

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 37-4142
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 USA 83313

AUDREY BASHAW Phone:

PO BOX 381
BELLEVUE ID USA 83313-0381

2. Date of Priority: 04/30/1931

3. Source: WASTE WATER Trib. to: LOVING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	3	SW NE 2	BLAINE	

5. Description of diverting works:

DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4.6	1309
STOCKWATER	01/01	12/31	0.12	6

7. Total Quantity Appropriated is:
4.72 C.F.S. and/or 1315 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		STOCKWATER	
			SE	SE		STOCKWATER	
			NE	SE		IRRIGATION	16
			SE	SE		IRRIGATION	20
						Section Acres	36
01N	19E	35	NW	SW		IRRIGATION	19
			SW	SW		IRRIGATION	35
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
						Section Acres	54
01S	19E	2	NE	SE		STOCKWATER	
			SE	NW	3	STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SW	NE	2	STOCKWATER	
			SE	SW		STOCKWATER	
			SE	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			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	246
01S	19E	3	SW	NE	2	IRRIGATION	8
			NE	SE		IRRIGATION	30
			NW	SE		IRRIGATION	3

			SE	SE	IRRIGATION	4
		2	SW	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
					Section Acres	45
01S	19E	11	NE	NE	STOCKWATER	
			NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	
			NE	NE	IRRIGATION	35
			NE	NW	IRRIGATION	3
			NW	NW	IRRIGATION	15
					Section Acres	53
					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:

** IDWR NOTE: EXCEPTION FILED BY WATERMASTER; SEE FILE 2/22/90 ADM ****
ATTORNEY AND ADDRESS CHANGE MADE 7/14/97 BY TLB.

Right 37-04142 is limited to the irrigation of 374.0 acres within the place of use described above in a single irrigation season. 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.

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: Statutory Claim



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: A37-04142
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 30, 1931

3. Source: WASTE WATER Trib. to: LOVING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	3	NW	NE		2	BLAINE

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/30	10/31	4.600		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.720 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/450 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	2	NE		SW		IRR	40.0
			NW		SW		IRR	33.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NE		SE		IRR	25.0
			NW		SE		IRR	18.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
						Section Acres	274.0	
		3	NE		SE		IRR	30.0
			SE		SE		IRR	7.0
						Section Acres	37.0	
		11	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			NE		NW		IRR	8.0
						Section Acres	63.0	
						Total Acres	374.0	

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:

14. Remarks:

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

15. Basis of Claim: STATUTORY CLAIM

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
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CIVIL CASE NUMBER: 39576

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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 30, 1931

3. Source: WASTE WATER Trib. to: LOVING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	3	NW	NE		2	BLAINE

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/30	10/31	4.600		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.720 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/450 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	2	NE		SW		IRR	40.0
			NW		SW		IRR	33.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NE		SE		IRR	25.0
			NW		SE		IRR	18.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	274.0
		3	NE		SE		IRR	30.0
			SE		SE		IRR	7.0
							Section Acres	37.0
		11	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			NE		NW		IRR	8.0
							Section Acres	63.0
							Total Acres	374.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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

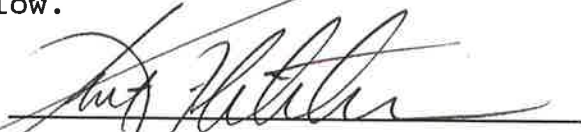
Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993

NOTICE OF APPEARANCE

Notice is hereby given that I, Kent Fletcher will be acting as attorney at law on behalf of Gerald B. Bashaw and Audrey Bashaw, and that all notices required by law to be mailed by the director to Bashaws should be mailed to me at the address listed below.

Signature



Address: P.O. Box 910
Burley, Idaho 83318

Date: October 5, 1989

RECEIVED

OCT 06 1989

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 23 1993

WARRANTY DEED

For Value Received

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, CA 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 rights of 0.690 C.F.S being a part of Water Rights 37-00577.

306454
BLAINE CO. REQUEST
OF
SAWTOOTH TITLE CO., INC.
JAN 14 1989
JAN 14 1989
JAN 14 1989

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:

Holbrook Maslen
Holbrook Maslen

STATE OF Idaho, COUNTY OF Blaine
On this 14 day of May, 19 89,
before me, a notary public in and for said State, personally appeared

Holbrook Maslen

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

Notary Public
Idaho

Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF

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

at 14 minutes past 1 o'clock pm,
this 14 day of May,
19 89, in my office, and duly recorded in Book
of Deeds at page

Ex Officio Recorder

By

Fees \$
Mail to

Deputy

MICROFILMED
FEB 29 1989

EXHIBIT "A"

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

Section 2: Lots 1, 2, 3, and 4

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

County of Blaine,

I, Joanna E. Hamant, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original Warranty Deed

#306454 in the above entitled action now on file in my office.

