

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78369

This is to certify that: GARRY MARCUS
3319 S KIMBALL
CALDWELL, ID 83605

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
67-14692	WR/DECREED	5/10/1918	0.220 cfs	N/A	N/A	30.0	RUSH CREEK
67-287	WR/DECREED	5/1/1895	0.380 cfs	N/A	N/A	30.0	RUSH CREEK

Purpose of Transfer (Changes Proposed)

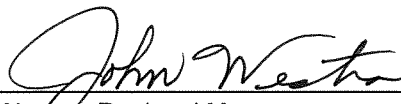
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-14692	YES	NO	YES	NO	NO	NO
67-287	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
67-14692	67-15086	0.170 cfs	N/A	22.5	80.0	67-14692	0.050 cfs	N/A	N/A	7.5
67-287	67-15085	0.280 cfs	N/A	22.5	80.0	67-287	0.100 cfs	N/A	N/A	7.5
COMBINED TOTALS		0.450 cfs	N/A	22.5	80.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of July, 2013.


Western Regional Manager

SUPPORT DATA
IN FILE # 67-287

Transfer No. 78369

WATER RIGHT NO. 67-287

As Modified by Transfer No. 78369

In accordance with the approval of Transfer No. 78369, Water Right No. 67-287 is now described as follows:

Right Holder: BRETT NEWBOLD
3488 WARD RD
CAMBRIDGE, ID 83610

Priority Date: 5/1/1895

Source: RUSH CREEK

Tributary: WEISER RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 10/31

Diversion Rate
0.100 cfs
0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

RUSH CREEK NWSWNE Sec 3 Twp 15N Rge 03W WASHINGTON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	10	7.5																7.5
15N	03W	10																	

POU Total Acres: 7.5

CONDITIONS OF APPROVAL

1. 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. Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 7.5 acres in a single irrigation season.

Transfer No. 78369

WATER RIGHT NO. 67-15085

As Modified by Transfer No. 78369

In accordance with the approval of Transfer No. 78369, Water Right No. 67-15085 is now described as follows:

Right Holder: GARRY MARCUS AND
CHARLES MARCUS
3319 S KIMBALL
CALDWELL, ID 83605

Priority Date: 5/1/1895

Source: RUSH CREEK

Tributary: WEISER RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 10/31

Diversion Rate
0.280 cfs
0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

RUSH CREEK NWSWNE Sec 3 Twp 15N Rge 03W WASHINGTON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	3														20.0	40.0	20.0	80.0

Right Acre Limit: 22.5
POU Total Acres: 80.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 22.5 acres within the authorized place of use in a single irrigation season.
5. Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 22.5 acres in a single irrigation season.

Transfer No. 78369

WATER RIGHT NO. 67-15085
As Modified by Transfer No. 78369

CONDITIONS OF APPROVAL

6. 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 place of use.
7. 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. 67.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 67-14692

As Modified by Transfer No. 78369

In accordance with the approval of Transfer No. 78369, Water Right No. 67-14692 is now described as follows:

Right Holder: BRETT NEWBOLD
3488 WARD RD
CAMBRIDGE, ID 83610

Priority Date: 5/10/1918

Source: RUSH CREEK

Tributary: WEISER RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 10/31

Diversion Rate

0.050 cfs

0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

RUSH CREEK

NWSWNE

Sec 3 Twp 15N Rge 03W WASHINGTON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	10	7.5																7.5

POU Total Acres: 7.5

CONDITIONS OF APPROVAL

1. 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. Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 7.5 acres in a single irrigation season.

Transfer No. 78369

WATER RIGHT NO. 67-15086
As Modified by Transfer No. 78369

In accordance with the approval of Transfer No. 78369, Water Right No. 67-15086 is now described as follows:

Right Holder: GARRY MARCUS AND
CHARLES MARCUS
3319 S KIMBALL
CALDWELL, ID 83605

Priority Date: 5/10/1918

Source: RUSH CREEK

Tributary: WEISER RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 10/31

Diversion Rate
0.170 cfs
0.170 cfs

LOCATION OF POINT(S) OF DIVERSION

RUSH CREEK NWSWNE Sec 3 Twp 15N Rge 03W WASHINGTON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	3														20.0	40.0	20.0	80.0

Right Acre Limit: 22.5

POU Total Acres: 80.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 22.5 acres within the authorized place of use in a single irrigation season.
5. Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 22.5 acres in a single irrigation season.

Transfer No. 78369

WATER RIGHT NO. 67-15086
As Modified by Transfer No. 78369

CONDITIONS OF APPROVAL

6. 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 place of use.
7. 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. 67.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.