

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, February 20, 2008 12:37 PM
To: Bromley, Chris; Ridgeway, Renea
Subject: Amended Claim - Rule 10f
Attachments: Amended DR 67-11228.doc

Hey,

67-11228 was amended in accordance with Rule 10F and therefore we need to submit a amended Directors report. Only the acreage changed. It was recommended as a PPU and only the POU was changed. The remarks were already in place so none of that changed. In addition, nothing in right 67-4136B which overlaps this right changed.

Do I prepare a letter to submit to the court?

Attached is the updated recommendation (amended DR).

Thanks,
c

2/20/2008

02/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-11228

NAME AND ADDRESS: RUTH E BACUS
295 N TAYLOR ST
EAGLE ID 83616

ELMER L BACUS
295 N TAYLOR ST
EAGLE ID 83616

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.130 CFS

PRIORITY DATE: 08/31/1887

POINT OF DIVERSION:

T17N R02W S15 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.130 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R02W S14	SWSW	25.00	T17N R02W S14	SESW	8.90
T17N R02W S15	SESE	23.00	T17N R02W S22	NENE	15.00

71.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

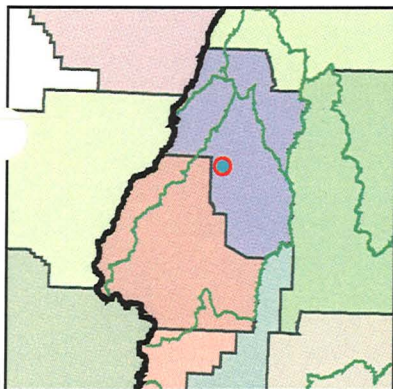
SRBA Recommendation:

67-11228

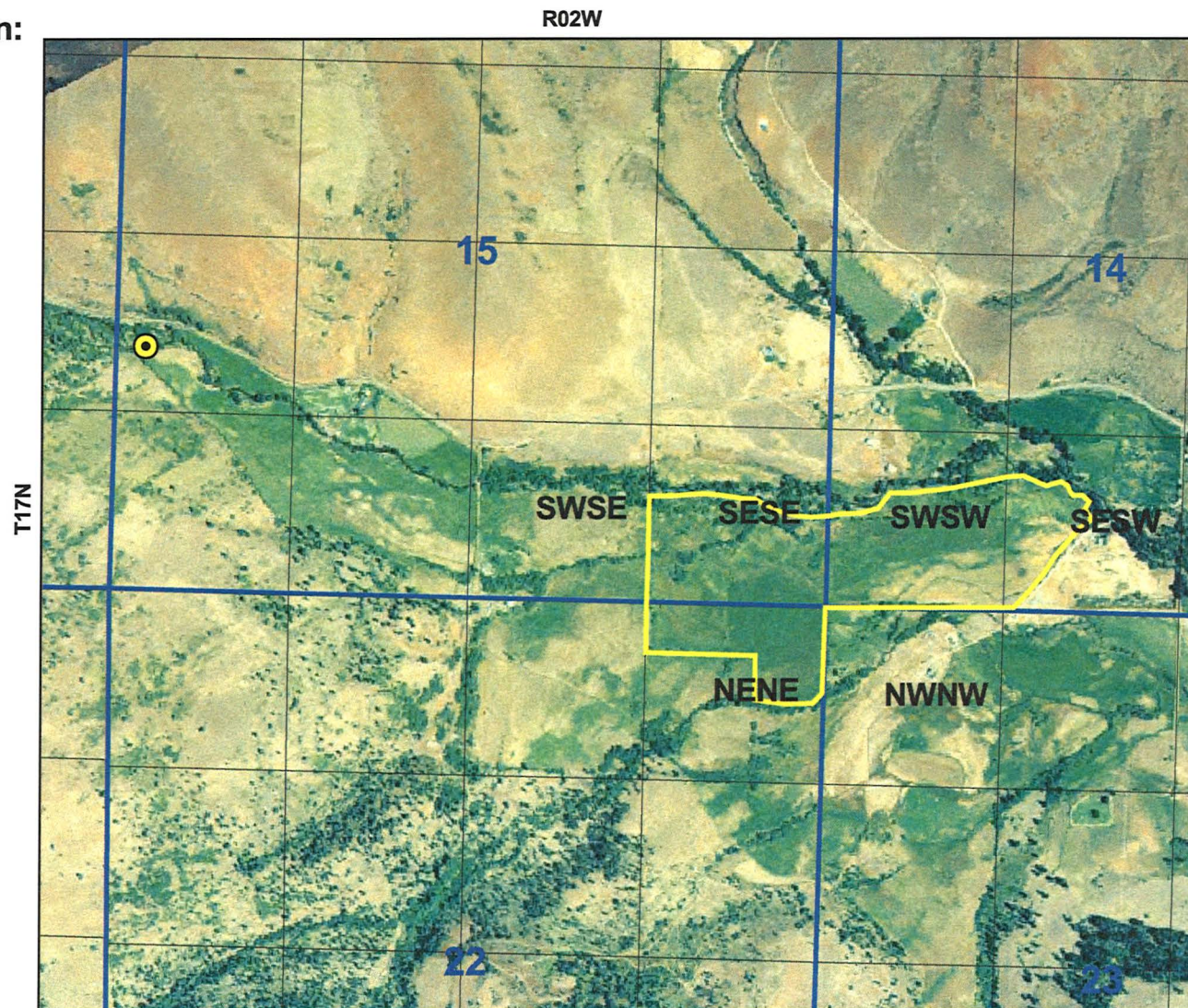
(Irrigation)