Given under my hand and the seal of said court in my office, at Hailey, this 4th day of October, A.D. 1927.

Attest:

By Joanna E. Hamant Deputy.

MICROFILMED
FEB 23 1969

3022
accreage envelopes w/
A37-04142

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: A37-04142
Date Received: 10/05/1988
Receipt No: 5003786
Received By: Jo

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

OR

Name: HOLBROOK MASLEN
Address: P.O. BOX 88212
LOS ANGELES, CA 90009

2. Date of Priority: APR 30, 1931

3. Source: WASTE WATER Trib. to: LOVING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	3	NW	NE		2	BLAINE

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/30	10/31	4.600		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/450 RANGE

COPY

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	2	NE		SW		IRR	40.0
			NW		SW		IRR	33.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NE		SE		IRR	25.0
			NW		SE		IRR	18.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	274.0
		3	NE		SE		IRR	30.0
			SE		SE		IRR	7.0
							Section Acres	37.0
		11	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			NE		NW		IRR	8.0
							Section Acres	63.0
							Total Acres	374.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *Halvin T. ...* Date: Oct 5, '88
_____ Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of Oct 19 88

John Sal Carlson
Notary Public

Seal

Residing at Bow Id

My Commission Expires 6/2/94

COPY

MICROFILMED
FEB 23 1993

WARRANTY DEED

RECEIVED

For Value Received

FEB 9 - 1990

HOLBROOK MASLEN, a Single Man

Department of Water Resources
Southern Region Office

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, personally 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.


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

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, 1990.

X Holbrook Maslen
Permit Holder

Spouse of Permit Holder

X State of Idaho)
County of Blaine) ss

On this 5th day of February, 1990, 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 Bay
Notary Public residing at Hailey

My commission expires:

10/9/93

MICROFILMED
FEB 23 1993

06/27/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-4142

NAME AND ADDRESS: GERALD B BASHAW
PO BOX 767
PICABO ID 83348AUDREY BASHAW
PO BOX 767
PICABO ID 83348

SOURCE: WASTE WATER

TRIBUTARY: LOVING CREEK

QUANTITY: 4.720 CFS
1,315.00 AFY

The rights listed below are limited to a total combined diversion rate of 7.48 cfs and to a total combined annual diversion volume of 1309 AF for irrigation purposes. Combined Right Nos.: 37-125, 37-11556, 37-4142, 37-800 & 37-801.

PRIORITY DATE: 04/30/1931

POINT OF
DIVERSION:

T01S R19E S3 NWNESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
		6.00 AFY
IRRIGATION	04/15 10/31	4.600 CFS
		1,309.00 AFY

PLACE OF USE:

IRRIGATION in 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			

STOCKWATER same as IRRIGATION

434 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 374 acres in a single irrigation season. Combined Right Nos.: 37-125, 37-11556, 37-4142, 37-800, 37-801.

This right is limited to the irrigation of 374 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 right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-800 V1

WATER RIGHT NUMBER: 37-800 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	IDA RHODES
	, ZZ
Original Owner	ALVA RHODES
	, ZZ
Current Owner	GERALD B BASHAW PO BOX 767 PICABO, ID 83348 (208)788-6571
Current Owner	AUDREY BASHAW PO BOX 767 PICABO, ID 83348 (208)788-6571

Priority Date: 04/01/1930

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.000 CFS	794.00 AF
STOCKWATER	01/01 to 12/31	0.120 CFS	
	<u>Total Diversion:</u>	2.000 CFS	794.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SW1/4	Sec. 2,	Twp 01S,	Rge 19E, B.M.
BLAINE County				
GROUND WATER	SW1/4NW1/4SW1/4	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	40.0		246.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-800 V1

01S 19E 3	8.0			30.0	3.0	4.0	45.0
01S 19E 11	35.0	3.0	15.0				53.0

Total Acres: 434

STOCKWATER same as IRRIGATIONConditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. K06 This right is limited to the irrigation of 374 acres within the place of use described above in a single irrigation season.
3. E56 The rights listed below are limited to the irrigation of a combined total of 374 acres in a single irrigation season. Combined Right Nos.: 37-125, 37-11556, 37-4142, 37-800, 37-801.
4. E61 The rights listed below are limited to a total combined diversion rate of 7.48 cfs and to a total combined annual diversion volume of 1309 AF. Combined Right Nos.: 37-125, 37-11556, 37-4142, 37-800 & 37-801.
5. C18 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.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			11/04/2010	djones	Active

