

JUN 19 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 78675**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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/>.

**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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ #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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ #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: \_\_\_\_\_

**RECEIVED**

**JUN 19 2013**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 78675

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

Name of Applicant(s) William Hubert Shaw Phone 208-544-7534

Mailing address 411 S 750 E Dietrich Idaho 83321 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.

William Hubert Shaw  
Signature of Applicant or Authorized Representative

William Hubert Shaw  
Print Name and Title if applicable

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

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**. Add a pad and create a large PPU

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

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

| 1.                                                           | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|--------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 37-8705      | 7.0/1640              | IRR           | 3.15 to 11.15 | ground water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 37-7149      | 4.46/1148             | IRR           | 4.1 to 10.31  | " "                |
| <input type="checkbox"/> <input type="checkbox"/>            | 37-7394      | 5.94/1825.4           | IRR           | 4.1 to 10.31  | " "                |
| <input type="checkbox"/> <input type="checkbox"/>            | 37-7814      | 0.14/27.20            | IRR           | 4.1 to 10.31  | " "                |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>            |              |                       |               | to            |                    |

Total authorized under rights 17.4 cfs and/or 4640.6 ac-ft

2. Total amount of water proposed to be transferred or changed 17.4 cubic feet per second and/or 4640.6 acre-feet per annum.

3. Point(s) of Diversion:

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

| New ? | Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County  | Source       | Local name or tag # |
|-------|-----|----|----|----|-----|-----|-----|---------|--------------|---------------------|
|       |     | NW | SE | SW | 20  | 6S  | 19E | Lincoln | ground water | A0005517            |
| X     |     | NE | NW | NE | 28  | 6S  | 19E | Lincoln |              | NEW                 |
|       |     | NW | NE | NE | 29  | 6S  | 19E | Lincoln |              | A0005518            |
|       |     | NE | SW | SW | 29  | 6S  | 19E | Lincoln |              | A0004693            |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 6S  | 19E | 20  | 40   | 40 | 40 | 40 | 12   | 40 | 40 | 40 | 40   | 40 | 40 | 40 | 40   | 40 | 40 | 40 | 612         |
| 6S  | 19E | 21  |      |    |    |    |      |    |    |    |      |    | 40 | 40 | 40   |    | 40 | 40 | 200         |
| 6S  | 19E | 22  |      |    |    |    |      |    | 40 | 40 | 40   | 40 |    |    |      |    |    |    | 160         |
| 6S  | 19E | 28  | 40   | 40 | 40 | 40 |      |    | 40 |    | 40   | 40 | 40 | 40 |      |    |    |    | 360         |
| 6S  | 19E | 29  | 40   | 40 | 40 | 40 |      |    | 40 | 40 | 40   | 40 | 40 | 40 | 40   | 40 | 40 | 40 | 560         |

Total Acres (for irrigation use) 1892 \*

\* Limited to 1158.8 acres in a single season

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-8705

WATER RIGHT NUMBER: 37-8705

|                   |                                                                           |
|-------------------|---------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
| Security Interest | RABO AGRIFINANCE INC<br>12443 OLIVE BLVD STE 50<br>ST LOUIS, MO 63141     |
| Current Owner     | WILLIAM HUBERT SHAW<br>411 S 750 E<br>DIETRICH, ID 83324<br>(208)544-7534 |

Priority Date: 02/21/1991

Basis: License

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/15 to 11/15          | 7.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 7.000 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NW1/4NE1/4NE1/4 | Sec. 29, Twp 06S, Rge 19E, B.M. |
| LINCOLN County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW |    |    |    | SW |    |      |      | SE |    |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|----|----|------|------|----|----|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW   | SE   | NE | NW | SW   | SE   |        |
| 06S | 19E | 21  |      |      |      |      |    |    |    |    |    |    | 38.0 | 38.0 |    |    | 35.0 | 36.0 | 147.0  |
| 06S | 19E | 28  | 34.0 | 40.0 | 39.0 | 35.0 |    |    |    |    |    |    | 37.0 |      |    |    |      |      | 185.0  |
| 06S | 19E | 29  |      |      | 38.0 | 40.0 |    |    |    |    |    |    |      |      |    |    |      |      | 78.0   |

