

TC-37-66

RECEIVED

JUN 19 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant William Hubert Shaw Phone 208.544.7534
Mailing Address 411 S 750 E Dietrich ID 83324 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. Magic Reservoir
will be turned off June 29. the acres below are planted
in corn or hay and have no supplemental ground water.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
(148 ac)	37.8705	2.21.1991	2.53	IRR	3.15 to 11.15
(68 ac)	37.7149	6.26.1972	1.05	IRR	4.1 to 10.31
(58 ac)	37.7394	12.01.1974	0.75	IRR	4.1 to 11.1

2. Total amount of water being transferred 4.33 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water ground water tributary to _____
 4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
6S	19E	29		NW	NE	NE	Lincoln	ground water	
6S	19E	29		NE	SW	SW	Lincoln	ground water	
6S	19E	20		NW	SE	SW	Lincoln	ground water	

5. Lands irrigated or place of use:

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	28							38		33	40		33					144
6S	19E	29	31			33									33			33	130

Total Acres 274

6. General Information:

- a. Who owns the water right to be changed? applicant
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
land in- NE Sec 28 is not irrigated, other lands are in wheat and
will be finished Y(not planted)
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☐ No If yes, explain. _____
37-7149 yes 37-8705-No
- e. Absent the changes, how would the right be used for the remainder of the year? Not used on these
acres.
- f. Describe other water rights used for the same purpose. None
- g. Remarks: Some canal shares, not on transferred acres?

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Signature of Applicant

Date

FOR DEPARTMENT USE ONLY

Received by cy Date 6.19.13 \$50 fee received by cy Receipt No. 503334
 Recommend: ☐ approve ☐ deny Watermaster recommendation attached - cy

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-66, and said application is hereby approved, subject to the following limitations and conditions:

See attached Order dated 6/21/13

Temporary Change Expiration Date

11/15/13

Signed this 21st day of June, 2013.

For the Director



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/19/2013

WATER RIGHT NO. 37-8705

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

Priority Date: 02/21/1991

Basis: License

Status: Active

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

148 ~~AC~~ ~~BA~~

$$7/410 = .017 \text{ cfs/ac}$$

$$.017 \times 148 = 2.53 \text{ cfs}$$

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	7 CFS	
Total Diversion			7 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNENE	Sec. 29	Township 06S	Range 19E	LINCOLN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	19E	21		SWSW	38		SESW	38						
				SWSE	35		SESE	36						
		28		NENE	34		NWNE	40		SWNE	39		SENE	35
				SWSW	37									
		29		NWNE	38		SWNE	40						

148

Total Acres: 410

Conditions of Approval:

1.	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.
2.	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.
3.	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.
4.	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.
5.	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.

Dates:

Licensed Date: 04/05/2013

Decreed Date:

Permit Proof Due Date: 6/1/1992

Permit Proof Made Date: 5/13/1992

Permit Approved Date: 6/12/1991

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/21/1991

Protest Deadline Date:

Number of Protests: 0

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/19/2013

WATER RIGHT NO. 37-7149

<u>Owner Type</u>	<u>Name and Address</u>
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

68 ac
~~76/3287~~

$$4.46 / 287 = .0155$$

$$.0155 \times \frac{76}{68} = 1.48$$

68 1.05

Priority Date: 06/26/1972

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	10/31	4.46 CFS	1148 AFA
Total Diversion			4.46 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESWSW	Sec. 29	Township 06S	Range 19E	LINCOLN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	19E	29		SWNW	37		SENW	39						
				NESW	38		NWSW	35		SWSW	39		SESW	33
				NWSE	33		SWSE	33						

FE
(68)

Total Acres: 287

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.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, 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 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.

Dates:

Licensed Date:

Decreed Date: 12/11/2002

Permit Proof Due Date: 8/1/1977

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/19/2013

WATER RIGHT NO. 37-7394

<u>Owner Type</u>	<u>Name and Address</u>
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

58

Priority Date: 12/01/1974

Basis: Decreed

Status: Active

$$5.94/455 = .013$$

$$.013 \times \cancel{58} = \cancel{0.75} 0.75$$

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	5.94 CFS	1820 AFA
STOCKWATER	01/01	12/31	0.09 CFS	5.4 AFA
Total Diversion			5.94 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSESW	Sec. 20	Township 06S	Range 19E	LINCOLN County
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IRRIGATION Use:
Acre Limit: 455

Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	19E	20		NENE	37		NWNE	29		SWNE	35		SENE	35
				NENW	8.8		SWNW	21		SENE	35			
				NESW	39		NWSW	28		SWSW	30		SESW	36
				NESE	30		NWSE	33		SWSE	33		SESE	32

Need
(50)
66

Place of Use Legal Description: STOCKWATER LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	19E	20		NENW										

Total Acres: 461.8

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.	E51	USE OF THIS RIGHT WITH RIGHT NO. 37-7814 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.94 CFS.
4.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 455 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/19/2013

WATER RIGHT NO. 37-7814

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

associated, rate unit
5.94

Priority Date: 12/12/1979

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	11/01	0.14 CFS	27.2 AFA
Total Diversion			0.14 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSESW	Sec. 20	Township 06S	Range 19E	LINCOLN County
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IRRIGATION Use:

Acre Limit: 6.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	19E	20		NENE	37		NWNE	29		SWNE	35		SENE	35
				NENW	8.8		SWNW	21		SENE	35			
				NESW	39		NWSW	28		SWSW	30		SESW	36
				NESE	30		NWSE	33		SWSE	33		SESE	32

50

Total Acres: 461.8

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

Dates:

Licensed Date:

Decreed Date: 12/11/2002

Permit Proof Due Date: 3/1/1981

Permit Proof Made Date: 1/1/1900

TC-37-66

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Temporary change
Water Right No: 37-8705, 37-7149, 37-7394
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:

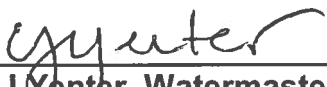
37-7394 and 37-7814 are limited to a combined diversion rate of 5.94 cfs

- c) ☐ I oppose approval of this application(s) for the following reasons:
d) ☒ Additional comment:

There are about 900 shares of BWCC (Magic Res) water on this farm (total around 1500 acres) which will be turned off at the end of June. The system of three wells and relift pumps has been tied together for some time to maximize distribution of the surface water. Most of the ground water is primary source, but 37-8705 is supplemental. A permanent transfer has been filed to create a PPU for the available ground water (1159 acres) but will not be approved before the end of the irrigation season. For this year, a temp transfer is still necessary to get the ground water to the needed acres. All wells presently open-discharge and are measured with hour meters.

Dated: June 21, 2013

Water District 130


Cindy J Yenter, Watermaster