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: 37-4142

GERALD B BASHAW

~~PO BOX 381~~

~~ELLERIE ID 83313~~

Telephone Number: (208)788-6571

AUDREY BASHAW

~~PO BOX 381~~

~~ELLERIE ID 83313-6381~~

Loving Springs Ranches LP
Gerald B. Bashaw
P.O. Box 787
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 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 83720-0998, 2082874000

125
11566 3/24/03
69

SCANNED

DEC 22 2006

10/17/2006

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

RIGHT NUMBER: 37-4142

NAME AND ADDRESS: GERALD B BASHAW
PO BOX 381
BELLEVUE ID 83313

AUDREY BASHAW
PO BOX 381
BELLEVUE ID 83313-0381

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

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

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4142

WATER RIGHT NUMBER: 37-4142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD B BASHAW PO BOX 381 BELLEVUE, ID 83313 (208)788-6571
Original Owner	HOLBROOK MASLEN PO BOX 1970 SUN VALLEY, ID 83353 (208)622-3068
Current Owner	AUDREY BASHAW PO BOX 381 BELLEVUE, ID 83313-0381

Priority Date: 04/30/1931
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	LOVING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	4.600 CFS	1,309.00 AF
STOCKWATER	1/01 to 12/31	0.120 CFS	6.00 AF
	<u>Total Diversion:</u>	4.720 CFS	1,315.00 AF

Location of Point(s) of Diversion

WASTE WATER L2 (SW1/4NE1/4) Sec. 3, Twp 01S, Rge 19E, B.M.
BLAINE County

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4142

Total Acres: 434

STOCKWATER same as IRRIGATION

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. Right 37-04142 is limited to the irrigation of 374.0 acres within the place of use described above in a single irrigation season. 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. 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. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. 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.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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:

MEMORANDUM

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

FROM: Pam Skaggs²/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.

MICROFILMED

FEB 05 1999

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4142

WATER RIGHT NUMBER: 37-4142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD B BASHAW PO BOX 381 BELLEVUE, ID 83313 (208)788-6571
Original Owner	HOLBROOK MASLEN PO BOX 88212 LOS ANGELES, CA 90009
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
Original Owner	HOLBROOK MASLEN PO BOX 1970 SUN VALLEY, ID 83353 (208)622-3068

Priority Date: 04/30/1931

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	LOVING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.120 CFS	6.00 AF
IRRIGATION	04/15 to 10/15	4.600 CFS	1,309.00 AF
	<u>Total Diversion:</u>	4.720 CFS	1,315.00 AF

Location of Point(s) of Diversion

WASTE WATER	L2 (SW1/4NE1/4)	Sec. 3,	Twp 01S,	Rge 19E, B.M.
BLAINE County				

Place of Use

STOCKWATER

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																					
01N	19E	35																					

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4142

01S 19E 2		X L 2			X L 3	X	X	X	X	X	X	X	X	X
01S 19E 3		X L 2								X	X		X	
01S 19E 11	X			X	X									

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
01S 19E 11	35.0				3.0	15.0											53.0

Total Acres: 434

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. 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.
3. Right 37-04142 is limited to the irrigation of 374.0 acres within the place of use described above in a single irrigation season. 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. 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.
4. 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.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. ** IDWR NOTE: EXCEPTION FILED BY WATERMASTER; SEE FILE 2/22/90 ADM **** ATTORNEY AND ADDRESS CHANGE MADE 7/14/97 BY TLB.
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.

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-4142

Remarks:

Comments:

Water Supply Bank:

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	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 04/01/1884			
* Right No. 37-04142 :			
IRRIGATION	04/15 to 10/15	4.60 CFS	1309.0 AF
STOCKWATER	01/01 to 12/31	0.12 CFS	6.0 AF
Priority: 04/30/1931			
		4.72 CFS	1315.0 AF
Right No. 37-30000H :			
IRRIGATION	04/15 to 10/15	0.69 CFS	250.5 AF
Priority: 03/24/1883			
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
NOTIFIED