Legend

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



Adams County
IDWR Basin 67

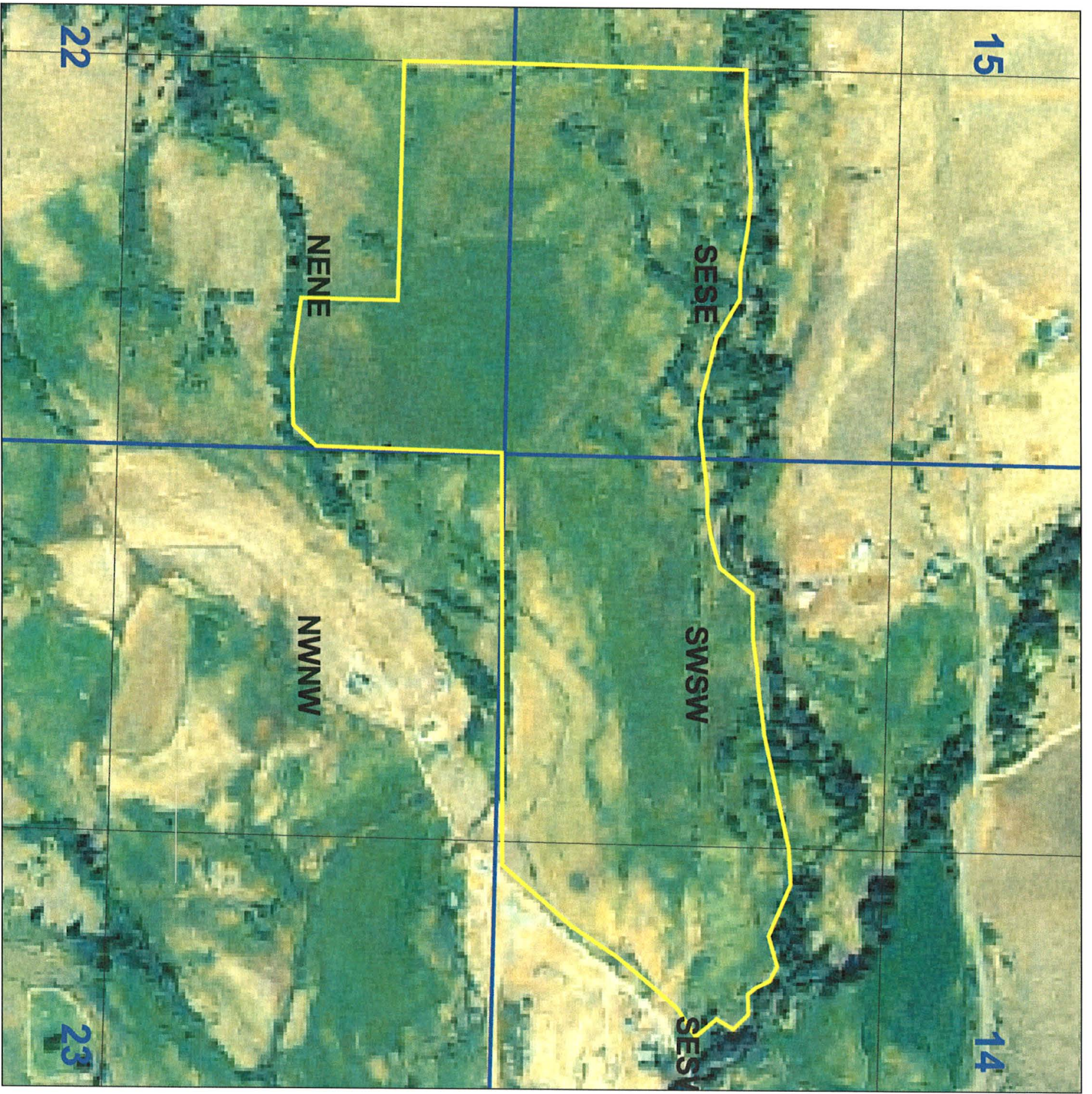
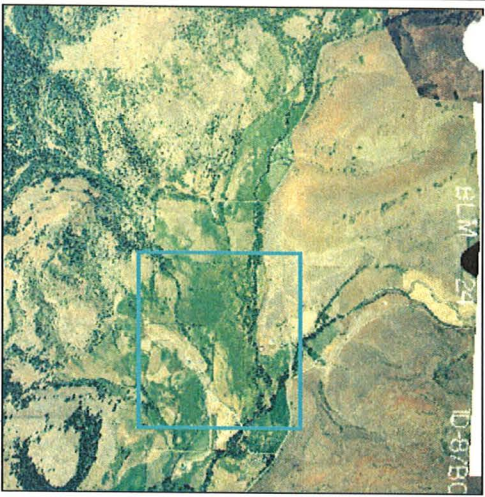


0 0.5 1 Miles



Prepared by IDWR State Office
On Wednesday, February 20, 2008
1987/88 Aerial Photography

67-11228



06/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-11228
NAME AND ADDRESS: RUTH E BACUS
295 N TAYLOR ST
EAGLE ID 83616

ELMER L BACUS
295 N TAYLOR ST

EAGLE ID 83616

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 1.130 CFS
PRIORITY DATE: 08/31/1887
POINT OF DIVERSION:

T17N R02W S15 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.130 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S14	SWSW	20.00	T17N R02W S14	SESW	5.00
T17N R02W S15	SESE	18.00	T17N R02W S22	NENE	15.00

58 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

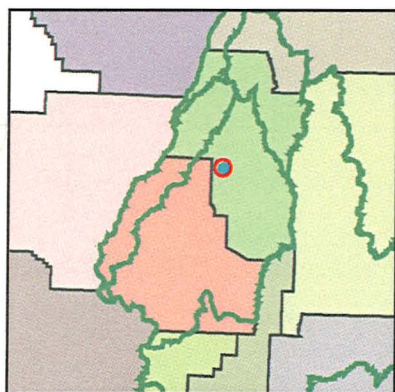
SRBA Recommendation:

67-11228

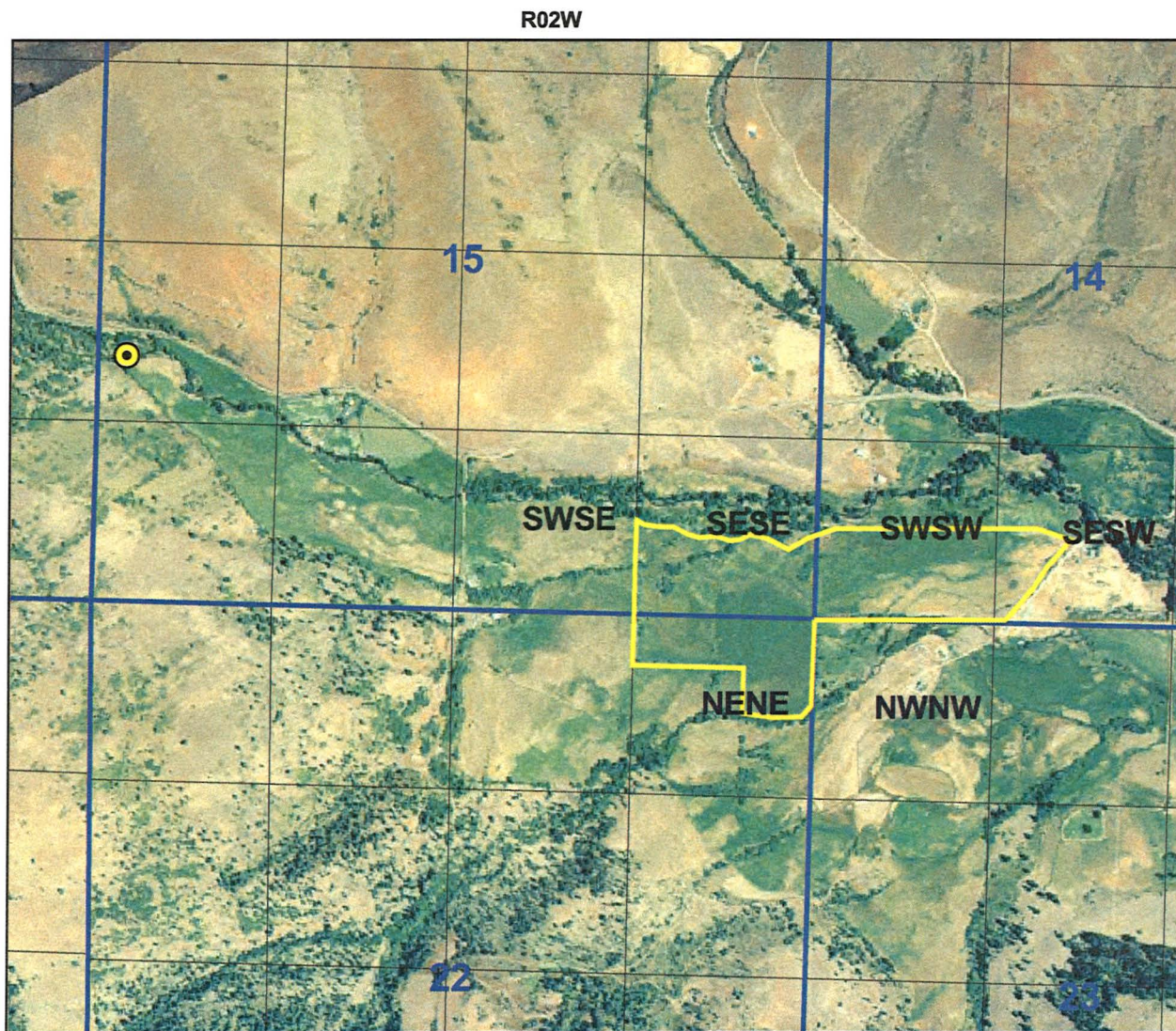
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



Prepared by D. Narsavage
On Tuesday, June 27, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11228 V1

WATER RIGHT NUMBER: 67-11228 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUTH E BACUS 295 N TAYLOR ST EAGLE, ID 83616 (208)939-6224
Current Owner	ELMER L BACUS 295 N TAYLOR ST EAGLE, ID 83616 (208)939-6624

Priority Date: 08/31/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.130 CFS	
	<u>Total Diversion:</u>	1.130 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4SW1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS 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	
17N	02W	14									20.0	5.0							25.0
17N	02W	15															18.0		18.0
17N	02W	22	15.0																15.0

Total Acres: 58

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11228 V1

2. E56 The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. csaxton 6/27/2006 Basis of Recommendation

Comment: This right was originally claimed as beneficial use, however, it was later amended to be based on decreed right 67-393. IDWR solicited evidence of an accomplished change in POU but later found that water master records show delivery of this right to the claimed POU. Use WM records as evidence of a C05. No competing claims. Recommend decreed right in full.

2. csaxton 6/27/2006 POU

Comment: 67-4136B was originally claimed with a priority date to represent decreed water and claimed the POU south of the ditch. 67-11228 has been amended to be based on decreed right 67-393 and really has the intent to replace claim 67-4136B. So the POU under 67-11228 is recommended alone, on the land below the ditch. I did not recommend the decreed water on any land above the ditch as it appears that was not the claimants original intent.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/27/2006 2:13:45 PM	csaxton			Active
Priority Date	6/27/2006 2:13:57 PM	csaxton			Active
POD	6/27/2006 2:14:16 PM	csaxton			Active
Source	6/27/2006 2:37:10 PM	csaxton			Active
POU	6/27/2006 2:38:39 PM	csaxton			Active
Use	6/27/2006 2:39:32 PM	csaxton			Active
Season	6/27/2006 3:01:11 PM	csaxton			Active
Quantity	6/27/2006 3:02:18 PM	csaxton			Active
Summary			06/27/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11228 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	6/27/2006 2:13:45 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 6-17-05.
Source	6/27/2006 2:37:10 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
General	6/27/2006 2:13:57 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	6/27/2006 2:14:16 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	6/27/2006 2:38:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended in QQs not defined in the original decreed right. Description for Question 13 - Water Master Records show delivery of this right to claimed POU.
POU	6/27/2006 2:39:04 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11228 V1

Use	6/27/2006 2:39:32 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	6/27/2006 2:36:54 PM	csaxton	Updated PLS
Summary	6/27/2006 3:07:25 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	6/27/2006 2:35:18 PM	csaxton	Updated shape
POU	6/27/2006 2:39:16 PM	csaxton	Updated PLS for Active POU
Season	6/27/2006 3:01:11 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/27/2006 3:02:18 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11228 V1

POU

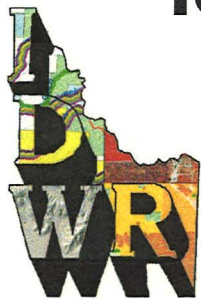
6/27/2006 3:06:51 PM

csaxton

Updated PLS for Active POU

Water Supply Bank:

Idaho Department of Water Resources



** see shape
67-11228 saved
to CD*

Adjudication Claim Number:

67-11228



Legend

Section Lines
GCDB17N02W GCDB



0 0.3 0.6 Miles

Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	RUTH E BACUS	295 N TAYLOR ST	EAGLE	ID	83616	(208)939-6224
Current Owner	ELMER L BACUS	295 N TAYLOR ST	EAGLE	ID	83616	(208)939-6624

Date of Field Exam: 6/17/05 Time: 10 am

Accompanied By: claimants Phone Number: _____

Relationship to Claimant: n/a

Directions to Property (if different from above) and/or update owner information:

Owners live in Eagle, ID (current address)
property located NW of Council, ID, on Council-Cuprum
Rd near intersection w/ Cemetery Rd.

