Canal.
  11. 179 The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
  12. 004 This right does not grant any right-of-way or easement across the land of another.
  13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  15. T19 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.

**Dates and Other Information:**

Decreed Date: 12/13/2007

# THE NEW SWEDEN IRRIGATION DISTRICT

2350 W. 1700 SO.  
IDAHO FALLS, IDAHO

523-0175



6-20-2024

Part of NW SW Section 13 T3N 37 E

As a condition of diverting New Sweden Irrigation District water rights from the Snake River, The District shall have the right to access the diversion point on my property, if it should become necessary in the future.

  
\_\_\_\_\_  
Signature Leslie Smelser

6-24-24  
Date



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 Mathew Weaver**

July 24, 2024

NEW SWEDEN IRRIGATION DISTRICT  
2350 W 17TH S  
IDAHO FALLS, ID 83402

RE: Transfer No. 89179  
Water Right No(s). 1-320

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POST REGISTER on 7/31/2024 and 8/7/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman  
Administrative Assistant

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Wednesday, July 24, 2024 2:21 PM  
**To:** legalnotices@postregister.com  
**Subject:** Legal Notice for Post Register  
**Attachments:** 89179 Post Register.docx

LEGAL NOTICE DEPARTMENT  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 89179  
Water Right No(s). 1-320

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/19/2024. Your cooperation is appreciated.

Sincerely,

Thank You,



**Christina Henman**  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 89179

NEW SWEDEN IRRIGATION DISTRICT, 2350 W 17TH S, IDAHO FALLS, ID 83402 has filed Application No. 89179 for changes to the following water rights within BINGHAM, BONNEVILLE, JEFFERSON County(s): Right No(s). 1-320; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. Sixteen existing points of diversion will not change. Proposed new point of diversion is in Lot 12 (NWSW) Sec13 T03N R37E and will be limited to 0.16 cfs from Snake River. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 8/19/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 7/31/2024 and 8/7/2024