FEB 05 1999

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

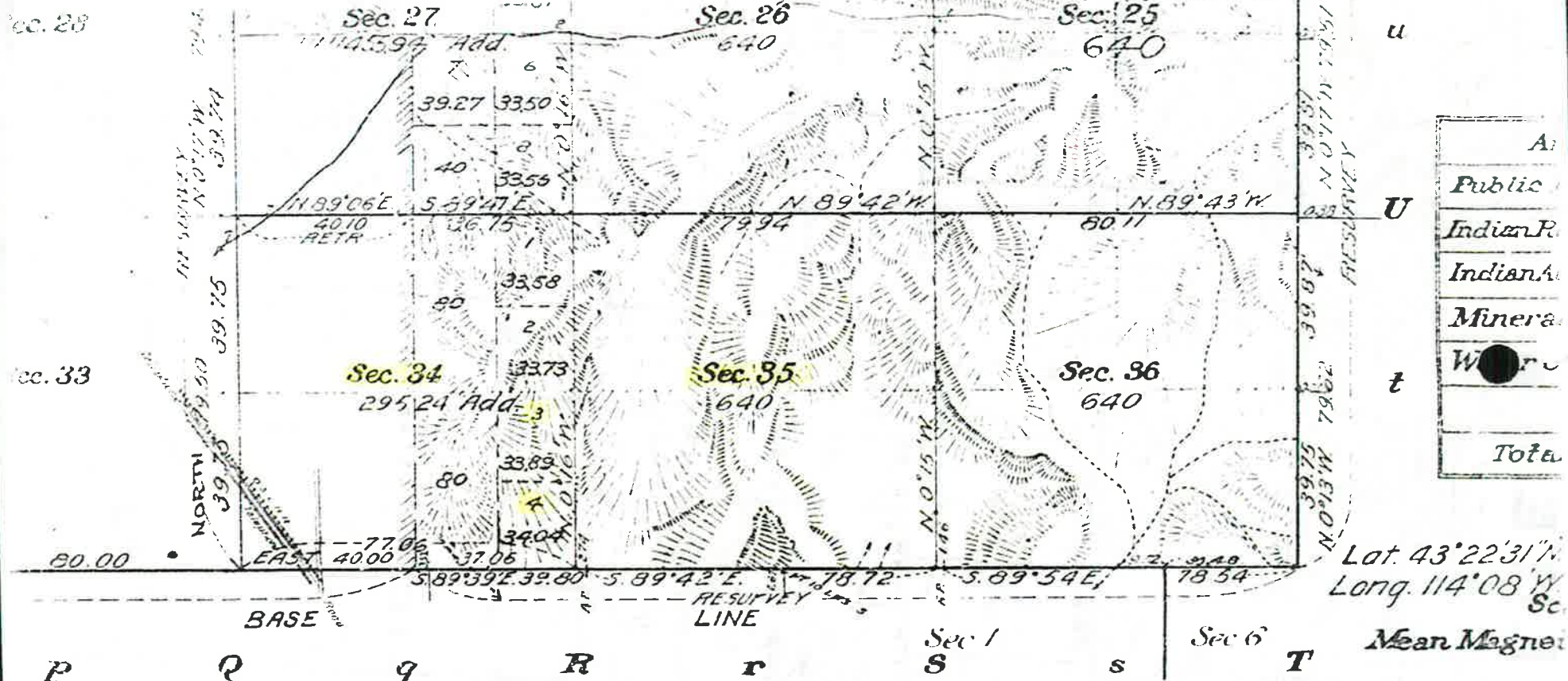
CONDITIONS OF APPROVAL AND REMARKS

- * 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



No. of Surveys		When Surveyed	
hs.	lks.	Begin.	Completed.
6	94	Nov. 7, 1910	Nov. 11, 1910
4	32	" " "	" " "
2	47	Oct. 30, 1910	Nov. 1, 1910
7	78	" " "	" " "
7	06	" 31, "	" 1 "
6	26	Nov. 1 1910	Oct 4 1913
1	23	" 1 "	" 4 "
2	53	July 9, 1879	July 12, 1879
0	00	July 13, 1873	July 13, 1873

The above map of Township No. 1 North, Range No. 19 East, Idaho, is strictly conformable to the field notes in this office, which have been examined and approved.

