

TC-37-63

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 11 2013

TEMPORARY CHANGE APPLICATION

DEPT. OF WATER RESOURCES
SOUTHERN REGION(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 Eugene C Shaw Phone 208-539-2926
Mailing Address 803 E 270 S Dietrich Idaho 83324 Email genc@briaridgefarm.com

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 water is going to Run Out Around 7-1-2013
and I have corn planted on this land

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

1. Right Number 37.7314 Priority 11.05.1973 Amount 2.06 (cfs/ac-ft) Nature of Use IRR Period of Use 3.15 to 11.15
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 2.06 cubic feet per second and/or 412 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
6S	19E	19	3	SW	NW	NW	Lincoln	ground water	A0005513

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				NW	SW ¼		SW	SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	~~NE~~	NW	SW	~~SE~~	NE	NW	SW	SE	
6S	19E	18									35	14	22	32					103
											L8	L9	L10	L11					

Total Acres 103

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:
None - gw right is not diverted this year
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
AWEP Conversion project, using replacement water
- e. Absent the changes, how would the right be used for the remainder of the year? would not be used.
- f. Describe other water rights used for the same purpose. 37-7724 same pond
- g. Remarks: _____

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.

Eugene C Shaw
Signature of Applicant

6-11-13
Date

FOR DEPARTMENT USE ONLY

Received by cy Date 6.11.13 \$50 fee received by cy Receipt No. 5033314
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

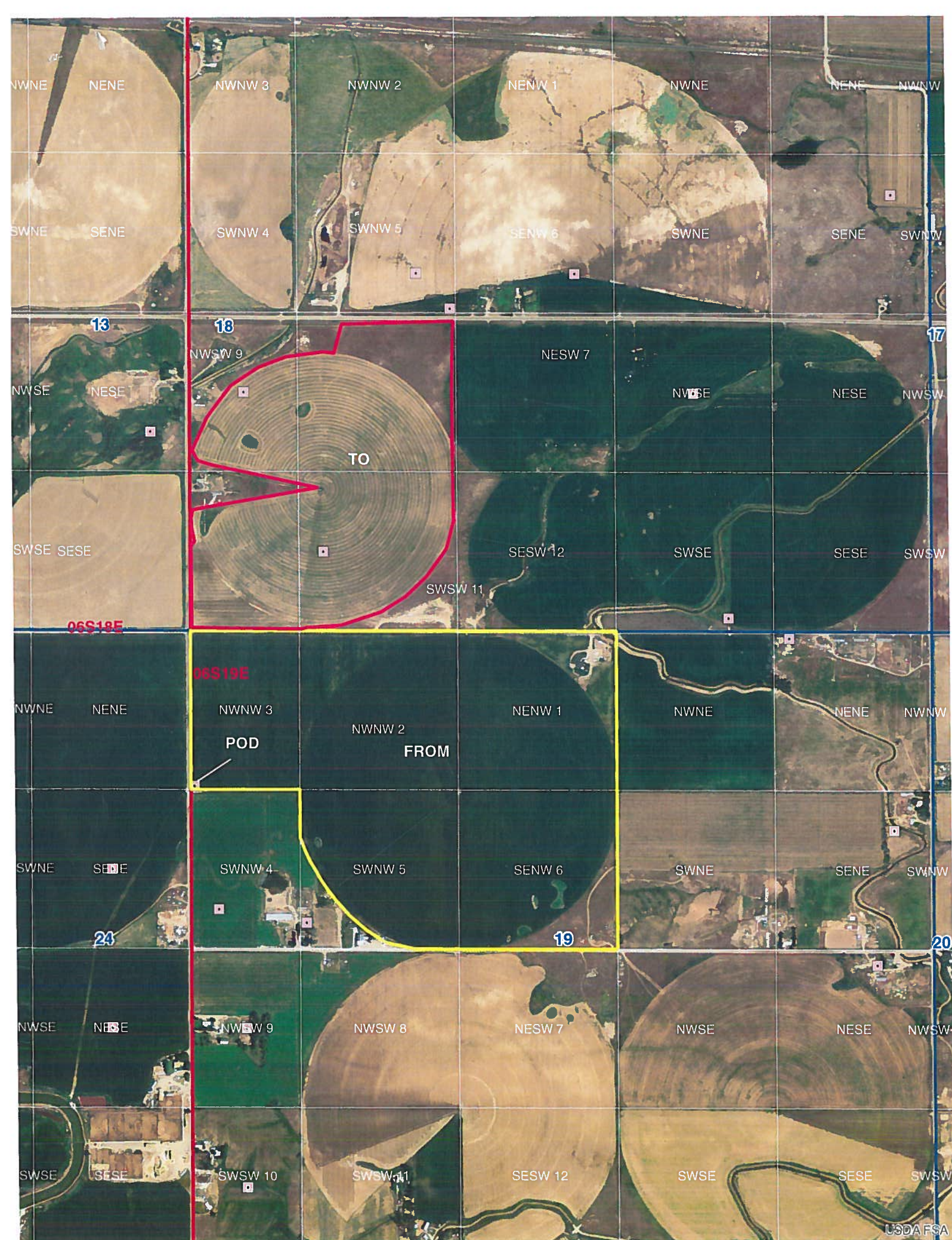
This is to certify that I have examined Temporary Change Application No. TC-37-63, and said application is hereby approved, subject to the following limitations and conditions:

See order dated 6/12/13

Temporary Change Expiration Date 11/15/13

Signed this 12th day of June, 2013.