Reviewer: MV

Date: 6/17/05

Priority Date Data Entry Form

Claim Number 67-11228

Claimed Priority Date: 3/1/1963

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

claimants will provide evid. of priority

Reviewer: MMVDate: 6/17/05

Point of Diversion and Source Data Entry Form

Claim Number 67-11228

Claimed Point of Diversion and Source

T17N R02W S15 NWSW Within ADAMS County Source: HORNET CREEK WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

field exam - claimant verified location of
POD (same used for 4136 A+B) - see B+W map in
file. POD shows up as point in "claimed POD" layer of
ArcView.

Reviewer: MVDate: 6/17/05

Place Of Use Data Entry Form

Claim Number 67-11228

Claimed Place Of Use

T17N R02W S14	SWSW	9.0	T17N R02W S14	SESW	6.0
T17N R02W S15	SESE	18.0			

Total Acres 33

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

field exam, map by claimant

Reviewer: _____

mv

Date: _____

6/17/05

Purpose of Use Data Entry Form

Claim Number 67-11228

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
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Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

field exam

Reviewer: mwDate: 6/17/05

Period of Use and Quantity Data Entry Form

Claim Number 67-11228

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.66	
Overall Diversion Rate	0.66	Overall Diversion Volume		

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Overall Diversion Rate		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Check @ IDWR for season of use data

Reviewer: mvDate: 6/17/05

Affidavit

I Elmer Bauer moved to the place
of use described & claimed 67-4136B
in March 1939 and have
irrigated said land continuously
from 1939 to this date 8-30-05

Elmer Bauer

SCANNED

AUG 30 2005

for 67-412-1/2, 11228
(a+b)

ADAMS COUNTY, IDAHO

INSTRUMENT NO. 38019

QUITCLAIM DEED

THIS INDENTURE, Made this 14th day of September in the year of our Lord one thousand nine hundred and Forty Nine between BEN BACUS and IDA M. BACUS, husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and ELMER L. BACUS and RUTH E. BACUS, husband and wife, of Council County of Adams State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of SIX THOUSAND AND NO/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns all those certain lots, pieces or parcels of land, situate, lying and being in the County of Adams, State of Idaho, bounded and particularly described as follows, to-wit:

Southeast Quarter of the Southeast Quarter of Section Fifteen (15), South Half of the Southwest Quarter of Section Fourteen (14) and Northeast Quarter of the Northeast Quarter of Section Twenty-two (22), Township Seventeen (17) North, Range Two (2) West, Boise Meridian, excepting a strip of land in said Northeast Quarter of Northeast Quarter of Section Twenty-two (22), said Township and Range lying south of a line drawn 57 rods north of the south boundary of said Subdivision and parallel to the same, and west of a line drawn 31 rods west of the Eastern boundary of said subdivision and parallel to the same and intersecting the east and west line first drawn heretofore deeded to Rasmus Hanson by virtue of an order of the Receiver of the U. S. Land Office at Boise, Idaho, dated 22nd day of June, 1895, also all that portion of the Southeast Quarter of the Northeast Quarter, and Northeast Quarter of the Southeast Quarter of Section Fifteen (15) and the North Half of the Southwest Quarter of Section Fourteen (14), all in Township Seventeen (17) North, Range Two (2), West, Boise Meridian lying and being south of the County road leading from Council to the Seven Devils Excepting from this grant the following tract of land:

Beginning at a point 792 feet north of the Quarter section corner on the Boundary line between Sections Fourteen (14) and Twenty-three (23), said Twp., Range, which point is the center of Hornet Creek on said line; thence north along said boundary line 654 feet to the center of the wagon road leading up Hornet Creek from Council to the Seven Devils; thence along the center of said road to a point in said road where it intersects the boundary line between the North-east Quarter of the Southeast Quarter and Northwest Quarter of the Southeast Quarter of Section Fifteen (15), said Township and Range; thence south along said boundary line, also between the Southeast Quarter of the Southeast Quarter and Southwest Quarter of the Southeast Quarter, said Section Fifteen (15), 585 feet to the center of Hornet Creek; thence down center of said Creek to the point and place of beginning, said excepted portion being and lying north of said Hornet Creek and the amount of land hereby conveyed being 101 acres, more or less.

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED \$6.60

Together with all water and water rights, thereunto belonging or in any wise appertaining, including all ditch rights.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SYMS-YORK CO., BOISE 238781

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurte-
nances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals the day and year first above written.

Signed, Sealed and Delivered
in Presence of _____

Ben Bacus (Seal)
Ida M. Bacus (Seal)

STATE OF IDAHO)
) ss.
County of Adams)

On this 14th day of September in the year 1949, before me The Undersigned, a Notary
Public in and for said State, personally appeared BEN BACUS and IDA M. BACUS, husband
and wife, known to me to be the persons whose names are subscribed to the within instru-
ment, and acknowledged to me that they executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public for the State of Idaho,
Residing at Council, Idaho

Recorded at the request of Elmer Bacus at 05 minutes past 10 o'clock A. M. on
the 15th day of June, 1957.

Anna Mink Schwartz, Recorder
By Claire A. Perkins, Deputy

Fee \$1.50

C.P. 2474.3.

W. E. Talboy and wife
Ruby E. Talboy and Aaron
Michael and Elva Vanderbilt
Michael, his wife, Jeff
Yarborough and Elva Yarborough,
his wife,

MORTGAGE

Dated Oct. 1st, 1925
Recorded Oct. 29th, 1925
Book 10 of Mortgages
Page 526-7-8
Consideration \$4,000.00

to

Harry Townley

Grant, Bargain, Sell, Convey and Confirm

The following described real estate, in the County of Adams, and
State of Idaho, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15. S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 22, Twp
17 N. R. 2 W. E. M., excepting a strip of land in said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Sec. 22, said Township and Range lying South of a line drawn 57 rods
North of the South boundary of said subdivision and parallel to same,
and west of a line drawn 31 rods west of eastern boundary of said
subdivision and parallel to the same and intersecting the East and west
line first drawn heretofore deed to Rasmus Hanson by virtue of an
order of Receiver of U. S. Land Office at Boise, Idaho, dated 22nd
day of June 1895, also all that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$
of Sec. 15 and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 14 all in Township 17 N. R. 2 West
E. M., lying and being South of County road leading from Council to
the Seven Devils excepting from this the following tract of land:
Beginning at a point 798 feet North of the $\frac{1}{4}$ Section corner on the
boundary line between Sections 14 and 23, said Twp. and range which
point is the center of Hornet Creek on said line, thence North a-
long said boundary line 684 feet to center of wagon road leading up
Hornet Creek from Council to the Seven Devils, thence along center
of said road to a point in said road where it intersects the bound-
ary line between NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15 said Twp. and
Range, thence South along said boundary line also between the SE $\frac{1}{4}$ SE $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 15, 585 feet to center of Hornet Creek, thence
down center of said Creek to the point and place of beginning, con-
taining 101 acres more or less.

