

RECEIVED

JAN 27 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77040WATER RESOURCES
WESTERN REGION

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is **attached (Yes)** or **not applicable (N/A)** for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

AMENDED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77040

JAN 27 2011

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) Don Becker Phone 208 845 2972Mailing address 31237 Hot Creek Rd Bureau Id. 83604 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Don Becker
Signature of Applicant or Authorized Representative

Don Becker
Print Name and Title if applicable

1-26-11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. Transfer from circle corner to another circle

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DB. 3-9-11

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	51-2209		Irrigation	3-15 to 11-15	Id. Water
☐ ☒	51-2210		Irrigation	3-15 to 11-15	Id. Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6,400 cfs and/or 1222 ac-ft

2. Total amount of water proposed to be transferred or changed .10 cubic feet per second and/or 20 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	5E	1			38	39					37		34	40	39	39	39	39	344
		12	35	40	40	40													155
7S	6E	6						44	45			46							46
		7						5	36			5							40
									12	40									

Total Acres (for irrigation use) 585

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

*Water flowing through pivot system
at 250 G.P.M.*

- b. Who owns the property at the point(s) of diversion?

Don and Marilyn Becho

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? *no*
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Will use for dry stack yd.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

*Water Right 51-2210 at rate 5.642 with
annual vol. 1092*

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐
☐
☐
☐

☒
☒
☒
☒

- undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2209

WATER RIGHT NUMBER: 51-2209

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	IRVIN E GLINESKI JR 29781 STATE HWY 51 BRUNEAU, ID 83604-5083 (208)845-2837
Previous Owner	JAMES F BLACK PO BOX 217 BRUNEAU, ID 83604 (208)845-2122
Original Owner	WANDA JEAN HISAW 1635 SCHODDE AVE BURLEY, ID 83318
Current Owner	DON D BECKER 31237 HOT CREEK RD BRUNEAU, ID 83604 (208) 845-2972
Current Owner	MARILYN BECKER 31237 HOT CREEK RD BRUNEAU, ID 83604 (208) 845-2972

Priority Date: 03/25/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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	6.400 CFS	1,272.00 AF
	<u>Total Diversion:</u>	6.400 CFS	1,272.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW 1/4NE1/4SE1/4	Sec. 1,	Twp 07S,	Rge 05E, B.M.
OWYHEE County				
GROUND WATER	SW 1/4SE1/4SE1/4	Sec. 1,	Twp 07S,	Rge 05E, B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T07S R05E S01	SWNE	38.0	T07S R05E S01	SENE	39.0
T07S R05E S01	NESW	37.0	T07S R05E S01	SWSW	34.0
T07S R05E S01	SESW	40.0	T07S R05E S01	NESE	39.0
T07S R05E S01	NWSE	39.0	T07S R05E S01	SWSE	39.0
T07S R05E S01	SESE	39.0	T07S R05E S12	NENE	40.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2209

T07S R05E S12	NWNE	40.0	T07S R05E S12	SWNE	40.0
T07S R05E S12	SENE	40.0	T07S R06E S06 Lot 5	SWNW	36.0
T07S R06E S06 Lot 6	NWSW	5.0	T07S R06E S07 Lot 2	SWNW	40.0

Total Acres: 585

Conditions of Approval:

1. RIGHT NO. 51-02210 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO. 51-02210 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.07 CFS AND TO A TOTAL COMBINED DIVERSION VOLUME OF 2364 AF.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 318 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 51-02210 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 585 ACRES IN A SINGLE IRRIGATION SEASON.
5. 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.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Comments:

1. WERNER 2/25/1994 COPIED FROM REMARKS
Comment: THE POINT OF DIVERSION FOR THE WELL TO THE SOUTH WAS INCORRECT, IT HAS BEEN CORRECTED TO THE SE1/4 OF SW1/4 OF SE1/4 OF SEC. 1 FROM THE NE1/4 OF NE1/4 OF SEC. 12. ACREAGE WAS DECREASED TO ACTUAL ACRES AVAILABLE FOR IRRIGATION.
2. AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2209

