

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85116**

This is to certify that: ACEY RYAN SHAW AND
HUBERT SHAW AND
JALYN BELLE SHAW AND
RITA S SHAW
411 S 750 E
DIETRICH, ID 83324

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>
37-21264	WR/DECREED	2/27/1979	0.630 cfs	126.0 af	N/A	31.5	GROUND WATER
37-21425	WR/DECREED	1/7/1974	2.650 cfs	532.0 af	N/A	133.0	GROUND WATER
37-7189	WR/DECREED	12/29/1972	2.450 cfs	600.0 af	N/A	150.0	GROUND WATER
37-7716	WR/DECREED	5/22/1978	0.780 cfs	156.0 af	N/A	39.0	GROUND WATER

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>
37-21264	NO	NO	YES	YES	NO	NO
37-21425	NO	NO	YES	YES	NO	NO
37-7189	NO	YES	YES	YES	NO	NO
37-7716	NO	YES	YES	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>
37-21264	37-21264	0.630 cfs	126.0 af	31.5	1276.0	N/A	N/A	N/A	N/A	N/A
37-21425	37-21425	2.650 cfs	532.0 af	133.0	1276.0	N/A	N/A	N/A	N/A	N/A
37-7189	37-7189	2.450 cfs	600.0 af	150.0	1276.0	N/A	N/A	N/A	N/A	N/A
37-7716	37-7716	0.780 cfs	156.0 af	39.0	1276.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.960 cfs	1414.0 af	353.5	1276.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 85116

IN FILE # 37-7189

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85116

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 December, 2021.



Southern Region Manager



WATER RIGHT NO. 37-7189
As Modified by Transfer No. 85116

In accordance with the approval of Transfer No. 85116, Water Right No. 37-7189 is now described as follows:

Right Holder: WILLIAM HUBERT SHAW AND
RITA S SHAW
411 S 750 E
DIETRICH, ID 83324

Priority Date: 12/29/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	2.450 cfs	600.0 af
			2.450 cfs	600.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 13 Twp 06S Rge 18E LINCOLN County
GROUND WATER	NESWNW	Sec 24 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	13	34	28	40	39	17		20	40	40	40	40	40	39	40	40	40	537
06S	18E	23				39.0	40.0	40.0	40.0	40.0					40.0			39.0	278.0
06S	18E	24	40	40	40	35	40	40	40	40									315
06S	18E	25	39	29	39	39													146

Right Acre Limit: 150.0
POU Total Acres: 1276.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150.0 acres within the authorized place of use in a single irrigation season.
2. 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.
3. Use of this right is combined with water from American Falls Reservoir Dist. No. 2.
4. Use of this right is combined with water from Big Wood Canal Co.

Transfer No. 85116

WATER RIGHT NO. 37-7189
As Modified by Transfer No. 85116

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Right 37-21264, 37-21425, 37-7716, and 37-7189 are limited to the irrigation of a specific 353.5 acres within the 1276 acre place of use authorized by these rights in a single irrigation season. The specific 353.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 353.5 acres to be irrigated within the 1276 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. 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. 130.
8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 37-21264
As Modified by Transfer No. 85116

In accordance with the approval of Transfer No. 85116, Water Right No. 37-21264 is now described as follows:

Right Holder: ACEY RYAN SHAW AND
 JALYN BELLE SHAW AND
 RITA S SHAW AND
 WILLIAM HUBERT SHAW
 411 S 750 E
 DIETRICH, ID 83324

Priority Date: 2/27/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.630 cfs	126.0 af
			0.630 cfs	126.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 13 Twp 06S Rge 18E LINCOLN County
GROUND WATER	NESWNW	Sec 24 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	13	34	28	40	39	17		20	40	40	40	40	40	39	40	40	40	537
06S	18E	23				39.0	40.0	40.0	40.0	40.0					40.0			39.0	278.0
06S	18E	24	40	40	40	35	40	40	40	40									315
06S	18E	25	39	29	39	39													146

Right Acre Limit: 31.5

POU Total Acres: 1276.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 31.5 acres within the authorized place of use in a single irrigation season.
2. 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.
3. Rights 37-21264, and 37-21425 when combined shall not exceed a total diversion rate of 2.73 cfs, a total annual maximum diversion volume of 658.0 af at the field headgate, and the irrigation of 164.5 acres.