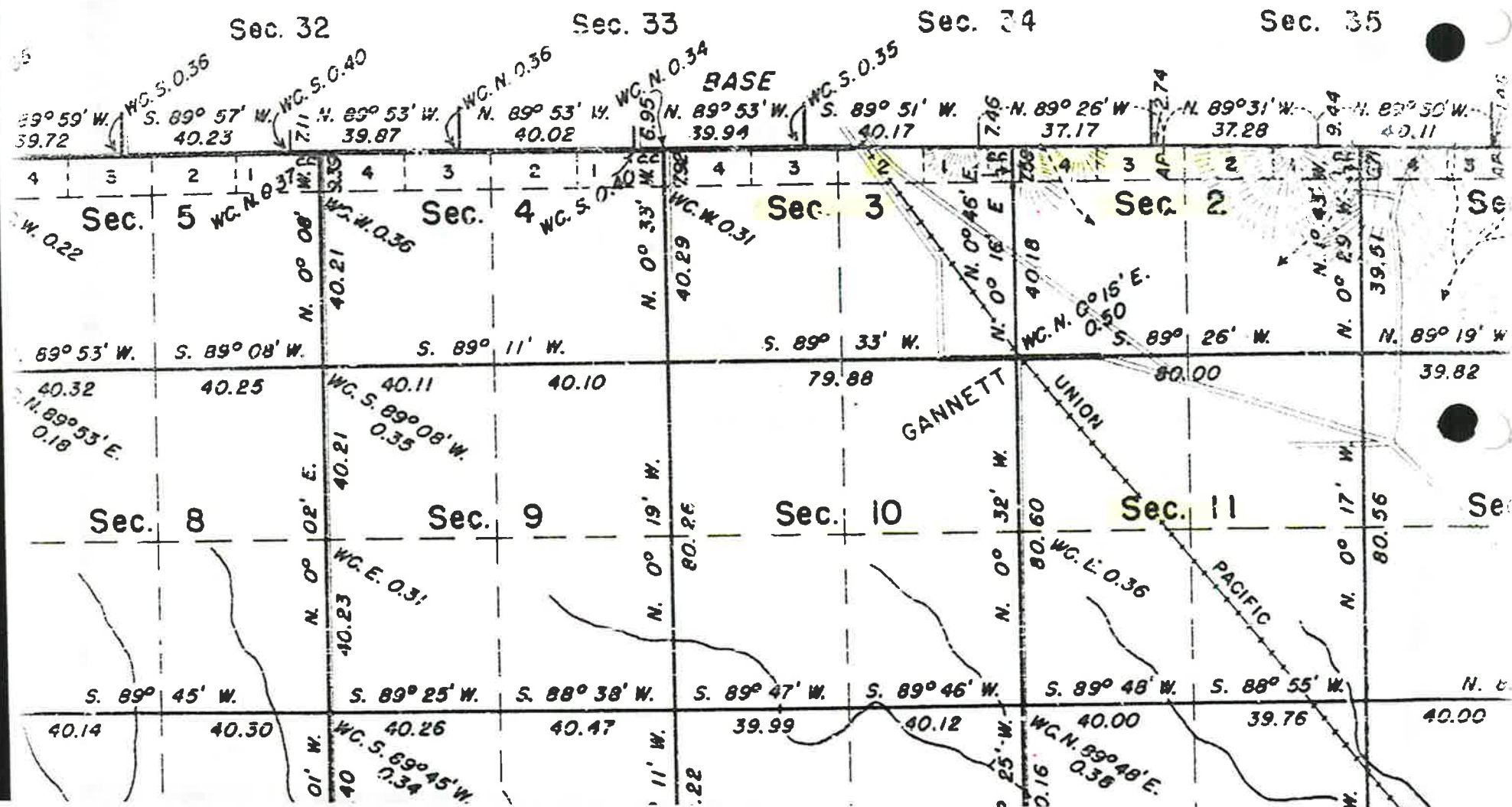
U.S. Surveyor General's Office,
Boise, Idaho, December 15, 1913.

[Signature]

RECEIVED BY THE FBI ON 11/15/68

T O I S R I G E

1940



JE Stanton
5-28-87

~~#0 lines are used to count~~
~~times only are not in connect loc~~

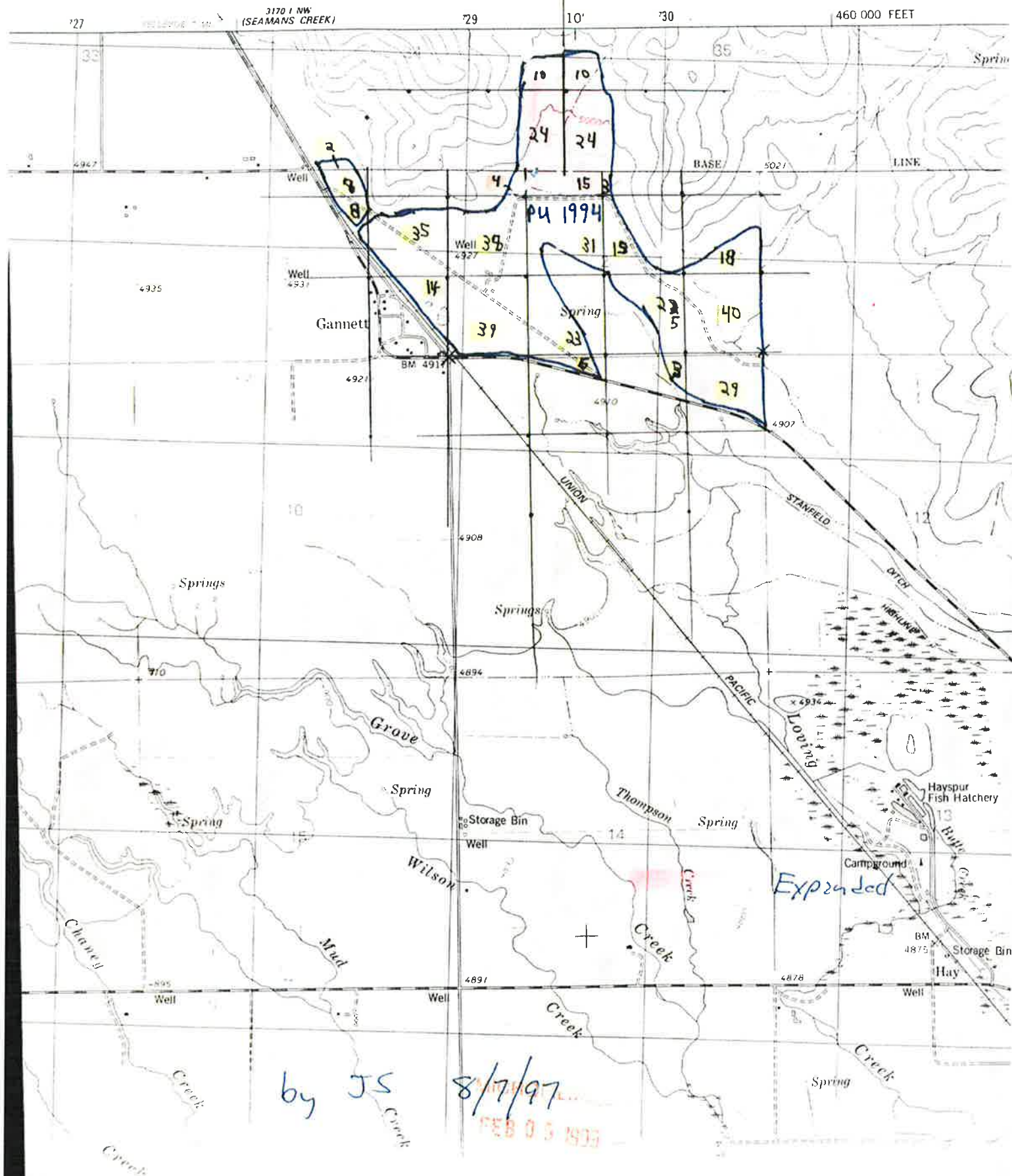
1994

MICROFILMED
FEB 05 1999

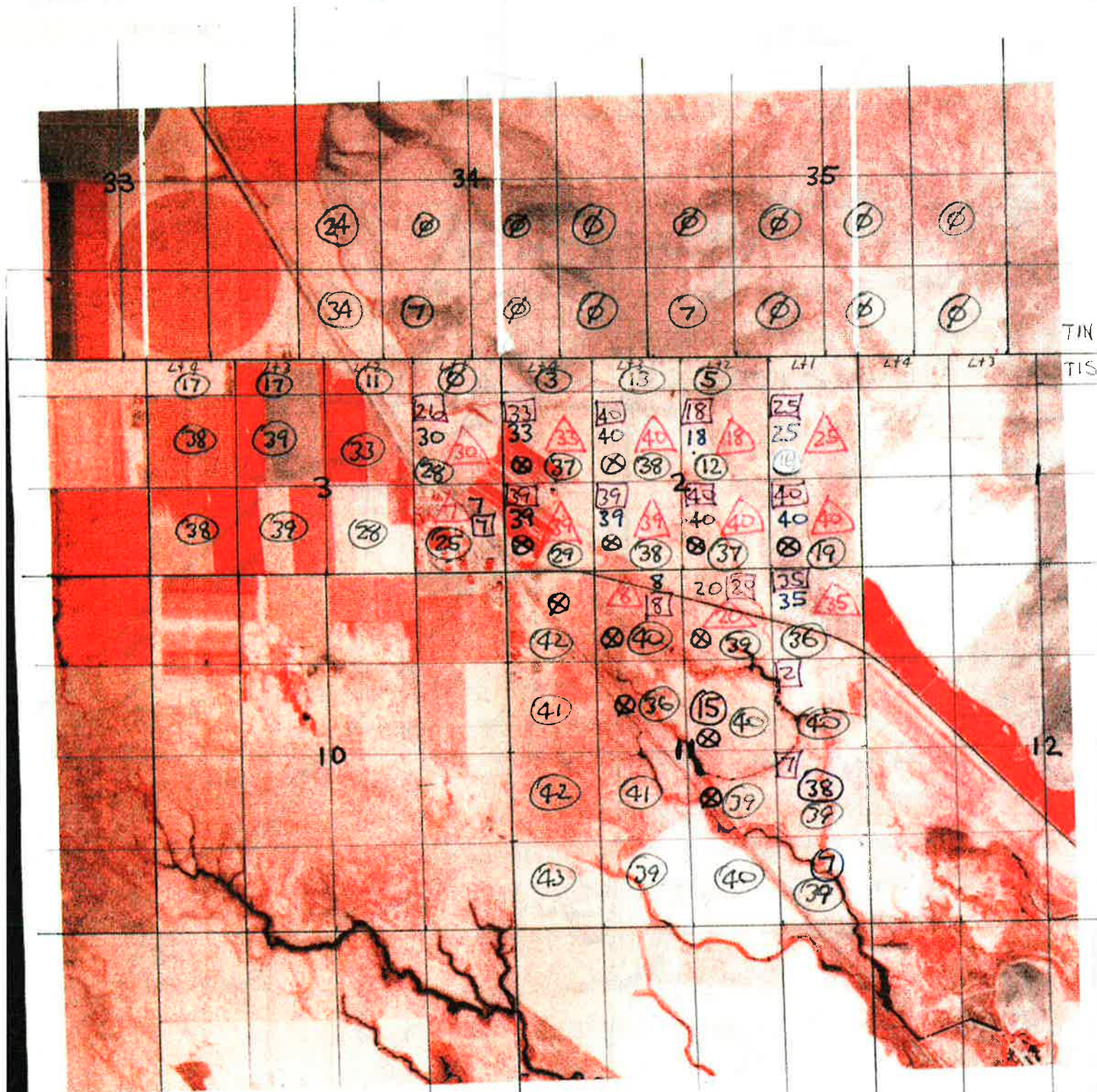
2/2

2/2





BEFORE



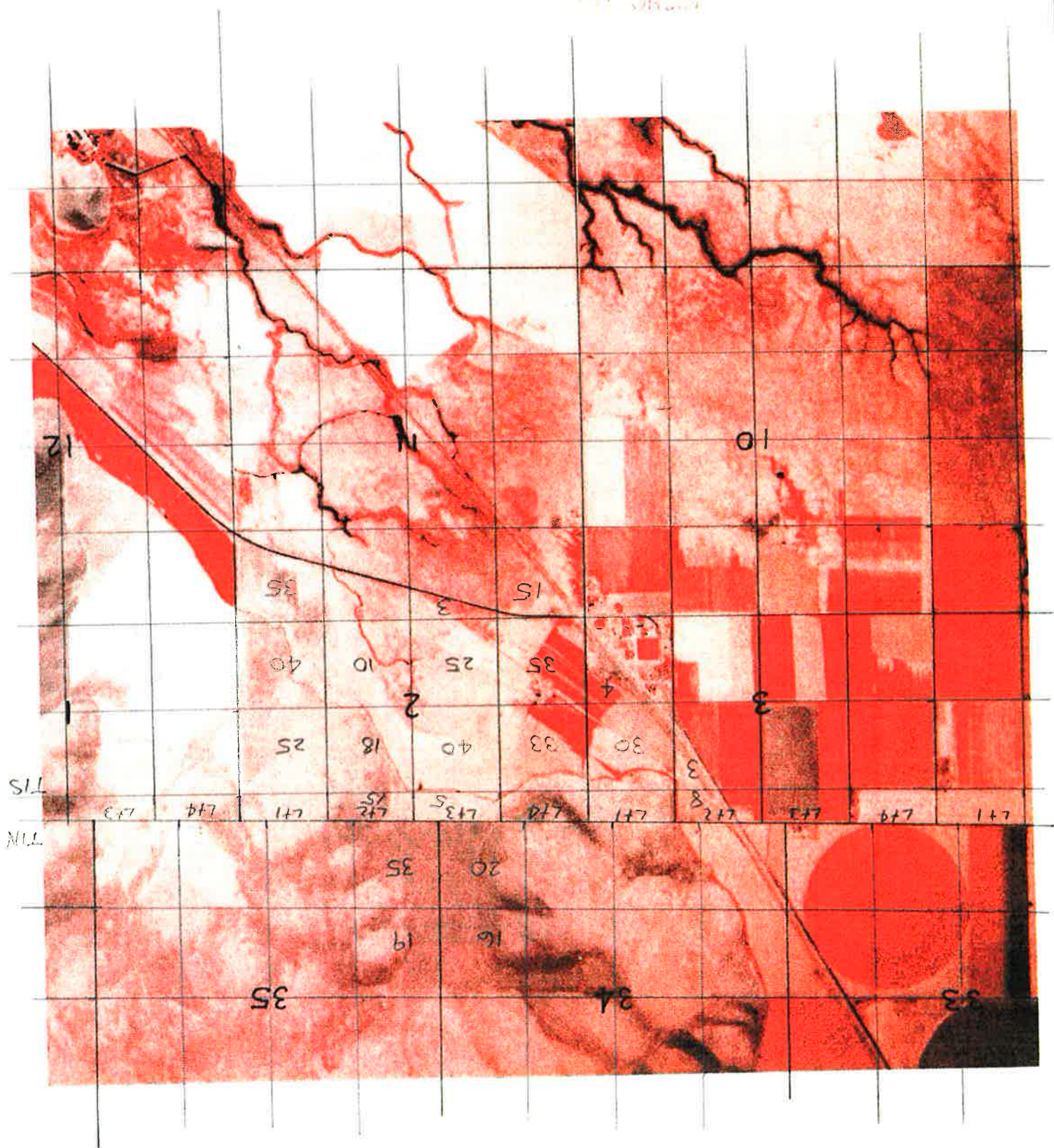
A37-04142 Wastewater 4.72 4/30/1931
 O A37-00125 Loving CK, 0.20 4/1/1884
 X 37-00125 25 Decreed
 37-00577 BWR
 A37-11556
 0.69 MAR 24 1883
 FEB 05 1899

A37-04141 Lowland water

O Landset

1988 photo

After



AFTER

Smith, Danni

From: Christensen, Kelly
Sent: Friday, September 29, 2006 1:49 PM
To: Smith, Danni
Subject: 37-21817 possible conflict

I just received a claim (37-21956) that is probably claimed on ground covered by and in 37-21817. I see that this claim is in transit and whoever received this file should be informed of the conflict. I will be sending 37-21956 up at a later date. If there is an agent assigned I can ear-mark this file to him. Otherwise 37-21817 should be flagged with this e-mail for future reference.

