

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 82149

This is to certify that: EUGENE L SHAW AND  
JOYCE M SHAW  
803 E 270 S  
DIETRICH, ID 83324-5125

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-7157            | WR/DECREED          | 8/21/1972            | 1.940 cfs             | 388.8 af                | N/A               | 97.2               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-7157               | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-7157                | 37-7157                          | 1.940 cfs            | 388.8 af               | N/A               | 97.2               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.940 cfs</b>     | <b>388.8 af</b>        | <b>N/A</b>        | <b>97.2</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 5<sup>th</sup> day of July, 2018.

  
Southern Region Manager

# **WATER RIGHT NO. 37-7157**

## **As Modified by Transfer No. 82149**

In accordance with the approval of Transfer No. 82149, Water Right No. 37-7157 is now described as follows:

**Right Holder:** EUGENE L SHAW And  
JOYCE M SHAW  
803 E 270 S  
DIETRICH, ID 83324-5125

**Priority Date:** 8/21/1972

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **to** 10/15

**Diversion Rate**  
1.940 cfs  
1.940 cfs

**Diversion Volume**  
388.8 af  
388.8 af

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

GROUND WATER SWSWNW Sec 24 Twp 06S Rge 18E LINCOLN County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |      |      |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE | NE | NW | SW | SE |        |
| 06S | 18E | 24  |    |    |    |    |    |    |    |    | 29.2 | 31.6 | 36.4 |    |    |    |    |    | 97.2   |

POU Total Acres: 97.2

### **CONDITIONS OF APPROVAL**

1. 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.
2. 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.
3. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Prior to the diversion and use of water under Transfer approval 82149, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 82149

**WATER RIGHT NO. 37-7157**

**As Modified by Transfer No. 82149**

**CONDITIONS OF APPROVAL**

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date of 12/11/2002.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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.

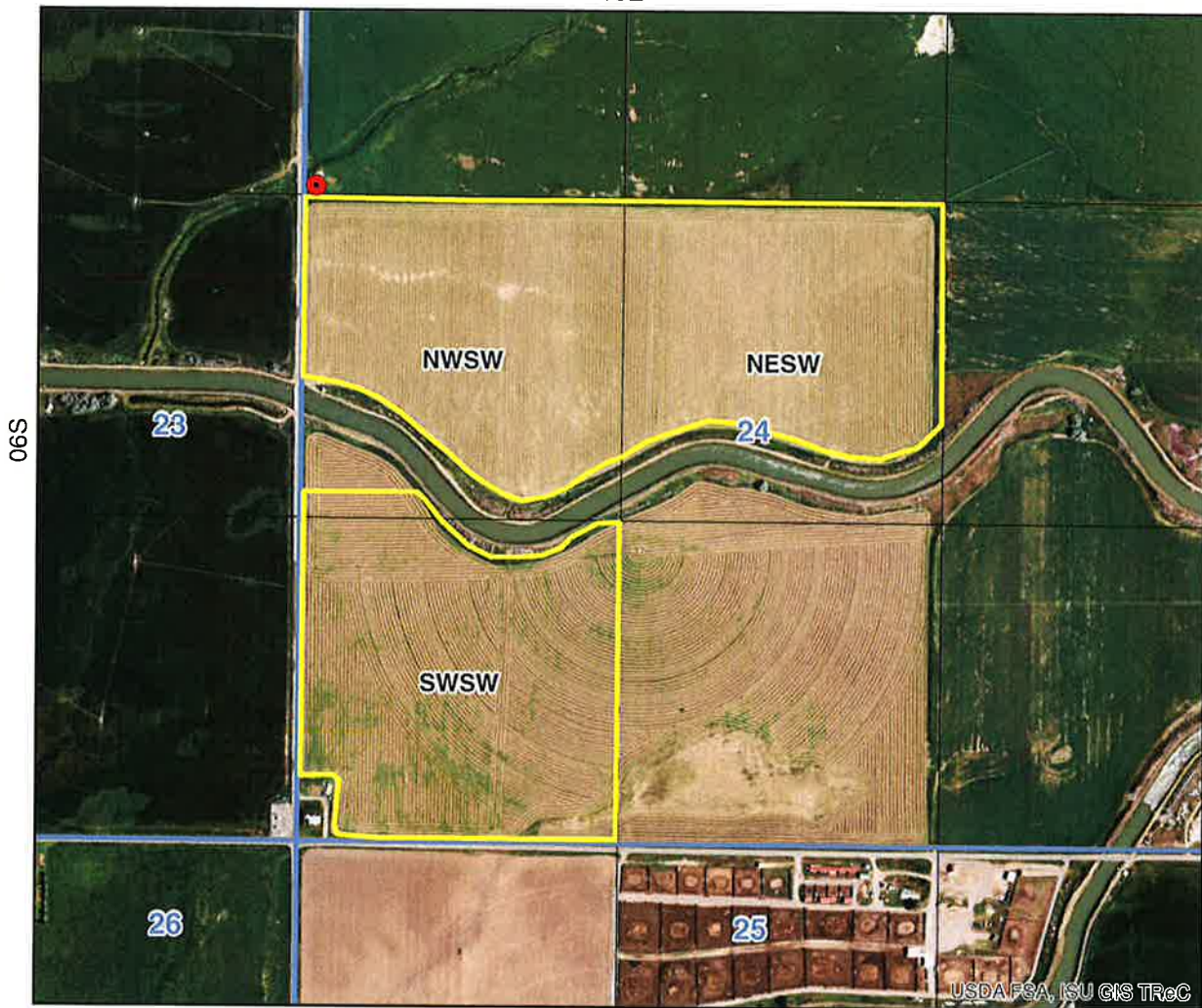
State of Idaho  
Department of Water Resources