Total Acres: 410

Conditions of Approval:

1. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1640 af at the field headgate for the place of use.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-8705

2. 104 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.
3. 065 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.
4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

Remarks:Comments:

1. cpalmer 4/3/2013 9:38:45 AM POD  
Comment: Updated Shape
2. cpalmer 4/3/2013 1:17:12 PM POU  
Comment: Updated Shape
3. cpalmer 4/3/2013 1:17:34 PM POU  
Comment: Updated PLS
4. cpalmer 4/3/2013 2:46:28 PM POU  
Comment: Updated Shape
5. cpalmer 4/3/2013 2:46:48 PM POU  
Comment: Updated PLS

Dates and Other Information:

Licensed Date: 4/5/2013  
 Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number: 130  
 Generic Max Rate Per Acre: 0.02  
 Generic Max Volume Per Acre: 4  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-7149

WATER RIGHT NUMBER: 37-7149

Owner Type: Name and Address

Current Owner WILLIAM HUBERT SHAW  
411 S 750 E  
DIETRICH, ID 83324  
(208)544-7534

Original Owner NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS, ID 83303-5059  
(208)732-1000

Security Interest RABO AGRIFINANCE INC  
12443 OLIVE BLVD STE 50  
ST LOUIS, MO 63141

Priority Date: 6/26/1972

Basis: Decreed

Status: Active

Source: Tributary:  
GROUND WATER N/A

| <u>Beneficial Use:</u> | <u>From / To</u>       | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|------------------------|------------------------|-----------------------|----------------------|
| IRRIGATION             | 04/01 to 10/31         | 4.460 CFS             | 1148.00 AF           |
|                        | <u>Total Diversion</u> | 4.460 CFS             | 1148.00 AF           |

Location of Point(s) of Diversion:

GROUND WATER NESWSW Sec. 29, Twp 06S, Rge 19E B.M. LINCOLN County

Place of Use:

IRRIGATION within LINCOLN County

|                    |     |     | NE |    |    |    | NW |    |      |      | SW   |      |      |      | SE |      |      |    | Totals |
|--------------------|-----|-----|----|----|----|----|----|----|------|------|------|------|------|------|----|------|------|----|--------|
| Twp                | Rge | Sec | NE | NW | SW | SE | NE | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE |        |
| 06S                | 19E | 29  |    |    |    |    |    |    | 37.0 | 39.0 | 38.0 | 35.0 | 39.0 | 33.0 |    | 33.0 | 33.0 |    | 287    |
| Total Acres: 287.0 |     |     |    |    |    |    |    |    |      |      |      |      |      |      |    |      |      |    |        |

Conditions of Approval:

1. C18 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. S40 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 31 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1. sking 10/19/2001 12:00:00 AM POD  
Comment: Updated POD location using WMIS GPS point A0004693.
2. chahn 7/9/2012 12:00:00 AM SECURITY INTEREST  
Comment: Security Interest submitted 07/05/2012 from Rabo Agrifinance Inc expiring 1/01/2028.

Decreed Date: 12/11/2002  
State or Federal: S  
Water District Number: 130  
Civil Case Number: 39576  
Judicial District: FIFTH  
Mitigation Plan: False  
Error: Subreport could not be shown.

SubCase:

SubCase Number: 37-7149  
Class: 1  
Adjudication Agent: Steve Clelland  
Date Filed: 10/11/2002  
Objection Status: Active  
Water Supply Bank: N/A

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-7814

WATER RIGHT NUMBER: 37-7814

|                    |                                                                                 |
|--------------------|---------------------------------------------------------------------------------|
| <u>Owner Type:</u> | <u>Name and Address</u>                                                         |
| Current Owner      | WILLIAM HUBERT SHAW<br>411 S 750 E<br>DIETRICH, ID 83324<br>(208)544-7534       |
| Original Owner     | FARM CREDIT BANK OF SPOKANE<br>BOX 280<br>TWIN FALLS, ID 83301<br>(208)733-2577 |
| Security Interest  | RABO AGRIFINANCE INC<br>12443 OLIVE BLVD STE 50<br>ST LOUIS, MO 63141           |

Priority Date: 12/12/1979

Basis: Decreed

Status: Active

|                |                   |
|----------------|-------------------|
| <u>Source:</u> | <u>Tributary:</u> |
| GROUND WATER   | N/A               |

|                        |                        |                       |                      |
|------------------------|------------------------|-----------------------|----------------------|
| <u>Beneficial Use:</u> | <u>From / To</u>       | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION             | 04/01 to 11/01         | 0.140 CFS             | 27.20 AF             |
|                        | <u>Total Diversion</u> | 0.140 CFS             | 27.20 AF             |

Location of Point(s) of Diversion:

GROUND WATER                      NWSESW              Sec. 20, Twp 06S, Rge 19E B.M. LINCOLN County

Place of Use:

IRRIGATION within LINCOLN County

|     |     |     | NE   |      |      |      | NW  |    |      |      | SW   |      |      |      | SE   |      |      |      | Totals             |
|-----|-----|-----|------|------|------|------|-----|----|------|------|------|------|------|------|------|------|------|------|--------------------|
| Twp | Rge | Sec | NE   | NW   | SW   | SE   | NE  | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |                    |
| 06S | 19E | 20  | 37.0 | 29.0 | 35.0 | 35.0 | 8.8 |    | 21.0 | 35.0 | 39.0 | 28.0 | 30.0 | 36.0 | 30.0 | 33.0 | 33.0 | 32.0 | 461.8              |
|     |     |     |      |      |      |      |     |    |      |      |      |      |      |      |      |      |      |      | Total Acres: 461.8 |
|     |     |     |      |      |      |      |     |    |      |      |      |      |      |      |      |      |      |      | Acre Limit: 6.8    |

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. S40 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.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E51 USE OF THIS RIGHT WITH RIGHT NO. 37-7394 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.94 CFS.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

1. chahn 7/9/2012 12:00:00 AM SECURITY INTEREST  
Comment: Security Interest submitted 07/05/2012 from Rabo Agrifinance Inc expiring 1/01/2028.

Dates and Other Information:

Decreed Date: 12/11/2002  
State or Federal: S  
Water District Number: 130  
Civil Case Number: 39576  
Judicial District: FIFTH  
Mitigation Plan: False  
Error: Subreport could not be shown.

SubCase:

SubCase Number: 37-7814  
Class: 1  
Adjudication Agent: Steve Clelland  
Date Filed: 10/11/2002  
Objection Status: Active  
Water Supply Bank: N/A

(Part 2)

05-01-2013

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-7394

WATER RIGHT NUMBER: 37-7394

Owner Type: Name and Address  
Current Owner WILLIAM HUBERT SHAW  
411 S 750 E  
DIETRICH, ID 83324  
(208)544-7534

Original Owner NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS, ID 83303-5059  
(208)732-1000

Security Interest RABO AGRIFINANCE INC  
12443 OLIVE BLVD STE 50  
ST LOUIS, MO 63141

Priority Date: 12/1/1974

Basis: Decreed

Status: Active

Source: Tributary:  
GROUND WATER N/A

| <u>Beneficial Use:</u> | <u>From / To</u>       | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|------------------------|------------------------|-----------------------|----------------------|
| IRRIGATION             | 04/01 to 11/01         | 5.940 CFS             | 1820.00 AF           |
| STOCKWATER             | 01/01 to 12/31         | 0.090 CFS             | 5.40 AF              |
|                        | <u>Total Diversion</u> | <u>5.940 CFS</u>      | 1825.40 AF           |

Location of Point(s) of Diversion:

GROUND WATER NWSESW Sec. 20, Twp 06S, Rge 19E B.M. LINCOLN County

Place of Use:

IRRIGATION within LINCOLN County

|     |     |     | NE   |      |      |      | NW  |    |      |      | SW   |      |      |      | SE   |      |      |      | Totals             |
|-----|-----|-----|------|------|------|------|-----|----|------|------|------|------|------|------|------|------|------|------|--------------------|
| Twp | Rge | Sec | NE   | NW   | SW   | SE   | NE  | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |                    |
| 06S | 19E | 20  | 37.0 | 29.0 | 35.0 | 35.0 | 8.8 |    | 21.0 | 35.0 | 39.0 | 28.0 | 30.0 | 36.0 | 30.0 | 33.0 | 33.0 | 32.0 | 461.8              |
|     |     |     |      |      |      |      |     |    |      |      |      |      |      |      |      |      |      |      | Total Acres: 461.8 |
|     |     |     |      |      |      |      |     |    |      |      |      |      |      |      |      |      |      |      | Acre Limit: 455.0  |

STOCKWATER within LINCOLN County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rge | 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. E51 USE OF THIS RIGHT WITH RIGHT NO. 37-7814 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.94 CFS.
2. C18 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 455 ACRES WITHIN THE PLACE OF USE DESCRIBED

ABOVE IN A SINGLE IRRIGATION SEASON.

6. S40 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.

Comments:

1. sking 10/31/2001 12:00:00 AM POD  
Comment: Updated location based on WMIS GPS point A0005517.
2. chahn 7/9/2012 12:00:00 AM SECURITY INTEREST  
Comment: Security Interest submitted 07/05/2012 from Rabo Agrifinance Inc expiring 1/01/2028.

Dates and Other Information:

Decreed Date: 12/11/2002  
State or Federal: S  
Water District Number: 130  
Civil Case Number: 39576  
Judicial District: FIFTH  
Mitigation Plan: False  
Error: Subreport could not be shown.

SubCase:

SubCase Number: 37-7394  
Class: 1  
Adjudication Agent: Steve Clelland  
Date Filed: 10/11/2002  
Objection Status: Active  
Water Supply Bank: N/A

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: Measured with time control box

common system of 3 wells want to add 1 more to system

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

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: Rabo Bank

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:

NONE

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

865 Shares ~~NONE~~ BIG WOOD Canal Co.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- 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:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.  
☐ 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.

B. CHANGES IN NATURE OF USE (Water Balance) N/A

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

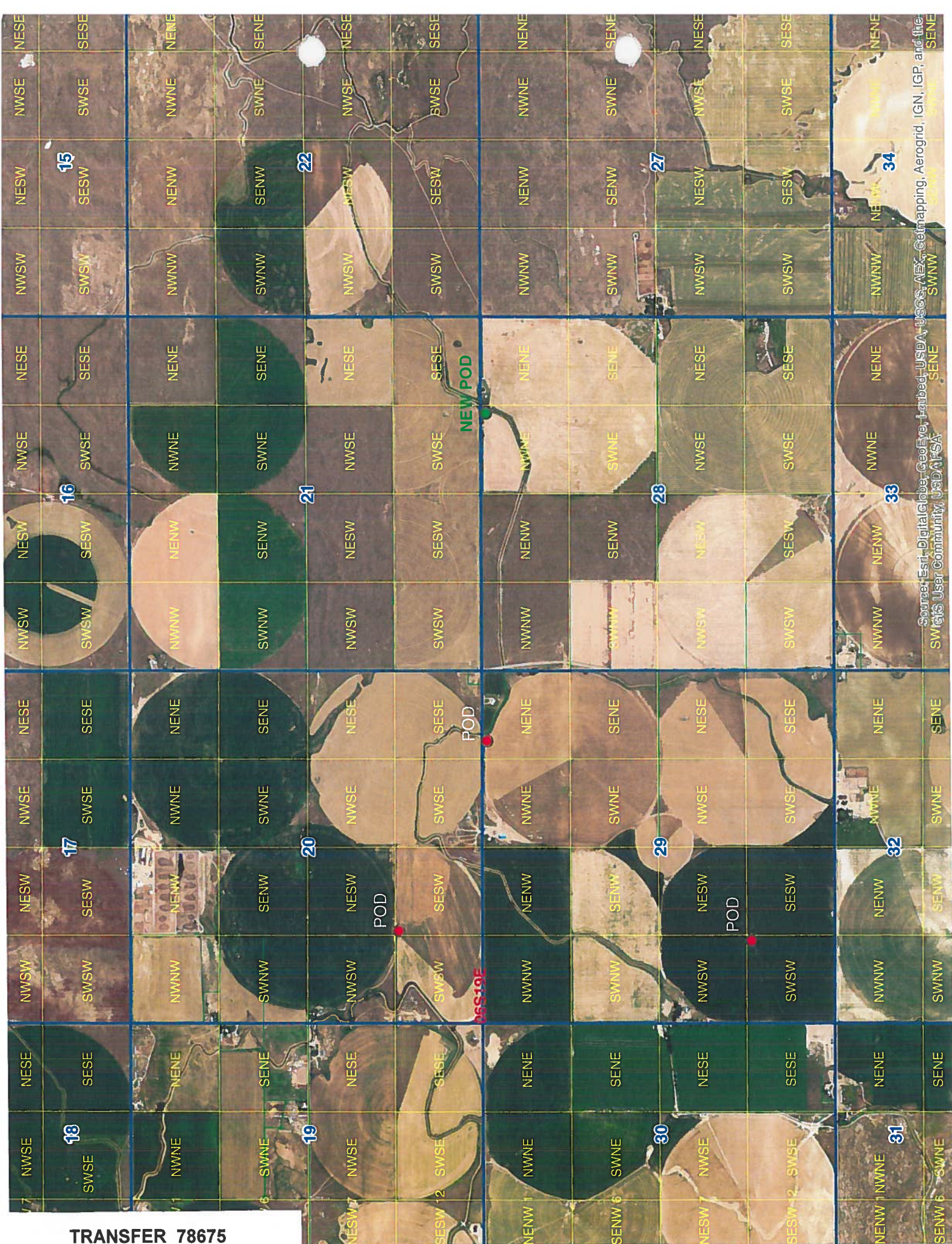
- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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.:

I have — Big Wood water. The remaining ac. are developed with ground water. I use surface water most years. by putting these systems together it will reduce my reliance of groundwater.

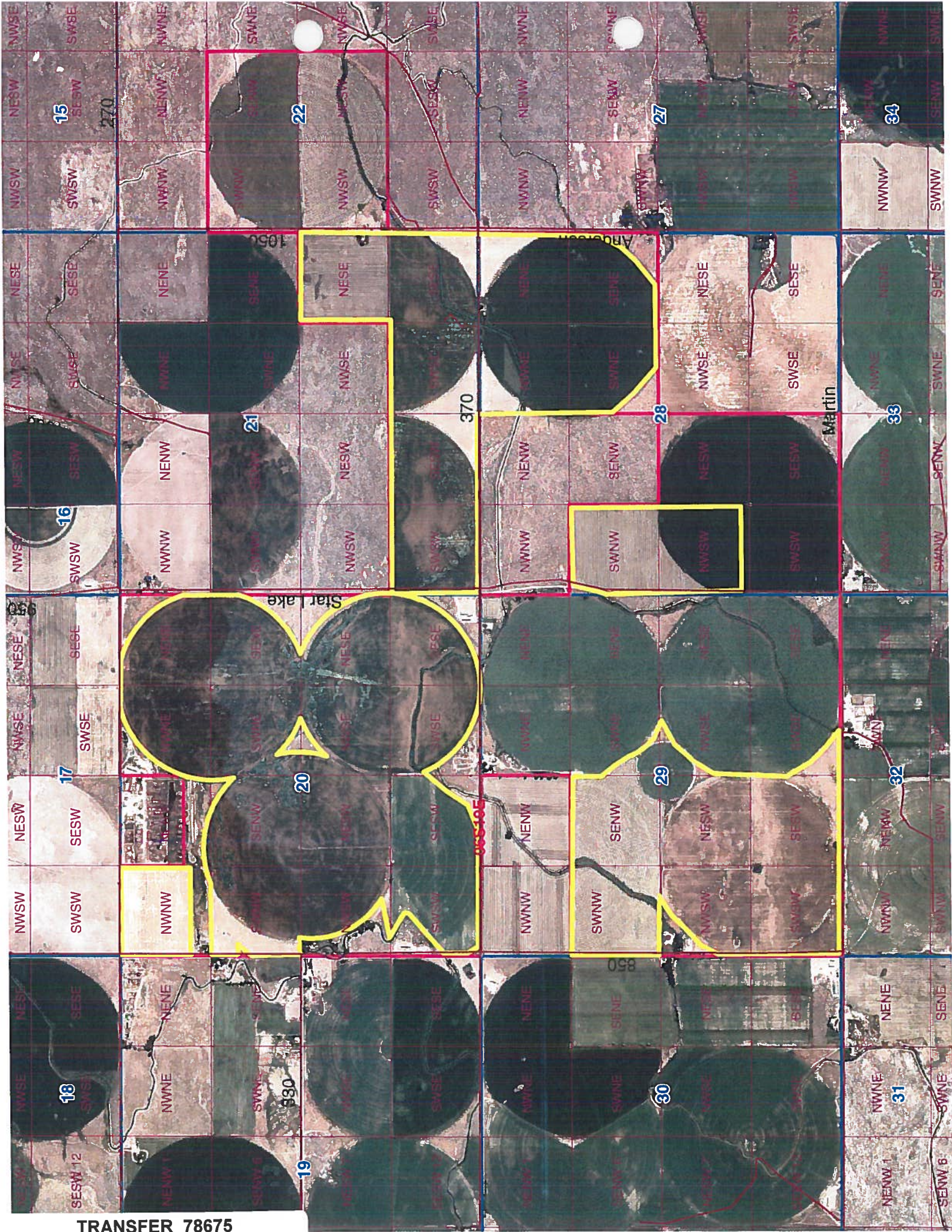
FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.  
Received by Cy Date 6.19.13 Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_  
Fee Paid \$1860- Date 6.19.13 Received by Cy Receipt # 5033334  
Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_



**TRANSFER 78675**







**Rabo  
AgriFinance**

Rabo Agrifinance, Inc.

Judy A. Cochran

Assistant Vice President

12443 Olive Blvd., Suite 50

Office Address St. Louis, MO 63141

Postal P.O. Box 411995

Address St. Louis, MO 63141

Tel 314-317-8074

Fax 877-655-9513

Email judy.cochran@raboag.com  
www.raboag.com

June 10, 2013

William Hubert Shaw  
Rita Shaw  
411 S. 750 E  
Dietrich, Idaho 83324

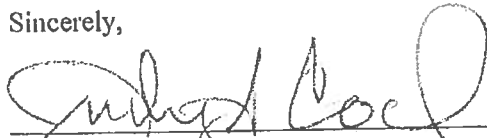
Re: Loan Nos. 10460100 and 10460200  
Point of Diversion Water Transfer

Dear Mr. and Mrs. Shaw:

Rabo Agrifinance, Inc. ("RAF") has an interest in lands that will be affected by the attached Application for Transfer of Water Right. RAF's interest was created in that certain Mortgage, Assignment of Rents and Security Agreement dated May 25, 2012, recorded in Lincoln County, Idaho on May 31, 2012 as instrument number 0000-191932, between you (as "Mortgagor") and RAF (as "Mortgagee"). RAF consents to the water right change proposed in the attached Application for Transfer of Water Right.

Should you have any questions, please contact Grace Sandow, Loan Closing Specialist, at 314-317-8242 or e-mail: [grace.sandow@raboag.com](mailto:grace.sandow@raboag.com).

Sincerely,



Judy A. Cochran  
Assistant Vice President

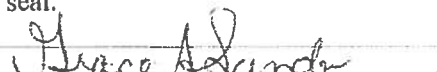
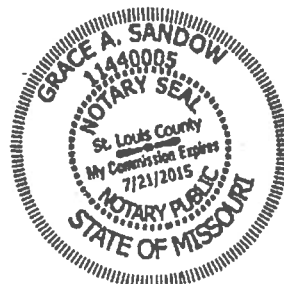
ACKNOWLEDGMENT

State of Missouri       )  
                                      ) SS:  
County of St. Louis    )

On this 11<sup>th</sup> day of June 2013, before me, the undersigned notary public, personally appeared Judy A. Cochran, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same in her authorized capacity as Vice President of Rabo Agrifinance, Inc. for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)



Grace A. Sandow, Notary Public  
My Commission expires: 7/21/15



TRANSFER 78675

Part of the Rabobank Group

EXHIBIT C

Additional Property

associated with mortgage by William Shaw and Rita Shaw on land located in Lincoln County, Idaho

(list specific additional Property, if any)

Certificates numbered 10451 representing 67 shares; 10574 representing 79 shares; 10452 representing 150 shares; 11396 representing 55 shares; 12483 representing 156 shares; 12448 representing 246 shares; and 12058 representing 162.32 shares of the capital stock of Big Wood Canal Company and the water rights represented thereby;

and all water rights represented by Permit or License No. 37-7149; 37-7394; 37-7814; 37-21264; 37-21425; 37-7768 and 37-10219 issued by the Idaho Department of Water Resources

Lease to Idaho Power Company

Lease to Exergy Development Group of Idaho, L.L.C.

Assignment of BLM Permit # 1105118 for 4616 aums

TRANSFER 78675

D-1M

1396  
Operator: Shaw, Hubert  
Stockholder: Shaw, Hubert & Rita  
No. Shares: 55.000  
Cert. No.: 11396 Aug 1998 Old No: 9109  
Land Desc: W1/2NE1/4  
Sec.: 29 TWP: 6 Range: 19  
Lien:

Rqbo  
7-1a

Rogers

D-1M

3045  
Operator: Shaw, Hubert  
Stockholder: Shaw, William Hubert & Rita  
No. Shares: 24.500  
Cert No.: 13045 Feb 2012 Old No: 11157-  
12964-12934  
Land Desc: SE1/4SE1/4 21; N1/2SW1/4 22;  
NE1/4 28;  
Sec.: 21, 22, 28 TWP: 6 Range: 19  
Lien:

SorenSEN

D-1M

2853  
Operator: Shaw, Hubert & Rita  
Stockholder: Shaw, William Hubert & Rita  
No. Shares: 40.000  
Cert No.: 12853 Aug 2009 Old No: 9979  
Land Desc: PT. NE1/4SE1/4  
Sec.: 21 TWP: 6 Range: 19  
Lien:

Turner

D-1M

2448  
Operator: Shaw, Hubert & Rita  
Stockholder: Shaw, William Hubert & Rita  
No. Shares: 246.000  
Cert No.: 12448 Feb 2006 Old No: 12148  
Land Desc: SE1/4SE1/4 21; N1/2SW1/4 22; NE1/4  
28;  
Sec.: 21, 22 & 28 TWP: 6 Range: 19  
Lien:

Rqbo  
7-1a

## TRANSFER 78675

D-1M

0574  
 Operator: Shaw, Hubert  
 Stockholder: Shaw, Hubert & Rita  
 No. Shares: 79.000  
 Cert No.: 10574 Feb 1990 Old No: 7881 & 8573  
 Land Desc: SW1/4SW1/4 28; E1/2SE1/4 29;  
 Sec.: 28 & 29 TWP: 6 Range: 19  
 Lien: FHA 10-17-62

Russo

1-12

Cooper

D-1M

0452  
 Operator: Shaw, Hubert  
 Stockholder: Shaw, William H. & Rita  
 No. Shares: 150.000  
 Cert No.: 10452 Oct 1989 Old No: 10403  
 Land Desc: S1/2NW1/4, SW1/4, W1/2SE1/4  
 29-6-19  
 Lien:

Russo

1-12

CPR

ROLODEX CORPORATION

NO. CCRS-12



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 9, 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

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS on 8/15/2013 and 8/22/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 3, 2013**).

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

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

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

Sincerely,

Denise Maline  
Administrative Assistant



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 9, 2013

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

*Hand Delivered*

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

Dear Ms. Yenter:

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

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

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 9, 2013

BIG WOOD CANAL COMPANY  
C/O LYNN HARMON  
409 N APPLE ST  
SHOSHONE, ID 83352

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

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the applications.

If you desire to file a formal protest against the approval of this application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by **September 3, 2013**.

Please contact this office at (208) 736-3033 if you have any questions regarding this application(s), or you may visit our website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

Denise Maline  
Administrative Assistant  
Southern Region

Enclosure(s)

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, August 08, 2013 1:24 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News Cover Letter.docx; 78675 Ad.docx

Attached please find (1) legal notice being submitted for publication on August 15<sup>th</sup> & 22<sup>nd</sup>, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline, Administrative Assistant  
Idaho Dept of Water Resources  
Southern Region  
1341 Fillmore St, Suite 200  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

August 8, 2013

**LEGAL NOTICE DEPARTMENT**  
**TIMES NEWS**  
**PO BOX 548**  
**TWIN FALLS, ID 83303-0548**

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

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**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](http://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

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

**Maline, Denise**

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**From:** Maline, Denise  
**Sent:** Thursday, August 08, 2013 1:25 PM  
**To:** Idaho Statesman  
**Subject:** LEGAL NOTICE  
**Attachments:** Idaho Statesman Cover Letter.docx; 78675 Ad.docx

Attached please find (1) legal notice being submitted for publication on August 15<sup>th</sup> & 22<sup>nd</sup>, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline, Administrative Assistant  
Idaho Dept of Water Resources  
Southern Region  
1341 Fillmore St, Suite 200  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

August 8, 2013

**LEGAL NOTICE DEPARTMENT**  
IDAHO STATESMAN  
PO BOX 40  
BOISE, ID 83707

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

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**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 15<sup>th</sup> & 22<sup>nd</sup>, 2013

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, August 08, 2013 1:26 PM  
**To:** Post Register  
**Subject:** LEGAL NOTICE  
**Attachments:** Post Register Cover Letter.docx; 78675 Ad.docx

Attached please find (1) legal notice being submitted for publication on August 15<sup>th</sup> & 22<sup>nd</sup>, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline, Administrative Assistant  
Idaho Dept of Water Resources  
Southern Region  
1341 Fillmore St, Suite 200  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

August 8, 2013

**LEGAL NOTICE DEPARTMENT**  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS, ID 83402

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

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**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](http://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

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

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, August 08, 2013 1:27 PM  
**To:** Lewiston Tribune (legals@lmtribune.com)  
**Subject:** LEGAL NOTICE  
**Attachments:** Lewiston Tribune Cover Letter.docx; 78675 Ad.docx

Attached please find (1) legal notice being submitted for publication on August 15<sup>th</sup> & 22<sup>nd</sup>, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline, Administrative Assistant  
Idaho Dept of Water Resources  
Southern Region  
1341 Fillmore St, Suite 200  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

August 8, 2013

**LEGAL NOTICE DEPARTMENT**  
LEWISTON TRIBUNE  
505 C ST PO BOX 957  
LEWISTON, ID 83501

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

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**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](http://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

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

## MEMORANDUM

**Date:** July 26, 2013  
**To:** Transfer 78675 File  
**From:** Jana Reeder  
**Re:** Evaluation of Sufficiency of Information Submitted

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Transfer proposes combining ground water rights 37-7149, 37-7394, 37-7814 and 37-8705 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.

After review of BWCC shares, it was determined that 37-7394 and 37-7814 do not have overlapping surface water shares and were developed as primary ground water rights. 150 acres of 37-7149 and all of the place of use for 37-8705 have Big Wood Canal Co. shares (application for permit states this right is to be supplemental to BWCC shares). Other acres in the farm are irrigated with surface water only. As a result within the permissible place of use there will be 598.8 acres of primary ground water, 560 acres of supplemental ground water and additional acres irrigated with surface water only. The 206 map depicting the ground water acres for 2014 was submitted with the application.

- **Authority to File:**  
The applicant is listed as the current owner of water rights 37-7149, 37-7394, 37-7814 and 37-8705 according to IDWR records.
- **Water Right Validity:**  
Water Right 37-7149, 37-7394 and 37-7814 were decreed on 12/11/2002 in the SRBA. Water right 37-8705 was licensed on 4/5/2013. Recent aerial imagery shows all acres irrigated.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No negative issues anticipated. No hydrological impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.

**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.**