[Signature]
For the Director



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7314

WATER RIGHT NUMBER: 37-7314

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	RITA S SHAW 411 S 750 E DIETRICH, ID 83324 (208)544-7534
Previous Owner	WILLIAM HUBERT SHAW 411 S 750 E DIETRICH, ID 83324 (208)544-7534
Current Owner	EUGENE L SHAW 803 E 270 S DIETRICH, ID 83324 (208) 544-2924
Current Owner	JOYCE SHAW 803 E 270 S DIETRICH, ID 83324 (208)539-2926
Original Owner	RICHARD L KECHTER 218 W 13TH ST BURLEY, ID 83318 (208)678-5607
Original Owner	JUNE E FOWERS 812 E 330 S DIETRICH, ID 83324 (208)544-2409
Original Owner	ARVEL J FOWERS 812 E 330 S DIETRICH, ID 83324
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

$$\frac{103}{140} \times 2.8 = 2.06 \text{ cfs}$$

$$\frac{103}{140} \times 560 = 422.1$$

$$2.06 \times 156 \times$$

Priority Date: 11/05/1973

Basis: Decreed

Status: Active

SourceTributary

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	2.800 CFS	560.00 AF
	<u>Total Diversion:</u>	2.800 CFS	560.00 AF

Location of Point(s) of Diversion

GROUND WATER

LINCOLN County

L3 (SW1/4NW1/4NW1/4)

Sec. 19, Twp 06S, Rge 19E, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7314

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	19					40.0	40.0	33.0	40.0									153.0
							L 1	L 2	L 5	L 6									

Total Acres: 180

Conditions of Approval:

1. T19 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.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 214 Prior to the diversion and use of water under Transfer approval 75689, 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.
5. X27 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 37-7314 and 37-7726 when combined shall not exceed a total diversion rate of 3.30 cfs, a total annual maximum diversion volume of 720 af at the field headgate, and the irrigation of 180 acres.
8. 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.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. X35 Rights 37-7716, 37-7314, and 37-7726 when combined shall not exceed a total diversion rate of 3.30 cfs.
11. 213 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.

Remarks:Comments:

1. cskinner 8/12/2009 3:26:21 PM POD
Comment: Updated Shape
2. cskinner 8/12/2009 3:31:13 PM POU
Comment: Updated Shape
3. ameritt 9/30/2009 2:40:28 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 75689
4. chahn 5/25/2012 Security Interest
Comment: Security Interest submitted 05/22/2012 by Rabo Agrifinance Inc expiring 02/01/2027.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7314

Dates and Other Information:

Licensed Date:
Decreed Date: 12/11/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number: 130
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.3	720	180

Combined Water Rights: 37-7314 , 37-7726

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.3		

Combined Water Rights: 37-7716 , 37-7314 , 37-7726

Water Supply Bank:

Merritt, Allen

From: Patton, Brian
Sent: Tuesday, June 11, 2013 4:41 PM
To: Yenter, Cindy
Cc: Merritt, Allen; Peppersack, Jeff
Subject: RE: Emergency transfers using conversion project rights

Cindy –

The conversion project owners did sign an agreement with the Water Board stating that they would use best efforts to use surface water on the conversion project acres. That said, the agreement is pretty loose and the Board does not want to stand in the way of the 2013 temporary emergency drought transfers.

Brian

From: Yenter, Cindy
Sent: Tuesday, June 11, 2013 11:42 AM
To: Patton, Brian
Cc: Merritt, Allen; Peppersack, Jeff
Subject: Emergency transfers using conversion project rights

Brian – Lincoln county irrigators have begun contacting me about emergency ground water transfers, as Magic Res will likely be done around July 1. The first two inquiries involve ground water rights which are part of AWEPP conversion projects from the Milner-Gooding. None of these conversion projects are part of IGWUA mitigation plans anymore, but they are still on radar as part of CAMP water savings. Do you see any problem with using soft conversion ground water rights for 2013 emergency transfers? I would think we could consider it, as the gw rights were developed as primary rights and are still available for use in the event the replacement water is not deliverable on the conversion land. I am not aware that the irrigators signed anything similar to the CREP ANTD contracts which would bind the water right entirely. Am I missing something?

cindy