

MEMO

TO; File

DATE; 8-9-00

FROM; JIM STANTON

SUBJECT; Apps for Transfer, Gerald Bashaw

The premise of these transfer is that the legal place of use is the 672 acres of groundwater licensed to this ranch. But by the applicant's own admission, 1995 represents the most acres that have been watered during the last 5 years (1995-1999). GIS work on the 1995 data shows that 662.4 acres were watered that year, so that figure should be the basis for the transfer (PPU limited to 662.4 ac/yr). But Brockway Engineering has apparently talked to Norm, who agreed to the licensed acres on the basis that the actual is within 10% of the licensed. I don't understand this logic, but of course Boise will make the final decision.

As another memo in the surface-water transfer shows, all the drain rights involved have been abandoned. They are only deliverable if the drains are maintained, and all the drains have been abandoned for many years according to Lee Peterson. So these rights should be declared abandoned and forfeited. Many of the drains have been filled in and farmed over, so it would be hard to argue that the applicant should be allowed to divert these rights. This is a good chance to clean up our books a little.

Overall, the transfers appear to be approvable with proper conditions. This is already a co-mingled system of surface and groundwater rights, so the transfers just recognize this. The existing PPU is being expanded, but less acres may actually be farmed due to conversion of some land from handlines to pivots. Once these transfers are approved, Bashaw plans to sell a portion of these rights; we need to be sure to condition these transfers so that the next transfers don't constitute an expansion. I'm not sure exactly what they have planned next, so this just a heads-up that this story isn't over yet.

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