

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Gerald B. Bashaw

TRANSFER NO.

⁵
5814

1. Right number(s)

37-01082 D

2. Type of right

☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☒ Other: Create PPU

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

a. ☒

All of right

b. ☒

Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c. ☒

Description of point(s) of diversion

d. ☐

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. ☒

Expansion in use of right - Comments:

Proposed PPU is larger than the historic PU on this ranch

RECEIVED

MEMO

NOV 24 2000

FROM: Allen Merritt

 **Department of Water Resources** DATE: November 13, 2000

TO: Transfer File No. 5813 & 5815

In the name of: Gerald Bashaw

Water Right(s): Numerous

SUBJECT: Review and Recommendation

These two transfers deal with the same ranch locally known as the Picabo Ranch owned by Bashaw and should be processed together.

T5813 deals with the ground water rights and T5815 deals with the surface water rights. Both transfers propose to place the rights into a common 750.4 acre Permissible Place of Use (PPU) limited to irrigation of no more than 672 acres in any one season. There is a lot of correspondence in the files between Jim Stanton and Brockway Engineering involving the description of the PPU and the determination of the seasonal limitation of acres. Jim determined that 662.4 acres are the extent of historical use based on GIS but licensed ground water rights total 672 acres. Since 672 acres is within limit of rounding error in GIS the 672 acres is recommended as the limit. (See Stanton 8/9/00 memo for discussion)

T5815 involves the surface water rights. Included are numerous portions of rights that are "drainage rights" derived from a decree that set these drainage rights to be delivered exclusive of priority of other rights from streams (Silver Creek & Tributaries). These rights are predicated on the maintenance of the drains and the measurement of water from the drains so the water can be transported by or exchanged with the natural streams. There are numerous portions of these types of rights on record and reference in this application as well as in Stanton's memo indicates these rights are not delivered. I inquired of the watermaster how he delivers these rights. He indicated he does not except for the "O" drain. He indicated that the other drains do not exist. I requested that he write a letter regarding this matter. He did and we received it on 10/26. The letter indicates the history of delivery of these rights over the last ten years. In talking with Mr. Peterson it is my understanding that delivery of these drainage rights has not been made during the time he has been a watermaster which has been 10 years and non-delivery has been even longer than that. Based on this record I recommend that the "drain rights" not be approved under this transfer and that the SRBA deny such claims. I have provided a copy of Lee's letter to SRBA staff.

I have created the attached spreadsheet to analyze the surface rights. Note that the "drain" rights are not included in the spreadsheet. The spreadsheet compares the current water right records, the SRBA claims and the Watermaster's records. As seen there are numerous splits of these base rights and the pieces add up fairly close although not exactly. Noting that Bashaw's rights are recorded in the SRBA under claims in the name of Bashaw and Castle, his claims add up to 5.706 cfs. The rights on the transfer add up to 5.630 cfs. The main discrepancy in the numbers is the way that rights 37-00095 parts, 37-00237 parts, 37-00426 parts, 37-00632 parts, and 37-00706 parts are proportioned between Larkin's (Gardner) interest and Bashaw's interest. The rights I would recommend, based on review of the watermaster's records and trying to balance the rights, add up

to 5.668 cfs. As listed on the spreadsheet is how I recommend this transfer be approved.

These transfers were processed without protest.

Recommendation

I recommend that these transfers be approved subject to the following conditions and limitations:

- Subject to SRBA.
- Under control of the watermaster of district 37-M.
- Drainage rights denied due to forfeiture.
- Measuring device with a totalizing meter be installed on all wells.
- Surface water be used to the fullest extent possible before ground water is used.
- Rights from both transfers is limited to irrigation of no more than 672 acres within 750.4 acre PPU in any one season.
- PD for Gillihan #11 is SENW S24 T01S, R19E and not R20E as listed on application.

T5815 Surface Water Rights by ADM 10/26/2000

WR No.	CFS	CFS	SRBA	SRBA total	Transfer Amt	Watermaster Records	Prelim Recommendation
37-00095A	1.092	0.457	UNCLAIMED				
37-00095C	0.650	0.650	A37-00095C Molyneux			Molyneux 0.650	0.650
37-00095D	0.657	1.293	A37-00095F Larkin			Gardner 1.292	1.293
37-00095E	0.201	0.200	A37-00095G Bashaw	0.200	0.200	Bashaw 0.214	0.214 Amend
	2.600	2.600				F&G 0.443	Need Claim
						2.599	
37-00137	0.800	0.400	A37-00137A Castle/Arambarri			Castle 0.400	0.400
	0.800	0.014	A37-00137C Castle	0.400	0.400	Bashaw 0.400	0.400
		0.386	A37-00137D Bashaw			0.800	0.800
		0.800					
37-00138	1.200	0.600	A37-00138A Castle/Arambarri			Castle 0.440	0.440
	1.200	0.020	A37-00138C Castle	0.600	0.600	Baldwin 0.160	Need Claim or ownership split
		0.580	A37-00138D Bashaw			Bashaw 0.600	0.600
		1.200				1.200	
37-00207A	1.000	1.000	A37-00207B Rinker			Rinker 1.000	1.000
37-00207B	1.000	0.060	A37-00207C Castle	1.000	1.000	Bashaw 1.000	1.000
	2.000	0.940	A37-00207D Bashaw			2.000	2.000
		2.000					
37-00237A	1.134	1.348	A37-00237D Larkin			Gardner 1.350	1.348
37-00237B	0.890	0.296	See 448E Bashaw	0.296	0.220	Bashaw 0.223	0.220
37-00237C	0.676	0.676	A37-00237C Molyneux			Molyneux 0.676	0.676
	2.700	0.380	UNCLAIMED			F&G 0.459	Need Claim
		2.700				2.708	
37-00426A	0.825	0.432	UNCLAIMED				
37-00426B	1.050	1.050	A37-00426B F&G			F&G 1.476	Need Amendment
37-00426C	0.625	0.625	A37-00426C Molyneux			Molyneux 0.625	0.625
	2.500	0.193	A37-00426D Larkin			Gardner 0.193	0.193
		0.200	A37-00426E Bashaw	0.200	0.200	Bashaw 0.206	0.206 amend
		2.500				2.500	0.206

- i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

d/I in Transfer

- j. ☒ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

- k. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District # 37-M
Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY J. F. Stanton
SRBA SUPERVISOR REVIEW BY J. F.
PUBLICATION REVIEW BY _____

DATE 8-6-00
DATE 11/21/00
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☒ Yes 8/24/00
2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 8/22/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes
6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 11/17/00

4. By AM

Date 11/17/00