Transfer No. 85116

WATER RIGHT NO. 37-21264
As Modified by Transfer No. 85116

CONDITIONS OF APPROVAL

4. Rights 37-21264, 37-21425, 37-21318, 36-16240, and 36-16378 when combined shall not exceed a total diversion rate of 2.96 cfs, a total annual maximum diversion volume of 709.6 af at the field headgate, and the irrigation of 177.4 acres.
5. Rights 37-21264, 37-21266, 36-16207, 37-21425, 37-21318, 36-16240, 36-16378, 37-21142, 37-21144 and 37-21134 when combined shall not exceed a total diversion rate of 3.28 cfs.
6. Right 37-21264, 37-21425, 37-7716, and 37-7189 are limited to the irrigation of a specific 353.5 acres within the 1276 acre place of use authorized by these rights in a single irrigation season. The specific 353.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 353.5 acres to be irrigated within the 1276 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. 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.130.
8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 37-21425
As Modified by Transfer No. 85116

In accordance with the approval of Transfer No. 85116, Water Right No. 37-21425 is now described as follows:

Right Holder: RITA S SHAW AND
 WILLIAM HUBERT SHAW AND
 ACEY RYAN SHAW AND
 JALYN BELLE SHAW
 411 S 750 E
 DIETRICH, ID 83324

Priority Date: 1/7/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.650 cfs	532.0 af
			2.650 cfs	532.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 13 Twp 06S Rge 18E LINCOLN County
GROUND WATER	NESWNW	Sec 24 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	13	34	28	40	39	17		20	40	40	40	40	40	39	40	40	40	537
06S	18E	23				39.0	40.0	40.0	40.0	40.0					40.0			39.0	278.0
06S	18E	24	40	40	40	35	40	40	40	40									315
06S	18E	25	39	29	39	39													146

Right Acre Limit: 133.0
 POU Total Acres: 1276.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 133.0 acres within the authorized place of use in a single irrigation season.
2. 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.
3. Rights 37-21264, and 37-21425 when combined shall not exceed a total diversion rate of 2.73 cfs, a total annual maximum diversion volume of 658.0 af at the field headgate, and the irrigation of 164.5 acres.

Transfer No. 85116

WATER RIGHT NO. 37-21425
As Modified by Transfer No. 85116

CONDITIONS OF APPROVAL

4. Rights 37-21264, 37-21425, 37-21318, 36-16240, and 36-16378 when combined shall not exceed a total diversion rate of 2.96 cfs, a total annual maximum diversion volume of 709.6 af at the field headgate, and the irrigation of 177.4 acres.
5. Rights 37-21264, 37-21266, 36-16207, 37-21425, 37-21318, 36-16240, 36-16378, 37-21142, 37-21144 and 37-21134 when combined shall not exceed a total diversion rate of 3.28 cfs.
6. Right 37-21264, 37-21425, 37-7716, and 37-7189 are limited to the irrigation of a specific 353.5 acres within the 1276 acre place of use authorized by these rights in a single irrigation season. The specific 353.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 353.5 acres to be irrigated within the 1276 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. 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.130.
8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 37-7716**As Modified by Transfer No. 85116**

In accordance with the approval of Transfer No. 85116, Water Right No. 37-7716 is now described as follows:

Right Holder: WILLIAM HUBERT SHAW AND
RITA S SHAW
411 S 750 E
DIETRICH, ID 83324

Priority Date: 5/22/1978

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.780 cfs

0.780 cfs

Diversion Volume

156.0 af

156.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENWSE

Sec 13 Twp 06S Rge 18E LINCOLN County

GROUND WATER

NESWNW

Sec 24 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	13	34	28	40	39	17		20	40	40	40	40	40	39	40	40	40	537
06S	18E	23				39.0	40.0	40.0	40.0	40.0					40.0			39.0	278.0
06S	18E	24	40	40	40	35	40	40	40	40									315
06S	18E	25	39	29	39	39													146

Right Acre Limit: 39.0

POU Total Acres: 1276.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. Rights 37-7716, 37-7314, and 37-7726 when combined shall not exceed a total diversion rate of 3.30 cfs.
3. 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.

Transfer No. 85116

WATER RIGHT NO. 37-7716
As Modified by Transfer No. 85116

CONDITIONS OF APPROVAL

4. Right 37-21264, 37-21425, 37-7716, and 37-7189 are limited to the irrigation of a specific 353.5 acres within the 1276 acre place of use authorized by these rights in a single irrigation season. The specific 353.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 353.5 acres to be irrigated within the 1276 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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. 130.
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. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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
Attachment to Transfer # 85116
37-7716, 37-7189, 37-21264, and 37-21425

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.2 0.4 0.8 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 7, 2022

HUBERT SHAW
RITA S SHAW
411 S 750 E
DIETRICH ID 83324

ACEY RYAN SHAW
JALYN BELLE SHAW
411 S 750 E
DIETRICH ID 83324

Re: Transfer No: 85116
Water Right No(s): 37-7189, 37-7716, 37-21264, 37-21425

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2022 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.: 85116

Water Right No(s): 37-7189, 37-7716, 37-21264, 37-21425

HUBERT SHAW
RITA S SHAW
411 S 750 E
DIETRICH ID 83324

ACEY RYAN SHAW
JALYN BELLE SHAW
411 S 750 E
DIETRICH ID 83324

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



Denise Maline
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.

11/21/21

IDAHO DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W SUITE 500
TWIN FALLS, ID 83301

RECEIVED

NOV 24 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: TRANSFER P5116

DEAR AGENTS,

THIS LETTER IS IN RESPONSE TO YOUR CORRESPONDENCE
DATED NOVEMBER 16, 2021 IN WHICH YOU REQUEST APPROVAL
OF THE PROPOSED IRRIGATION PLACE OF USE FOR OUR GROUND
WATER RIGHTS FOR 353.5 ACRES. WE HEREBY GIVE OUR
CONSENT AND APPROVAL OF THE IRRIGATION PLACE OF USE
AS SHOWN ON THE MAP INCLUDED WITH THE NOVEMBER 16, 2021
CORRESPONDENCE. PLEASE ADJUST YOUR RECORDS
ACCORDINGLY.

SINCERELY,


HUBERT SHAW

Rita Shaw

TRITA SHAW



ACEY SHAW


JALYN SHAW

Sufficiency Memorandum

Date: November 4, 2021
To: Transfer 85116
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

This transfer application proposes to create a permissible place of use (PPOU) for 4 ground water irrigation right for 353.5 acres. The transfer also proposes to identify two existing wells as authorized points of diversion (POD) for all four water rights. The PPOU and PODs are located approximately 0.1 to 2.6 miles south and 1.5 miles west to 0.5 miles east of the intersection of Main and First street in Dietrich. This application is subject to public notices and protest. No protest were received. The PPOU is within Water District 130. Watermaster comments were solicited, the watermaster gave his consent for approval of the application

- **Authority to File:**
The applicants are listed as the current owner of the water right involved in the transfer according to department records. The applicants also own the proposed place of use.
- **Water Right Validity:**
The water rights involved in the transfer were decreed in 2002. Recent aerial photography indicates that the land has been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
The application is subject to public notice and protest. No protest were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85116
Water Right No: 37-7189, etc.
Applicant Name: HUBERT & RITA SHAW

