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DEPARTMENT OF
WATER RESOURCES

April 8, 2010

Mr. Jeff Peppersack
IDWR State Office
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
VIA EMAIL (Hard Copy to Follow)

Re: Water Right Transfer Application #'s 68497 and 68498- Brett & Patricia Bashaw Family Trust c/o: Gerald Bashaw.

Dear Jeff,

This letter serves as a formal petition for reconsideration and/or request for hearing for water right transfers 68497 and 68498 approved on February 22nd and March 29th 2010 under section 67-5243 or section 42-1701A(3) Idaho Code. Although the amended approved transfer 68497 was mailed on February 23rd 2010 and transfer 68498 was amended on March 29th 2010, this petition addresses both applications because a condition listed in both transfer applications is the reason for the formal petition for reconsideration filing.

The purpose of both water right transfers was to create a permissible place of use of 841.1 acres within which 638.1 acres are authorized to be irrigated. Historical aerial photographs show a sizable portion of the 638.1 acres were irrigated using gravity methods. Due to priority date cuts to the surface water rights appurtenant to the property, ground water has historically been used for irrigation during a majority of the season. No supplemental or combined use verbiage occurs in the conditions of the water rights prior to either transfer application. The total volume of water applied by gravity methods likely historically exceeded 3.5 afa per acre and thus a greater volume from both surface and ground water sources may have been needed for irrigation of the property. Therefore, limiting all rights in combination to 3.5 afa per acre reduces the amount of water able to be applied for irrigation based on past historic practice.

In water right transfer application 68497 dealing with fourteen surface water rights the total diversion rate limits the diversion volume to 3.5 afa per acre. In water right transfer application 68498 dealing with nine ground water rights, the total diversion volume is limited to 3.5 afa per acre. The

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

independent volume limit of 3.5 afa per acre listed on each water right within each individual transfer is acceptable.

The reason for the filing of this petition for reconsideration is listed below.

- With regards to water right transfer 68497, Condition of Approval 1, we ask that the condition reference only the surface water rights listed in water right transfer 68497 with regards to the 3.5 afa per acre volume limit.
- With regards to water right transfer 68498, Condition of Approval 1, we ask that the condition reference only the ground water rights listed in water right transfer 68498 with regards to the 3.5 afa per acre volume limit.

Please advise our office as how to proceed during the reconsideration process. I will contact you to discuss your decision and request for additional information if needed. Also, please copy our office on all correspondence dealing with these water right transfer applications and don't hesitate to contact myself or Chuck Jr. with questions or comments. Thanks for your time and have a great day.

Regards,

A handwritten signature in black ink, appearing to read "Zach Latham", with a long horizontal flourish extending to the right.

Zach Latham, M.S., Hydrologist

Cc: Gerald Bashaw