

COPY

DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED _____

2009 MAR 18 PM 9 10

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 No: 37-2683A

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership

☐ Split of Water Right

☒ Point of Diversion

☒ Place of Use

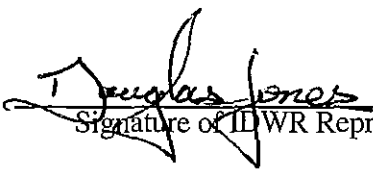
☐ Period of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 3/18/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/19, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required 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:

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

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

The Brett & Patricia Bashaw Family Trust
c/o Gerald Bashaw
PO Box 767
Picabo ID 83348



Signature of person or attorney mailing the form

02/25/2009

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

RIGHT NUMBER: 37-2683A

NAME AND ADDRESS: THE BRETT & PATRICIA BASHAW FAMILY TRUST
C/O GERALD BASHAW
PO BOX 767
PICABO ID 83348

SOURCE: GROUND WATER

TRIBUTARY:

ground

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of

water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 1.880 CFS
293.30 AFY

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).

Right Nos. 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 3.05 cfs and a total annual maximum diversion volume of 503.3 af at the field headgate.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/23/1961

POINT OF
DIVERSION:

T01S R20E S20 NENESW Injection Within BLAINE County
T01S R20E S20 NWNESW Within BLAINE County
T01S R20E S22 SWSWSE Rediversion Within BLAINE County
T01S R20E S27 SWNENE Rediversion Within BLAINE County

This right does not grant any right-of-way or easement across the land of another.

The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21 E, Sec 20: 37-7349A, 37-7349B, 37-2683A, 37-2683B, and 37-2444.

The following rights are diverted through point(s) of rediversion described above within TWP 01S, RNG 27E, Sec 27 NENE: 37-2683A, 37-7349A.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.880 CFS 293.30 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S22	SWNE	25.40	T01S R20E S22	SENE	7.20
T01S R20E S22	NESE	20.50	T01S R20E S22	NWSE	38.90
T01S R20E S22	SWSE	18.30	T01S R20E S22	SESE	40.50
T01S R20E S23	SWSW	17.60	T01S R20E S26	NWNW	13.40
T01S R20E S27	NENE	16.00	T01S R20E S27	NWNE	2.30

200.1 ACRES TOTAL

Right Nos. 37-2683A and 37-7349A are limited to the irrigation of a combined total of 158.2 acres in a single irrigation season.

This right is limited to the irrigation of 98.2 acres within the place of use described above in a single irrigation season.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

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. 37M.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into and at the point of redirection from Silver Creek.