Dates and Other Information:

Licensed Date:
Decreed Date: 12/1/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.07	2364	585

Combined Water Rights: 51-2209 , 51-2210

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2210

WATER RIGHT NUMBER: 51-2210

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAEL C HISAW 1635 SCHODDE AVE BURLEY, ID 83318
Original Owner	GRACE A GLINESKI , ID
Previous Owner	JAMES F BLACK PO BOX 217 BRUNEAU, ID 83604 (208)845-2122
Current Owner	DON D BECKER 31237 HOT CREEK RD BRUNEAU, ID 83604 (208) 845-2972
Current Owner	MARILYN BECKER 31237 HOT CREEK RD BRUNEAU, ID 83604 (208) 845-2972

Priority Date: 03/25/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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	5.640 CFS	
	<u>Total Diversion:</u>	5.640 CFS	1,092.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW 1/4NE1/4SE1/4	Sec. 1,	Twp 07S,	Rge 05E, B.M.
OWYHEE County				
GROUND WATER	SW 1/4SE1/4SE1/4	Sec. 1,	Twp 07S,	Rge 05E, B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T07S R05E S01	SWNE	38.0	T07S R05E S01	SENE	39.0
T07S R05E S01	NESW	37.0	T07S R05E S01	SWSW	34.0
T07S R05E S01	SESW	40.0	T07S R05E S01	NESE	39.0
T07S R05E S01	NWSE	39.0	T07S R05E S01	SWSE	39.0
T07S R05E S01	SESE	39.0	T07S R05E S12	NENE	40.0
T07S R05E S12	NWNE	40.0	T07S R05E S12	SWNE	40.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2210

T07S R05E S12 SENE 40.0 T07S R06E S06 Lot 5 SWNW 36.0

T07S R06E S06 Lot 6 NWSW 5.0 T07S R06E S07 Lot 2 SWNW 40.0

Total Acres: 585

Conditions of Approval:

1. RIGHT NO. 51-02209 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. USE OF THIS RIGHT WITH RIGHT NO. 51-02209 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.07 CFS AND TO A TOTAL COMBINED DIVERSION VOLUME OF 2364 AF.
5. 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.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 267 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 51-02209 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 585 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

1. MSCHULTE 1/28/1997 COPIED FROM REMARKS
Comment: NOT TO EXCEED 8.07 CFS W/ALL OTHER RTS. | THE ACRES WERE DECREASED TO MATCH THE ACTUAL ACRES AVAILABLE FOR IRRIGATION. | THE POINT OF DIVERSION FOR THE WELL TO THE SOUTH, WAS CORRECTED TO SW 1/4 OF SE 1/4 OF SE 1/4 OF SECT. 1 FROM NE 1/4 OF NE 1/4 OF SECT. 12.
2. AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2210

Dates and Other Information:

Licensed Date:
Decreed Date: 12/1/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.07	2364	585

