

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74394

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Dean B Shaw Phone 431. 6102
208. 436. 6101
 Mailing address 328 E 400 LN N Rupert ID Email _____
83350

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 _____

RECEIVED
 DEC 28 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

2. Describe the reason for the proposed changes Modify place of use back to original
Configuration - SRBA decree ~~was~~ moved across to incorrect
QQ tracts

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
<u>36-7702</u>	<u>5.5.1977</u>	<u>2.32/464</u>	<u>IRR</u>	<u>3-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.32 cubic feet per second and/or 464 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	NW	NW	36	08S	24E	Minidoka	A0003382

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									38			39	39						116

Total Acres 116

PART 1

6. General Information:

- a. Description of diversion system well, wheel lines, commingled w/ MID
Shares on different acres (no physical overlap)
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No Change
- d. Remarks:
this application is associated with a pending CREP
application (067-1539)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7702

WATER RIGHT NUMBER: 36-7702

Owner Type Name and Address
 Current Owner DEAN B SHAW
 328 E 400 LN N
 RUPERT, ID 83350
 (208)436-6101

4316102

Priority Date: 05/05/1977

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.320 CFS	464.00 AF
	<u>Total Diversion:</u>	2.320 CFS	464.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4NW1/4 Sec. 36, Twp 08S, Rge 24E, B.M.
 MINIDOKA 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		
08S	24E	36						26.0	10.0				40.0	40.0						116.0

Total Acres: 116

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.

Remarks:

(067-1539 FSA tract)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7702

Comments:

1. MERRITT 4/8/1991 OVERLAP WITH MID

Comment: REVIEW FINDS CLAIM BY MID OVERLAPS SWNW S.36 T08S R24E HOWEVER THESE LANDS MAY NOT BE IRRIGATED FROM MID NOW SINCE APPLIC. FOR AND CLAIM INDICATE NO OTHER RIGHTS USED.

2. KCHRISTE 12/3/1997 REFORMAT

Comment: DELETED CONS USE

3. TFAWCETT 2/17/1998 ADDRESS CHANGE

Comment: ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM PER REQUEST FROM CLAIMANT.

4. AJU10-DS 12/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

5. kpickett 9/2/2005 POD

Comment: Correlated PODID 503031 from SpatialDataID 204084 to SpatialDataID 204059

Dates and Other Information:

Licensed Date:

Decreed Date: 12/18/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

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:Water Supply Bank:

Shaw 36.7702
08S 24E Sec 36

QAD

38

36

39

39

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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)

 Print Name (and title, if applicable)

Subscribed and sworn to before me this 28th day of December, 2007.

Mary A. Baldwin

 (Notary Public)

My commission expires: 10/16/2010

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Petitioner for Exclusion.

ORDER EXCLUDING REAL PROPERTY FROM THE MINIDOKA IRRIGATION DISTRICT- Page 1

real property described in the Petition for Inclusion filed by Dean B. Shaw and Alice M. Shaw, as Trustees of The Dean B. Shaw and Alice M. Shaw Family Trust dated November 22, 2005.

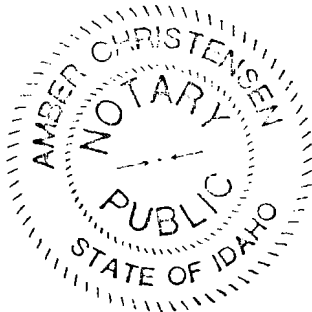
DATED this 11th day of December, 2007.

MINIDOKA IRRIGATION DISTRICT

BY Ruth Stansbury Bailes
Ruth Stansbury Bailes

STATE OF IDAHO)
) ss
County of Minidoka)

On this 11th day of December, in the year of 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared RUTH STANSBURY BAILES, known or identified to me to be the Clerk of the Board of Directors of the Minidoka Irrigation District that executed the said instrument, and acknowledged to me that she executed the same as Clerk.



Amber Christensen
Notary Public for Idaho
Residing at Acqueduct
My commission expires on 7-23-2010

The southern most 44.00 acres of the W¹/₂NW¹/₄ of Section 36,
Township 8 South, Range 24 East, Boise Meridian, in Minidoka
County, Idaho.

MINIDOKA COUNTY, RUPERT, IDAHO
2007-12-18 08:56:40 No. of Pages: 3
Recorded for : MINIDOKA IRRIGATION DISTRICT
DUANE SMITH Fee: 9.00
Ex-Officio Recorder Deputy *[Signature]*

ORDER INCLUDING REAL
PROPERTY IN THE MINIDOKA
IRRIGATION DISTRICT

Petitioner for Inclusion.

After considering the Petition, and the Petition filed by Dean B. Shaw and Alice M. Shaw, as Trustees of The Dean B. Shaw and Alice M. Shaw Family Trust dated November 22, 2005, seeking exclusion, seeking exclusion, it appears to the Board that the real property described on Exhibit A is irrigable ground and it would be in the best interest of MID to include the real property.

ORDER INCLUDING REAL PROPERTY IN THE MINIDOKA IRRIGATION DISTRICT- Page 1

charges imposed by MID against the real property described on Exhibit A. All assessments shall be the responsibility of Petitioner and Petitioner's legal representatives, assigns, and successors in interest. Petitioners, and Petitioner's legal representatives, assigns, and successors in interest shall be responsible to furnish all pipe, ditch, or other delivery system required between the real property described on Exhibit A and the assigned delivery point on MID's irrigation system, shall be responsible to maintain any pipe, ditch, or other delivery system required and shall hold MID harmless from the maintenance of the delivery system. All obligations contained herein shall run with the real property described on Exhibit A.

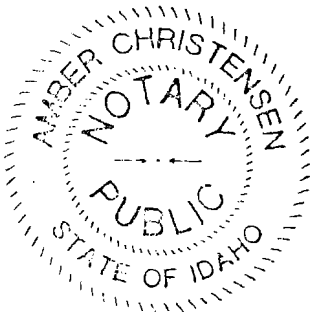
DATED this 11th day of December, 2007.

MINIDOKA IRRIGATION DISTRICT

BY Ruth Stansbury Bailes
Ruth Stansbury Bailes

STATE OF IDAHO)
) ss
County of Minidoka)

On this 11th day of December, in the year of 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared RUTH STANSBURY BAILES, known or identified to me to be the Clerk of the Board of Directors of the Minidoka Irrigation District that executed the said instrument, and acknowledged to me that she executed the same as Clerk.



Amber Christensen
Notary Public for Idaho
Residing at Hesbourn
My commission expires on 7-23-2010

The northern most 44.00 acres of the W½NW¼ of Section 36,
Township 8 South, Range 24 East, Boise Meridian, in Minidoka
County, Idaho.

EXHIBIT A