

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-125
Date Received: 11/14/1988
Receipt No: S003786
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GERALD B BASHAW Phone: (208)788-6571
PO BOX 381
BELLEVUE ID 83313

AUDREY BASHAW Phone:
PO BOX 381
BELLEVUE ID 83313-0381

2. Date of Priority: 04/01/1884

3. Source: LOVING CREEK Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	2	SW SE	BLAINE	

5. Description of diverting works:

CHECK DAMS & DITCHES; STOCK DRINK FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.2	72.6

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 72.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01N	19E	34	NE	SE		IRRIGATION	16
			SE	SE		IRRIGATION	20
			Section Acres				
01N	19E	35	NW	SW		IRRIGATION	19
			SW	SW		IRRIGATION	35
			Section Acres				
01S	19E	2	SW	NE	2	IRRIGATION	15
			SE	NW	3	IRRIGATION	5
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	33
			SW	SW		IRRIGATION	35
			SE	SW		IRRIGATION	25
			NE	SE		IRRIGATION	25
			NW	SE		IRRIGATION	18
			SW	SE		IRRIGATION	10
			SE	SE		IRRIGATION	40
			Section Acres				
01S	19E	3	SW	NE	2	IRRIGATION	8
			NE	SE		IRRIGATION	30
			NW	SE		IRRIGATION	3
			SE	SE		IRRIGATION	4
			Section Acres				
01S	19E	11	NE	NE		IRRIGATION	35
			NE	NW		IRRIGATION	3
			NW	NW		IRRIGATION	15
			Section Acres				
Total Acres						434	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

P/U IS CLAIMED PER SEC. 42-1416 OF THE IDAHO CODE. RIGHT HAS BEEN USED EACH YEAR SINCE SINCE AT LEAST 1977, ALTHOUGH THE WATERMASTER HAS NOT BILLED ME FOR THE USE OF THIS RIGHT. RIGHT IS VERY IMPORTANT FOR STOCKWATER. STOCK DRINK DIRECTLY FROM LOV- ING CR. IN SUMMER, AND FROM AN IRRIGATION DITCH DURING THE WINTER . WITHOUT THIS RIGHT COMING TO MY PROPERTY, LOVING CR. CAN BE DRIED UP IN THIS AREA.
***** IDWR NOTE: EXCEPTION FILED BY WATERMASTER; SEE FILE.

2/22/90 ADM ***** ADDRESS & ATTORNEY CHANGE MADE 7/14/97 BY TLB.

Right 37-00125 is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season. Rights 37-00125, 37-04142 and 37-30000H when combined shall not exceed the irrigation of 423.0 acres within the place of use described above in a single irrigation season.

Approval of Transfer 4678 does not confirm claimed Right 37-04142.

Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

**CHANGE IN ADDRESS OF THE NOTICE OF CLAIM
IN THE SNAKE RIVER BASIN ADJUDICATION**

"A"
☐ Water Right Number(s): A37-00125; A37-04141; A37-04142; A37-11556;

A37-11560; A37-11561; Permit 37-08687

☒ Old Mailing Address:

GERALD B BASHAW OR AUDREY BASHAW

195 EAST MORGAN STREET

PERRIS CA 92370

714/943-4014

☒ New Mailing Address:

GERALD B BASHAW OR AUDREY BASHAW

P. O. BOX 381

BELLEVUE ID 83313-0381

☒ New Telephone Number: (208) 726-8414 -

☐ Signature of Claimant(s): sheet attached

Date: _____

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data Entry

Date: _____ By: _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00125
Date Received: 11/14/1988
Receipt No: S003786
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD B. BASHAW 714-943-4014
Address: 195 EAST MORGAN STREET
PERRIS, CA 92370
OR
Name: AUDREY BASHAW 714-943-4014
Address: 195 EAST MORGAN STREET
PERRIS, CA 92370

2. Date of Priority: APR 01, 1884

3. Source: LOVING CREEK Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	11	NE	SE			BLAINE

5. Description of diverting works:
CHECK DAMS & DITCHES; STOCK DRINK FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 84.90 A.F.A.

8. Total consumptive use is 84.9 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/100 RANGE

A37-00125

Page 1

Date: 02/22/90

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	11	SE	NE		IRR	15.0
			NE	SE		IRR	38.0
			SE	SE		IRR	7.0
						Section Acres	60.0
						Total Acres	60.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
GROUNDWATER RIGHTS

14. Remarks:

P/U IS CLAIMED PER SEC. 42-1416 OF THE IDAHO CODE. RIGHT HAS BEEN USED EACH YEAR SINCE SINCE AT LEAST 1977, ALTHOUGH THE WATERMASTER HAS NOT BILLED ME FOR THE USE OF THIS RIGHT. RIGHT IS VERY IMPORTANT FOR STOCKWATER. STOCK DRINK DIRECTLY FROM LOVING CR. IN SUMMER, AND FROM AN IRRIGATION DITCH DURING THE WINTER. WITHOUT THIS RIGHT COMING TO MY PROPERTY, LOVING CR. CAN BE DRIED UP IN THIS AREA.

IDWR NOTE: EXCEPTION FILED BY WATERMASTER; SEE FILE.
2/22/90 ADM

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00125
Date Received: 11/14/1988
Receipt No: S003786
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD B. BASHAW 714-943-4014
Address: 195 EAST MORGAN STREET
PERRIS, CA 92370

OR
Name: AUDREY BASHAW 714-943-4014
Address: 195 EAST MORGAN STREET
PERRIS, CA 92370

2. Date of Priority: APR 01, 1884

3. Source: LOVING CREEK Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	11	NE	SE			BLAINE

5. Description of diverting works:
CHECK DAMS & DITCHES; STOCK DRINK FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 84.90 A.F.A.

8. Total consumptive use is 84.9 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/100 RANGE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	19E	11	SE	NE		IRR	15.0
			NE	SE		IRR	38.0
			SE	SE		IRR	7.0
						Section Acres	60.0
						Total Acres	60.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
GROUNDWATER RIGHTS

14. Remarks:

P/U IS CLAIMED PER SEC. 42-1416 OF THE IDAHO CODE. RIGHT HAS BEEN USED EACH YEAR SINCE SINCE AT LEAST 1977, ALTHOUGH THE WATERMASTER HAS NOT BILLED ME FOR THE USE OF THIS RIGHT. RIGHT IS VERY IMPORTANT FOR STOCKWATER. STOCK DRINK DIRECTLY FROM LOVING CR. IN SUMMER, AND FROM AN IRRIGATION DITCH DURING THE WINTER. WITHOUT THIS RIGHT COMING TO MY PROPERTY, LOVING CR. CAN BE DRIED UP IN THIS AREA.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

vs ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 22 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A37-04142, A37-11560, A37-11561,
A37-00125, A37-11556, A37-04141

[] Name and Address of
Former Claimant: Holbrook Maslen

P.O. Box 1970

Sun Valley, Idaho 83353

[] New Claimant(s): Gerald B. Bashaw or Audrey Bashaw

[] New Mailing Address: 195 East Morgan Street

Perris, California 92370

New Telephone Number: (714) 943 - 4014

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached: Deed

[] Signature of New Claimant(s): Gerald B. Bashaw and Audrey Bashaw

BY *Kent Fletcher*
Kent Fletcher, Attorney

Date: 10-4-89

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/16/85 By: AD

Further Action Needed: None

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 11/16/85 By: AD

Claim Numbers of Split, if any:

MICROFILMED
FEB 22 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00125
Date Received: 10/20/1988
Receipt No: 5003786
Received By: J

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOLBROOK MASLEN 208-622-3068
Address: P. O. BOX 1970
SUN VALLEY, ID 83353

2. Date of Priority: APR 01, 1884

3. Source: LOVING CREEK Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	11	NE	SE			BLAINE

5. Description of diverting works:
CHECK DAMS & DITCHES; STOCK DRINK FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 84.90 A.F.A.

