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DEPARTMENT OF
WATER RESOURCES

March 10, 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 2010 under section 67-5243 or section 42-1701A(3) Idaho Code. Although the approved transfers were mailed on February 23rd 2010, our office received the two transfer approval notices on February 25th 2010. It is our hope that notification to IDWR at this time allows for reconsideration or hearing. Reasons for the filing of this petition for reconsideration are listed below.

- With regards to water right transfer 68497, Condition of Approval 5, we ask that the first two words of the last sentence be replaced with: Prior to any material change to ...IDWR has approved this language in previously approved transfers 71652 and 73854 and therefore may make the requested change.
- With regards to water right transfer 68498, Condition of Approval 2 is neither appropriate nor warranted to be placed on the surface water rights included in the water right transfer. Condition 2 was not included in IDWR's recent SRBA recommendation for the water rights listed in the transfer and a lack of significant change to the water rights as a result of the approved transfer negates the need for Condition 2. Furthermore, historical water delivery records may indicate that greater than 3.5 afa per acre has been diverted from the authorized points of diversion associated with the water rights included in water right transfer 68498.
- With regards to water right transfer 68498, Condition of Approval 5, we ask that the first two words of the last sentence be replaced with: Prior to any material change to ...IDWR has approved this language

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in previously approved transfers 71652 and 73854 and therefore may make the requested change.

- With regards to water right transfer 68498, the diversion rate associated with water right 37-137C is listed as 0.01 cfs. The IDWR recommended flow rate to the SRBA court is listed as 0.014 cfs. We ask that diversion rate associated with water right 37-137C be consistent with the flow rate of 0.014 cfs recommended to the SRBA court.

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,



Zach Latham, M.S., Hydrologist

Cc: Gerald Bashaw