Combined Water Rights: 51-2209 , 51-2210

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 51-2209

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 5

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

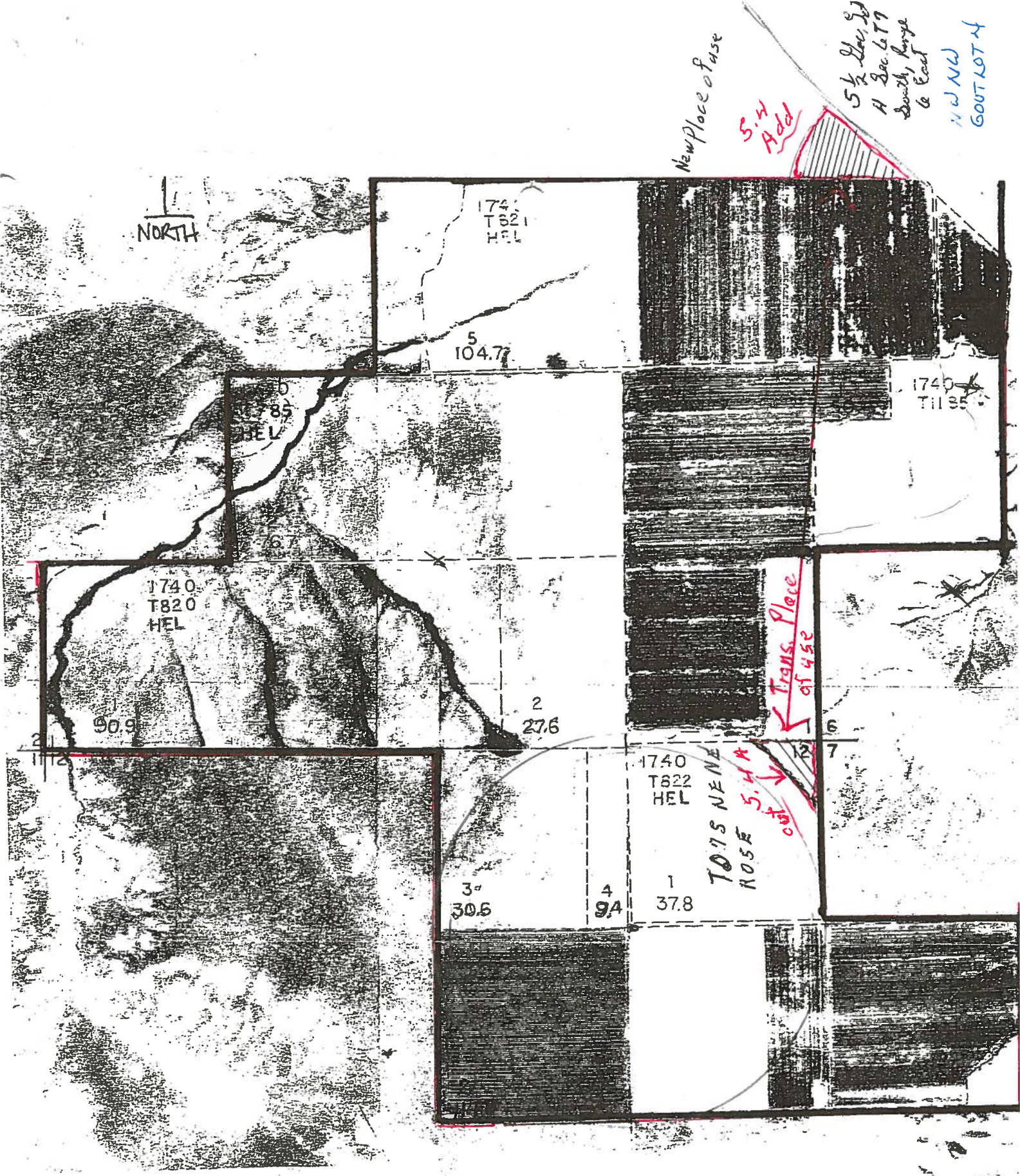
11

Transfer contains 2 pages and 2 attachments.