Together with all water and water rights thereunto belonging or in
any wise appertaining, including all ditch rights.

Together with all and singular the privileges, tenements, heredita-
ments and appurtenances, water, water rights, ditches, laterals,
rights-of-way, franchises and appropriations thereunto belonging
or in any wise appertaining.

GIVEN to secure the payment of the following indebtedness, to-wit: A
note of even date herewith for \$4,000.00 signed by the mortgagors,
payable to the mortgagee, due 3 years after date with privilege
granted to mortgagors to pay same five years after date, bearing
6 per cent interest per annum from date until paid, the interest
paying date being Sept. 1, of each year.

67-4136a, 11228

(4-407 a.)

THE UNITED STATES OF AMERICA,

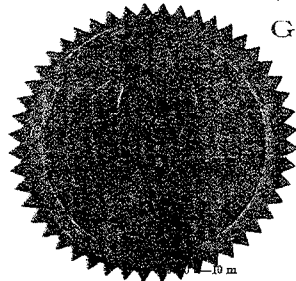
Certificate No. 1558

To all to whom these presents shall come, Greeting:

Whereas Rasmus Hanson, of Washington County, Idaho,
 has deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Boise City, Idaho,
 whereby it appears that full payment has been made by the said Rasmus Hanson according to the
 provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for
the South East quarter of the South West quarter and the South
West quarter of the South East quarter of Section fifteen, and
the North West quarter of the North East quarter of Section twenty
two, in Township seventeen North, of Range two West of Boise Meridian
in Idaho, containing one hundred and twenty acres
 according to the OFFICIAL PLAT of the Survey of the said Lands, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL, which said Tract has been purchased
 by the said Rasmus Hanson

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and
 provided, have given and granted, and by these presents do give and grant, unto the said Rasmus Hanson
 and to his heirs, the said tract above described; To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of
 whatsoever nature, thereunto belonging, unto the said Rasmus Hanson and to his heirs and assigns forever;
 subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water
 rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and
 remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby
 granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Grover Cleveland, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused
 these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.



GIVEN under my hand at the City of Washington, the ninth day of May, in the year of our Lord one thousand eight
 hundred and ninety six, and of the Independence of the United States the one hundred and twentieth

BY THE PRESIDENT:

Grover Cleveland

By

M. McKean, Secretary.L. C. Laune

Recorder of the General Land Office.

Recorded, Vol. 62, Page 44

-4

99108

4

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED, made by RUTH E. BACUS, as Personal Representative of the Estate of MILDRED H. HARRINGTON, deceased, Grantor, to RUTH E. BACUS, a married woman, as her sole and separate property, Grantee, whose current address is: 295 Taylor Street, Eagle, Idaho 83616.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number SP 99-00399 in Adams County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee all interest in the following described real property located in Adams County, Idaho, claimed by the estate:

More particularly described on attached Exhibit "A".

EXECUTED this 4 day of December, 2000.

Ruth E. Bacus
Ruth E. Bacus
Personal Representative of Estate

Instrument # 99108

COUNCIL, ADAMS, IDAHO

2000-12-13

01:43:23 No. of Pages: 4

Recorded for : BURTON & KROLL

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy

Index to DEED

2 99108
4

STATE OF IDAHO)
County of Washington) ss.

On this the _____ day of December, 2000, before me the undersigned, a Notary Public in and for said State, personally appeared RUTH E. BACUS, known to me to be the person whose name is subscribed to the foregoing instrument as the Personal Representative of the Estate of MILDRED H. HARRINGTON, deceased, and acknowledged to me that she executed the same for and on behalf of said estate.

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

Libbe Dawson
Notary Public for said State

Residing at: Wilson, Idaho

Comm. Expires: 12/18/2003

3 99/08
4

EXHIBIT A
ORDER NO. 100-00-540
LOT BOOK NO. H-328419

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 19: SE1/4NW1/4, NE1/4SW1/4, Lot 2, and all that part of the SE1/4SW1/4 lying East of Council-Cuprum Road and a tract of land in Lot 3 more particularly described as follows:

Commencing at the Southeast corner of said Lot 3;

Thence North 149 feet along the East boundary of said Lot 3 to the REAL POINT OF BEGINNING;

Thence Northwesterly to a point on the North line of said Lot 3, 627 feet West of the Northeast corner of said Lot 3;

Thence East 627 feet along the North line of said Lot 3 to the Northeast corner of said Lot 3;

Thence South along the East line of said Lot 3 to the REAL POINT OF BEGINNING.

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 21: E1/2NW1/4, SW1/4NE1/4, NW1/4SE1/4

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 30: All that portion of the NE1/4NW1/4 lying Northeasterly of Council-Cuprum Road right-of-way and Southeasterly of the Ridge Road right-of-way as located and established on April 12, 1969.

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 30: A portion of the NE1/4NW1/4 more particularly described as follows:

Commencing at the Southwest corner of said NE1/4NW1/4;

Thence East 214 feet along the South line of said NE1/4NW1/4 to the REAL POINT OF BEGINNING;

Thence continuing East along the South line of said NE1/4NW1/4 to the Westerly right-of-way line of Council-Cuprum Road as located and established on April 12, 1969;

Thence Northwesterly 379 feet along said Westerly right-of-way line to a point;

Thence Southwesterly to the REAL POINT OF BEGINNING.

CONTINUED

4 99/08
4

ORDER NO. 100-00-540
Lot Book No. H-328419
Exhibit A Continued

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 30: All that part of the North 248 feet of the
SW1/4NE1/4 lying East of Council-Cuprum Road right-of-way as
located and established on April 12, 1969, and all that part of
the NW1/4NE1/4 lying East of the Council-Cuprum Road, and all
that part of the SE1/4NW1/4 lying West of the Council-Cuprum Road.

