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MAY 23 2000

Department of Water Resources
Southern Region

May 22, 2000

Mr. James Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Bashaw water right transfers -- Picabo Ranch
Project No. 010-01-1992

Dear Jim:

In your letter of April 26, 2000 you raise two issues regarding Mr. Bashaw's transfer applications.

With regard to the acres describing the permissible place of use, you calculated 695 acres by outlining those areas which are now irrigated, plus an 18-acre parcel in Section 18. As we have discussed in the course of prior transfers, one of the benefits of a PPU is that it can describe an area significantly larger than the area to be irrigated in the near future. This allows the present or future owner to move irrigation around within his property. Toward this end, the PPU should describe all land within the applicant's property that 1) is irrigable, and 2) may possibly be irrigated in the future. I have reviewed my original PPU map provided to you on December 14, 1999. I believe it is reasonable with a few minor changes, including the addition of the 18-acre parcel in Section 18. Enclosed is a revised PPU map that I would like you to use for this transfer.

The second issue you raised involves your assertion of forfeiture of 10.0 acres of licensed irrigation on Mr. Bashaw's property. Using the 1995 FSA aerial photo, you calculated 662 acres of irrigation. I calculated 665 acres using the same photo, which is within 0.5% of your number. The combined licenses allow 672 acres, or 1.5% greater than your number. You indicated that, in the transfer application, you would therefore recommend 662 acres. I understand your desire to make an accurate recommendation based on historical beneficial use, but the inherent inaccuracy of calculating acreages from aerial photos should be recognized. At best, an accuracy of 2% to 5% can be achieved even with rectified infrared photographs. I telephoned Norm Young on May 18, 2000. We talked about IDWR's policy on this point, particularly in light of Rule 36, written by Mr. Young, of the draft 1998 Water Management Rules. This rule allows 5% for calculation error in acreage (2

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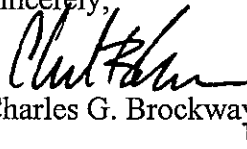
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acres per 40-acre tract). Although these rules have not been officially adopted, Mr. Young indicated that in general, where the calculated acreage is very close to the licensed acreage, the licensed acreage should be used. I described the Bashaw case specifically, and he indicated that the licensed acreage should be used.

I am also in the course of preparing the Part 2.B.'s and 2.C.'s for the rights you noted in your letter of April 7, 2000.

Please do not hesitate to call if you have any questions.

Sincerely,



Charles G. Brockway, P.E.

Enc: Revised PPU map

cc w/o Enclosures:
Gerald Bashaw
Norm Young