

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78675**

This is to certify that: **HUBERT 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>
37-7149	WR/DECREED	6/26/1972	4.460 cfs	1148.0 af	N/A	287.0	GROUND WATER
37-7394	WR/DECREED	12/1/1974	5.940 cfs	1825.4 af	455.0	461.8	GROUND WATER
37-7814	WR/DECREED	12/12/1979	0.140 cfs	27.2 af	6.8	461.8	GROUND WATER
37-8705	WR/LICENSE	2/21/1991	7.000 cfs	N/A	N/A	410.0	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>
37-7149	NO	NO	YES	YES	NO	NO
37-7394	NO	NO	YES	YES	NO	NO
37-7814	NO	NO	YES	YES	NO	NO
37-8705	NO	NO	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>
37-7149	37-7149	4.460 cfs	1148.0 af	287.0	1892.0	N/A	N/A	N/A	N/A	N/A
37-7394	37-7394	5.940 cfs	1825.4 af	455.0	1892.0	N/A	N/A	N/A	N/A	N/A
37-7814	37-7814	0.140 cfs	27.2 af	6.8	1892.0	N/A	N/A	N/A	N/A	N/A
37-8705	37-8705	7.000 cfs	1640.0 af	410.0	1892.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		17.400 cfs	4640.6 af	1158.8	1892.0		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 16th day of September, 2013.

SUPPORT DATA

IN FILE # 37-7149


Southern Region Manager

Transfer No. 78675

WATER RIGHT NO. 37-7149**As Modified by Transfer No. 78675**

In accordance with the approval of Transfer No. 78675, Water Right No. 37-7149 is now described as follows:

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

Priority Date: 6/26/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	4.460 cfs	1148.0 af
			4.460 cfs	1148.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 20 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NENWNE	Sec 28 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NWNENE	Sec 29 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NESWSW	Sec 29 Twp 06S Rge 19E	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	19E	20	40	40	40	40	12	40	40	40	40	40	40	40	40	40	40	40	612
06S	19E	21											40	40			40	40	200
06S	19E	22							40	40	40	40							160
06S	19E	28	40	40	40	40			40		40	40	40	40					360
06S	19E	29	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560

Right Acre Limit: 287.0

POU Total Acres: 1892

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 287 acres within the authorized place of use in a single irrigation season.
3. 37-7149, 37-7394, 37-7814 and 37-8705 when combined shall not exceed a total diversion rate of 17.4 cfs, a total annual maximum diversion volume of 4640.6 af at the field headgate, and the irrigation of 1158.8 acres.

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WATER RIGHT NO. 37-7149

As Modified by Transfer No. 78675

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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 November 1 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.
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 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.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right. This right has 150 acres irrigated with shares from Big Wood Canal Company. This right is supplemental to these 150 acres. The remaining 137 acres are irrigated with primary ground water.
9. 37-7149, 37-7394, 37-7814 and 37-8705 are limited to the irrigation of a specific 1158.8 acres within the 1892 acre place of use authorized by these rights in a single irrigation season. The specific 1158.8 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 1158.8 acres to be irrigated within the 1892 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.
10. 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.
11. Prior to the diversion and use of water under Transfer approval 78675, 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-7149
As Modified by Transfer No. 78675

CONDITIONS OF APPROVAL

14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 37-7394**As Modified by Transfer No. 78675**

In accordance with the approval of Transfer No. 78675, Water Right No. 37-7394 is now described as follows:

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

Priority Date: 12/1/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	5.940 cfs	1820.0 af
STOCKWATER	01/01	to 12/31	0.090 cfs	5.4 af
			5.940 cfs	1825.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 20 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NENWNE	Sec 28 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NWNENE	Sec 29 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NESWSW	Sec 29 Twp 06S Rge 19E	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	19E	20	40	40	40	40	12	40	40	40	40	40	40	40	40	40	40	40	612
06S	19E	21											40	40	40		40	40	200
06S	19E	22							40	40	40	40	40	40					160
06S	19E	28	40	40	40	40			40		40	40	40	40					360
06S	19E	29	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560

Right Acre Limit: 455.0

POU Total Acres: 1892.0

PLACE OF USE: STOCKWATER

			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	19E	20					X												

CONDITIONS OF APPROVAL

1. 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.

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WATER RIGHT NO. 37-7394
As Modified by Transfer No. 78675

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 455 acres within the authorized place of use in a single irrigation season.
3. Rights 37-7394 and 37-7814 when combined shall not exceed a total diversion rate of 5.94 cfs.
4. 37-7149, 37-7394, 37-7814 and 37-8705 when combined shall not exceed a total diversion rate of 17.4 cfs, a total annual maximum diversion volume of 4640.6 af at the field headgate, and the irrigation of 1158.8 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. 37-7149, 37-7394, 37-7814 and 37-8705 are limited to the irrigation of a specific 1158.8 acres within the 1892 acre place of use authorized by these rights in a single irrigation season. The specific 1158.8 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 1158.8 acres to be irrigated within the 1892 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.
9. Prior to the diversion and use of water under Transfer approval 78675, 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.
10. 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 November 1 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-7814**As Modified by Transfer No. 78675**

In accordance with the approval of Transfer No. 78675, Water Right No. 37-7814 is now described as follows:

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

Priority Date: 12/12/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.140 cfs	27.2 af
			0.140 cfs	27.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 20 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NENWNE	Sec 28 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NWNENE	Sec 29 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NESWSW	Sec 29 Twp 06S Rge 19E	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	19E	20	40	40	40	40	12	40	40	40	40	40	40	40	40	40	40	40	612
06S	19E	21											40	40	40		40	40	200
06S	19E	22							40	40	40	40							160
06S	19E	28	40	40	40	40			40		40	40	40	40					360
06S	19E	29	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560

Right Acre Limit: 6.8

POU Total Acres: 1892.0

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
3. Rights 37-7394 and 37-7814 when combined shall not exceed a total diversion rate of 5.94 cfs.
4. 37-7149, 37-7394, 37-7814 and 37-8705 when combined shall not exceed a total diversion rate of 17.4 cfs, a total annual maximum diversion volume of 4640.6 af at the field headgate, and the irrigation of 1158.8 acres.

Transfer No. 78675

WATER RIGHT NO. 37-7814

As Modified by Transfer No. 78675

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 37-7149, 37-7394, 37-7814 and 37-8705 are limited to the irrigation of a specific 1158.8 acres within the 1892 acre place of use authorized by these rights in a single irrigation season. The specific 1158.8 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 1158.8 acres to be irrigated within the 1892 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.
8. 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.
9. Prior to the diversion and use of water under Transfer approval 78675, 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.
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 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. 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 November 1 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.

WATER RIGHT NO. 37-8705**As Modified by Transfer No. 78675**

In accordance with the approval of Transfer No. 78675, Water Right No. 37-8705 is now described as follows:

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

Priority Date: 2/21/1991

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	7.000 cfs	1640.0 af
			7.000 cfs	1640.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 20 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NENWNE	Sec 28 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NWNENE	Sec 29 Twp 06S Rge 19E	LINCOLN County
GROUND WATER	NESWSW	Sec 29 Twp 06S Rge 19E	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	19E	20	40	40	40	40	12	40	40	40	40	40	40	40	40	40	40	40	612
06S	19E	21											40	40	40		40	40	200
06S	19E	22							40	40	40	40							160
06S	19E	28	40	40	40	40			40	40	40	40	40	40					360
06S	19E	29	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560

Right Acre Limit: 410.0

POU Total Acres: 1892

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 410 acres within the authorized place of use in a single irrigation season.
3. 37-7149, 37-7394, 37-7814 and 37-8705 when combined shall not exceed a total diversion rate of 17.4 cfs, a total annual maximum diversion volume of 4640.6 af at the field headgate, and the irrigation of 1158.8 acres.

Transfer No. 78675

WATER RIGHT NO. 37-8705

As Modified by Transfer No. 78675

CONDITIONS OF APPROVAL

4. 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).
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. 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.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right. This right has all 410 acres irrigated with shares from Big Wood Canal Company. This right is supplemental to all irrigated acres with no primary ground water acres.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 37-7149, 37-7394, 37-7814 and 37-8705 are limited to the irrigation of a specific 1158.8 acres within the 1892 acre place of use authorized by these rights in a single irrigation season. The specific 1158.8 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 1158.8 acres to be irrigated within the 1892 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.
11. 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.
12. Prior to the diversion and use of water under Transfer approval 78675, 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.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78675

WATER RIGHT NO. 37-8705

As Modified by Transfer No. 78675

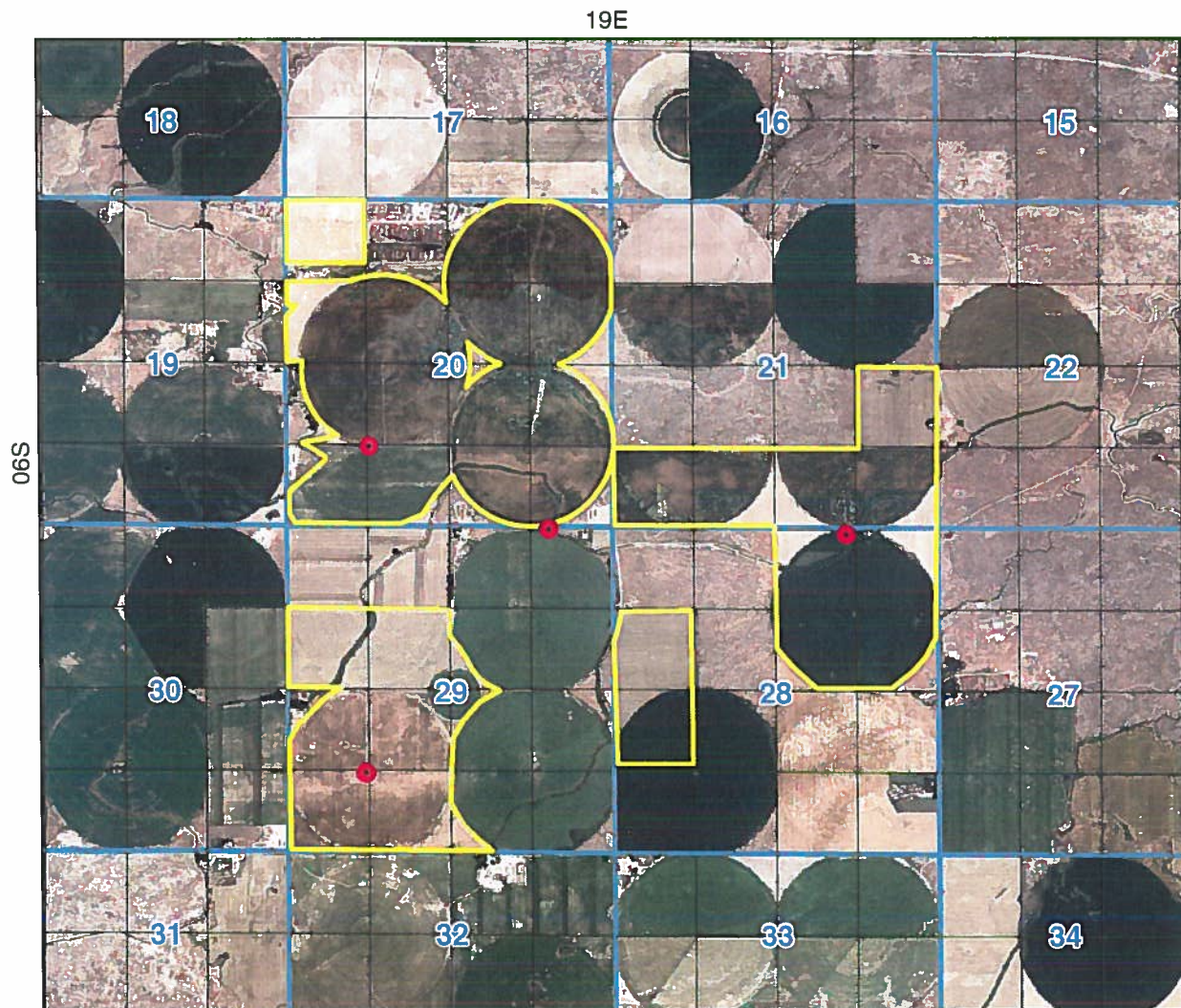
CONDITIONS OF APPROVAL

15. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78675
Rights: 37-7149, 37-7394, 37-7814 and 37-8705

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.



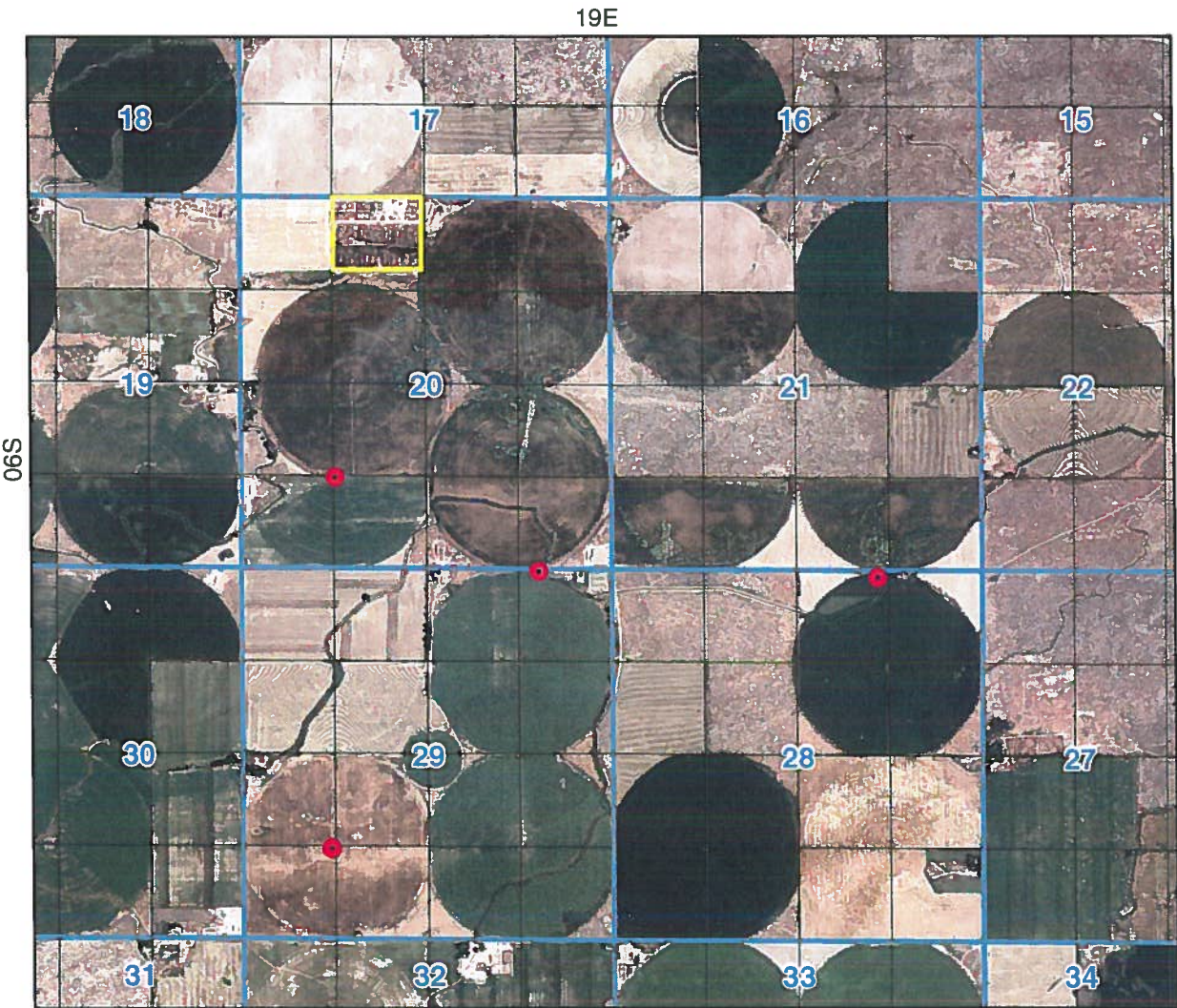
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.35 0.7 1.4 Miles

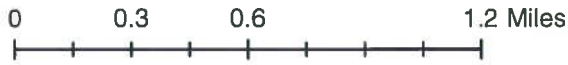


State of Idaho
Department of Water Resources
Attachment To Transfer No. 78675
Right: 37-7394

This map depicts the STOCKWATER 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.



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2013

HUBERT SHAW
411 S 750 E
DIETRICH ID 83324

Re: Transfer No: 78675
Water Right No(s): 37-7149, 37-7394, 37-7814, 37-8705

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.

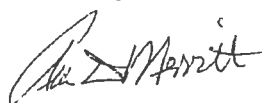
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 "Allen Merritt". The signature is stylized with a large initial "A" and a prominent "M".

Allen Merritt
Southern Region Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78675

Water Right No(s): 37-7149, 37-7394, 37-7814, 37-8705

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2013

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301

Hand-Delivered

Re: **APPROVED Transfer No. 78675 (Hubert Shaw)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

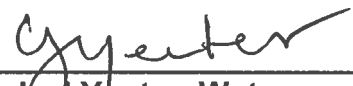
Application No: 78675
Water Right No: 37-7149
Applicant Name: Shaw

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: September 6, 2013

Water District 130



Cindy J Yenter, Watermaster

IDAHO STATESMAN

P.O. BOX, BOISE, ID 83707

LEGAL PROOF OF PUBLICATION

RECEIVED

AUG 29 2013

WATER RESOURCES
SOUTHERN REGION

Account #	DTI#	Identification	Amount
263982	615864	LEGAL NOTICE HUBERT SHAW	\$87.69
Attention:		P.O. #	Run Dates
DENISE MALINE			AUGUST 15, 22, 2013
IDAHO DEPT. WATER RESOURCES SOUTH 1341 FILLMORE ST. STE. 200 TWIN FALLS, ID 83301			Number of Lines 51
			Affidavit 1
			Legal #

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78675

HUBERT SHAW, 411 S 750 E, DIETRICH, ID 83324; has filed Application No. 78675 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-7149, 37-7394, 37-7814, 37-8705; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes combining four ground water rights and creating a new permissible place of use on a farm located approximately 1- 3 mi. south and 1.6 - 4.1 mi. east of the city of Dietrich on the south side of HWY 24. Three existing wells and a new well to be drilled will be used to divert up to 17.4 cfs and 4640.6 AF for the irrigation of 1158.8 acres within the new 1892 permissible place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Aug. 15, 22, 2013

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada 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 Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: AUGUST 15, 2013

ending issue of: AUGUST 22, 2013

Janice Hildreth

STATE OF IDAHO)

.ss

COUNTY OF ADA)

On this 22 day of AUGUST in the year of 2013

before me, a Notary Public, personally appeared before me

Janice Hildreth known or identified to me to be the person

whose name subscribed to the within instrument, and being

by me first duly sworn, declared that the statements therein

are true, and acknowledged to me that she executed the same.

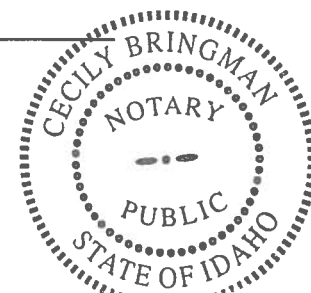
Cecily Bringman

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ OK DM 9/5/2013

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS ID 83301

Date: 08/22/2013 INVOICE NO. 83813
Account No. 446620
Description 83813 NOTICE OF
Times 2 Lines 63
Tab. lines
\$ 89.78

PO# 78675

RECEIVED

AUG 28 2013

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

DEPT. OF WATER RESOURCES
SOUTHERN REGION

83813
**NOTICE OF
PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78675**

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

Published in Times News,
Idaho Statesman, Post Register & Lewiston Tribune on
August 15th & 22nd, 2013

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 83813 NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 08/15, or once a ~~week~~ for 2 consecutive ~~days~~, the first publication thereof being on the 08/15/2013, and the last publication thereof being on the 08/22/2013, and said 83813 NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 26th day of August in the year of 2013, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017

✓ OK AM 9-5-2013

Proof of Publication
The Post Register

RECEIVED

AUG 26 2013

State of Idaho
Bonneville County:

DEPT. OF WATER RESOURCES
SOUTHERN REGION

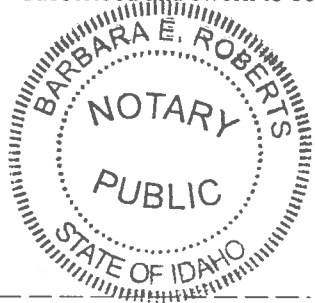
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **587459**, for **2** consecutive (days) weeks, between **08/15/2013** and **08/22/2013**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 22 day of August 2013



Barbara E. Roberts
Notary Public

My Commission expires: 5/9/2019

----- attached jurat -----

STATE OF IDAHO

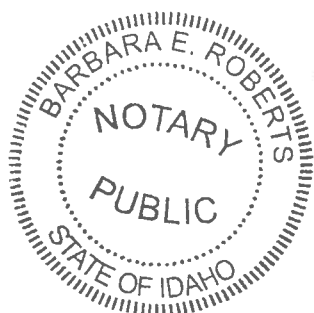
SS.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 22 day of August 2013, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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

✓ OK AM
9/5/2013



Barbara E. Roberts
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/9/2019

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78675**

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in Times News, Idaho Statesman,
Post Register & Lewiston Tribune on August 15th
& 22nd, 2013 (587459)

✓ OK AM 9/5/2013

RECEIVED

AUG 23 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 15th day of August, 2013 and ending with the issue dated 22nd day of August, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 22nd day of August, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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GARY SPACKMAN, Director

PUBLISH: August 15 and 22, 2013

Jane A Engleman

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

6/28/19

✓ OK
DM
9/5/2013



Proof of Legal Notice received 8/14/2013 from Post Register

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GARY SPACKMAN, Director
Published in Times News, Idaho Statesman,
Post Register & Lewiston Tribune on August 15th
& 22nd, 2013 (587459)

✓ OK AM 8/14/2013

(E-mail sent to Post Register)