Received by Q Date 1-27-11 Prelim. Check by VLM Date 3/1/11

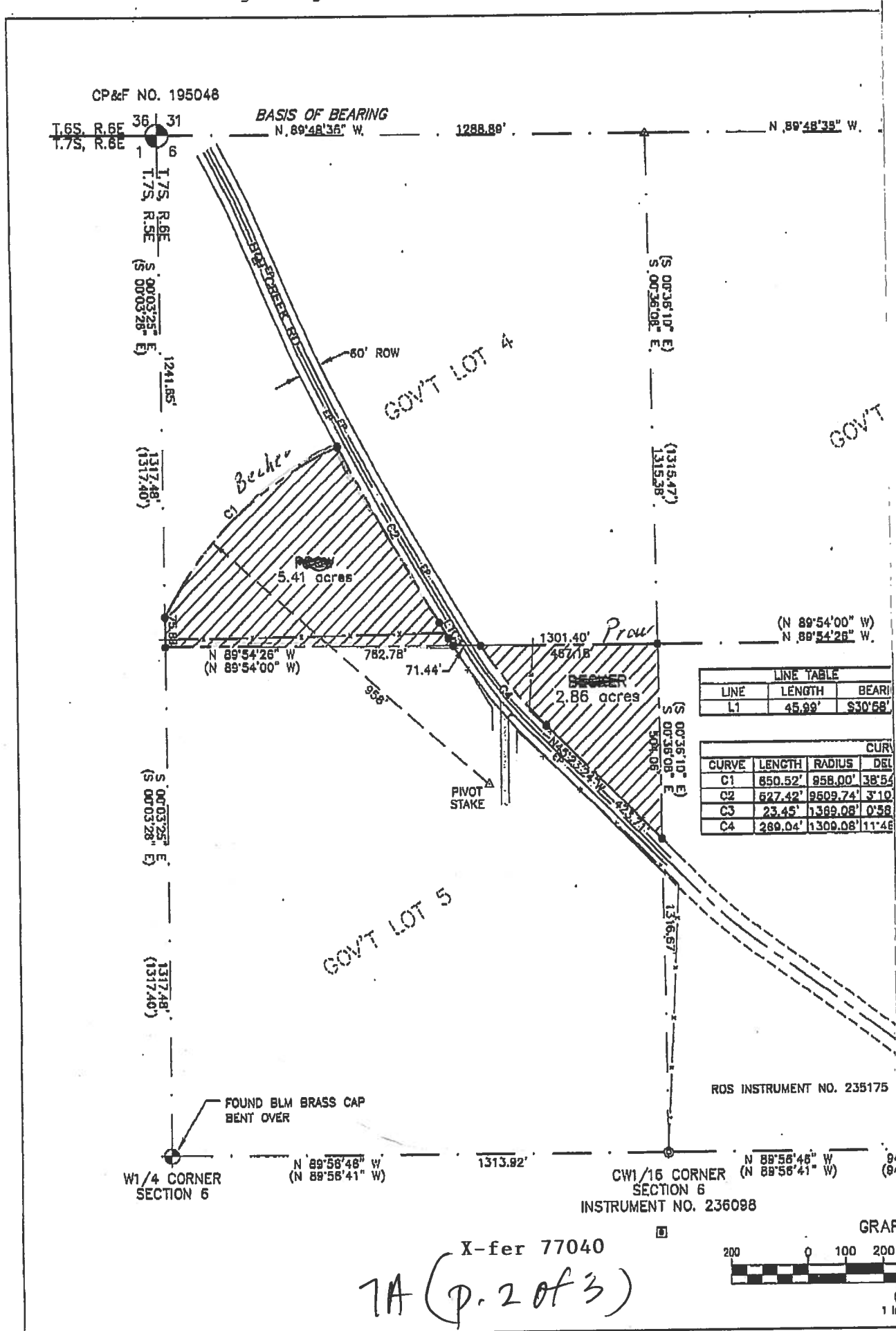
Fee Paid 100.00 Date 1-27-11 Received by Omaha Receipt # W038960

Add'l Fee Paid	Date	Received by	Receipt #
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Attachment 7A (p. 1 of 3)

X-fer 77040



PROPERTY DESCRIPTION
FOR
Prow to Becker

A parcel of land lying in the S1/2 of Gov't Lot 4 of Section 6, Township 7 South, Range 6 East, Boise Meridian, Owyhee County, Idaho, said parcel being more particularly described as follows:

Commencing at a 5/8 inch rebar marking the CW1/16 corner of said Section 6, also being the SE Corner of said Gov't Lot 5; thence N 0°36'08" W 1316.67 feet along the East line of said Gov't Lot 5 to the SE Corner of Gov't Lot 4 to a 1/2 inch rebar, thence N 89°54'26" W 538.62 feet along the South line of said Gov't Lot 4 to the westerly right-of-way of Hot Creek Road to a 1/2 inch rebar, said rebar being the POINT OF BEGINNING;

Thence continuing along said South line of Gov't Lot 4 N 89°54'26" W 762.78 feet to the SW Corner of said Gov't Lot 4 to a 1/2 inch rebar;

Thence N 0°03'25" W 75.83 feet along the West line of said Gov't Lot 4 and said Section 6 to a 1/2 inch rebar marking a point of curve to the right;

Thence along said curve to the right, a distance of 650.52 feet, said curve having a delta of 38°54'22", a radius of 958.00 feet, tangents of 338.36 feet, and a long chord of 638.09 feet that bears N 46°31'53" E to said westerly right-of-way of Hot Creek Road to a 1/2 inch rebar marking the ending of said curve.