# Attachment to Transfer # 82149

37-7157

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

18E



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

0 0.075 0.15 0.3 Miles



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 82149

**RECEIVED**

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

**MAR 21 2018**

DEPT OF WATER RESOURCES

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) EUGENE L SHAW AND JOYCE M SHAW

**Check 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 #1-9.**

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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MAR 21 2018

DEPT OF WATER RESOURCES  
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant EUGENE L SHAW Phone (208) 544-2924  
Mailing Address 803 E 270 S, DIETRICH ID 83324-5125 Email \_\_\_\_\_  
Name of Applicant JOYCE M SHAW Phone (208) 539-2926  
Mailing Address 803 E 270 S, DIETRICH ID 83324-5125 Email \_\_\_\_\_

- ☐ 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.

Eugene L Shaw Eugene L Shaw 3/14/18  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date  
Joyce M Shaw Joyce M Shaw 3/14/18  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

| 1. | Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|---------|-------|-----|-----|---------|---------------|---------------|
|    | 37-7157 | No    | No  | Yes | No      | No            | No            |

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

2. 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.2**

Transfer proposes to change the place of use for water right 37-7157. The portion of the POU located in  
the SWNW of Sec 24, T 06S R 18E will be moved to lands located in the southwest quarter of the same section.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 37-7157                               | 1.940 cfs        | 388.8 af           | N/A        | 97.2        |                                             | N/A               | N/A                 | N/A                     | N/A                      |

**COMBINED  
TOTALS**

|           |          |     |      |     |     |     |     |
|-----------|----------|-----|------|-----|-----|-----|-----|
| 1.940 cfs | 388.8 af | N/A | 97.2 | N/A | N/A | N/A | N/A |
|-----------|----------|-----|------|-----|-----|-----|-----|

2. Total amount of water proposed to be transferred or changed 1.94 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 37-7157**

Current Water Right Owner

EUGENE L SHAW  
 803 E 270 S  
 DIETRICH, ID 83324-5125

And

JOYCE M SHAW  
 803 E 270 S  
 DIETRICH, ID 83324-5125

Priority Date: 8/21/1972

Origin: Water Right

Basis: Decreed

Status Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 10/15     | 1.940 CFS             | 388.8 AFA     |                    |
| Total Diversion       |             |           | 1.940 CFS             | 388.8 AFA     |                    |

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

GROUND WATER

SWSWNW

Sec. 24 Twp 06S Rge 18E LINCOLN County

Describe the proposed diversion system

WELL WITH 100 HP PUMP, SPRINKLER SYSTEM.

**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 | 24  |    |    |    |    |    |    |    |    | 29.2 | 31.6 | 36.4 |    |    |    |    |    | 97.2   |

POU Total Acres: 97.2

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.

There is a pipeline  
connecting all water sources  
with measuring devices.

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

Ernest & Joyce Shaw

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?  
No, ☐ 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: RatBo by purchase

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

There will be no effect.

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

NA

- f. 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  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.** 37-7157

Current Water Right Owner

EUGENE L SHAW

803 E 270 S

DIETRICH, ID 83324-5125

And

JOYCE M SHAW

803 E 270 S

DIETRICH, ID 83324-5125

Priority Date: 8/21/1972

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 10/15     | 1.940 CFS             | 388.8 AFA     |                    |
| Total Diversion       |             |           | 1.940 CFS             | 388.8 AFA     |                    |

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

GROUND WATER

SWSWNW

Sec. 24 Twp 06S Rge 18E LINCOLN County

**Describe the proposed diversion system**

WELL WITH 100 HP PUMP, SPRINKLER SYSTEM.

**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 | 24  |    |    |    |    |    |    | 37.5 |    | 29.4 | 30.3 |    |    |    |    |    |    | 97.2   |

POU Total Acres: 97.2

**Conditions/Remarks:**

1. 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. USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 1] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

# APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒

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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐

□

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Received By TF Date 3.21.2018 Prelim. Check By \_\_\_\_\_ Date \_\_\_\_\_  
 Fee Paid \$500- Date 3.21.2018 Received By DM Receipt # 5036648  
 Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_



**TitleOne**  
a title & escrow co.

**LINCOLN COUNTY**  
Recorded for:  
**TITLEONE - TWIN FALLS**  
12:39:28 PM 01-18-2018  
**0000199404**  
No. Pages 2 Fee: \$15.00  
**BRENDA FARNWORTH**  
County Clerk  
Deputy: CS  
Electronically Recorded by Simplifile

Order Number: 17303254

### Warranty Deed

ELECTRONICALLY RECORDED  
STAMPED FIRST PAGE NOW  
INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT.

For value received,

Richard Kechter, an unmarried man

the grantor, does hereby grant, bargain, sell, and convey unto

Eugene Leslie Shaw and Joyce Shaw, husband and wife, as community property with right of survivorship

whose current address is 803 E 270 S Dietrich, ID 83324

the grantee, the following described premises, in Lincoln County, Idaho, to wit:

TRACT NO. 1: LINCOLN COUNTY

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 24: Part of the W $\frac{1}{2}$ , more particularly described as follows:

Commencing at the Southwest Corner of said Section 24; from which the West  $\frac{1}{4}$  corner of Section 24 bears North 00°04'29" East - 2631.79 feet, said Southwest corner of Section 24 being the True Point of Beginning;  
Thence North 00°04'29" East along the West boundary of the SW $\frac{1}{4}$  of Section 24 for a distance of 2631.79 feet to the Northwest corner of the SW $\frac{1}{4}$  of Section 24;  
Thence North 00°23'52" East along the West boundary of the NW $\frac{1}{4}$  of Section 24 for a distance of 80.00 feet;  
Thence South 89°50'18" East parallel with the South boundary of the NW $\frac{1}{4}$  of Section 24 for a distance of 85.00 feet;  
Thence South 00°23'52" West parallel with the West boundary of the NW $\frac{1}{4}$  of Section 24 for a distance of 80.00 feet to a point on the North boundary of the SW $\frac{1}{4}$  of Section 24;  
Thence South 89°50'18" East along the North boundary of the SW $\frac{1}{4}$  of Section 24 for a distance of 2560.64 feet to the Northeast corner of the SW $\frac{1}{4}$  of Section 24;  
Thence South 00°12'12" West along the East boundary of the SW $\frac{1}{4}$  of Section 24 for a distance of 2658.97 feet to the Southeast corner of the SW $\frac{1}{4}$  of Section 24;  
Thence North 89°14'54" West along the South boundary of the SW $\frac{1}{4}$  of Section 24 for a distance of 2639.85 feet to the True Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.



**TitleOne**  
a title & escrow co.

Order Number: 17303254

## Warranty Deed

For value received,

**Richard Kechter, an unmarried man**

the grantor, does hereby grant, bargain, sell, and convey unto

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LINCOLN COUNTY, IDAHO

Section 24: Part of the W½, more particularly described as follows:

Commencing at the Southwest Corner of said Section 24; from which the West ¼ corner of Section 24 bears North 00°04'29" East - 2631.79 feet, said Southwest corner of Section 24 being the True Point of Beginning;  
Thence North 00°04'29" East along the West boundary of the SW¼ of Section 24 for a distance of 2631.79 feet to the Northwest corner of the SW¼ of Section 24;  
Thence North 00°23'52" East along the West boundary of the NW¼ of Section 24 for a distance of 80.00 feet;  
Thence South 89°50'18" East parallel with the South boundary of the NW¼ of Section 24 for a distance of 85.00 feet;  
Thence South 00°23'52" West parallel with the West boundary of the NW¼ of Section 24 for a distance of 80.00 feet to a point on the North boundary of the SW¼ of Section 24;  
Thence South 89°50'18" East along the North boundary of the SW¼ of Section 24 for a distance of 2560.64 feet to the Northeast corner of the SW¼ of Section 24;  
Thence South 00°12'12" West along the East boundary of the SW¼ of Section 24 for a distance of 2658.97 feet to the Southeast corner of the SW¼ of Section 24;  
Thence North 89°14'54" West along the South boundary of the SW¼ of Section 24 for a distance of 2639.85 feet to the True Point of Beginning.

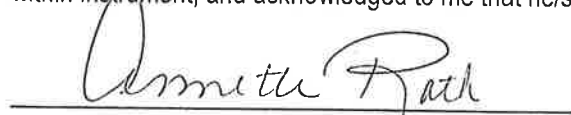
To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: January 11, 2018

  
Richard Kechter

State of Idaho, County of Jerome, ss.

On this 16<sup>th</sup> day of January in the year 2018, before me, the undersigned, a notary public in and for said state personally appeared Richard Kechter, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

  
Annette Roth

Notary Public

Residing In: Rupert ID

My Commission Expires: 8-4-2023

(seal)

ANNETTE ROTH  
NOTARY PUBLIC  
STATE OF IDAHO



**TitleOne**  
a title & escrow co.

File # 17303254

## Quitclaim Deed

**LINCOLN COUNTY**  
Recorded for:  
TITLEONE - TWIN FALLS  
12:39:36 PM 01-18-2018  
**0000199406**  
No. Pages 2 Fee: \$15.00  
BRENDA FARNWORTH  
County Clerk  
Deputy: CS  
Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED  
STAMPED FIRST PAGE NOW  
INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT.

For value received, Richard Kechter, an unmarried man

Does hereby convey, release, remise, and forever quit claim unto

Eugene Leslie Shaw and Joyce Shaw, husband and wife as community property with right of survivorship  
whose current address is, 803 E 270 S, Dietrich, ID 83324

the following described premises:

**EXHIBIT "A" ATTACHED HERETO.**

To have and to hold the said premises, unto the said grantees, heirs and assigns forever.

Date: 01/11/2018

Richard Kechter

State of Idaho, County of Jerome, ss.

On this 11<sup>th</sup> day of January in the year of 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Kechter known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public

Residing at: Rupert ID

My Commission Expires: 8-4-2023

(seal)

ANNETTE ROTH  
NOTARY PUBLIC  
STATE OF IDAHO

**TRANSFER 82149**



TitleOne

a title & escrow co.

File # 17303254

Quitclaim Deed

For value received, Richard Kechter, an unmarried man

Does hereby convey, release, remise, and forever quit claim unto

Eugene Leslie Shaw and Joyce Shaw, husband and wife as community property with right of survivorship  
whose current address is, 803 E 270 S, Dietrich, ID 83324

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Date: 01/11/2018

Richard Kechter

State of Idaho, County of Jerome, ss.

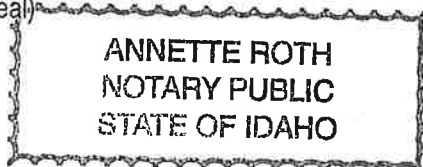
On this 11 day of January in the year of 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Kechter known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public

Residing at: Rupert, ID

My Commission Expires: 8-4-2023

(seal)



LEGAL DESCRIPTION  
FOR  
QUITCLAIM DEED

A parcel of land located in the SW1/2NW1/2 of Section 24, Township 6 South, Range 18 East, Boise Meridian, Lincoln County, Idaho and being more particularly described as follows:

TOWNSHIP 6 SOUTH  
RANGE 18 EAST  
SECTION 24: (39.777 ACRES)

COMMENCING at the West One Quarter (W1/4) corner of said Section 24, from which the Northwest corner of Section 24 bears North 00°23'52" East-2631.90 feet, THENCE from the West One Quarter (W1/4) corner of Section 24 on a bearing of North 00°23'52" East along the West boundary of the NW1/4 of Section 24 for a distance of 80.00 feet to the TRUE POINT OF BEGINNING:

THENCE North 00°23'52" East along the West boundary of the SW1/4NW1/4 of Section 24 for a distance of 1235.95 feet to the Northwest corner of the SW1/4NW1/4 of Section 24;

THENCE South 89°51'03" East along the North boundary of the SW1/4NW1/4 of Section 24 for a distance of 1320.59 feet to the Northeast corner of the SW1/4NW1/4 of Section 24;

THENCE South 00°18'02" West along the East boundary of the SW1/4NW1/4 of Section 24 for a distance of 1316.23 feet to the Southeast corner of the SW1/4NW1/4 of Section 24;

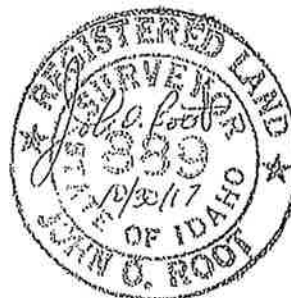
THENCE North 89°50'18" West along the South boundary of the SW1/4NW1/4 of Section 24 for a distance of 1237.82 feet;

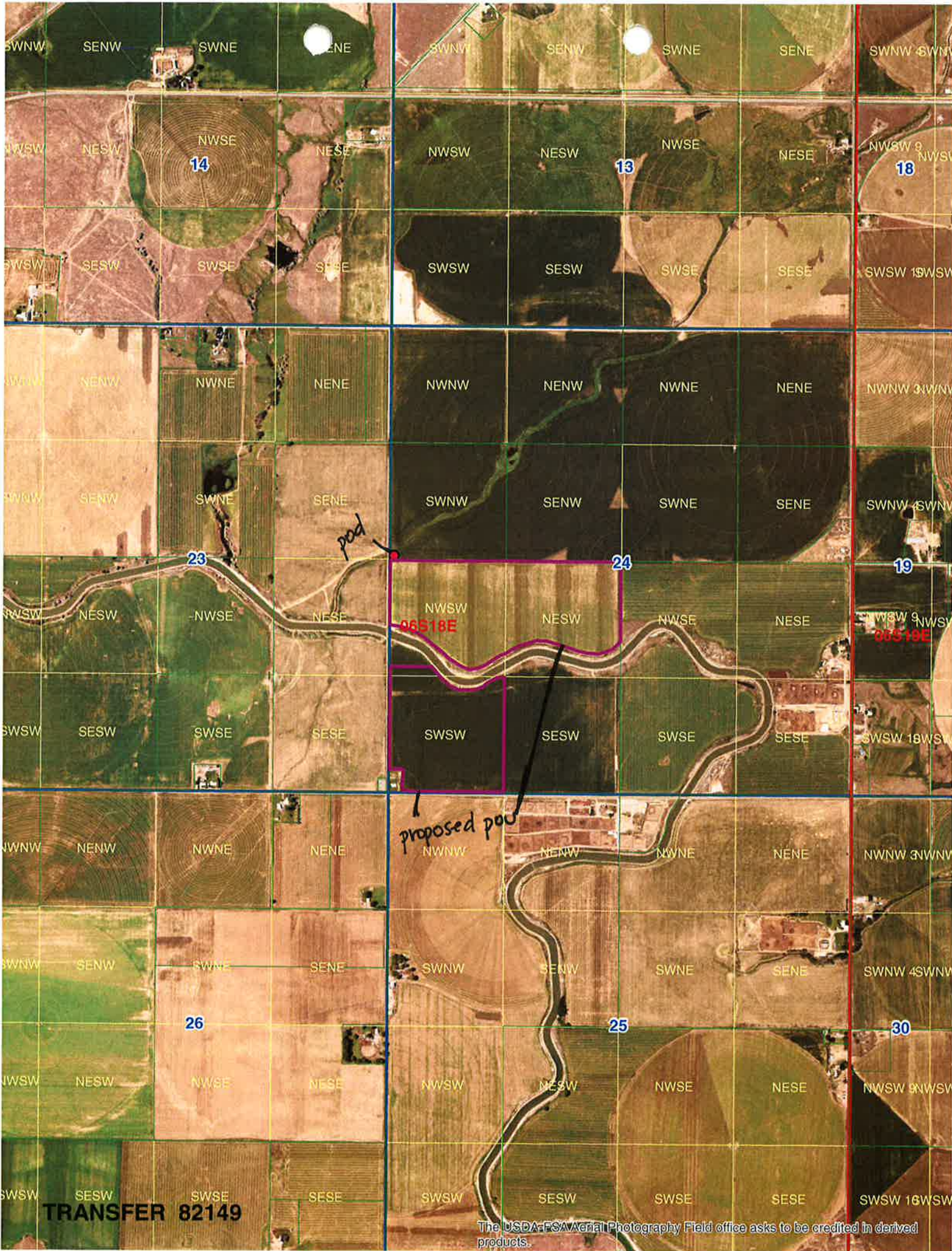
THENCE North 00°23'52" West parallel with the West boundary of the SW1/4NW1/4 of Section 24 for a distance of 80.00 feet;

THENCE North 89°50'18" West parallel with the South boundary of the SW1/4NW1/4 of Section 24 for a distance of 85.00 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

- 1-A 25.0 foot wide county road easement along the West boundary of the before described parcel.
- 2-All other easements and rights-of-way of record.





RECEIVED

MAR 21 2018

DEPT OF WATER RESOURCES  
SOUTHERN REGION



**Rabo  
AgriFinance**

March 14, 2018

Office 237 Canyon Crest Drive  
Address Twin Falls, ID 83301  
Postal 237 Canyon Crest Drive  
Address Twin Falls, ID 83301  
Tel (208) 733-0044  
Fax (855) 631 0289

State of Idaho Department of Water Resources  
RE: Eugene Shaw Water Transfer Request 82149

Rabo AgriFinance has no issues or concerns with the Water Transfer #82149 on Water right #37-7157.

Please feel free to contact me if you have any questions.