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: October 25, 2021

Water District 130



Nathan Erickson, Watermaster

RECEIVED

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

OCT 20 2021

WATER RESOURCES
WESTERN REGION

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES
Denise Lauerman
2735 AIRPORT WAY
BOISE ID 83705

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OCT 29 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

ORDER NUMBER 119785

Sherrri Davis
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 5th day of October in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



→
✓ DM 10/29/2021

Section: Legals

Category: 50 Legal

PUBLISHED ON: 10/07/2021, 10/14/2021

TOTAL AD COST: 285.45
FILED ON: 10/14/2021

*: **Proof of Publication** *:

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ 47-17747

HOT DIGGITY 5 LLC

1296 RIVER RD

BUHL, ID 83316-5100

Point of Diversion SENE S10 T09S R14E TWIN FALLS County

Source MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 106 CFS

Total Diversion: 106 CFS

Date Filed: 07-13-2021

Place Of Use: POWER

T09S R14E S10 SENE

Application for permit proposes diversion of up to 106.0 cfs from Mud Creek for year-round Power use. The point of diversion and place of use are located approximately 4.2 miles north and 1.7 miles west of the intersection of Main Street and Broadway Avenue in Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85109**

✓ ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85109 for changes to the following water rights within JEROME County(s): Right No(s). 36-16860, 36-16886, 36-7235, 36-7931A, 36-7931C. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating 2126.0 acre permissible place of use (PPU) for three irrigation ground water rights (36-7235, 36-16860 and 36-16886) and two irrigation waste water rights (36-7931A and 36-7931C) for a total of 8.77 cfs that will be limited to the irrigation of 629.0 acres. Application also proposes adding the point of diversion (POD) from right 36-7235 to rights 36-16880 and 36-16886 and the POD from 36-16880 and 36-16886 to right 36-7235, for a total of two PODs on the three ground water rights. There will be no changes to the points of diversion (PODs) for the two wastewater rights. The PPU and PODs are located approximately 6.8 to 8.5 miles east and 3.0 to 5.0 miles south of the city center of Jerome.

TRANSFER NO. 85116

✓ RITA S SHAW and HUBERT SHAW and ACEY RYAN SHAW and JALYN BELLE SHAW, 411 S 750 E, DIETRICH, ID 83324 has filed Application No. 85116 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-21264, 37-21425, 37-7189, 37-7716. The purpose of the transfer is to change a portion of the above rights as follows: This transfer application proposes to create a permissible place of use (PPOU) for 4 ground water irrigation rights totaling 5.96 cfs for the irrigation of 353.5 acres. The transfer also proposes to identify two existing wells as authorized points of diversion (POD) for all four water rights. The PPOU and PODs are located approximately 0.1 to 2.6 miles south and 1.5 miles west to 0.5 miles east of the intersection of Main and First street in Dietrich.

TRANSFER NO. 85304

✓ ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85304 for changes to the following water rights within JEROME County(s): Right No(s). 36-14247. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the legal description of the point of diversion for a 0.06 cfs stockwater and domestic ground water right to match the location of the existing well. Point of diversion and place of use are located approximately 6.9 to 7.2 miles east and 3.8 to 4.0 miles south of the city center of Jerome.

TRANSFER NO. 85339

✓ CODY MORGAN and KATHY MORGAN, 756 S 2800 E, HAZELTON, ID 83335 has filed Application No. 85339 for changes to the following water rights within JEROME County(s): Right No(s). 36-17090, 36-17091, 36-17092. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for three ground water rights with a total of 0.08 cfs used for commercial and stockwater purposes, that are currently diverted at a CAFO facility approximately 29.6 to 29.8 miles east and 12.4 to 12.6 miles south of the city center of Jerome. The application proposes moving the rights to a new place of use and diverting them from two existing wells at an existing CAFO facility located approximately 2.8 to 3.3 miles north and 1.2 to 1.7 miles east of the city center of Jerome.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 25, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/7/2021 and 10/14/2021

✓ dm 10/29/2021

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OCT 29 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION