

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly. fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-4141

AUDREY BASHAW

PO BOX 361

BROCKWAY ID 83313-0381

GERALD B BASHAW

PO BOX 361

BROCKWAY ID 83313

Telephone Number: (208)788-6571

Loving Springs Ranches LP
Gerald B. Bashaw
P.O.Box 787
Pisabo, Idaho 83348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

All

2. Describe the changes you wish to make in the proposed recommendation:

Rescind disallowal and recommend 374 acres as claimed

3. Give a brief explanation as to why you disagree with these portions:

Water right has been used and established by beneficial use.

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

12/20/06

SIGNATURE:

Gerald B Bashaw

Please print your name:

Gerald B Bashaw

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/21/2006

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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-4142

GERALD B BASHAW

~~PO BOX 767~~

~~BOISE ID 83323~~

Telephone Number: (208)788-6571

AUDREY BASHAW

~~PO BOX 767~~

~~BOISE ID 83323~~

Loving Springs Ranches LP
Gerald B. Bashaw
P.O. Box 767
Pocatello, Idaho 83348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

All

2. Describe the changes you wish to make in the proposed recommendation:

Rescind disallowal and recommend for 374 acrs as claimed

3. Give a brief explanation as to why you disagree with these portions:

Water right has been used and established by beneficial use

____ I AGREE with this proposed recommendation, no changes need to be made.

DATE:

12/20/06

SIGNATURE:

Gerald B Bashaw

Please print your name:

Gerald B Bashaw

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0099, 2082874800

NOTICE OF ERROR REPLY**Water rights:****Surface Water:**

37-138D	37-1082F
37-137D	37-706E
37-207D	37-426E
37-448E	37-95G
37-943G	37-632G 37-237B
37-945D	37-1067B
37-950B	37-944D
37-951D	37-632D

Groundwater:

37-7239A
37-7239B
37-2612A
37-2612B
37-2615
37-2566A
37-2566B
37-2594A
37-2594B

In addition to the rights listed above, the claimant objects to any and all recommendations appurtenant to SW 1/4 SW 1/4 Section 16, T. 1 S., R. 20 E., which may be in the name of Castle, but which Mr. Bashaw owns. Mr. Bashaw did not receive preliminary recommendations on these rights.

Claimant: Loving Springs Ranches, LP
Gerald B. Bashaw
P.O. Box 787
Picabo, ID 83348

Prepared by Brockway Engineering, PLLC

1. Describe the portion of the proposed recommendations with which you disagree (e.g. priority date, period of use, source):

Place of use and potentially other components.

2. Describe the changes you wish to make in the proposed recommendation:

See narrative below.

3. Give a brief explanation as to why you disagree with these portions:

See narrative below.

1. The water rights should be in the name of Loving Springs Ranches LP at the address

2. The recommendations should reflect actual water usage as of 1987, which may or may not be the same as the claims. Since prior to 1987, the groundwater and surface water has been commingled and used in a common sprinkler system. As such, the surface water and the groundwater should have the same permissible place of use. In the course of T#68497 and T#68498, filed in 1999, extensive investigation was performed by Jim Stanton, the IDWR agent work on the transfers, and Brockway Engineering. In addition, consultation was made with the IDWR regional manager and Norm Young, who was at the time the IDWR Executive Director. The conclusion after many iterations of the historic acreage calculation and the PPU acreage calculation, was the following:

Allowable irrigation for all rights (surface and groundwater) should be 672.0 acres, which is the same as the licensed acreage for the groundwater rights. This includes the land in the SWSW16. The preliminary recommendation omits certain acreage, primarily the land within the "crater" located in the SENE18 and SWNW17 (approximately 52 acres), and additional land between the road and Silver Creek in Sections 20 and 21. Jim Stanton prepared a shape file dated 4/26/2000 which described this agreed-upon baseline. This shape has been re-created by Brockway Engineering and will be e-mailed to Michael Ciscell on 12/14/2006. This should be the recommended place of use for all rights.

The two transfer applications are still pending with IDWR after 7 years. The transfers would have cleaned up the rights and amended the SRBA claims accordingly, but IDWR has been delinquent in processing the applications.

3. The following water rights owned by the claimant were omitted from the preliminary recommendations: 37-237B, 37-1067B, 37-944D, and 37-632D. These rights should be included with all surface rights as described above.
4. Because of the limited time allowed for review, other aspects of the recommendations may be in error and the claimant does not assert agreement with them, reserving the right to object.
5. If any claim amendments are required to effect the changes described above, this Notice of Error Reply shall serve as such amendments.

DATE: 12/20/06 SIGNATURE: Gerald B Bashaw
PRINTED NAME: Gerald B Bashaw

NOTICE OF ERROR REPLY**Water rights:****37-2683A, 37-7349A**

**Claimant: Brett and Patricia Bashaw Family Trust
Gerald B. Bashaw
P.O. Box 741
Picabo, ID 83348**

Prepared by Brockway Engineering, PLLC

1. Describe the portion of the proposed recommendations with which you disagree (e.g. priority date, period of use, source):

No recommendation appears to have been prepared for 37-7349A. A recommendation was prepared for 37-2683A, which has a combined-used condition referencing 37-7349A.

2. Describe the changes you wish to make in the proposed recommendation:

A recommendation should be prepared for 37-7349A, allowing 1.17 cfs and 169.9 acres.

3. Give a brief explanation as to why you disagree with these portions:

37-7349A is a valid groundwater right and should be recommended. Both of the above-referenced groundwater rights are the result of T#68553, approved in June 2003. This transfer should be referenced in prepared in the recommendations.

DATE: 12/20/06SIGNATURE: Gerald B BashawPRINTED NAME: Gerald B Bashaw