Thank you,

**Aaron Johnson**

**Rabo AgriFinance, Inc.**

237 Canyon Crest Drive, Twin Falls, ID 83301

Telephone: (208) 736-8646 / Fax: (855) 631-0289 / Cell: (208) 480 2243

E-mail: [aaron.johnson@raboag.com](mailto:aaron.johnson@raboag.com)

*A member of the Rabobank Group*

**TRANSFER 82149**

**Big Wood Canal Company  
American Falls Reservoir District No. 2  
409 North Apple Street  
Shoshone, Idaho 83352  
Tel. (208) 886-2331 Fax (208) 886-2010**

**RECEIVED**  
**MAR 21 2018**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

**March 14, 2018**

**Alison  
Idaho Department of Water Resources  
650 Addison Ave W Ste 500  
Twin Falls, ID 83301**

**Re: Eugene Shaw**

**We show NO Big Wood Canal Co. water shares above the American Falls canal system  
being delivered to the 97 acres located in Township 6 S Range 18 E Section 24.**

**Jane Sabala**



**Office Manager**

**TRANSFER 82149**



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 5, 2018

EUGENE L SHAW  
JOYCE M SHAW  
803 E 270 S  
DIETRICH ID 83324-5125

Re: Transfer No: 82149  
Water Right No(s): 37-7157

**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,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small "e" at the end of the last name.

Corey Skinner  
Southern Regional Manager

Enclosure

cc:

RABO AGRIFINANCE LLC  
237 CANYON CREST DR W  
TWIN FALLS ID 83301-5919

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

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2018 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.: 82149**  
**Water Right No(s): 37-7157**

**EUGENE L SHAW**  
**JOYCE M SHAW**  
**803 E 270 S**  
**DIETRICH ID 83324-5125**

**RABO AGRIFINANCE LLC**  
**237 CANYON CREST DR W**  
**TWIN FALLS ID 83301-5919**

**WATER DISTRICT 130**    *via e-mail*  
**NATHAN ERICKSON**  
**650 ADDISON AVE W STE 500**  
**TWIN FALLS ID 83301**



**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.

## MEMORANDUM

**Date:** April 13, 2018  
**To:** Transfer 82149  
**From:** Allison Inouye  
**Re:** Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify a 37.7 acre portion of the place of use (POU) of ground water right 37-7157 which authorizes the diversion of 1.94 cfs for irrigation of 97.2 acres. The majority of the acres being changed will be moved approximately ½ mile from the NW quarter to the SW quarter within the same Township/Range/Section. The remainder of the change consists of a fraction of an acre being rearranged in the existing place of use. The proposed change aims to align the water right POU with the applicants' property ownership following a recent land transaction. The water right includes a condition that states it is used in conjunction with Big Wood Canal Company (BWCC) water which raises the concern that this could be a supplemental irrigation right; however, the applicant submitted a letter from BWCC stating that they do not have record of any shares being delivered to the current water right place of use. The point of diversion (POD) is located within the ESPA model grid boundary; however, a ground water model analysis was not performed since there is no proposed change to the POD. The POD and POU are located 1.8 – 2.3 miles south and 0 – 0.5 miles west of the center of Dietrich. The POD and POU are located within Water District 130. Watermaster comments were solicited and the watermaster did not oppose approval of the transfer.

- **Authority to File**

The application is filed in the name of Eugene & Joyce Shaw, the current owners of the water right being transferred per IDWR records. The applicants provided deeds indicating their ownership of the land at the proposed place of use. A letter of authorization from Rabo AgriFinance, who has a security interest in the right, has also been included with the application.

- **Water Right Validity**

Water right 37-7157 was decreed in the SRBA in 2002. A review of aerial imagery and WMIS records for the past 5 years indicate that the property involved with the transfer has been irrigated.

- **Injury to Other Water Rights**

None anticipated. There is no proposed change to the POD and the POU change involves moving acreage onto contiguous lands, so no hydrologic change is expected that would affect other water rights.