Township 17 North, Range 2 West, Boise Meridian, Adams County,
Idaho

Section 5: NW1/4SW1/4 and SW1/4NW1/4 EXCEPTING the right-of-way
of Council-Cuprum Road.

Section 6: NW1/4SE1/4, Lot 7, EXCEPTING the right-of-way of
Council-Cuprum Road.

Township 18 North, Range 3 West, Boise Meridian, Adams County,
Idaho

Section 26: S1/2SE1/4

Section 35: N1/2NE1/4

SAVE AND EXCEPTING THEREFROM that portion granted to Adams County,
Idaho, for roadway purposes as shown under Instrument No. 97821,
recorded May 2, 2000.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

August 19, 2005

*Sent 08/19/2005
MVB*

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Snake River Basin Adjudication (SRBA) claims 67-04136B and **67-11228**

Dear Mr. and Mrs. Bacus,

In June, one of our contract field examiners, Melanie Vining, performed a field exam for the above-mentioned claims. At that time, you told her about your interest in claiming on decreed water right 67-00393. She sent notice of your interest to us and we have been reviewing the files.

The original decreed place of use (POU) for 67-00393 overlaps with some of the area you are claiming in SRBA claim 67-11228. The decreed POU for 67-00393 is described as follows:

T17N R02W Sec. 15 SESW
 SWSW
 SESE
T17N R02W Sec. 22 NENE

Because you are claiming a different POU than originally decreed, without evidence of an accomplished change in place of use (see accomplished transfer discussion below), we can only recommend the acres that match both with the decreed POU and the claimed POU. This is less than what you claimed. We can then recommend the claim as a permissible place of use (PPU). A PPU simply means that you will be limited to a certain amount of water and you can move it around on your property. For 67-11228, we would be able to recommend the acreage you claim in sections 15 and 22, for a total of 33 acres at 5/8 of an inch of water to the acre. However, in a given year, you could irrigate any 33 acres within the 58 acres claimed.

Amending 67-11228 also impacts claim 67-04136B. As mentioned above, under 67-11228, you will be limited to 5/8 of an inch to the acre for those 33 acres. Claim 67-4136B can be recommended for the full 58 acres and for a flow sufficient to bring your water up to a full one inch to the acre. At this time, no amendment needs to be made to claim 67-04136B.

If this is acceptable to you, we will need to amend claim 67-11228 to reflect decreed right 67-00393. Making this change would also give you the decreed priority date and we would not have to seek additional evidence of priority. I have included an amended notice of claim for 67-11228 reflecting the changes and the basis as decreed, which I need you to look over, sign and have notarized before sending back to me.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Accomplished transfer:

As you look over the decreed place of use for 67-00393 above, you will notice it covers the south side of the SW quarter of section 15. This is not included as your claimed POU. Your claim covers the south side of the SW quarter of section 14. An accomplished transfer is when the water that was originally decreed for use in one place has been moved (or, transferred) at some point in the past by an owner. If you can show you accomplished a transfer in place of use from S1/2SW section 15 to S1/2SW Section 14, we would be able to recommend 67-11228 for the full 58 acres you are claiming at 5/8 of an inch to the acre. Then we would simply recommend 67-04136B for all the acreage to get you to an inch to the acre. Evidence generally submitted to support an accomplished transfer has taken place is in the form of an affidavit stating that the intent of the historical practice was to do so. However, other forms of evidence can be submitted.

I realize that this is a lot of information all at once. I have included Notices of Claim for 67-04136B and the amended 67-11228. Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosures

Cc: Notice of Claim 67-04136B
Notice of Claim 67-11228

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-11228
Date Received: 11/6/1989
Receipt No: W006636
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

ELMER L BACUS Phone: (208)939-6624

295 N TAYLOR ST

EAGLE ID USA 83616

2. Date of Priority: 08/01/1887

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.06	

7. Total Quantity Appropriated is:
0.66 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	14	SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	5
					Section Acres	25
17N	02W	15	SE	SE	IRRIGATION	15
					Section Acres	15
17N	02W	22	NE	NE	IRRIGATION	18
					Section Acres	18
					Total Acres	58

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER SHOULD BE HORNET CREEK.

33 ACRES ARE ACTUALLY IRRIGATED.

THIS WATER RIGHT IS BASED ON DECREED RIGHT 67-00393 (MUIR V. ALLISON). CLAIMANT IS LIMITED TO 33 ACRES OF IRRIGATION UNLESS AN ACCOMPLISHED CHANGE IN POU IS SUPPORTED SHOWING THAT THE ENTIRE DECREED RIGHT WAS TRANSFERRED TO THE CLAIMED POU PRIORI TO NOVEMBER 19, 1987

15. Basis of Claim: Decreed

Hornet Creek.

A L Freshafer, adm of the estate of Thomas J
Stutuman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shannon and Ed Shannon

Rebecca Wilson

S E Dare and Florence G Dare

Ellis Hartley

O M Gilmer and Frank Peck

Dale Donnelly

Henry E Warner and Earl Walston

B M Holt

J E Lawrence and Clark Adams

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keys

W J Wilson

Frank Peck

P H Miller

Hornet Creek. (Con)

Preston G Anderson (D K Lindsay is his guardian)

Lydia Brauer, Otto Brauer and Dorothy Lakey

J J Shaw and D B Whitehead

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Corriell Ditch.