8. Total consumptive use is 84.9 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	11	SE	NE		IRR	15.0
			NE	SE		IRR	38.0

A37-00125

Page 1

Date: 11/14/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	11	SE	SE		IRR	7.0

Section Acres 60.0

Total Acres 60.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
GROUNDWATER RIGHTS

14. Remarks:

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15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

MICROFILMED
FEB 22 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Holladay Date: 11-14-88

Date: _____

State of Idaho)
County of Timber Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Nov. 19 88

[Signature]
Notary Public



Residing at Kimberly, ID
My Commission Expires 6/30/94

WARRANTY DEED

RECEIVED

For Value Received

FEB 9 - 1990

Department of Water Resources
Southern Region Office

HOLBROOK MASLEN, a Single Man

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

GERALD B. BASHAW and AUDREY BASHAW, Husband and Wife

whose address is: 1631 Coteau Drive; Riverside, California, 92504

Hereinafter called the grantee, the following described premises, in BLAINE County, Idaho,
to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH:

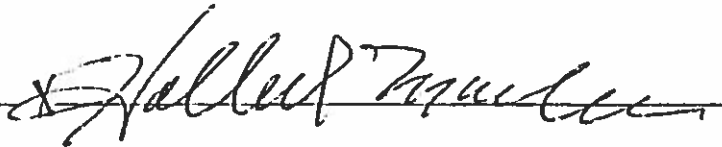
Water Right Number 37-00125 for 0.200 c.f.s.
 Water Right Number 37-04141 for 4.120 c.f.s.
 Water Right Number 37-04142 for 4.720 c.f.s.
 Water Right Number 37-11556 for 0.690 c.f.s.
 Water Right Number 37-11560 for 0.030 c.f.s.
 Water Right Number 37-11561 for 0.060 c.f.s.
 Water Right Number 37-08295 for 6.000 c.f.s.

and any and all other water rights appurtenant to said premises.

DOCUMENT IS BEING RECORDED AS A CORRECTION OF WARRANTY DEED RECORDED JUNE 14, 1989,
AS INSTRUMENT NO. 306454, in order to correct the water rights conveyed.SUBJECT TO MORTGAGE RECORDED JUNE 14, 1989, AS INSTRUMENT NO. 306455, RECORDS
OF BLAINE COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
 and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
 covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
 that they are free from all incumbrances except as described above and that Grantor will warrant
 and defend the same from all lawful claims whatsoever.

Dated: November 13, 1989



STATE OF Idaho, COUNTY OF Blaine
 On this 5th day of FEBRUARY, 19 90
 before me, a notary public in and for said State, per-
 sonally appeared

HOLBROOK MASLEN, a single man

known to me to be the person whose name is
 subscribed to the within instrument, and acknowledged to
 me that he executed the same.

he


 Notary Public
 Residing at Hailey, Idaho
 Comm. Expires 10/9/93

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock _____ m.,
 this _____ day of _____,
 19 _____, in my office, and duly recorded in Book
 of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
 Mail to:

EXHIBIT "A"

Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho

Section 2: Lots 1, 2, 3, and S $\frac{1}{2}$

Section 3: All that portion of E $\frac{1}{2}$ SE $\frac{1}{4}$ lying North and East of Union Pacific Railroad right of way, EXCEPT a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

BEGINNING at the Northwest corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Township 1 South, Range 19 East of the Boise Meridian;
THENCE South 104.4 feet;
THENCE East 104.4 feet;
THENCE North 104.4 feet;
THENCE West 104.4 feet to the PLACE OF BEGINNING.

ALSO EXCEPTING a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

BEGINNING at a point approximately 902 feet North from the Southeast corner of Section 3, Township 1 South, Range 19 E., B.M., and coincident with the Northeast corner of tract designated as T x Lot No. 1658;

THENCE Westerly along the North boundary of said T x Lot approximately 503 feet;
THENCE Northwesterly along East line of Union Pacific Railroad right of way 291.0 feet;
THENCE Southeasterly 705.6 feet to the POINT OF BEGINNING.

Section 11: E $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, all that portion of N $\frac{1}{2}$ NW $\frac{1}{4}$ lying East and North of Union Pacific Railroad right of way,

EXCEPT a tract in NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

BEGINNING at a point on the East and West line between Sections 2 and 11, Township 1 South, Range 19 E., B.M., where the East side line of Union Pacific Railroad right of way intersects with the South side line of the State Highway right of way;

THENCE East eight (8) rods along the South side line of State Highway;
THENCE Southeasterly parallel to the Union Pacific Railroad right of way, twenty (20) rods;

THENCE Westerly eight (8) rods, parallel to the State Highway right of way to the East line of said railroad right of way;

THENCE Northwest along the East line of said railroad right of way twenty (20) rods to the POINT OF BEGINNING.

AND

Section 11: All that portion of S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying East and North of the Union Pacific Railroad right of way;

EXCEPT Railroad right of way;

AND ALSO EXCEPT Highway right of way as granted in Book 139 of Deeds, page 236; Book 139 of Deeds, page 235; Book 139 of Deeds, page 385; and Book 139 of Deeds, page 234, records of Blaine County, Idaho.

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, Holbrook Maslen, hereby assign to Gerald B. & Audrey Bashaw
of 1631 Coteau Drive, Riverside, CA 92504
Address

All my right, title, and interest in and to Permit No. 37-08295
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

X Made this 5th day of February, 19 90.

X Holbrook Maslen
Permit Holder

Spouse of Permit Holder

X State of Idaho)
County of Blaine) ss

On this 5th day of February, 19 99, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Arlene By
Notary Public residing at Idaho

My commission expires:

10/9/93

MICROFILMED
FEB 22 1993

R. 19 E

28

27

25

4988

5210

6201

Spring

Spring

T. 36

Spring

N.

x 5675

Well 9850

Ditch and water picked up in 2" pipe

Well 935

Beckham's Big Wood Surface water

Gannett

Under the pipe flows into creek

Under the pipe flows to his property

PROPOSED POU AFTER TRANSFER - 434 AC

Beckham's Pond, Pump & well

Beckham's pond pump to his sprinklers

Springs

via

Grove

Spring

Spring

Storage Bin

Well

Wilson

Thompson

Spring

T # 4678

Silver Creek

Hayspur Fish Hatchery

13

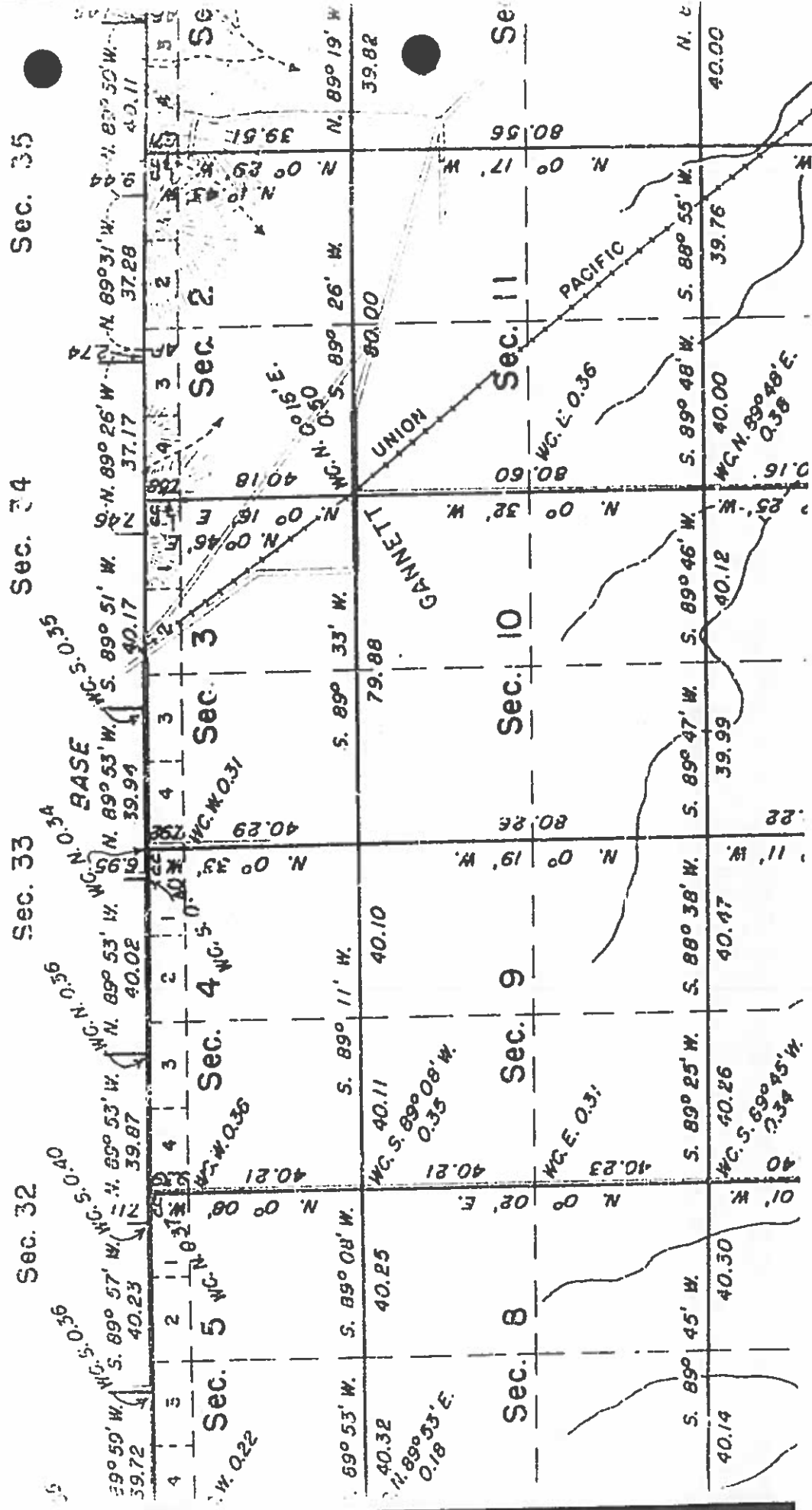
