

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 74773**

This is to certify that: THE BRETT & PATRICIA BASHAW FAMILY TRUST  
 C/O GERALD BASHAW  
 PO BOX 767  
 PICABO ID 83348  
 (208)788-6571

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 37-7349A     | WR/License          | 03/07/1974      | 1.17 cfs    | 210.0 af      | 60.0              | 169.9              | GROUND WATER  |
| 37-2683A     | AJC/License         | 08/23/1961      | 1.88 cfs    | 293.3 af      | 98.2              | 98.2               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

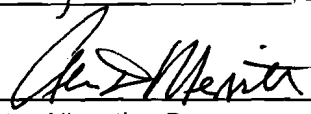
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-7349A              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 37-2683A              | NO           | NO         | YES        | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-7349A               | <b>37-7349A</b>                  | 1.17 cfs             | 210 af                 | 60.0              | 200.1              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-2683A               | <b>37-2683A</b>                  | 1.88 cfs             | 293.3 af               | 98.2              | 200.1              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.05 cfs</b>      | <b>503.3 af</b>        | <b>158.2</b>      | <b>200.1</b>       | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 17<sup>th</sup> day of February, 20 09

  
 For Chief, Water Allocation Bureau

**SUPPORT DATA**

IN FILE # 37-2683A

**WATER RIGHT NO. 37-2683A**  
**As Modified by Transfer No. 74773**

In accordance with the approval of Transfer No. 74773, Water Right No. 37-2683A is now described as follows.

**Right Holder:** BRETT & PATRICIA BASHAW FAMILY TRUST  
 PO BOX 741  
 PICABO ID 83348

**Priority Date:** August 23, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to    | 10/31     | 1.88 CFS              | 293.3 AF      |
|                       |             |           | 1.88 CFS              | 293.3 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|                               |        |                         |               |
|-------------------------------|--------|-------------------------|---------------|
| GROUND WATER<br>(Injection)   | NENESW | Sec. 20 Twp 01S Rge 20E | BLAINE County |
| GROUND WATER                  | NWNESW | Sec. 20 Twp 01S Rge 20E | BLAINE County |
| GROUND WATER<br>(Rediversion) | SWSWSE | Sec. 22 Twp 01S Rge 20E | BLAINE County |
| GROUND WATER<br>(Rediversion) | SWNENE | Sec. 27 Twp 01S Rge 20E | BLAINE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |     |      |     | NW |    |      |    | SW |    |      |    | SE   |      |      |      | Totals |
|-------------|------|-----|------|-----|----|----|------|----|----|----|------|----|------|------|------|------|--------|
|             | NE   | NW  | SW   | SE  | NE | NW | SW   | SE | NE | NW | SW   | SE | NE   | NW   | SW   | SE   |        |
| 01S 20E 22  |      |     | 25.4 | 7.2 |    |    |      |    |    |    |      |    | 20.5 | 38.9 | 18.3 | 40.5 | 150.8  |
| 01S 20E 23  |      |     |      |     |    |    |      |    |    |    | 17.6 |    |      |      |      |      | 17.6   |
| 01S 20E 26  |      |     |      |     |    |    | 13.4 |    |    |    |      |    |      |      |      |      | 13.4   |
| 01S 20E 27  | 16.0 | 2.3 |      |     |    |    |      |    |    |    |      |    |      |      |      |      | 18.3   |

Total Acres: 200.1

**WATER RIGHT NO. 37-2683A**  
**As Modified by Transfer No. 74773**

**CONDITIONS OF APPROVAL**

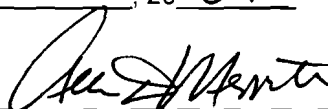
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
2. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into and at the point of rediversion from Silver Creek.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21 E, Sec 20: 37-7349A, 37-7349B, 37-2683A, 37-2683B, and 37-2444.
6. The following rights are diverted through point(s) of rediversion described above within TWP 01S, RNG 27E, Sec 27 NENE: 37-2683A, 37-7349A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right is limited to the irrigation of 98.2 acres within the place of use described above in a single irrigation season.
10. Rights 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 3.05 cfs, a total annual maximum diversion volume of 503.3 af at the field headgate, and the irrigation of 158.2 acres.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17<sup>th</sup> day of February, 20 09

FOR

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-7349A**  
**As Modified by Transfer No. 74773**

In accordance with the approval of Transfer No. 74773, Water Right No. 37-7349A is now described as follows.

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST

C/O GERALD BASHAW

PO BOX 767

PICABO ID 83348

**Priority Date:** March 07, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 1.17 CFS              | 210.0 AF      |
|                       |             |           | 1.17 CFS              | 210.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|                               |        |                                       |
|-------------------------------|--------|---------------------------------------|
| GROUND WATER<br>(Injection)   | NENESW | Sec. 20 Twp 01S Rge 20E BLAINE County |
| GROUND WATER                  | NWNESW | Sec. 20 Twp 01S Rge 20E BLAINE County |
| GROUND WATER<br>(Rediversion) | SWNENE | Sec. 27 Twp 01S Rge 20E BLAINE County |
| GROUND WATER<br>(Rediversion) | NENWNE | Sec. 27 Twp 01S Rge 20E BLAINE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |     |      |     | NW |    |      |    | SW |    |      |    | SE   |      |      |      | Totals |
|-------------|------|-----|------|-----|----|----|------|----|----|----|------|----|------|------|------|------|--------|
|             | NE   | NW  | SW   | SE  | NE | NW | SW   | SE | NE | NW | SW   | SE | NE   | NW   | SW   | SE   |        |
| 01S 20E 22  |      |     | 25.4 | 7.2 |    |    |      |    |    |    |      |    | 20.5 | 38.9 | 18.3 | 40.5 | 150.8  |
| 01S 20E 23  |      |     |      |     |    |    |      |    |    |    | 17.6 |    |      |      |      |      | 17.6   |
| 01S 20E 26  |      |     |      |     |    |    | 13.4 |    |    |    |      |    |      |      |      |      | 13.4   |
| 01S 20E 27  | 16.0 | 2.3 |      |     |    |    |      |    |    |    |      |    |      |      |      |      | 18.3   |

Total Acres: 200.1

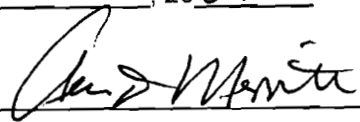
**WATER RIGHT NO. 37-7349A**  
**As Modified by Transfer No. 74773**

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
2. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into and at the point of rediversion from Silver Creek.
3. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21 E, Sec 20: 37-7349A, 37-7349B, 37-2683A, 37-2683B, and 37-2444.
6. The following rights are diverted through point(s) of rediversion described above within TWP 01S, RNG 27E, Sec 27 NENE: 37-2683A, 37-7349A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season.
10. Rights 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 3.05 cfs, a total annual maximum diversion volume of 503.3 af at the field headgate, and the irrigation of 158.2 acres.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17<sup>th</sup> day of February, 2009

  
\_\_\_\_\_  
Chief, Water Allocation Bureau