Leander Lindsay

E H Richardson

Annie Carson

J W Fraiser

Willette L. Fraiser, sub for J W Fraiser

Chris Behnen

John Hutchinson

J A Lemons

38 1/2

22

40

32

25

62 1/2

56 1/2

16

47

12 1/2

37 1/2

50

37 1/2

62 1/2

40

30

56 1/2

25

50

35 1/2

12

16

47

10

38 1/2

25

15

28

9 1/2

31 1/2

10

1250

1250

17

29

35

31

42

8

30

30

May 1, 1880 67 0377

June 1, 1886 67 0378

June 1, 1886 67 0379

June 1, 1886 67 0380

June 1, 1886 67 0381

May 30, 1886 67 0382

June 30, 1886 67 0383

May 1, 1885 67 0384

May 30, 1886 67 0385 1/2 384

Dec 31, 1899 67 0386 1/2 384

May 1, 1884 67 0387

May 1, 1884 67 0388

June 1, 1886 67 0389

April 1, 1886 67 0390

May 1, 1900 67 0391

April 1, 1905 67 0392

Aug 31, 1887 67 0393

June 1, 1888 67 0394

Dec 1, 1888 67 0395

Dec 31, 1889 67 0396

Dec 31, 1891 67 0397

Dec 31, 1891 67 0398

June 1, 1893 67 0399

June 30, 1895 67 0400

April 2, 1895 67 0401

April 30, 1895 67 0402

May 1, 1898 67 0403

Dec 31, 1899 67 0404 1/2 384

Dec. 31, 1899 67 0405 1/2 384

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408 1/2 384

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412 1/2 384

June 1, 1895 67 0413

June 1, 1895 67 0414

June 1, 1895 67 0415

May 1, 1897 67 0416

June 1, 1900 67 0417

JUL 24 1896

B M HOLT: The North half of the Northeast Quarter and the West half of the Southwest Quarter of Section 32 and the South half of the Southeast Quarter of Section 31, all in Township 17 North, Range 1 West Boise Meridian; the West half of the Northwest Quarter, Section 5, and the North half, and the North half of the Southeast Quarter of Section 6, all in Township 16 North, Range 1 West Boise Meridian, and the East half of the Northeast Quarter, Section 1, Township 16 North, Range 2 West Boise Meridian.

J E LAWRENCE AND CLARK ADAMS: The South half of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Section 15, and twenty acres off the east side of the Northeast Quarter of the Northeast Quarter of Section 30, Township 17 North, Range 2 West Boise Meridian.

J A DARLAND: The East half of the Northwest Quarter and the West half of the Northeast Quarter of Section 16, in Township 17 North, Range 2 West Boise Meridian.

REBECCA WILSON: The East half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter Section 9 Township 17 North, Range 2 West Boise Meridian.

A KAMPETER: The South half of the Southeast Quarter of Section 5, the Southwest Quarter of the Southwest Quarter Section 4, and the Northwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

WILLIAM HANSON: The Northeast Quarter of the Northeast Quarter, Section 5, and the Northwest Quarter of the Northwest Quarter, Section 4, Township 17 North, Range 2 West Boise Meridian.

MATTIE M KEYS: The West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter, Section 15, Township 17 North, Range 2 West Boise Meridian.

W J WILSON: The North half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter, Section 23, and the Southeast Quarter of the Northeast Quarter, Section 22, Township 17 North, Range 2 West Boise Meridian.

FRANK PECK: The Southeast Quarter of the Northwest Quarter Section 5, Township 17 North, Range 2 West Boise Meridian.

P H MILLER: The Southeast Quarter of the Southwest Quarter, Section 4, the east half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

PRESTON G ANDERSON: The South half of the Northeast Quarter, the East half of the Southeast Quarter, Section 9, Township 16 North, Range 1 West Boise Meridian.

LYDIE BRAUER, OTTO BRAUER AND DOROTHY LAKKEY: The West half of the Northeast Quarter of Section 23, and the South half of the Southeast Quarter of Section 14, Township 17 North, Range 2 West Boise Meridian.

J J SHAW AND D S WHITEHEAD: Lots 1, 2, 3, 4, 5 and 6 the Southeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Northeast Quarter of Section 21, Township 17 North, Range 2 West Boise Meridian.

LEANDER LINDSEY: The Southeast Quarter, Section 22, Township 14 North, Range 1 West Boise Meridian.

E H RICHARDSON: Lot 2, the South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 1, Township 13 North, Range 1 West Boise Meridian.

JUL 24 1936

HORNET CREEK

J. J. Shaw and D. S. Whitehead	314 10	May 1. 1900 " " 1901
Ellis Hartley	47 124	" 30. 1883 Dec 31. 1899
Rebecca Wilson	624	May 30. 1883
C. M. Gilmer and Frank Peck	374	" 1. 1884
Henry A. Warner and Earl Walston	374	June 1. 1886
J. E. Lawrence and Clark Adams	564	Aug 31. 1887
J. A. Darland	25	June 1. 1888
Rebecca Wilson substituted for Walter Wilson	50	Dec 1. 1888
A. Kampeter	354	" 31. 1889
W. J. Wilson	47	June 1. 1893
Frank Peck	10	" 30. 1895
Lydia Brauer, Otto Brauer and Dorothy Lakey	28 94	Dec 31. 1899
William Hanson	12	" " 1891
Mattie M. Keys	16	" " "
Frank Richardson	22	June 1. 1881
Mark C. Fuller sub. for C. H. Davis	40	" " "
A. J. Duffus	32	" " "
Preston G. Anderson (D. K. Lindsay is his Guardian)	25	May 1. 1898
A. L. Freehafer, administrator of the estate of Thomas J. Stuttsman	384	" " 1880
P. H. Miller	384 25	Apr 2. 1895 " 30. 1895
B. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	90	May 1. 1884
S. E. Bare and Florence B. Bare	564 16	June 30. 1883 May 1. 1885
E. E. Shannon and Ed Shannon	25	June 1. 1881
Hornet Creek Water Storage Association	1250 1250	July 6. 1909 May 28. 1909
Robert Harrington		

JUL 24 1906

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-11228
Date Received: 11/6/1989
Receipt No: W006636
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

ELMER L BACUS Phone: (208)939-6624

295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 08/31/1887

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.13	

7. Total Quantity Appropriated is:
1.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Lori;
We need to scan
this as "Amended Claim"
Despite it being attached
to a motion to Amend.
Thanks,
Craig
2-20-08

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	14	SE	SW	IRRIGATION	8.9
			SW	SW	IRRIGATION	25
			Section Acres		33.9	
17N	02W	15	SE	SE	IRRIGATION	23
			Section Acres		23	
			17N	02W	22	NE
Section Acres		15				
Total Acres		71.9				

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER SHOULD BE HORNET CREEK.

33 ACRES ARE ACTUALLY IRRIGATED

This water right is based on decreed right 67-00393 (Muir v. Allison).

Claimant is limited to 33 acres of irrigation unless an accomplished change in POU is supported showing that the entire decreed right was transferred to the claimed POU prior to November 19, 1987.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elmer J. Bacus Date: 1-14-08

_____ Date: _____

State of Idaho _____)
County of Ada) SS.