Campground

SHIP NO 1 SOUTH, RANGE NO. 19 EAST, OF THE BOISE MEI

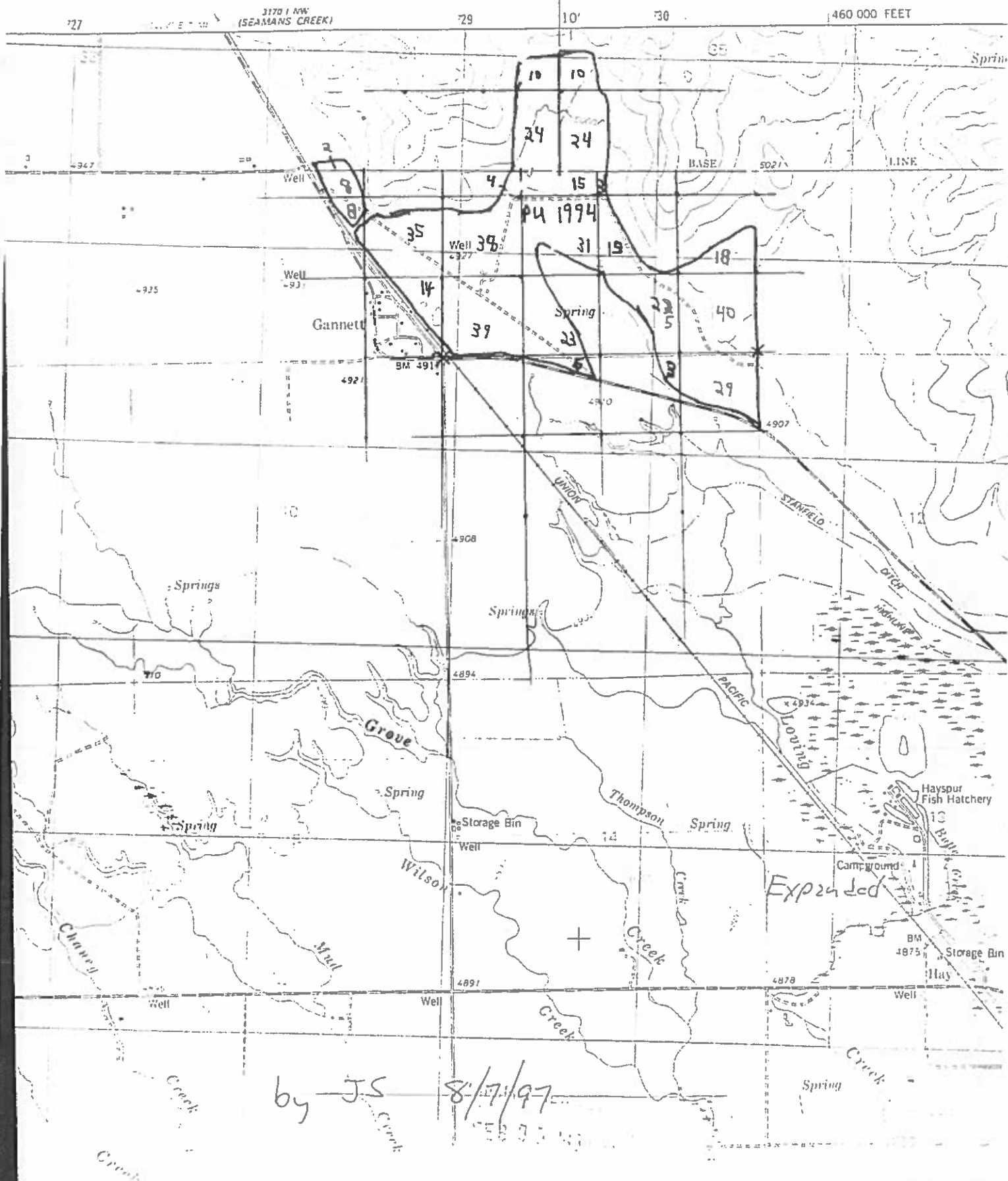
DEPENDENT RESURVEY

TOIS R19E

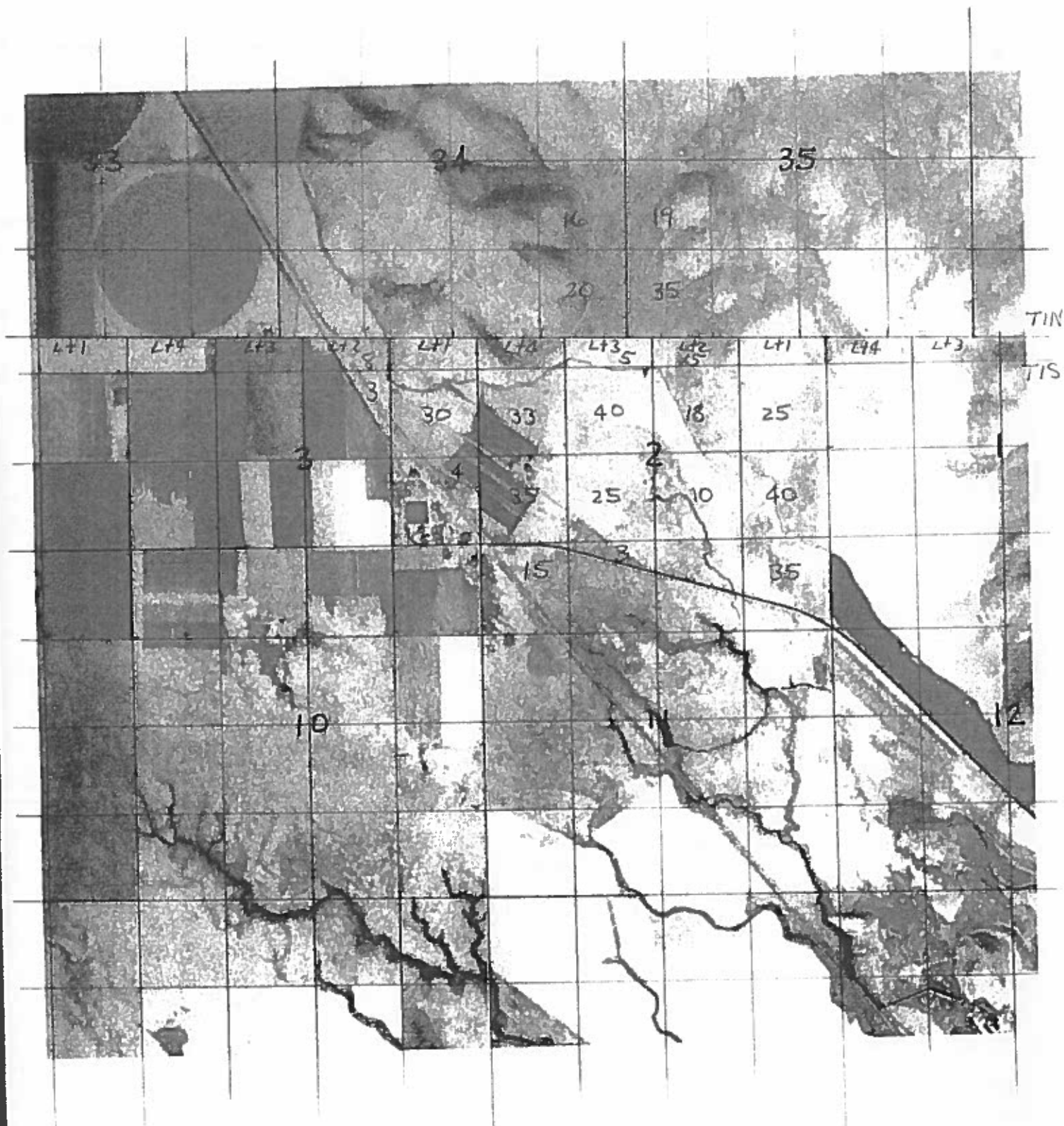
1940



GANNETT
ID/
7.5 MINUTE



AFTER



After

1988
photo

Idaho Department of Water Resources



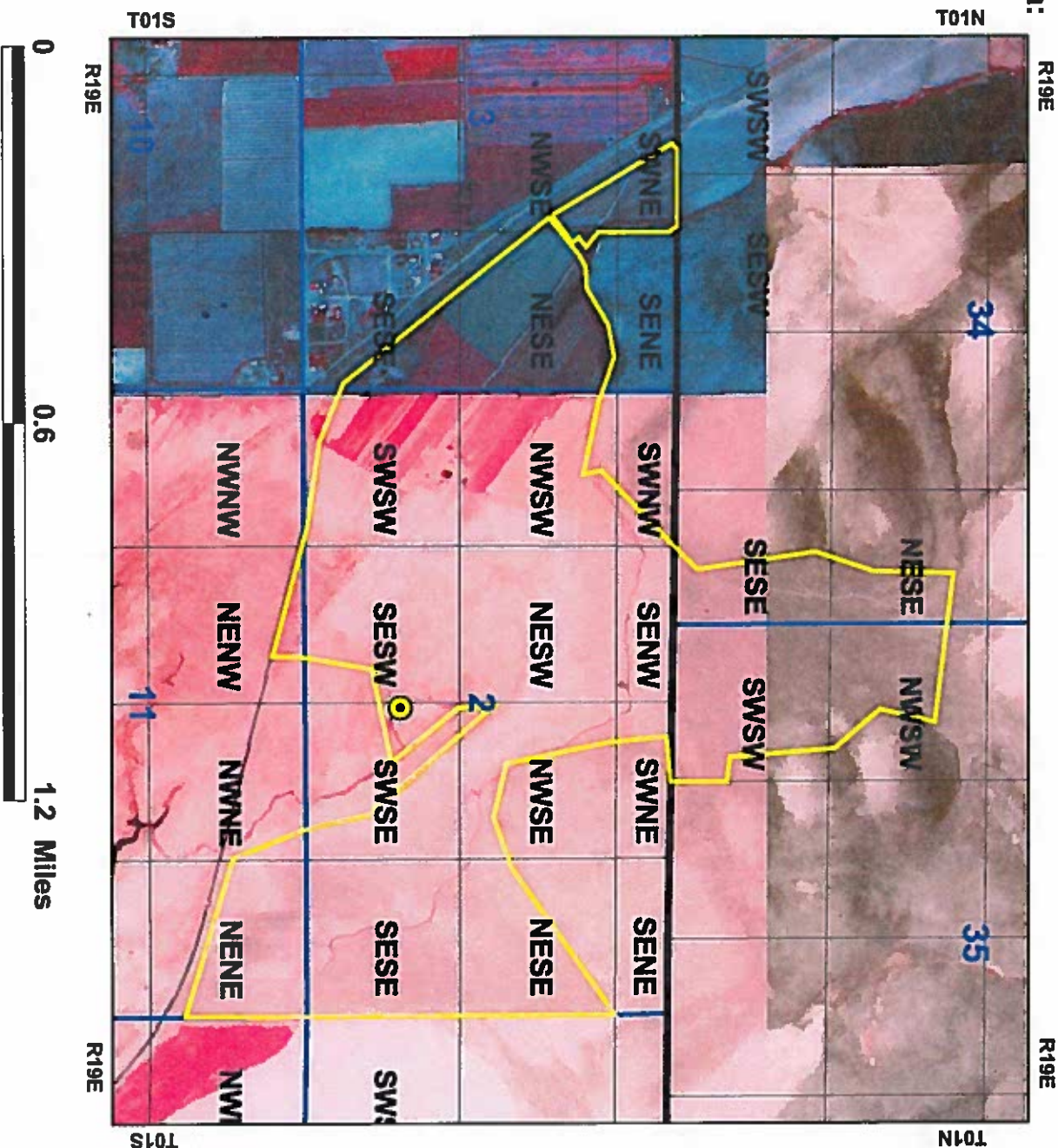
SRBA Recommendation:
37-125
 (Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
 IDWR Basin 37



