

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82529**

This is to certify that: BASELINE CANAL CO AND
BASELINE PUMP ASSN # 1 AND
BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313
AND
THERESA L SHERBINE AND
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

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>
37-1206	WR/DECREED	4/1/1921	30.000 cfs	N/A	N/A	2859.2	BIG WOOD RIVER
37-2556A	WR/DECREED	9/21/1954	6.760 cfs	1874.3 af	535.5	2859.2	GROUND WATER
37-2682	WR/DECREED	7/31/1961	3.440 cfs	516.0 af	172.0	198.0	GROUND WATER
37-4109	WR/DECREED	6/18/1955	6.000 cfs	2380.2 af	1116.4	2859.2	GROUND WATER
37-436C	WR/DECREED	6/1/1901	1.000 cfs	N/A	N/A	198.0	BIG WOOD RIVER
37-884	WR/DECREED	5/14/1913	3.200 cfs	N/A	N/A	198.0	BIG WOOD RIVER
37-891B	WR/DECREED	7/24/1924	6.000 cfs	N/A	N/A	2859.2	BIG WOOD RIVER

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>
37-1206	NO	NO	YES	NO	NO	NO
37-2556A	NO	NO	YES	NO	NO	NO
37-2682	NO	NO	YES	NO	NO	NO
37-4109	NO	NO	YES	NO	NO	NO
37-436C	NO	NO	YES	NO	NO	NO
37-884	NO	NO	YES	NO	NO	NO
37-891B	NO	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>
37-1206	37-1206	30.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-2556A	37-2556A	6.760 cfs	1874.3 af	535.5	N/A	N/A	N/A	N/A	N/A	N/A
37-2682	37-2682	3.440 cfs	516.0 af	172.0	198.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 82529

SUPPORT DATA

IN FILE # 37-436C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

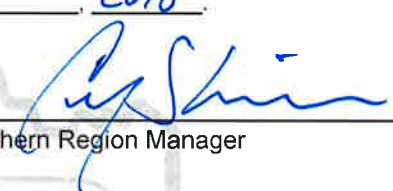
TRANSFER OF WATER RIGHT
TRANSFER NO. 82529

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-4109	37-4109	6.000 cfs	2380.2 af	1116.4	N/A	N/A	N/A	N/A	N/A	N/A
37-436C	37-436C	1.000 cfs	N/A	N/A	198.0	N/A	N/A	N/A	N/A	N/A
37-884	37-884	3.200 cfs	N/A	N/A	198.0	N/A	N/A	N/A	N/A	N/A
37-891B	37-891B	6.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		56.400 cfs	N/A	N/A	N/A		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 31st day of August, 2018.



Southern Region Manager

WATER RIGHT NO. 37-2556A
As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-2556A is now described as follows:

Right Holder: BASELINE CANAL CO
BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 9/21/1954

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
6.760 cfs
6.760 cfs

Diversion Volume
1874.3 af
1874.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSW Sec 31 Twp 01N Rge 19E BLAINE County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by Baseline Canal Company.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. This right is limited to the irrigation of 535.5 acres within the authorized place of use in a single irrigation season.
4. Rights 37-891B, 37-1206, 37-2556A and 37-4109 when combined shall not exceed the irrigation of 2859.2 acres.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 37-2556A
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Use of water under this right may 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. 37.
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. The Baseline Canal Co. distributes privately held decreed rights of shareholders from the Big Wood River as well as rights owned by the Baseline Canal Co. to shareholders. The Baseline Canal Co. also distributes ground water rights of the Baseline Pump Assn. No. 1 and Baseline Pump Assn. No. 2 to various shareholders. These Assn. are a subset of Baseline Canal Co.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-436C
As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-436C is now described as follows:

Right Holder: THERESA L SHERBINE AND
WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 6/1/1901

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

to 10/31

To

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

NWSESW

Sec 12 Twp 01N Rge 18E BLAINE County

BIG WOOD RIVER

NWSESW

Sec 25 Twp 01N Rge 18E BLAINE County

(R)

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	
01S	19E	7					38	41	39	40	40								198
							L 1	L 2											

POU Total Acres: 198.0

CONDITIONS OF APPROVAL

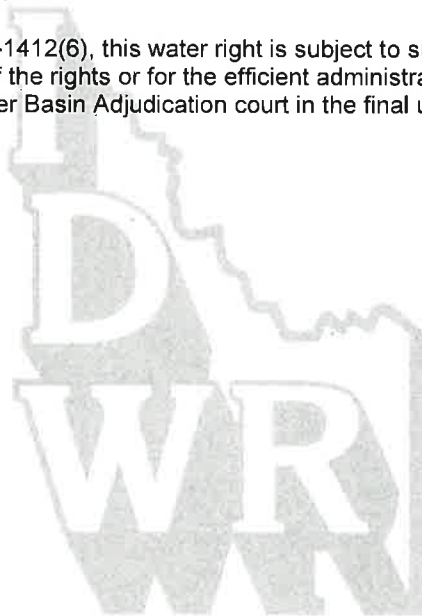
1. Rights 37-884, 37-436C and 37-2682 when combined shall not exceed the irrigation of 198 acres.
2. Use of this right is combined with water from Base Line Canal Co.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right is measured and administered at the point of rediversion.
5. Use of water under this right may 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. 37.
6. 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).

Transfer No. 82529

WATER RIGHT NO. 37-436C
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 37-884

As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-884 is now described as follows:

Right Holder: THERESA L SHERBINE AND
WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 5/14/1913

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

to 10/31

To

Diversion Rate

3.200 cfs

3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER
BIG WOOD RIVER

NWSESW
NWSESW

Sec 12 Twp 01N Rge 18E BLAINE County
Sec 25 Twp 01N Rge 18E BLAINE County

(R)

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	
01S	19E	7					38	41	39	40	40								198
							L 1	L 2											

POU Total Acres: 198.0

CONDITIONS OF APPROVAL

1. Rights 37-884, 37-436C and 37-2682 when combined shall not exceed the irrigation of 198 acres.
2. Use of this right is combined with water from Base Line Canal Co.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right is measured and administered at the point of rediversion.
5. This right is deliverable as long as drain ditches are maintained that drain water off of the land of the decree holder. The amount deliverable is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River. The decree owner shall maintain sufficient measuring devices at all points of drainage from his property and at the point that Willow Creek enters the Big Wood River to allow the watermaster to regulate the right.

Transfer No. 82529

WATER RIGHT NO. 37-884
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

6. The amount deliverable under this right is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River.
7. Pursuant to a call in times of scarcity, this right is subject to the provisions included within In Re Fred W. Fator, plaintiff vs. James A Jones, Watermaster, defendant decree of the Fourth Judicial District of the State of Idaho, Blaine County dated June 1, 1918 and as corrected April 2, 1919.
8. Use of water under this right may 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. 37.
9. 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).
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-891B
As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-891B is now described as follows:

Right Holder: BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/24/1924

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
6.000 cfs
6.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER	NWSESW	Sec 12 Twp 01N Rge 18E	BLAINE County	
BIG WOOD RIVER	NWSENW	Sec 25 Twp 01N Rge 18E	BLAINE County	(R)

CONDITIONS OF APPROVAL

1. Place of use is within the area served by Baseline Canal Company.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. This right is limited to the irrigation of 2859.2 acres within the authorized place of use in a single irrigation season.
4. Rights 37-891B, 37-1206, 37-2556A and 37-4109 when combined shall not exceed the irrigation of 2859.2 acres.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right is measured and administered at the point of rediversion.
7. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Tom Hughes, et. al., plaintiff vs. Mans H. Coffin, Watermaster, Defendant in the Fourth Judicial District of the State of Idaho in and for the County of Blaine dated 7/18/1941.

Transfer No. 82529

WATER RIGHT NO. 37-891B
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

8. Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E and when water is delivered into the Extension Bypass canal heading from the Bypass canal within the NW1/4NW1/4NW1/4 Section 36, T1N, R18E and when rights of 6/15/1883 priority are curtailed. This right is curtailed when all priority rights deliverable through the Extension Bypass system are futile or not called for during the irrigation season.
9. Use of water under this right may 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. 37.
10. 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).
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-1206

As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-1206 is now described as follows:

Right Holder: BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 4/1/1921

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

to

To

10/31

Diversion Rate

30.000 cfs

30.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

NWSESW

Sec 12 Twp 01N Rge 18E BLAINE County

BIG WOOD RIVER

NWSESW

Sec 25 Twp 01N Rge 18E BLAINE County

(R)

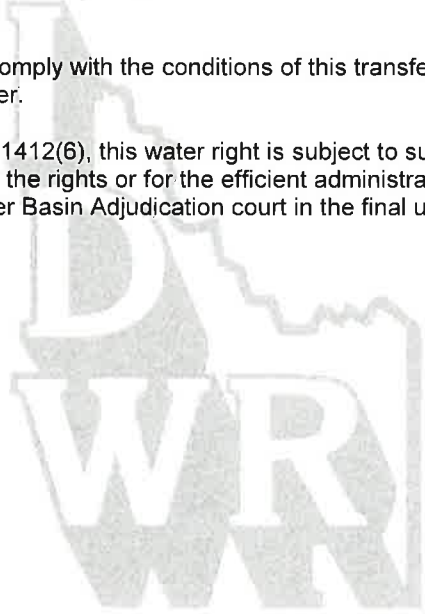
CONDITIONS OF APPROVAL

1. Place of use is within the area served by Baseline Canal Company.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. This right is limited to the irrigation of 2859.2 acres within the authorized place of use in a single irrigation season.
4. Rights 37-891B, 37-1206, 37-2556A and 37-4109 when combined shall not exceed the irrigation of 2859.2 acres.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right is measured and administered at the point of redirection.
7. Use of water under this right may 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. 37.

Transfer No. 82529

WATER RIGHT NO. 37-1206
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
- 

WATER RIGHT NO. 37-2682

As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-2682 is now described as follows:

Right Holder: THERESA L SHERBINE AND
WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/31/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

3.440 cfs

3.440 cfs

Diversion Volume

516.0 af

516.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNENW

Sec 7 Twp 01S Rge 19E BLAINE 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	
01S	19E	7					38	41	39	40	40								198
							L 1	L 2											

Right Acre Limit: 172.0

POU Total Acres: 198.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172 acres within the authorized place of use in a single irrigation season.
2. Rights 37-884, 37-436C and 37-2682 when combined shall not exceed the irrigation of 198 acres.
3. Use of this right is combined with water from Base Line Canal Co.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82529

WATER RIGHT NO. 37-2682

As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Use of water under this right may 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. 37.
7. 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).
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-4109
As Modified by Transfer No. 82529

In accordance with the approval of Transfer No. 82529, Water Right No. 37-4109 is now described as follows:

Right Holder: BASELINE PUMP ASSN # 1
BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 6/18/1955

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

to

To

10/31

Diversion Rate

6.000 cfs

6.000 cfs

Diversion Volume

2380.2 af

2380.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENESEW

Sec 31 Twp 01N Rge 19E BLAINE County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by Baseline Canal Company.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. This right is limited to the irrigation of 1116.4 acres within the authorized place of use in a single irrigation season.
4. Rights 37-891B, 37-1206, 37-2556A and 37-4109 when combined shall not exceed the irrigation of 2859.2 acres.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 37-4109

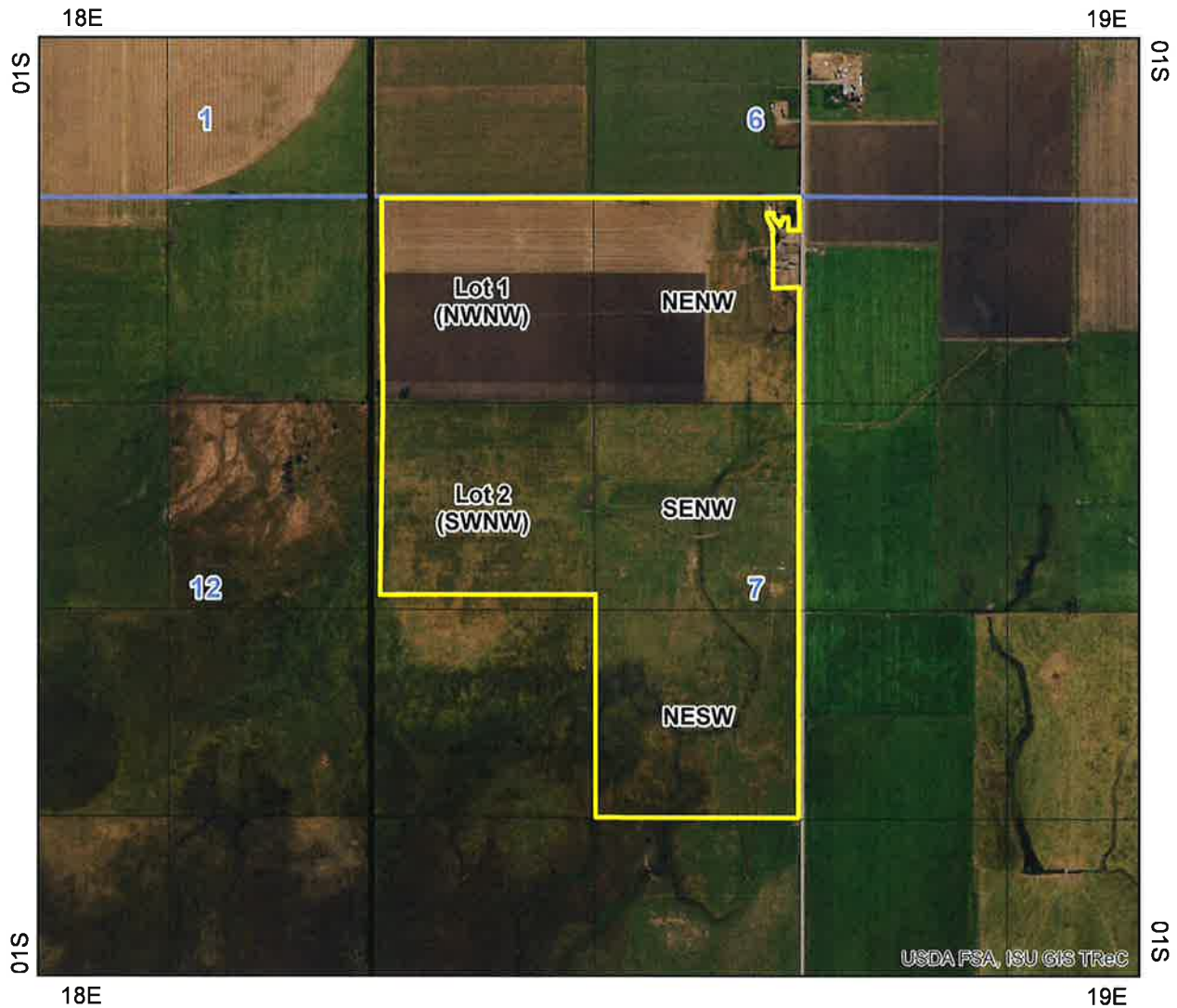
As Modified by Transfer No. 82529

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Use of water under this right may 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. 37.
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. The Baseline Canal Co. distributes privately held decreed rights of shareholders from the Big Wood River as well as rights owned by the Baseline Canal Co. to shareholders. The Baseline Canal Co. also distributes ground water rights of the Baseline Pump Assn. No. 1 and Baseline Pump Assn. No. 2 to various shareholders. These Assn. are a subset of Baseline Canal Co.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 82529
37-884, 37-436C and 37-2682

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.125 0.25 0.5 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82529

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/>.

Name of Applicant(s) BASELINE PUMP ASSN # 1 AND BASELINE CANAL CO AND BASELINE PUMP ASSN # 2 AND THERESA L SHERBINE AND WILLIAM T "ROCKY" SHERBINE

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
 - ☒ * 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/resources.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: _____

JUL 30 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant BASELINE PUMP ASSN # 1 Phone (208) 578-5003

Mailing Address C/O CATHY ZACCARDI
137 BASELINE RD, BELLEVUE ID 83313 Email _____

Name of Applicant BASELINE CANAL CO Phone (208) 678-5003

Mailing Address C/O CATHY ZACCARDI
137 BASELINE RD, BELLEVUE ID 83313 Email zac4619@gmail.com

Name of Applicant BASELINE PUMP ASSN # 2 Phone (208) 578-5003

Mailing Address C/O CATHY ZACCARDI
137 BASELINE RD, BELLEVUE ID 83313 Email zac4619@gmail.com

Name of Applicant THERESA L SHERBINE Phone (208) 788-4846

Mailing Address 200 BASELINE RD, BELLEVUE ID 83313 Email _____

Name of Applicant WILLIAM T "ROCKY" SHERBINE Phone (208) 788-4846

Mailing Address 200 BASELINE RD, BELLEVUE ID 83313 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**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.

William T. Sherbine William T. Sherbine 7-22-18
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
Theresa L. Sherbine Theresa L. Sherbine 7-22-18
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-436C	No	No	Yes	No	No	No
	37-884	No	No	Yes	No	No	No
	37-891B	No	No	Yes	No	No	No
	37-1206	No	No	Yes	No	No	No
	37-2556A	No	No	Yes	No	No	No
	37-2682	No	No	Yes	No	No	No
	37-4109	No	No	Yes	No	No	No

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**

Application filed to change the place of use of several water rights

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2556A	6.760 cfs	1874.3 af	535.5	N/A		N/A	N/A	N/A	N/A
37-436C	1.000 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-884	3.200 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-891B	6.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-1206	30.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-2682	3.440 cfs	516.0 af	172.0	198.0		N/A	N/A	N/A	N/A
37-4109	6.000 cfs	2380.2 af	1116.4	N/A		N/A	N/A	N/A	N/A

COMBINED TOTALS

56.400 cfs N/A N/A N/A N/A N/A N/A N/A N/A

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.

Rocky Sherbine Rocky SHERBINE 7-22-18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
Cathy Zaccardi Cathy Zaccardi 22 July 2018
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
Baseline Canal Co. Pump #1

A. PURPOSE OF TRANSFER

1. Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-436C	No	No	Yes	No	No	No
37-884	No	No	Yes	No	No	No
37-891B	No	No	Yes	No	No	No
37-1206	No	No	Yes	No	No	No
37-2556A	No	No	Yes	No	No	No
37-2682	No	No	Yes	No	No	No
37-4109	No	No	Yes	No	No	No

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**

Application filed to change the place of use of several water rights

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2556A	6.760 cfs	1874.3 af	535.5	N/A		N/A	N/A	N/A	N/A
37-436C	1.000 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-884	3.200 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-891B	6.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-1206	30.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-2682	3.440 cfs	516.0 af	172.0	198.0		N/A	N/A	N/A	N/A
37-4109	6.000 cfs	2380.2 af	1116.4	N/A		N/A	N/A	N/A	N/A

COMBINED TOTALS

56.400 cfs N/A N/A N/A N/A N/A N/A N/A N/A

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.

Signature of Applicant or Authorized Representative <i>Cathy Zaccardi for Pauline</i>	Print Name and Title if applicable <i>Cathy Zaccardi</i>	Date <i>22 July 2018</i>
Signature of Applicant or Authorized Representative <i>Canal Co. Prop #2</i>	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-436C	No	No	Yes	No	No	No
	37-884	No	No	Yes	No	No	No
	37-891B	No	No	Yes	No	No	No
	37-1206	No	No	Yes	No	No	No
	37-2556A	No	No	Yes	No	No	No
	37-2682	No	No	Yes	No	No	No
	37-4109	No	No	Yes	No	No	No

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**

Application filed to change the place of use of several water rights

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2556A	6.760 cfs	1874.3 af	535.5	N/A		N/A	N/A	N/A	N/A
37-436C	1.000 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-884	3.200 cfs	N/A	N/A	198.0		N/A	N/A	N/A	N/A
37-891B	6.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-1206	30.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-2682	3.440 cfs	516.0 af	172.0	198.0		N/A	N/A	N/A	N/A
37-4109	6.000 cfs	2380.2 af	1116.4	N/A		N/A	N/A	N/A	N/A

COMBINED TOTALS

56.400 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A
------------	-----	-----	-----	-----	-----	-----	-----

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

2. Total amount of water proposed to be transferred or changed 56.4 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
 - ☒ As shown in Part 1.
 - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**
4. Place of Use:
- ☐ No changes to place of use are proposed. (Proceed to #5.)
 - ☒ As shown in Part 1.
 - ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-2556A

Current Water Right Owner

BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 9/21/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.760 CFS	1874.3 AFA	
Total Diversion			6.760 CFS	1874.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSWSW

Sec. 31 Twp 01N Rge 19E BLAINE County

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-436C

Current Water Right Owner

THERESA L SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 6/1/1901

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.000 CFS	
Total Diversion			1.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)

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	
01S	19E	7					38.0	41.0	39.0	40.0	40.0								198.0
								L 1	L 2										

POU Total Acres: 198.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-884

Current Water Right Owner

THERESA L SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 5/14/1913

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	3.200 CFS	
Total Diversion			3.200 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)

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	
01S	19E	7					38.0	41.0	39.0	40.0	40.0								198.0
								L 1	L 2										

POU Total Acres: 198.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-891B

Current Water Right Owner

BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/24/1924

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.000 CFS	
Total Diversion			6.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E	BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E	BLAINE County (R)

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-1206

Current Water Right Owner
BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 4/1/1921

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	30.000 CFS	
Total Diversion			30.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E	BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E	BLAINE County (R)

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-2682

Current Water Right Owner

THERESA L SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/31/1961

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	3.440 CFS	516.0 AFA	
Total Diversion			3.440 CFS	516.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

NWNENW

Sec. 7 Twp 01S Rge 19E BLAINE 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	
01S	19E	7					38.0	41.0	39.0	40.0	40.0								198.0
								L 1	L 2										

Right Acre Limit: 172.0

POU Total Acres: 198.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-4109

Current Water Right Owner

BASELINE PUMP ASSN #
1
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 6/18/1955

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.000 CFS	2380.2 AFA	
Total Diversion			6.000 CFS	2380.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SENESEW

Sec. 31 Twp 01N Rge 19E BLAINE County

Describe the proposed diversion system

40 H.P. PUMP WITH 10" DISCHARGE IN 16" WELL 72 FT. DEEP

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

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

Various delivery systems to place of use that is irrigated via sprinkler and flood irrigation. Lockable devices and measuring devices installed to meet WD37 requirements.

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

No change in point of diversion

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:

land will no longer be irrigated

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

Just rights involved in this transfer

- 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: No change to points of diversion

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-2556A

Current Water Right Owner

BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 9/21/1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.760 CFS	1874.3 AFA	
Total Diversion			6.760 CFS	1874.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSWSW

Sec. 31 Twp 01N Rge 19E BLAINE County

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. The rights listed below are limited to the irrigation of a combined total of 2859.2 acres in a single irrigation season. Combined Right Nos.: 37-891B, 37-1206, 37-2556A and 37-4109.
4. This right is limited to the irrigation of 535.5 acres within the boundary of the Baseline Canal Co.
5. The Baseline Canal Co. distributes privately held decreed rights of shareholders from the Big Wood River as well as rights owned by the Baseline Canal Co. to shareholders. The Baseline Canal Co. also distributes ground water rights of the Baseline Pump Assn. No. 1 and Baseline Pump Assn. No. 2 to various shareholders. These Assn. are a subset of Baseline Canal Co.
6. 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 ground 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.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. This right is supplemental to decreed surface water rights.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 2A

Current Water Right No. 37-436C

Current Water Right Owner

THERESA L SHERBINE
 200 BASELINE RD
 BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
 200 BASELINE RD
 BELLEVUE, ID 83313

Priority Date: 6/1/1901

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.000 CFS	
Total Diversion			1.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)
BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E BLAINE 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	
01S	19E	7					38.0	41.0		40.0	40.0			39.0					198.0
								L 1											

POU Total Acres: 198.0

Conditions/Remarks:

1. This right is measured and administered at the point of redirection.
2. 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.
3. Use of this right is combined with water from Base Line Canal Co.
4. The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season. Combined Right Nos.: 37-884, 37-436C and 37-2682.
5. This right is a split from former right 37-436.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 2A

Current Water Right No. 37-884

Current Water Right Owner

THERESA L SHERBINE
 200 BASELINE RD
 BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
 200 BASELINE RD
 BELLEVUE, ID 83313

Priority Date: 5/14/1913

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	3.200 CFS	
Total Diversion			3.200 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSNW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)
BIG WOOD RIVER	NWSEW	Sec. 12 Twp 01N Rge 18E BLAINE 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	
01S	19E	7					38.0	41.0		40.0	40.0			39.0					198.0
								L 1											

POU Total Acres: 198.0

Conditions/Remarks:

- The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season. Combined Right Nos.: 37-884, 37-436C and 37-2682.
- This right is measured and administered at the point of redirection.
- 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 this right is combined with water from Base Line Canal Co.
- This right is deliverable as long as drain ditches are maintained that drain water off of the land of the decree holder. The amount deliverable is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River. The decree owner shall maintain sufficient measuring devices at all points of drainage from his property and at the point that Willow Creek enters the Big Wood River to allow the watermaster to regulate the right.
- Pursuant to a call in times of scarcity, this right is subject to the provisions included within In Re Fred W. Fator, plaintiff vs. James A Jones, Watermaster, defendant decree of the Fourth Judicial District of the State of Idaho, Blaine County dated June 1, 1918 and as corrected April 2, 1919.

Conditions/Remarks:

7. The amount deliverable under this right is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 2A

Current Water Right No. 37-891B

Current Water Right Owner
BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/24/1924

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.000 CFS	
Total Diversion			6.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. 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.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. The rights listed below are limited to the irrigation of a combined total of 2859.2 acres in a single irrigation season. Combined Right Nos.: 37-891B, 37-1206, 37-2556A and 37-4109.
4. This right is limited to the irrigation of 2859.2 acres within the boundary of the Baseline Canal Co.
5. This right is measured and administered at the point of rediversion.
6. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Tom Hughes, et. al., plaintiff vs. Mans H. Coffin, Watermaster, Defendant in the Fourth Judicial District of the State of Idaho in and for the County of Blaine dated 7/18/1941.
7. Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E and when water is delivered into the Extension Bypass canal heading from the Bypass canal within the NW1/4NW1/4NW1/4 Section 36, T1N, R18E and when rights of 6/15/1883 priority are curtailed. This right is curtailed when all priority rights deliverable through the Extension Bypass system are futile or not called for during the irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-1206

Current Water Right Owner
BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 4/1/1921

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	30.000 CFS	
Total Diversion			30.000 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NWSESW	Sec. 12 Twp 01N Rge 18E BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25 Twp 01N Rge 18E BLAINE County (R)

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. The rights listed below are limited to the irrigation of a combined total of 2859.2 acres in a single irrigation season. Combined Right Nos.: 37-891B, 37-1206, 37-2556A and 37-4109.
4. This right is limited to the irrigation of 2859.2 acres within the boundary of the Baseline Canal Co.
5. This right is measured and administered at the point of redirection.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 2A

Current Water Right No. 37-2682

Current Water Right Owner

THERESA L SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

AND

WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 7/31/1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	3.440 CFS	516.0 AFA	
Total Diversion			3.440 CFS	516.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NWNENW

Sec. 7 Twp 01S Rge 19E BLAINE 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	
01S	19E	7					38.0	41.0		40.0	40.0			39.0					198.0
								L 1											

Right Acre Limit: 172.0

POU Total Acres: 198.0

Conditions/Remarks:

1. The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season. Combined Right Nos.: 37-884, 37-436C and 37-2682.
2. 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.
3. Use of this right is combined with water from Base Line Canal Co.
4. This right is limited to the irrigation of 172 acres within the place of use described above in a single irrigation season.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-4109

Current Water Right Owner

BASELINE PUMP ASSN #
1
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

BASELINE CANAL CO
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

Priority Date: 6/18/1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	6.000 CFS	2380.2 AFA	
Total Diversion			6.000 CFS	2380.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SENESEW

Sec. 31 Twp 01N Rge 19E BLAINE County

Describe the proposed diversion system

40 H.P. PUMP WITH 10" DISCHARGE IN 16" WELL 72 FT. DEEP

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. The rights listed below are limited to the irrigation of a combined total of 2859.2 acres in a single irrigation season. Combined Right Nos.: 37-891B, 37-1206, 37-2556A and 37-4109.
4. This right is limited to the irrigation of 1116.4 acres within the boundary of the Baseline Canal Co.
5. The Baseline Canal Co. distributes privately held decreed rights of shareholders from the Big Wood River as well as rights owned by the Baseline Canal Co. to shareholders. The Baseline Canal Co. also distributes ground water rights of the Baseline Pump Assn. No. 1 and Baseline Pump Assn. No. 2 to various shareholders. These Assn. are a subset of Baseline Canal Co.
6. 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 ground 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ 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.: _____

All rights on land are being transferred

FOR DEPARTMENT USE ONLY

Transfer Contains 21 pages and _____ attachments.

Received By P. SKINNER Date 7/30/18 Prelim. Check By _____ Date _____

Fee Paid \$660.00 Date 7/30/18 Received By P. SKINNER Receipt # 5036881

Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

New Place of Use for Water rights 37-891B, 37-1206, 37-4109, and 37-2566A



**TRANSFER 82529**

No. C 185291	Due no later than Nov 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. BASE LINE CANAL COMPANY CATHY ZACCARDI 137 BASELINE ROAD BELLEVUE ID 83313 USA		CATHY ZACCARDI 137 BASELINE RD BELLEVUE ID 83313			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	JOHN MOLYNEAUX	10407 HIGHWAY 75	BELLEVUE	ID	USA	83313
DIRECTOR	ROCKY SHERBINE	200 BASELINE ROAD	BELLEVUE	ID	USA	83313
PRESIDENT	SHARON LEE	1108 HARVARD AVENUE EAST	SEATTLE	WA	USA	98102
5. Organized Under the Laws of: ID C 185291		6. Annual Report must be signed.* Signature: Cathy Zaccardi Name (type or print): Cathy Zaccardi Date: 09/18/2017 Title: Sec/Treas				
Processed 09/18/2017		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 82529



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 4, 2018

BASELINE CANAL CO
BASELINE PUMP ASSN #1
BASELINE PUMP ASSN #2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE ID 83313

WILLIAM T "ROCKY" SHERBINE
THERESA L SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

Re: Transfer No: 82529
Water Right No(s): 37-436C, 37-884, 37-891B, 37-1206, 37-2556A, 37-2682,
37-4109

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82529

Water Right No(s): 37-436C, 37-884, 37-891B, 37-1206, 37-2556A, 37-2682,
37-4109

BASELINE CANAL CO
BASELINE PUMP ASSN #1
BASELINE PUMP ASSN #2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE ID 83313

WILLIAM T "ROCKY" SHERBINE
THERESA L SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

WATER DISTRICT 37 *via e-mail*
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Maline, Denise

From: Maline, Denise
Sent: Tuesday, August 07, 2018 1:09 PM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter Transfer 82529 (Sherbine, et al)
Attachments: Transfer 82529 (Sherbine, et al).pdf; Comment letter to WD37 for 82529.docx

Good afternoon Kevin & Cyndi,

Attached is an application for transfer currently being processed within your district. There are multiples names listed as the Transfer Applicant, as noted on the attachment to the cover letter & recommendation form. Please review the information and provide any necessary comments within 21 days.

Please feel free to contact this office if you have any questions.

Thank you in advance and have a good afternoon,

Denise @ IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 7, 2018

WATER DISTRICT #37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

via e-mail

RE: Transfer No. 82529
Water Right No(s): 37-436C, etc.

Dear Kevin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: August 6, 2018
To: Transfer 82529 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application filed to change a 39 acre portion of the place of use of overlapping water rights 37-436C, 37-884, and 37-2682 owned by William T (Rocky) and Theresa L Sherbine. The place of use of these water rights overlaps with the service area of Baseline Canal Company water rights 37-891B and 37-1206, Baseline Pump Association #1 right 37-4109, and Baseline Pump Association # 2 right 37-2556A. Because of this overlap, rights 37-891B, 37-1206, 37-4109, and 37-2556A have also been included in the transfer to modify their place of use to insure that potential unstacking/enlargement does not occur. Note that the Baseline Pump Association #1 and Baseline Pump Association # 2 entities are subsets of the Baseline Canal Company. Authorized representatives have signed the application on behalf of all the applicants (Sherbines & Baseline entities). Because the application only proposes modifying the place of use of several overlapping water rights (no anticipated hydraulic impacts), it will be processed without public notice advertising. The rights involved with the application are located within Water District # 37 so water master comments will be solicited.

- **Authority to File:**
The current owners of the rights involved with the transfer are all listed as transfer applicants. IDSOS information indicates that appropriate people have signed on behalf of the Baseline entities.
- **Water Right Validity:**
The rights involved with the transfer were decreed in the SRBA in 2009 and 2010. Recent aerial photography indicates that the lands where the rights are being transferred from appear to be irrigated. Possible forfeiture of the rights does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: August 6, 2018
To: Transfer 82529
From: Corey Skinner
Re: Legal Notice Not Required

This transfer only proposes changing the place of use of several overlapping water rights. There is no hydraulic impacts anticipated. Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

TO: Transfer # 82529 File

FROM: Corey Skinner

DATE: August 6, 2018

SUBJECT: Filing Fee

The filing fee, \$660.00, for this transfer is based on the total amount of water being transferred. The transfer proposes moving a 39 acre portion of water rights 37-436C, 37-884, and 37-2682 which allow for the total diversion of 7.64 cfs for the irrigation of 198 acres. A 39 acre portion of these rights equates to approximately 1.51 cfs ($39/198 \times 7.64$ cfs). The transfer proposes moving a 40 acre portion of water rights 37-891B, 37-1206, 37-4109, and 37-2556A which allow for the total diversion of 48.76 cfs for the irrigation of 2859.2 acres. A 40 acre portion of these rights equates to approximately 0.68 cfs ($40/2859.2 \times 48.76$ cfs). The summation of 1.51 cfs and 0.68 cfs is 2.19 cfs. The transfer fee schedule for a transfer involving 2.01 – 3.00 cfs indicates that the filing fee is \$660.00.