Thence along said westerly right-of-way and a non-tangent curve to the left, a distance of 527.42 feet, said curve having a delta of 3°10'40", a radius of 9509.74 feet, tangents of 266.78 feet, and a long chord of 527.35 feet that bears S 30°01'16" E to a 1/2 inch rebar marking the ending of said curve;

Thence continuing along said westerly right-of-way S 30°58'25" E 45.99 feet to a 1/2 inch rebar marking a point of curve to left;

Thence continuing along said westerly right-of-way and along point of curve to the left, a distance of 23.45 feet, said curve having a delta of 0°58'53", a radius of 1369.08 feet, tangents of 11.73 feet, and a long chord of 23.45 feet that bears S 31°27'52" E to the POINT OF BEGINNING.

Said parcel contains 5.41 acres, more or less, and is subject to all existing easements and right-of-ways of record or implied.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 51-2209

WATER RIGHT NUMBER: 51-2209

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	JAMES F BLACK PO BOX 217 BRUNEAU, ID 83604 (208)845-2122
Current Owner	DON D BECKER
Current Owner	MARILYN BECKER 31237 HOT CREEK RD BRUNEAU, ID 83604 (208) 845-2972

Priority Date: 03/25/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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	6.400 CFS	1,272.00 AF
	<u>Total Diversion:</u>		6.400 CFS	1,272.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 1, Twp 07S, Rge 05E, B.M.
OWYHEE County		
GROUND WATER	SW1/4SE1/4SE1/4	Sec. 1, Twp 07S, Rge 05E, B.M.
OWYHEE County		

Place of UseIRRIGATION Within OWYHEE County

T07S R05E S01	SWNE 38.0	T07S R05E S01	SENE 39.0
T07S R05E S01	NESW 37.0	T07S R05E S01	SWSW 34.0
T07S R05E S01	SESW 40.0	T07S R05E S01	NESE 39.0
T07S R05E S01	NWSE 39.0	T07S R05E S01	SWSE 39.0
T07S R05E S01	SESE 39.0	X T07S R05E S12	NENE 40.0
~~T07S R05E S12~~	~~NE 40.0~~	~~T07S R05E S12~~	~~SWNE 40.0~~
T07S R05E S12	SENE 40.0	T07S R06E S06 Lot 5 SWNW	36.0
T07S R06E S06 Lot 6 NWSW	5.0	T07S R06E S07 Lot 2 SWNW	40.0

Total Acres: 585

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE

Attachment 2 X-fer 77040

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, March 30, 2011 2:21 PM
To: Owyhee Avalanche
Subject: LEGAL NOTICE
Attachments: Owyhee County - Cover Letter.Doc; X-fer 77040 Ad.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

March 30, 2011

LEGAL NOTICE DEPARTMENT

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 77040
Water Right No(s). 51-2209, 51-2210

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/25/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

PROPOSED CHANGE OF WATER RIGHTS

Don Becker of 31237 Hot Creek Rd., Bruneau, Idaho, 83604, filed Application No. 77040 to transfer two water rights with 1966 priority dates from ground water totaling 8.07 cfs. The purpose of the transfer is to change the permissible place of use boundary and move 0.10 cfs and 5 acres of irrigation to another location about 0.75 miles north. The new place of use is contiguous with the current 585-acre permissible place of use. There are no changes proposed to the points of diversion or delivery system. The water will continue to be used in the same general area, about three miles south of Bruneau, Idaho.

Please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before April 25, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on April 6th & 13th, 2011