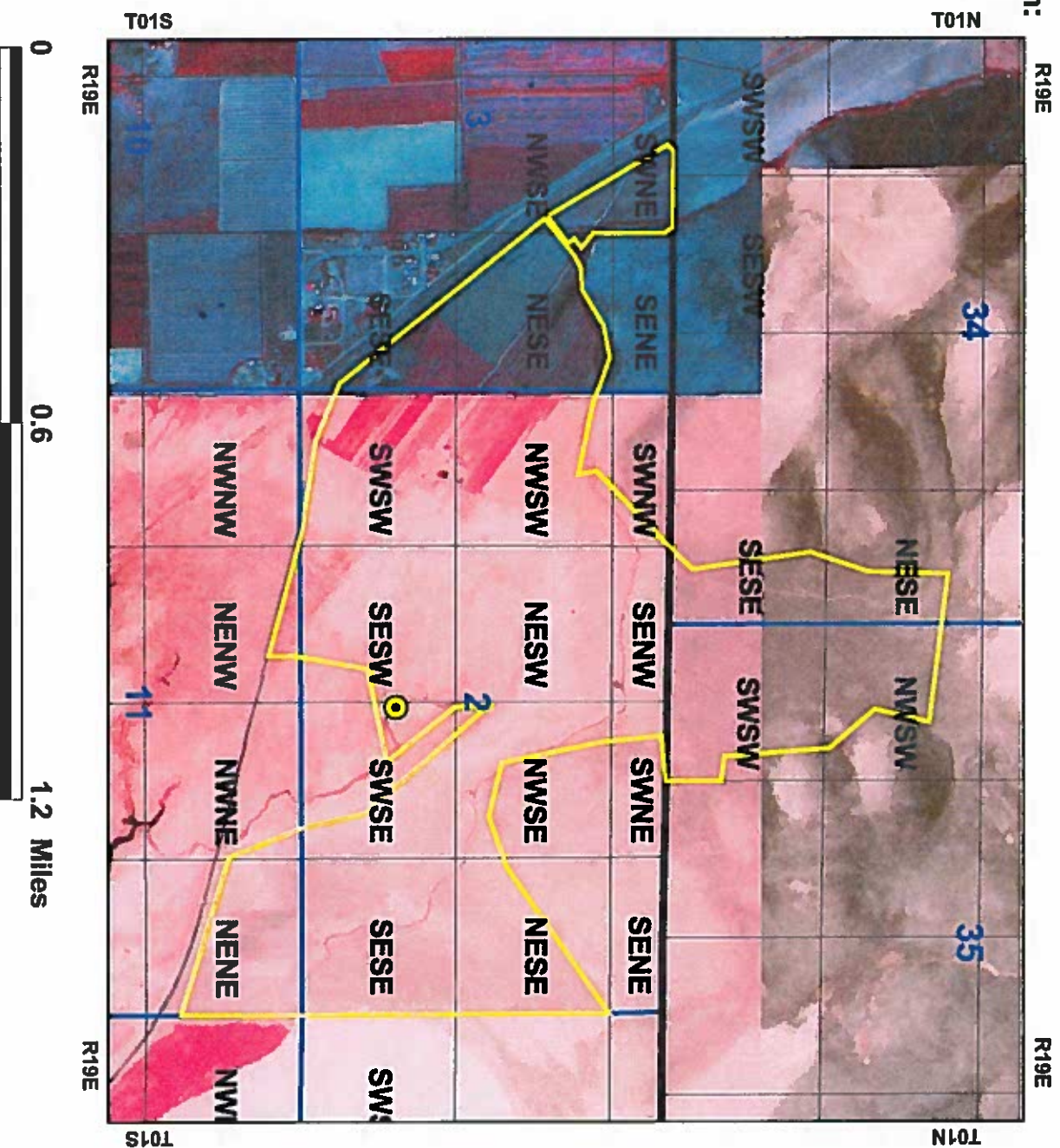
Prepared by E. NORQUES
 On Tuesday, October 3, 2006
 1987/88 Aerial Photography

37-125
(Irrigation)

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-125

WATER RIGHT NUMBER: 37-125

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HOLBROOK MASLEN PO BOX 1970 SUN VALLEY, ID 83353 (208)622-3068
Current Owner	GERALD B BASHAW PO BOX 381 BELLEVUE, ID 83313 (208)788-6571
Attorney	GARY D SLETTE ROBERTSON HEPWORTH SLETTE WORST & STOVER PLLC PO BOX 1906 TWIN FALLS, ID 83303-1906 (208)734-0700
Current Owner	AUDREY BASHAW PO BOX 381 BELLEVUE, ID 83313-0381

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.200 CFS	72.60 AF
	<u>Total Diversion:</u>	0.200 CFS	72.60 AF

Location of Point(s) of Diversion

LOVING CREEK SW1/4SE1/4 Sec. 2, Twp 01S, Rge 19E, B.M.
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	
01N	19E	34													16.0			20.0	36.0
01N	19E	35									19.0	35.0							54.0
01S	19E	2			15.0 L 2				5.0 L 3	40.0	33.0	35.0	25.0	25.0	18.0	10.0	40.0		246.0
01S	19E	3			8.0 L 2									30.0	3.0		4.0		45.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-125

01S 19E 11	35.0	3.0	15.0			53.0
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Total Acres: 434

Conditions of Approval:

1. R43 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Right 37-00125 is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season. Rights 37-00125, 37-04142 and 37-30000H when combined shall not exceed the irrigation of 423.0 acres within the place of use described above in a single irrigation season.
Approval of Transfer 4678 does not confirm claimed Right 37-04142.
Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. P/U IS CLAIMED PER SEC. 42-1416 OF THE IDAHO CODE. RIGHT HAS BEEN USED EACH YEAR SINCE SINCE AT LEAST 1977, ALTHOUGH THE WATERMASTER HAS NOT BILLED ME FOR THE USE OF THIS RIGHT. RIGHT IS VERY IMPORTANT FOR STOCKWATER. STOCK DRINK DIRECTLY FROM LOV- ING CR. IN SUMMER, AND FROM AN IRRIGATION DITCH DURING THE WINTER . WITHOUT THIS RIGHT COMING TO MY PROPERTY, LOVING CR. CAN BE DRIED UP IN THIS AREA.
***** IDWR NOTE: EXCEPTION FILED BY WATERMASTER; SEE FILE.
2/22/90 ADM ***** ADDRESS & ATTORNEY CHANGE MADE 7/14/97 BY TLB.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
8. R63 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.

Remarks:Comments:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-125

WATER RIGHT NUMBER: 37-125

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J E CALHOUN ID
Current Owner	AUDREY BASHAW PO BOX 381 BELLEVUE, ID 83313-0381
Current Owner	GERALD B BASHAW PO BOX 381 BELLEVUE, ID 83313 (208)788-6571
Original Owner	CHARLOTTE CALHOUN HAILEY, ID 83333

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.200 CFS	72.60 AF
	<u>Total Diversion:</u>	0.200 CFS	72.60 AF

Location of Point(s) of Diversion

LOVING CREEK	SW1/4SE1/4	Sec. 2, Twp 01S, Rge 19E, B.M.
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	
01N	19E	34													16.0			20.0	36.0
01N	19E	35									19.0	35.0							54.0
01S	19E	2			15.0						5.0	40.0	33.0	35.0	25.0	25.0	18.0	10.0	246.0
					L 2						L 3								
01S	19E	3			8.0										30.0	3.0		4.0	45.0
					L 2														
01S	19E	11	35.0				3.0	15.0											53.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-125

Total Acres: 434

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Right 37-00125 is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season. Rights 37-00125, 37-04142 and 37-30000H when combined shall not exceed the irrigation of 423.0 acres within the place of use described above in a single irrigation season.
Approval of Transfer 4678 does not confirm claimed Right 37-04142.
Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
6. R63 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.
7. R43 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.

Remarks:

Comments:

1. PSKAGGS 8/7/1998 TRANSFER 4678

Comment: Transfer 4678 changes the place of use under all of Rights 37-00125 & 37-04142, and a portion of Right 37-30000E, splitting the right into Parts F & G and creating a permissible place of use. The transfer also corrects a point of diversion & source.

Water Supply Bank:

57	0108	Brown, Rodney R.	50 inches.	10	Sept. 1, 1884.	Guy Hollow.
57	0109	superceded by Brown v. Reardon	10	102	June 1, 1885.	Rock Creek.
37	0110	Bryant, John P.	80	298	Feb. 23, 1906.	Big Wood River.
57	0111	Buller, R. P. and Ross B.	3	41	Apr. 17, 1883.	" " "
37	0112	Do.	32	820	June 20, 1884.	" " "
57	0113	superceded	780	50	July 10, 1884.	" " "
57	0114	Do.	750	44	May 1, 1886.	" " "
57	0115	Do.	750	49	June 12, 1886.	" " "
57	0116	Do.	7	174	June 2, 1890.	" " "
57	0117	Do.	300	268	May 1, 1902.	" " "
57	0118	Do.	400	291	July 1, 1904.	Swamp on lands. TRANS #3257
57	0119	Butler, Frank A.	160	306	July 17, 1906.	Big Wood River.
57	0120	Butch, James W.	260	78	June 1, 1884.	East Fork of Big Wood River.
37	0121	Butler, Alvin L.	115	236	May 31, 1898.	Big Wood River.
57	0122	Byrne, John and Patrick	252	137	May 1, 1887.	" " "
57	0123	Byrne, Michael J. and Thos. J. Jr.	500	131	May 1, 1887.	" " "
57	0124	Byrne, Thomas, Sr.	40	137	May 1, 1887.	" " "
57	0125	Cameron, J. B. and Charlotte	10	12	Apr. 1, 1884.	Silver Creek.
57	0126	Cannell, William	120	231	Aug. 2, 1897.	Little Wood River Canal Company shares.
57	0127	Caray, James	30	75	May 15, 1884.	Big Wood River
57	0128	Caray, J. H.	100	27	June 1, 1882.	Little Wood River (Also shares in Little Wood River Canal Co.)
57	0129	Carpenter, Albert	160	377	Jan. 27, 1908.	Corral Creek.
57	0130	Carpenter, Forrest A.	160	377	Jan. 27, 1908.	Big Wood River.
57	0131	Carpenter, Henry	160	224	May 15, 1897.	" " "
57	0132	Carpenter, Harbert	160	14	May 15, 1888.	Soldier Creek.
57	0133	Carpenter, Salem	160	40	May 15, 1899.	Big Wood River.

Trans 27-which right
not known.
Trans 298
#446-779-240

JUN 04 1996

Byrne, Michael J. and
Thomas J., Jr.

NE 1/4 of Sec. 22, S 1/2 of SW 1/4 of Sec. 15,
N 1/2 of NW 1/4 of Sec. 22, S 1/2 of NW 1/4
and NW 1/4 of SW 1/4 of Sec. 22, and S 1/2 of
SE 1/4 of Sec. 15, T. 3 S., R. 18 E., contain-
ing 520 acres.

Byrne, Thomas, Sr.

NE 1/4 of SW 1/4 of Sec. 15, T. 3 S., R. 18 E.

Calhoun, J. E.
and Charlotte

SW 1/4 of Sec. 2, S 1/2 of SE 1/4 of Sec. 2, E
1/2 of NW 1/4 and W 1/2 of NE 1/4 of Sec. 11,
T. 1 S., R. 19 E. Also, fractional parts of
NW 1/4 of NW 1/4 and all of NW 1/4 of SE 1/4
of said Section 11, containing in all about
420 acres, more or less.

Cameron, Ed.

E 1/2 of NW 1/4 of Sec. 11, T. 2 S., R. 21 E.,
containing 80 acres.

Canzler, William

SW 1/4 of SE 1/4, E 1/2 of SW 1/4 and NW 1/4 of
SW 1/4 of Sec. 33, T. 3 S., R. 18 E., contain-
ing 160 acres.

Carey, James

S 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Sec. 21,
T. 1 S., R. 21 E.

Carey, J. H.

NW 1/4 of NE 1/4, NE 1/4 of NW 1/4 of Sec. 32,
SE 1/4 of SW 1/4 and SW 1/4 of SE 1/4 of Sec.
29, T. 1 N., R. 13 E., containing 160 acres.

Carpenter, Albert

S 1/2 of SW 1/4 of Sec. 17, and N 1/2 of NW 1/4
of Sec. 20, T. 5 S., R. 15 E., -- 160 acres.

Carpenter, Forrest A.

S 1/2 of SW 1/4, NE 1/4 of SW 1/4, and NW 1/4 of
SE 1/4 of Sec. 20, T. 5 S., R. 15 E., contain-
ing 160 acres.

Carpenter, Henry

E 1/2 of SE 1/4, SW 1/4 of SE 1/4 and SE 1/4 of
SW 1/4 of Sec. 30, T. 5 S., R. 15 E.

Carpenter, Herbert

SE 1/4 of Sec. 29, T. 1 N., R. 14 E., containing
160 acres.

Butch, James W.	260 inches.	June 1, 1884.	East Fork of Big Wood River.
Butler, Alvin L.	115 "	May 31, 1898.	Big Wood River.
Byrne, John and Patrick	252 "	May 1, 1887.	" " "
Byrne, Michael J. and Thos. J. Jr.	500 "	May 1, 1887.	" " "
Byrne, Thomas, Sr.	40 "	May 1, 1887.	" " "
Calhoun, J. E. and Charlotte	10 "	Apr. 1, 1884.	Silver Creek.
Cameron, Ed.			(Little Wood River Canal Co. shares.)
Canzler, William	120 "	Aug. 2, 1897.	Big Wood River.
Carey, James	80 "	May 15, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Carey, J. H.	100 "	June 1, 1882.	Corral Creek.
Carpenter, Albert	160 "	Jan. 27, 1908.	Big Wood River.
Carpenter, Forrest A.	160 "	Jan. 27, 1908.	" " "
Carpenter, Henry	160 "	May 15, 1897.	" " "
Carpenter, Herbert	160 "	May 15, 1888.	Soldier Creek.
Carpenter, Salem	160 "	May 15, 1899.	Big Wood River.
Carter, Jonas E.	25 "	June 1, 1884.	Corral Creek.
" " "	25 "	June 1, 1886.	" "
" " "	35 "	June 1, 1888.	" "
Castle, C. W.	40 "	June 1, 1889.	Silver Creek.
" " "	60 "	May 15, 1890.	" "
Chaney, Laura J.	150 "	June 1, 1883.	Spring Creek.
Chaquette, Manuel	245 "	Nov. 2, 1885.	Big Wood River.
Chaumell, Eugene	10 "	Nov. 1, 1885.	Silver Creek.
" "	20 "	Sept. 1, 1887.	" "
" "	20 "	Apr. 1, 1888.	" "
Cherry, James	125 "	Apr. 15, 1894.	Little Wood River. (Also shares in Little Wood River Canal Co.)

JUN 04 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4678
WATER RIGHT NO(S). 37-00125/37-04142/37-30000H

This is to certify that: GERALD B BASHAW
AUDREY BASHAW
195 E MORGAN STREET
PERRIS CA 92370

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00125 : IRRIGATION Priority: 04/01/1884	04/15 to 10/15	0.20 CFS	72.6 AF
* Right No. 37-04142 : IRRIGATION STOCKWATER Priority: 04/30/1931	04/15 to 10/15 01/01 to 12/31	4.60 CFS 0.12 CFS	1309.0 AF 6.0 AF
		4.72 CFS	1315.0 AF
Right No. 37-30000H : IRRIGATION Priority: 03/24/1883	04/15 to 10/15	0.69 CFS	250.5 AF
	TOTAL:	5.61 CFS	1638.1 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 37-00125 : LOVING CREEK	SILVER CREEK
Right No. 37-04142 : WASTE WATER	LOVING CREEK
Right No. 37-30000H : BIG WOOD RIVER	MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 37-00125 :	SWSE , Sec. 2, Township 01S, Range 19E
Right No. 37-04142 :	Lot 2(SWNE), Sec. 3, Township 01S, Range 19E
Right No. 37-30000H :	SWNW , Sec. 36, Township 02N, Range 18E

MADISON COUNTY
NOTARIZED

FEB 05 1999

TRANSFER NO. 4678
WATER RIGHT NO(S). 37-00125/37-04142/37-30000H

CONDITIONS OF APPROVAL AND REMARKS

- * 12. Approval of Transfer 4678 does not confirm claimed Right 37-04142.
- 13. Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 13th day of January, 1999

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED
FEB 05 1999

10/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-125
NAME AND ADDRESS: GERALD B BASHAW
PO BOX 381
BELLEVUE ID 83313

AUDREY BASHAW
PO BOX 381
BELLEVUE ID 83313-0381

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.200 CFS
72.600 AFY

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.

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T01S R19E S2 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.200 CFS 72.60 AFY

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R19E S34	NESE	16.00	T01N R19E S34	SESE	20.00
T01N R19E S35	NWSW	19.00	T01N R19E S35	SWSW	35.00
T01S R19E S02 Lot 2 SWNE		15.00	T01S R19E S02 Lot 3 SENW		5.00
T01S R19E S02	NESW	40.00	T01S R19E S02	NWSW	33.00
T01S R19E S02	SWSW	35.00	T01S R19E S02	SESW	25.00
T01S R19E S02	NESE	25.00	T01S R19E S02	NWSE	18.00
T01S R19E S02	SWSE	10.00	T01S R19E S02	SESE	40.00
T01S R19E S03 Lot 2 SWNE		8.00	T01S R19E S03	NESE	30.00
T01S R19E S03	NWSE	3.00	T01S R19E S03	SESE	4.00
T01S R19E S11	NENE	35.00	T01S R19E S11	NENW	3.00
T01S R19E S11	NWNW	15.00			

434 ACRES TOTAL

10/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Right 37-00125 is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season. Rights 37-00125, 37-04142 and 37-30000H when combined shall not exceed the irrigation of 423.0 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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.

• 11556

Southern AJ

TRANSFER NO. 4678
WATER RIGHT NO(S). 37-00125/37-04142/37-30000H

FEB 09 1999

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

SOURCE

TRIBUTARY OF

LOCATION OF POINT(S) OF DIVERSION:

Right No. 37-00125 : SWSE , Sec. 2, Township 01S, Range 19E

Right No. 37-04142 : Lot 2(SWNE), Sec. 3, Township 01S, Range 19E

Right No. 37-30000H : SWNW , Sec. 36, Township 02N, Range 18E
BLAINE County

TRANSFER NO. 4678
WATER RIGHT NO(S). 37-00125/37-04142/37-30000H

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
01N	19E	34		NESE 16		SESE 20			36
		35		NWSW 19		SWSW 35			54
01S	19E	2	Lot 2(SWNE)	15	Lot 3(SENW)	5	NESW 40		
				NWSW 33		SWSW 35	SESW 25		
				NESE 25		NWSE 18	SWSE 10		
				SESE 40					246
		3	Lot 2(SWNE)	8	NESE 30		NWSE 3		
				SESE 4					45
		11		NENE 35	NENW 3		NWNW 15		53
Total number of acres irrigated:									** 434

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under these water rights will be regulated by the watermaster of State Water District Nos. 37 and 37M.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 7. Right 37-00125 is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season.
- ** 8. Right 37-04142 is limited to the irrigation of 374.0 acres within the place of use described above in a single irrigation season.
- ** 9. Right 37-30000H is limited to the irrigation of 379.0 acres within the place of use described above in a single irrigation season.
- ** 10. Rights 37-04142 and 37-30000H when combined shall not exceed the irrigation of 379.0 acres within the place of use described above in a single irrigation season.
- ** 11. Rights 37-00125, 37-04142 and 37-30000H when combined shall not exceed the irrigation of 423.0 acres within the place of use described above in a single irrigation season.

TRANSFER NO. 4678
WATER RIGHT NO(S). 37-00125/37-04142/37-30000H

CONDITIONS OF APPROVAL AND REMARKS

- * 12. Approval of Transfer 4678 does not confirm claimed Right 37-04142.
- 13. Approval of Transfer 4678 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 13th day of January, 1999

J. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 37-00125, 37-04142 & 37-30000H

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 4678

DATE: January 13, 1999

Transfer 4678 changes the place of use under all of Rights 37-00125 and 37-04142, and a portion of Right 37-30000E, splitting the right into Parts G and H. The transfer identifies the surface water rights used in combination with groundwater under Right 37-04141 (See companion Transfer 4660), creating 434 acre permissible place of use.

The points of diversion under each right are modified through the transfer to reflect the current system. The source under Right 37-00125 is also changed from Silver Creek to Loving Creek, which is tributary to Silver Creek. From review of the map and the decreed place of use, it would appear that Loving Creek was always the source since the place of use is well above the confluence of Loving Creek and Silver Creek. The SRBA claim also identifies Loving Creek as the source.

There is some concern about the actual historical use under these rights that will be addressed through the adjudication process. The total irrigated acres under all rights has been identified by region review as 423.0 acres. The validity of all rights are subject to review by the SRBA and this transfer approval does not confirm statutory claim 37-04142.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, measuring & lockable devices, irrigation overlap, permissible place of use, combined right limits, non-confirmation of claim, right-of-way and standard transfer conditions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREIER
DIRECTOR

JUL 14, 1997

GARY SLETTE
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: BASHAW ATTORNEY & ADDRESS CHANGE

DEAR MR. SLETTE:

THE DEPARTMENT HAS RECENTLY RECEIVED THIS CHANGE OF ATTORNEY. OUR RECORDS HAVE BEEN UPDATED TO REFLECT THE CHANGES. THESE COPIES ARE FOR YOUR RECORDS. PLEASE REVIEW THEM FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
S.R.B.A. RECORDS CLERK

ENCLOSURES

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

Gerald & Audrey Bashaw

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Gary Slette
Rusholt, Robertson & Tulcer
143 3rd Ave North (P.O. Box 1906) 83303-1906
Twin Falls, Id 83701
 Attorney's Phone 208 734-0700

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

"A" A37-00125 A37-04141 A37-04142 A37-11556 A37-11560
Permit 37-08687 SEE LIST ATTACHED FOR BALANCE OF RIGHTS TO CORRECT

For Individuals:

Authorized signature(s) Date 1/8/96

Gerald B. Bashaw

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____.

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

NEW Address:

IDWR Use:

Date Received _____

Data Entry _____

LOVING SPRINGS RANCH

P.O. BOX 381

925 GANNETT ROAD

BELLEVUE, IDAHO 83313-0381

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

December 14, 1990

RECEIVED

DEC 17 1990

Department of Water Resources
Southern Region Office

Allen Merritt
Water Rights Supervisor
Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Exception to SRBA Claims A37-00125 & A37-04142

Dear Allen:

I have heard nothing further from the Department concerning the exceptions referred to in your letter of February 22, 1990.

Before the Department makes a recommendation to the Court, I want to make sure the Department understands the position of Mr. and Mrs. Bashaw in regard to the exceptions contained in the letter submitted by Reid Newby.

As I understand the situation, Mr. Newby claims that Water Right No. 37-00125 for .200 cfs of water from Silver Creek "has not been delivered for roughly 60 years".

In addition, he claims that State Water Right #37-04142 "has never been delivered by the Watermaster's office".

Mr. Bashaw strongly objects to the statements contained in Mr. Newby's letter.

I believe Mr. Newby's statements are based solely upon the records of the Watermaster, and not upon any personal knowledge of irrigation of the affected parcels.

Water has in fact been used on the parcels in question, and has been taken from the sources described in the water rights. This is supported by aerial photographs taken as recently as 1977 and by statements made to Mr. Bashaw by the two previous owners of the property, Mr. Maslen and Mrs. Rappleye, as well as the knowledge of neighbors located within the area.

I think that the best way to clear up this issue is for someone from the Department to physically examine the property and have Mr. Bashaw explain the water delivery system.

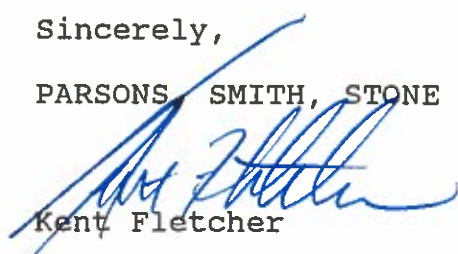
NOT FILMED
FEB 22 1993

Allen Merritt
December 14, 1990
Page 2

If I can provide further information, please contact me.

Sincerely,

PARSONS, SMITH, STONE & FLETCHER



Kent Fletcher

KF/brd

pc: Jerry Bashaw

MICROFILMED
FEB 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Feb-1990 09:30

Gerald &/or Audrey Bashaw
195 East Morgan Street
Perris CA 92370

RE: Exception to SRBA Claims A37-00125 & A37-04142

Dear Mr. & Mrs. Bashaw:

The Department has recently received an exception pertaining to your above referenced SRBA Notice of Claims. Please find enclosed a copy of the exception for your review. As you may know the Department is required by statute to review each claim to be sure it is complete and accurate prior to recommending the water right to the court. At the time of the Department's review the information contained in the exception and any additional information you provide will be considered before we make our recommendation to the court. You are given the opportunity at this time to respond to the exception or include in with your notice of claim any further information that may support your claim.

PLEASE NOTE!! Once the Department files its report to the court you may need to review the report and file an objection pursuant to Section 42-1412 of the IDAHO CODE if you are dissatisfied with the findings for the water right as reported by the director.

If you have any questions please feel free to contact this office.

Sincerely

Allen Merritt, P.E.
Water Rights Supervisor

CC: Kent Fletcher, Attorney
Dave Shaw

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FEB 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Feb-1990 09:24

Water District 37 & 37M
Attn: Reid Newby, Watermaster
Box T
Shoshone, ID 83352

RE: Exception to SRBA Claims A37-00125 and A37-04142

Dear Mr. Newby:

The Department has recently received the exception you have submitted pertaining to the above referenced SRBA Notice of Claim. As you may know the Department is required by statute to review each claim to be sure it is complete and accurate prior to recommending the water right to the court. At the time of the Department's review the information you have provided will be considered before we make our recommendation to the court. Please note that we are forwarding a copy of your exception to the claimant so that they may address any issues you may have raised regarding their notice of claim.

PLEASE NOTE!! Once the Department files its report to the court you may need to review the report and file an objection pursuant to Section 42-1412 of the IDAHO CODE if you are dissatisfied with the findings for the water right as reported by the director.

If you have any questions please feel free to contact this office.

Sincerely

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

CC: Dave Shaw

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FEB 22 1993

RECEIVED

FEB 15 1990

Department of Water Resources
Southern Region Office

WATER DISTRICT #37 & 37-M
SHOSHONE, ID 83352

February 13, 1990

Judge Daniel Hurlbutt
Clerk of the District Court
Fifth Judicial District
County Courthouse
Twin Falls, ID 83301

Re: Abandoned of Forfeited Water Rights

Dear Sir:

The Watermaster's office in Shoshone received this date a Warranty Deed showing where Holbrook Maslen sold land to Gerald B. Bashaw. Also listed were the following Water Rights. State Water Right #37-00125 for .200 cfs of water from Silver Creek. This water has not been delivered for roughly 60 years even though it was decreed to lands in the S. C. Frost vs. Alturas Water Company Decree. It also listed State Water Right #37-04142 for 4.720 cfs of water, which, after checking with the Department of Water Resources, I find is a constitutional claim for waste water tributary to Loving Creek, and with a 1931 priority date. Both of these rights are located in Water District #37-M, Silver Creek and Little Wood River. State Water Right #37-04142 has never been delivered by the Watermaster's office, to my knowledge.

Also listed is State Water Right #37-11556 for .690 cfs of water. After considerable investigation I have determined that this is the 34.5 inches or .690 cfs that was originally decreed in S. C. Frost vs. Alturas Water Company decree to W. T. Riley. This water has been delivered each year to the head of the District Canal out of Big Wood River. At this point W. R. #37-11556 is an Adjudication Claim number and I have no way of connecting Adjudication Claim numbers to the old original Water Right numbers. The W. T. Riley water right was an immense water right and since being originally decreed in 1909 there have been a great many transfers applied to this right. I, therefore, understand the reasoning behind assigning new numbers to this right, but as Watermaster I am required to know who owns each portion of the original State Water Right #37-0577, and at this time I have no way to make the connection between the new Adjudication numbers and the old Decreed State Water Right numbers. This is just one incident of many.

MICROFILMED
FEB 22 1993

I feel, as Watermaster of Water District #37- & 37-M, that Adjudication State Water Right #37-00125 and #37-04142, in the Silver Creek area, Water District #37-M should be declared forfeited for non-use.

We should be given a list of all the Adjudication Water Right numbers and their related old State Water Right numbers.

If we can be of any assistance please let us know.

Sincerely,

Reid

Reid J. Newby
Watermaster

RJN/ic

cc: Allen Merritt ✓
Department of Water Resources, Twin Falls
David Shaw
Department of Water Resources, Boise

MICROFILMED
FEB 22 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 24, 1990

Reid J. Newby, Watermaster
Water District 37 and 37M
Shoshone, Idaho 83352

RE: List of rights that have not been used in recent years

Dear Reid:

Your letter of March 27, 1990, provided a list of 19 rights that your records indicate as not having been called for or used for many years, and you request that the rights be determined to be forfeited. IDWR does not have an administrative procedure for making a forfeiture determination of a decreed right, and a bill (HB 462) which intended to provide a procedure was held in the House Resources Committee this year.

I will refer your letter to Dave Shaw for consideration in the Snake River Basin Adjudication if claims are received on any of the rights you have listed.

Sincerely yours,

NORMAN C. YOUNG
Administrator

NCY:dc

cc: Dave Shaw

MICROFILMED
FEB 22 1993

RECEIVED

MAR 28 1990

Department of Water Resources
Southern Region Office

RECEIVED

MAR 29 1990

WATER DISTRICT #37 & 37-M
Shoshone, ID 83352

Department of Water Resources
Southern Region Office

March 27, 1990

Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Abandoned Water Rights

Dear Sir:

In the process of updating what we call the decree book we find that many decreed and licensed water rights have not been called for or used for many years. We feel these rights have been forfeited through non-use and therefore, we are not including them in our updated decree book. The Watermaster's office for Water Districts #37 & 37-M requests that the following list of water rights be declared forfeited.

The following have not been used since prior to 1941:

Decreed To	Prior Date	Inches
J. E. Calhoun	4-1-1884	10.0
Jas. B. Broadhurst	4-1-1890	50.0
H. P. Johnson	4-1-1890	80.0
Christina Nisson	8-14-1890	62.5
Christina Nisson	8-14-1890	62.5
H. P. Johnson	6-15-1891	100.0
Mary Parker	6-1-1892	100.0
H. C. White	4-1-1893	30.0
Elmer C. Dixon	9-26-1906	25.0
Martin Albrethson	6-17-1899	50.0
D. B. Smith	5-1-1900	100.0
George D. Malcolm	9-26-1906	25.0
C. H. Morehouse	1-24-1910	110.0
R. A. NEWHOUSE	8-20-1909	40.0
H.F. JOHNSON	4-1-1888	40.0

The following have not been delivered since 1970:

A. S. Ivie	6-1-1887	250.0
James S. Brown	6-1-1889	120.0
W. M. Price	6-1-1884	15.0
Charlie Board	5-31-1900	200.0

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FEB 22 1993

Your prompt attention to these right being declared
forfeited would be greatly appreciated.

Sincerely



Reid J. Newby
Watermaster

RJN/ic

cc: Norm Young
Gary Spackman
Loren Holmes

MICROFILMED
FEB 22 1993

LUBOVISKI, WYGLE & FALLOWFIELD

BARRY J. LUBOVISKI
JANET C. WYGLE
ROBERT I. FALLOWFIELD

ATTORNEYS AT LAW
SUITE 205, THE STATION
460 SUN VALLEY ROAD
P. O. BOX 1172
KETCHUM, IDAHO 83340-1172

AREA CODE 208
TELEPHONE 726-8219
FACSIMILE 726-3750

February 7, 1990

RECEIVED

FEB 9 - 1990

Department of Water Resources
Southern Region Office

Mr. Jim Stanton
Idaho Department of Water Resources
4th Avenue East
Twin Falls, Idaho 83301

Re: Water Right Numbers 37-00125, 37-04141,
37-04142, 37-11556, 37-11560, 37-11561
and 37-08295

Dear Mr. Stanton:

Enclosed please find a Corrected Warranty Deed and an Assignment of Permit affecting the above-referenced water rights. Please see that the names under which those rights and applications are held are changed to Gerald B. Bashaw and Audrey Bashaw of 1631 Coteau Drive, Riverside, California, 92504.

Thank you.

Sincerely,

LUBOVISKI, WYGLE & FALLOWFIELD

Robert I. Fallowfield

Robert I. Fallowfield

RIF/sc
Enclosures

cc: Mr. Gerald B. Bashaw
Kent Fletcher, Esq. (w/enclosures)

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FEB 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

GERALD B BASHAW

Nov. 17, 1989

Re: A37-00125

KENT FLETCHER
P O BOX 910
BURLEY ID 83318

A37-11561
A37-11556
A37-04141
A37-11560
A37-04142

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 22 1993