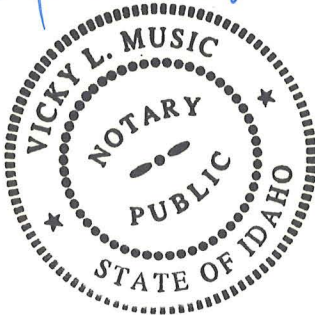
Subscribed and sworn (or affirmed) before me this
of 1/14 2008

Wendy Wallace

Notary Public

Residing at Bowl, ID

My commission Expires 1-27-2012



Craig - Motion not needed but here
is Elmer's amended claim attached.

Vicky Musc

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

FEB 15 2008

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Subcase

67-11228

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Elmer F. Basas

My address is 295 N Taylor St Eagle Lake 89616

My phone number is: Work _____ Home 208-939-6224

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.



☒ I must amend my Notice of Claim to the use of water in the SRBA because:

most water floodwater systems are 2hr combined.
I need to use all on total hours 76.8 hours



I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

N/A



VERIFICATION (Must be completed)

State of Idaho

County of Ada

Elmer Barlis, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Elmer Z Barlis
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 1/14/08.
(Insert Date)

Wayne L. Smith
Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 1-27-2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Elmer Z Bower

Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-11228
Date Received: 11/6/1989
Receipt No: W006636
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

ELMER L BACUS Phone: (208)939-6624

295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 08/31/1887

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.13	

7. Total Quantity Appropriated is:
1.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	14	SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	5
					Section Acres	25
17N	02W	15	SE	SE	IRRIGATION	15
					Section Acres	15
17N	02W	22	NE	NE	IRRIGATION	18
					Section Acres	18
					Total Acres	58

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER SHOULD BE HORNET CREEK.

33 ACRES ARE ACTUALLY IRRIGATED

This water right is based on decreed right 67-00393 (Muir v. Allison).

Claimant is limited to 33 acres of irrigation unless an accomplished change in POU is supported showing that the entire decreed right was transferred to the claimed POU prior to November 19, 1987.

15. Basis of Claim: Decreed

16. Signature(s)

Memorandum

Date: June 27, 2006

To: File 67-11228

From: Craig L. Saxton

Subject: Amend claimed diversion rate for 67-11228

67-11228 was amended to claim decreed right 67-393. IDWR prepared the claim for the claimant and prepared the claim in error by listing the diversion rate as 1.06 cfs rather than the decreed amount of 1.13 cfs. The letter sent to the claimant stated that the amendment was to claim decreed right 67-393. Water master records show delivery of 1.13 cfs to the claimant in full and there are no other competing claims or evidence of why the claimant would claim less than the decreed diversion rate. Since the claimed diversion rate appears to be an error by IDWR, I am changing the claimed diversion rate to the decreed amount of 1.13 cfs without soliciting a second amended claim.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-11228
Date Received: 11/6/1989
Receipt No: W006636
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

ELMER L BACUS Phone: (208)939-6624

295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 08/01/1887

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.06	

7. Total Quantity Appropriated is:
0.66 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	14	SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	5
					Section Acres	25
17N	02W	15	SE	SE	IRRIGATION	15
					Section Acres	15
17N	02W	22	NE	NE	IRRIGATION	18
					Section Acres	18
					Total Acres	58

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER SHOULD BE HORNET CREEK.

33 ACRES ARE ACTUALLY IRRIGATED.

THIS WATER RIGHT IS BASED ON DECREEED RIGHT 67-00393 (MUIR V. ALLISON). CLAIMANT IS LIMITED TO 33 ACRES OF IRRIGATION UNLESS AN ACCOMPLISHED CHANGE IN POU IS SUPPORTED SHOWING THAT THE ENTIRE DECREEED RIGHT WAS TRANSFERRED TO THE CLAIMED POU PRIORI TO NOVEMBER 19, 1987

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elmer I Bowers Date: 8-30-05

_____ Date:

State of Idaho)
County of ADA) SS.

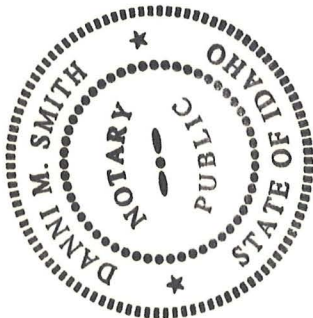
Subscribed and sworn (or affirmed) before me this
of Aug 30 2005

Danni M Smith

Notary Public

Residing at BOISE ID

My commission Expires 12/05/2006



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-11228
Date Received: 11/06/1989
Receipt No: W006636
Received By: Rdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER L. BACUS 208-939-6224
Address: TAYLOR ST.
RT. 3
EAGLE, ID 83616

OR

Name: RUTH E. BACUS 208-939-6224
Address: TAYLOR ST.
RT. 3
EAGLE, ID 83616

2. Date of Priority: MAR 01, 1963

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	02W	15	NW	SW			ADAMS

5. Description of diverting works:
DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.660		

7. Total Quantity Appropriated is:
0.660 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-11228

Page 1

Date: 11/06/89

SCANNED
APR 09 2004

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	02W	14	SW	SW		IRR	9.0
			SE	SW		IRR	6.0
					Section Acres		15.0
		15	SE	SE		IRR	18.0
					Section Acres		18.0
					Total Acres		33.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A67-04136B

14. Remarks:
OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER
SHOULD BE HORNET CREEK.
33 ACRES ARE ACTUALLY IRRIGATED

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elmer L. Basor. Date: 11-6-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of Nov 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 67-04511 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BACUS ELMER L. 1 - RT. 3
2 - TAYLOR ST.
3 -
City- EAGLE State- ID Zip- 83616
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/01/1963 14 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

Twn	Rng	Sec	Tract	Lot	RFlg	County
17N	02W	14	SW SW		(3)	ADAMS
17N	02W	15	SE SE		(3)	ADAMS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/31 0.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.500

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
17N	02W	14	SW SW		20.0	01	IRRIGATION	(3) ADAMS
17N	02W	14	SE SW		10.0	01	IRRIGATION	(3) ADAMS

Total Acres: 30.0

+ - - Diversion Means - DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

MICROFILMED
OCT 05 1992

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/17/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED

OCT 05 1992

Dec 71, 1964

Ag 7-112208

33 Acres

PI D 515



MICROFILMED

OCT 15 1992