

05/20/2008

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

RIGHT NUMBER: 67-14918
NAME AND ADDRESS: ELMER L BACUS
295 N TAYLOR ST
EAGLE ID 83616

SOURCE: UNNAMED STREAM
WASTE WATER
TRIBUTARY: HANSON CREEK
TRIBUTARY: UNNAMED STREAM

QUANTITY: 1.440 CFS

The rights listed below are limited to a total combined diversion rate of 1.44 cfs. Combined Right Nos.: 67-4136B, 67-11228, & 67-14918

PRIORITY DATE: 03/15/1939

POINT OF DIVERSION:

T17N R02W S15 SESE Within ADAMS County

T17N R02W S15 SESE 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	1.440 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, & 67-14918

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 - Beneficial Use



Idaho Department of Water Resources

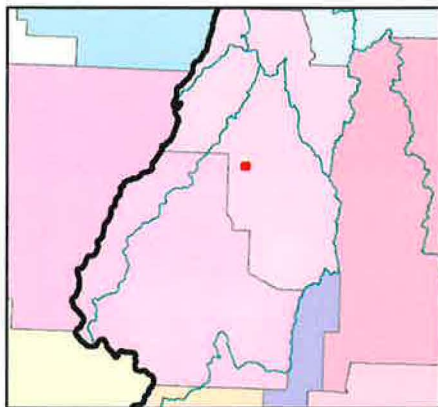
SRBA Recommendation

67-14918

(IRRIGATION)

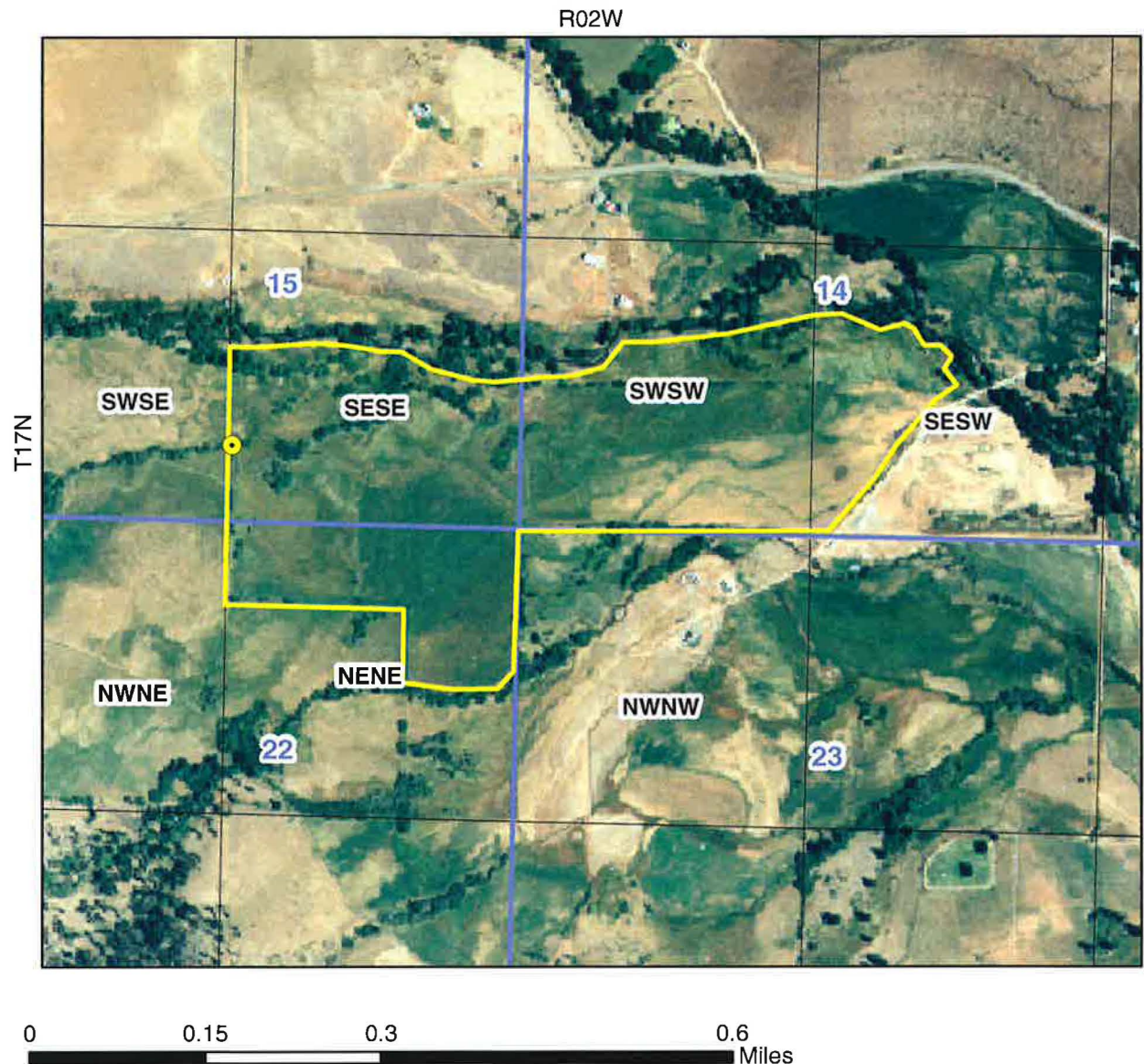
Legend

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



Adams County
IDWR Basin 67

Prepared by Craig Saxton
On Tuesday, May 20, 2008
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14918 V1

