

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74507

This is to certify that: ELMER L BACUS
295 N TAYLOR ST
EAGLE ID 83616
(208) 939-6224

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
67-4136B	WR/Decreed	03/15/1939	0.31 cfs	N/A	N/A	71.9	HORNET CREEK
67-11228	WR/Decreed	08/31/1887	1.13 cfs	N/A	N/A	71.9	HORNET 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>
67-4136B	NO	NO	NO	YES	NO	NO
67-11228	NO	NO	NO	YES	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>
67-4136B	67-4136B	0.31 cfs	N/A	N/A	71.9		N/A	N/A	N/A	N/A
67-11228	67-11228	1.13 cfs	N/A	N/A	71.9		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.44 cfs	N/A	N/A	71.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of March, 20 09


John Westra, Western Regional Manager

SUPPORT DATA
IN FILE # 67-4136B

WATER RIGHT NO. 67-11228
As Modified by Transfer No. 74507

In accordance with the approval of Transfer No. 74507, Water Right No. 67-11228 is now described as follows.

Right Holder: RUTH E BACUS Or
 ELMER L BACUS
 295 N TAYLOR ST
 EAGLE ID 83616

Priority Date: August 31, 1887

Source: HORNET CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.13 CFS
			1.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

HORNET CREEK	NWSW	Sec. 15 Twp 17N	Rge 02W ADAMS County
HORNET CREEK	SESE	Sec. 15 Twp 17N	Rge 02W 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											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. The right holder shall accomplish the change authorized by this transfer within one year 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. 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.

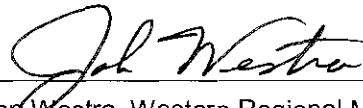
WATER RIGHT NO. 67-11228
As Modified by Transfer No. 74507

CONDITIONS OF APPROVAL

5. 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).
6. Diversion of water under the new point of diversion in the SESE, S15, T17N, R2W shall occur only at the times when water is available for delivery by its priority at the existing point of diversion in the NWSW, S15.
7. 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 lands above.
8. Rights 67-4136B and 67-11228 when combined shall not exceed the irrigation of 71.9 acres in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 67-4136B, 67-11228 .

This water right 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.

Dated this 6th day of March, 20 09


John Westra, Western Regional Manager

WATER RIGHT NO. 67-4136B
As Modified by Transfer No. 74507

In accordance with the approval of Transfer No. 74507, Water Right No. 67-4136B is now described as follows.

Right Holder: ELMER L BACUS Or
 RUTH E BACUS
 295 N TAYLOR ST
 EAGLE ID 83616

Priority Date: March 15, 1939

Source: HORNET CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.31 CFS
			0.31 CFS

LOCATION OF POINT(S) OF DIVERSION:

HORNET CREEK	NWSW	Sec. 15 Twp 17N Rge 02W ADAMS County
HORNET CREEK	SESE	Sec. 15 Twp 17N Rge 02W 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											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. The right holder shall accomplish the change authorized by this transfer within one year 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. 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.

WATER RIGHT NO. 67-4136B
As Modified by Transfer No. 74507

CONDITIONS OF APPROVAL

5. 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).
6. Diversion of water under the new point of diversion in the SESE, S15, T17N, R2W shall occur only at the times when water is available for delivery by its priority at the existing point of diversion in the NWSW, S15.
7. 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 lands above.
8. Rights 67-4136B and 67-11228 when combined shall not exceed the irrigation of 71.9 acres in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 67-4136B, 67-11228 .

This water right 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.

Dated this 6th day of March, 2009


John Westra, Western Regional Manager