

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89179**

This is to certify that: NEW SWEDEN IRRIGATION DISTRICT
2350 W 17TH 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>
1-320	WR/DECREED	4/1/1939	220.000 cfs	N/A	N/A	27920.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

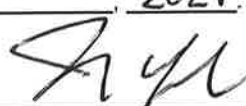
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
1-320	NO	NO	NO	YES	NO	NO

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>
1-320	1-320	220.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		220.000 cfs	N/A	N/A	27,920.0		N/A	N/A	N/A	N/A

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 23rd day of August, 2024.



Regional Manager

WATER RIGHT NO. 1-320

As Modified by Transfer No. 89179

In accordance with the approval of Transfer No. 89179, Water Right No. 1-320 is now described as follows:

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

Priority Date: 4/1/1939

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

220.000 cfs

220.000 cfs

LOCATION OF POINT(S) OF DIVERSION

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	NENW	Sec 31 Twp 01N Rge 37E	BINGHAM 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	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	L12 (NWSW)	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	SWSW	Sec 36 Twp 03N Rge 37E	BONNEVILLE County
SNAKE RIVER	SWSW	Sec 36 Twp 03N Rge 37E	BONNEVILLE County
SNAKE RIVER	NENE	Sec 35 Twp 04N Rge 37E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Diversion of water from the additional pump authorized under Transfer 89179 located in Lot 12 (NWSW), Sec. 13, T03N, R37E (Smelser Pump) shall not exceed a maximum diversion rate of 0.16 cfs.
2. 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 maximum diversion rate of 1.84 cfs.
3. 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.
4. 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.

Transfer No. 89179

WATER RIGHT NO. 1-320
As Modified by Transfer No. 89179

CONDITIONS OF APPROVAL

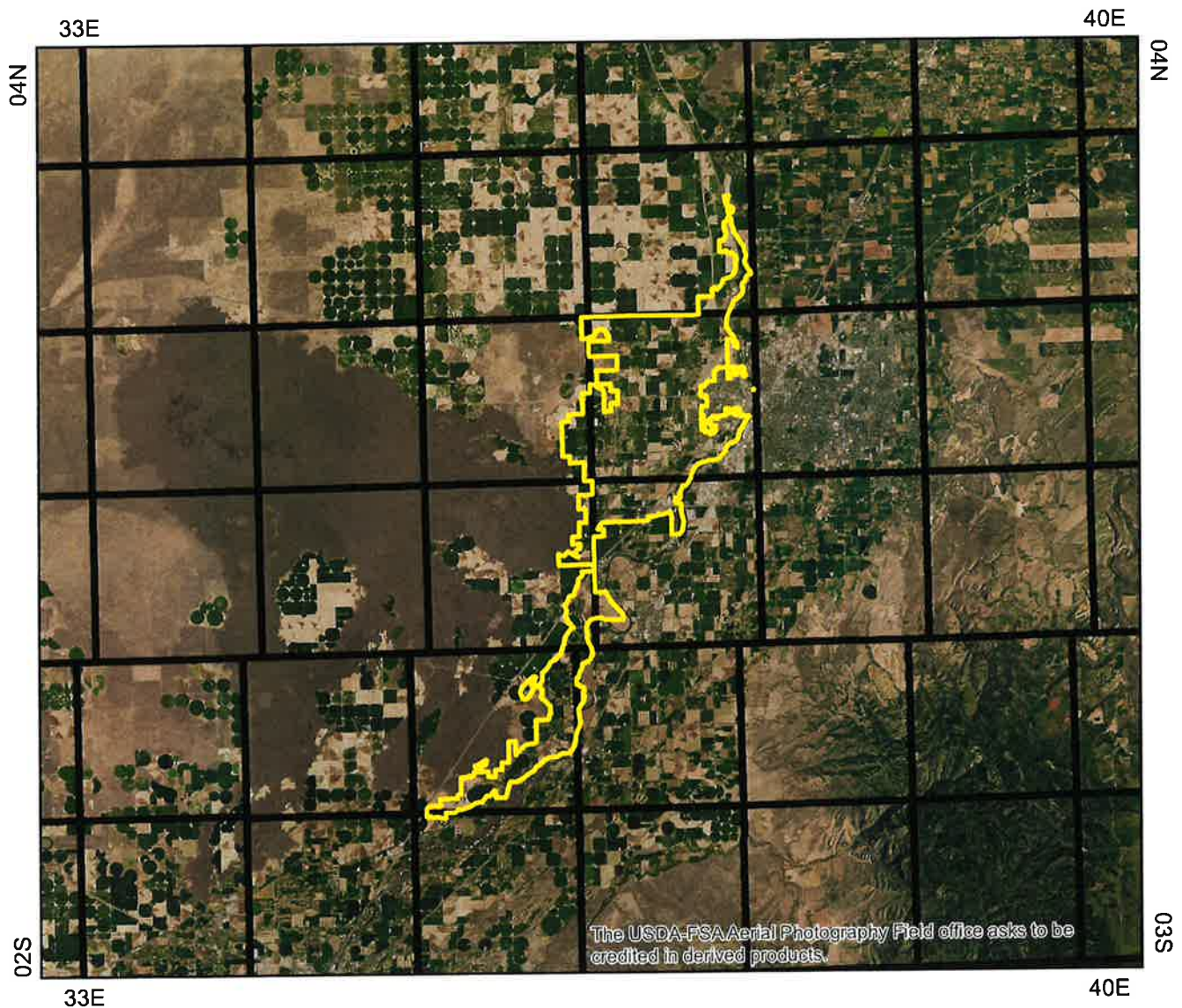
5. Diversion of water from the 4 additional pumps authorized under Transfer 69903 located in Lots 8 and 9 (NENW), Sec. 24, T03N, R37E shall not exceed a total combined maximum diversion rate of 0.22 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. 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.
8. Place of use is within the boundary of New Sweden Irrigation District pursuant to Section 43-323, Idaho Code.
9. 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.
10. 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).
11. Water under this right is delivered through Oxbow Farm pump, Smelser 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.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

State of Idaho
Department of Water Resources

Water Right

1-320

Water Service Area Boundary for New Sweden Irrigation District



-  Place Of Use Boundary
-  Townships
-  State Outline





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 • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 23, 2024

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

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

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.

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 'CHenman', is positioned below the word 'Sincerely,'.

Christina Henman
Administrative Assistant

Enclosure

CC:

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2024 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.: 89179
Water Right No(s): 1-320

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



Christina Henman
Administrative Assistant

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.