WATER RIGHT NUMBER: 67-14918 V1

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

Priority Date: 03/15/1939
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM WASTE WATER	HANSON CREEK UNNAMED STREAM

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.440 CFS	
	<u>Total Diversion:</u>	1.440 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SE1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS County		
WASTE WATER	SE1/4SE1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
17N	02W	14	25.0	8.9			33.9
17N	02W	15				23.0	23.0
17N	02W	22	15.0				15.0

Total Acres: 71.9

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 67-14918 V1

2. E52 The rights listed below are limited to a total combined diversion rate of 1.44 cfs. Combined Right Nos.: 67-4136B, 67-11228, & 67-14918
3. 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, & 67-14918

Remarks:Comments:

1. csaxton 5/20/2008 Review Summary

Comment: This right is a claim for natural and waste water that gets captured in the claimants ditch and is then co-mingled with his hornet creek water. There is not a way to measure how much water enters the ditch at any one time. We know that the ditch has the capacity to care the decreed water under 67-11228 and flood water right 67-4136B so I am recommending 67-14918 at one inch per acre but limiting use of this right and 67-11228 and 67-4136B to one inch per acre. The POD is where the ditch carrying the captured water crosses onto the claimants property.

2. csaxton 5/20/2008 Limiting Remarks for Other rights

Comment: The remarks limiting use of all three rights to 71.9 acres and 1.44 cfs should be added to 67-4136B and 67-11228.

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:
 Owner Name Connector:
 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>
Priority Date	5/20/2008 2:27:52 PM	csaxton			Active
POD	5/20/2008 2:40:36 PM	csaxton			Active
Source	5/20/2008 2:41:13 PM	csaxton			Active
POU	5/20/2008 2:42:03 PM	csaxton			Active
Use	5/20/2008 2:57:07 PM	csaxton			Active
Season	5/20/2008 2:57:43 PM	csaxton			Active
Quantity	5/20/2008 2:58:15 PM	csaxton			Active
Summary			05/20/2008	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14918 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/20/2008 2:27:53 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Claimant has first hand knowledge back to 1939. Recommended priority date as first day of the irr season of use in 1939.
POD	5/20/2008 2:40:37 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
Source	5/20/2008 2:41:14 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - In house meeting with claimant to confirm source and POD location.
POU	5/20/2008 2:42:04 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (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 13 - in house meeting with claimant to verify POU. This POU overlaps with rights 67-4136B and 67-11228.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14918 V1

Use	5/20/2008 2:57:07 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - In house meeting with claimant.
Season	5/20/2008 2:57:43 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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	5/20/2008 2:58:15 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - See notes in quicklook.
Summary	5/20/2008 3:03:18 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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	5/20/2008 2:37:13 PM	csaxton	Updated Shape
POD	5/20/2008 2:37:43 PM	csaxton	Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14918 V1

POU

5/20/2008 3:05:40 PM

csaxton

Updated Shape

Water Supply Bank:

IMS
Claim No(s). 67-14918

Claim No(s). 67-14110

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 13, 2008

ELMER L BACUS
295 N TAYLOR ST
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #67-14918

Dear Mr. Bacus:

The Notice of Claim to a Water Right you filed was received from the SRBA Court recently. I have enclosed receipt #C086657 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resources Agent
Adjudication Bureau

MVB:ss:state

Enclosure:

Receipt Referenced Above

SCANNED

MAY 13 2008

Elmer SACUS

↓
Box 112
Council, ID 83612

566-0020

ADD POOL @

17N 02W S15

NWSESE

67-11228

67-4136B

NOT CLAIMED
in SRBA ⇒ 67-4511 (LW)

1. LATE CLAIM
- 4511 (LW)

- WASTEWATER
BEACON

2. xfer-pool

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 67-14918
Date Received: 10/23/2007
Receipt No: C086657
Received By:

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

1. Name of Claimant(s)

ELMER L BACUS Phone: (208) 939-6624
295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 03/01/1939

3. Source: UNNAMED STREAM , WASTE WATER Trib. to: HANSON CREEK , UNNAMED STREAM

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.44	

7. Total Quantity Appropriated is:
1.44 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	25
			SE SW	IRRIGATION	8.9

					Section Acres	33.9
17N	02W	15	SE	SE	IRRIGATION	23
					Section Acres	23
17N	02W	22	NE	NE	IRRIGATION	15
					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:

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, & 67-14918

The rights listed below are limited to a total combined diversion rate of 1.44 cfs.
Combined Right Nos.: 67-4136B, 67-11228, & 67-14918

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 _____ 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): Chris Z Bucos Date: 1-14-08

Date: _____

State of Idaho _____)
County of Ada) SS.

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



Vicki M. Smith
Notary Public
Residing at Boise, ID
My commission Expires 1-21-2012

RECEIVED

APR 17 2008

DEPARTMENT OF
WATER RESOURCES

CT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 16 2008

By _____

Clerk _____

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

In Re SRBA

Subcase: 67-14918

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On February 14, 2008, Elmer Bacus filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated April 16, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 16, 2008, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ELMER L BACUS
295 N TAYLOR ST
EAGLE, ID 83616
Phone: 208-939-6624

ORDER

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FILE COPY FOR 00525

Deputy Clerk

Julie Murphy
SCANNED

APR 21 2008