- **Enlargement of Use**

None anticipated. Note that Question 5d of the application indicates that there will be no change to the land currently being irrigated with this water right if the transfer is approved. If this were true, it would raise concern of enlargement. However, the applicant clarified to me through multiple discussions that the tract being removed from the POU through the transfer will no longer be irrigated using this water right. The applicant believes the current owner of that land will be rearranging their existing canal shares to cover that acreage. Pursuant to these discussions, I believe a more accurate answer to that question on the application would be that the tract proposed to be changed through this transfer will no longer be irrigated with this water right. Thus, since water right 37-7157 will remain limited to 97.2 acres after the transfer and will be subject to Water District 130 measurement requirements, there is no enlargement anticipated.

- **Local Public Interest**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area**

None anticipated.

- **Effect on 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: 82149  
Water Right No: 37-7157  
Applicant Name: Eugene L & Joyce M 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:** April 11, 2018

**Water District 130**

  
\_\_\_\_\_  
**Nathan Erickson, Watermaster**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 2, 2018

WATER DISTRICT #130  
NATHAN ERICKSON  
650 ADDISON AVE W, STE 500  
TWIN FALLS, ID 83301

*via hand delivery*

RE: Transfer No. 82149  
Water Right No(s). 37-7157

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 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 water master, 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's regional offices 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 21 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.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 2, 2018

RABO AGRIFINANCE  
237 CANYON CREST DR  
TWIN FALLS ID 83301

RE: Transfer No. 82149  
Water Right No(s). 37-7157

Dear Security Interest Holder:

Attached is a copy of an Application for Transfer that may be of interest to you, as a Security Interest holder. This application is currently being processed by the Department, and is nearing the final approval stage.

Please review the application, and submit any necessary comments or concerns to this office within 14 days. If the department has not received any response from you within 14 days; we will presume that you do not oppose approval of the application and that you have no comments or concerns for the department to consider.

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

Sincerely,

  
Denise Maline  
Administrative Assistant

Enclosure(s)

## MEMORANDUM

**Date:** March 27, 2018  
**To:** Transfer 82149  
**From:** Allison Inouye  
**Re:** Transfer Synopsis

Application for transfer proposes to modify a 37.7 acre portion of the place of use (POU) of ground water right 37-7157 which authorizes the diversion of 1.94 cfs for irrigation of 97.2 acres. The majority of the acres being changed will be moved approximately ½ mile from the NW quarter to the SW quarter within the same Township/Range/Section. The remainder of the change consists of a fraction of an acre being rearranged in the existing place of use. The proposed change aims to align the water right POU with the applicants' property ownership following a recent land transaction. The water right includes a condition that states it is used in conjunction with Big Wood Canal Company (BWCC) water; however, the applicant submitted a letter from BWCC stating that they do not have record of any shares being delivered to the current water right place of use. The point of diversion (POD) is located within the ESPA model grid boundary; however, a ground water model analysis was not performed since there is no proposed change to the POD. The POD and POU are located approximately 1.8 – 2.3 miles south and 0 – 0.5 miles west of the center of Dietrich. The POD and POU are located within Water District 130 and watermaster comments will be solicited.

## MEMORANDUM

**Date:** March 27, 2018

**To:** Transfer 82149

**From:** Allison Inouye

**Re:** Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. The transfer proposes to move a portion of the POU to lands contiguous to the original POU. No changes are proposed for the POD. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

## MEMORANDUM

**Date:** March 26, 2018

**To:** Transfer 82149

**From:** Allison Inouye

**Re:** Filing Fee

The filing fee for this transfer is based on the proportional amount of water being transferred. The application proposes to modify 37.7 acres of the 97.2 acre place of use. The current and proposed place of use lie within Section 24 of Township 6S, Range 18E. 37.5 acres were moved from the SWNW to the SWSW and NWSW, and 0.2 acres were rearranged between the NESW and NWSW. Applying this same proportion (38.8%) to the diversion rate results in 0.75 cfs being transferred. The transfer fee schedule indicates that the filing fee is \$500 for a transfer involving 0.21-1.00 cfs. (Receipt No. S036648)