

RECEIVED
NOV 13 2007
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 37-4142

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Gerald B. Bashaw

Address: P.O. Box 767

Picabo, ID 83348

Daytime Phone: (208) 788-6571

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson LLP

P. O. Box 2139

Boise, ID 83701-2139

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Gerald B. Bashaw

Address: P.O. Box 767

Picabo, ID 83348

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Wastewater from District canal system
3. ☒ **Quantity**
Should be: 4.6 cfs Irrigation, 0.12 cfs Stockwater
4. ☒ **Priority Date**
Should be: 4/30/1931
5. ☒ **Point of Diversion**
Should be: T1S R19E SWNE Sec 3
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation, Stockwater
8. ☒ **Period of Year**
Should be: Irrigation: 4/15-10/31; Stockwater: 1/1-12/31
9. ☒ **Place of Use**
Should be: See Exhibit A
10. ☒ **I object because:**
☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See attached narrative
and affidavits.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

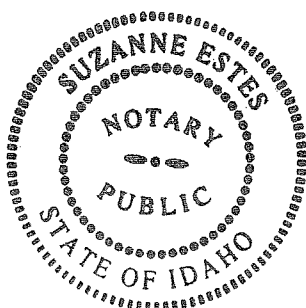
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 12, 2007
Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Gerald B. Bashaw

Address: P.O. Box 767

Picabo, ID 83348

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Additional Information in Support of SF-1 Objection
Water Right No. 37-4141
Gerald B. Bashaw

SRBA claim 37-4141 is based on a statutory claim of the same number. The claim asserts establishment of a water right from groundwater by beneficial use which began prior to the statutory permit date for groundwater in 1963. Evidence supporting the establishment of this water right includes:

1. The attached affidavits from two well-known local ranchers who have first-hand knowledge of the well being drilled and commencement of irrigation in 1947. Both affidavits attest to irrigation occurring as shown on Exhibit A of the affidavits.
2. The attached aerial photo from 1957 which clearly shows irrigation occurring, substantially in line with the place of use delineated on the original statutory claim. Note the presence of the "High Ditch" which was able to irrigate the land above the main ditch in SENW, SWNE, NESE, NWSE and SESE, all in Section 2, T. 1 S., R. 19 E.
3. The attached aerial photo from 1987 shows minor changes in the place of use which occurred prior to 1987. The claimant asserts an accomplished transfer prior to 1987.

Transfer No. 4660 was approved in 1997, which created a 434-acre permissible place of use for 37-4141. Companion transfer No. 4678 created the same permissible place of use for 37-4142, 37-125, and 37-11556. Transfer No. 66117 (old No. 5750) was approved in May 2001, which added two wells to 37-4141.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE USAGE OF WATER FOR
IRRIGATION PURPOSES UNDER WATER CLAIMS
37-4141 AND 37-4142 FOR THE PROPERTY KNOWN
AS LOVING SPRINGS RANCH

) COMMENTS AND
) EVIDENCE OF
) _____
)

COMES NOW, W. L. Shearline, and provides the following comments
and evidence in this matter:

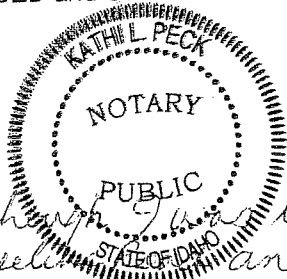
1. I have lived and operated farms and ranches in the Picabo and Gannett area for most of my life and have firsthand knowledge of irrigation and water usage operations on the Loving Springs Ranch property, now owned by Gerald B. Bashaw, located primarily in Sections 2 and 3, T. 1 S, R. 19 E.
2. I was born in the year 1935.
3. To the best of my knowledge, the irrigation well located in the NW1/4 SW1/4 Section 2, T. 1 S., R. 19 E., at the location shown on Exhibit A attached hereto, was drilled in approximately 1947.
4. The well began to be used in 1947 to irrigate land primarily north of Gannett Road. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto.
5. The Loving Springs Ranch is located at the lower end of a lateral of the District Canal Company. Excess water that was not taken by upstream diverters on this lateral enters the property at the northwest corner of the ranch and has done so since 1931 or earlier.
6. Beginning on or about the start of the irrigation season in 1931, said wastewater has been diverted into the ditch shown on Exhibit A and used for irrigation on the ranch. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto. *

DATED this 16 day of October, 20 02.

W. L. Shearline
(Signature)

W. L. SHEARLINE
(Printed name)

SUBSCRIBED and SWORN to before me this 6th day of November, 20 07.



Kathi L. Peck
NOTARY PUBLIC
Residing at: Carey ID
My Commission Expires: 8/31/12

Although I was born after 1931, as a young boy I lived on Baseline and rode horseback and observed continued farming on the property listed on #3 above. W. L.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE USAGE OF WATER FOR
IRRIGATION PURPOSES UNDER WATER CLAIMS
37-4141 AND 37-4142 FOR THE PROPERTY KNOWN
AS LOVING SPRINGS RANCH

) COMMENTS AND
) EVIDENCE OF

) _____
)

COMES NOW, A.W. Molyneux, and provides the following comments
and evidence in this matter:

1. I have lived and operated farms and ranches in the Picabo and Gannett area for most of my life and have firsthand knowledge of irrigation and water usage operations on the Loving Springs Ranch property, now owned by Gerald B. Bashaw, located primarily in Sections 2 and 3, T. 1 S, R. 19 E.
2. I was born in the year 1929.
3. To the best of my knowledge, the irrigation well located in the NW1/4 SW1/4 Section 2, T. 1 S., R. 19 E., at the location shown on Exhibit A attached hereto, was drilled in approximately 1947.
4. The well began to be used in 1947 to irrigate land primarily north of Gannett Road. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto.
5. The Loving Springs Ranch is located at the lower end of a lateral of the District Canal Company. Excess water that was not taken by upstream diverters on this lateral enters the property at the northwest corner of the ranch and has done so since 1931 or earlier.
6. Beginning on or about the start of the irrigation season in 1931, said wastewater has been diverted into the ditch shown on Exhibit A and used for irrigation on the ranch. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto.

DATED this 21 day of Feb., 2007.

A.W. Molyneux
(Signature)

A.W. Molyneux
(Printed name)

SUBSCRIBED and SWORN to before me this 22 day of February, 2007.

KATHI L. PECK
Notary Public
State of Idaho

Kathi L. Peck
NOTARY PUBLIC
Residing at: Carey, Id.
My Commission Expires: 8/31/07

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE USAGE OF WATER FOR
IRRIGATION PURPOSES UNDER WATER CLAIMS
37-4141 AND 37-4142 FOR THE PROPERTY KNOWN
AS LOVING SPRINGS RANCH

) COMMENTS AND
) EVIDENCE OF
) _____
)

COMES NOW, Gerald B. Bashaw, and provides the following comments
and evidence in this matter:

1. I have lived and operated farms and ranches in the Picabo and Gannett area for most of my life and have firsthand knowledge of irrigation and water usage operations on the Loving Springs Ranch property, now owned by Gerald B. Bashaw, located primarily in Sections 2 and 3, T. 1 S, R. 19 E.
2. I was born in the year 1918.
3. To the best of my knowledge, the irrigation well located in the NW1/4 SW1/4 Section 2, T. 1 S., R. 19 E., at the location shown on Exhibit A attached hereto, was drilled in approximately 1947.
4. The well began to be used in 1947 to irrigate land primarily north of Gannett Road. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto.
5. The Loving Springs Ranch is located at the lower end of a lateral of the District Canal Company. Excess water that was not taken by upstream diverters on this lateral enters the property at the northwest corner of the ranch and has done so since 1931 or earlier.
6. Beginning on or about the start of the irrigation season in 1931, said wastewater has been diverted into the ditch shown on Exhibit A and used for irrigation on the ranch. I have observed the irrigation since that time and the extent of irrigation was substantially as shown on Exhibit A attached hereto.

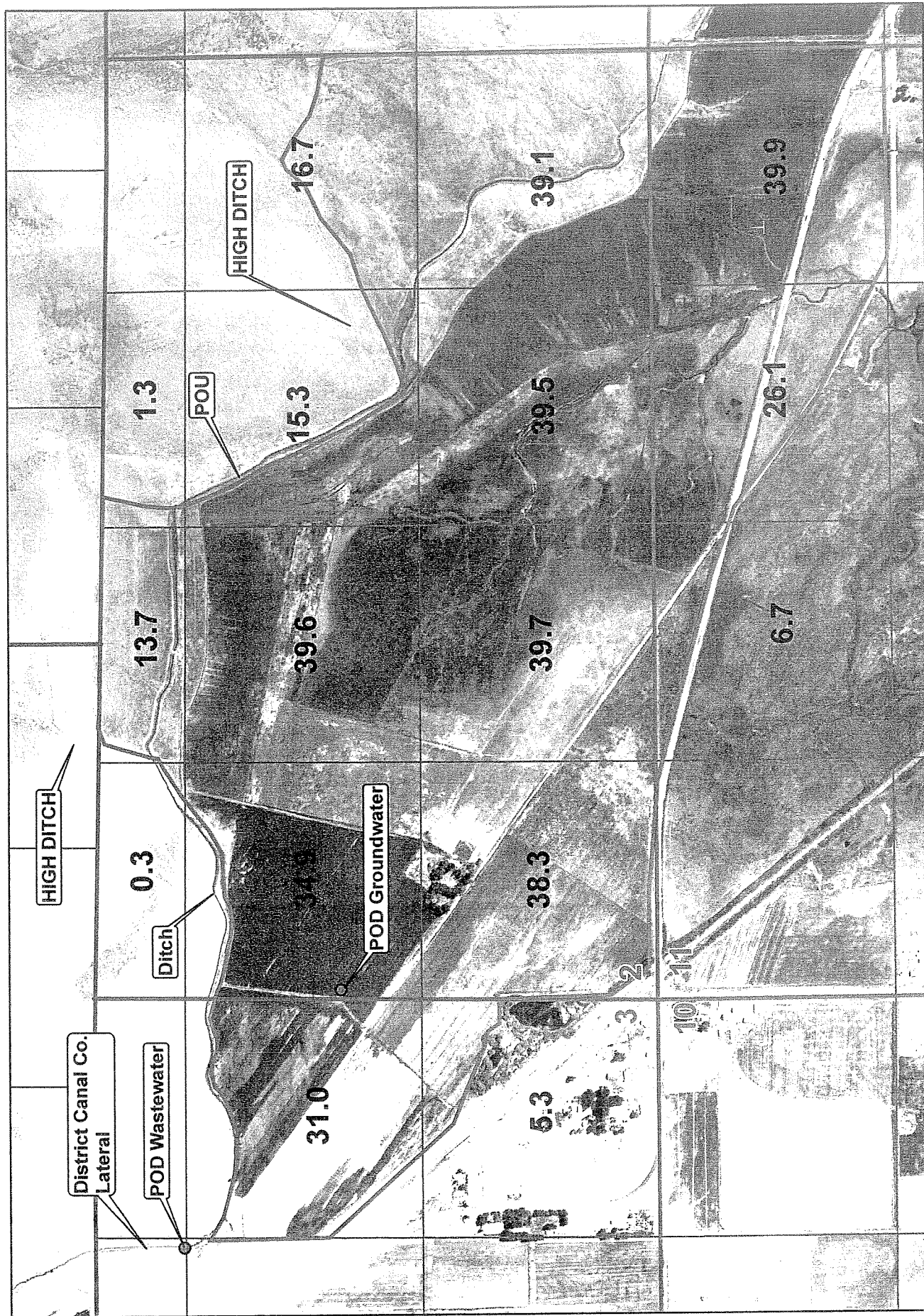
DATED this 5 day of February, 20 07
Gerald B. Bashaw _____
(Signature) (Printed name)

SUBSCRIBED and SWORN to before me this 10th day of February, 20 07.

KATHI L. PECK
Notary Public
State of Idaho

Kathi L. Peck
NOTARY PUBLIC

Residing at: Carey, ID
My Commission Expires: 8/31/07



Legend

POU Claim 37-4141, 37-4142 (387 AC.)

POD 37-4141, 37-4142

Section lines

TOWNS, R. 19E

EXHIBIT A

GERALD BASHAW

SRBA Claims 37-4141 and 37-4142

1957 Aerial photo



Legend

-  1987_Irrigation
-  Section_Lines
-  10's 19e
-  10m 19e

EXHIBIT B
GERALD BASHAW
SRBA Claims 37-4141 and 37-4142
1987 Irrigation showing POU Modified by Accomplished Transfer