Kelly

((((I hope that contacting you is the proper procedure for info decimation regarding B37 claim recommendations from the S.O.)))



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures



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

KENT FLETCHER
P O BOX 910
BURLEY ID 83318

Re: A37-00125
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 23 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

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

Department of Water Resources
Southern Region Office

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)

MICROFILMED
FEB 23 1993



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

JUL 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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
Rosholt, Robertson & Tucker
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 ~~***B***~~
A37-11561 37-08687 ~~SEE LIST ATTACHED FOR BALANCE OF RIGHTS TO CORRECT~~

For Individuals:

Authorized signature(s) Date 1/8/96

Gerald A. 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

Southern AJ

71556

RECEIVED

FEB 09 1999

Department of Water Resources
Southern Region

BENEFICIAL USE

PERIOD OF USE

DIVERSION RATE

ANNUAL
VOLUME

IRRIGATION 04/15 to 10/15
Priority: 04/01/1884

0.20 CFS

72.6 AF

IRRIGATION 04/15 to 10/15
STOCKWATER 01/01 to 12/31
Priority: 04/30/1931

4.60 CFS

1309.0 AF

STOCKWATER 01/01 to 12/31

0.12 CFS

6.0 AF

Priority: 04/30/1931

4.72 CFS

1315.0 AF

IRRIGATION 04/15 to 10/15
Priority: 03/24/1883

0.69 CFS

250.5. AF

Priority: 03/24/1883

TOTAL:

5.61 CFS

1638.1 AF

SOURCE

TRIBUTARY OF

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

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/^PState 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.

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.

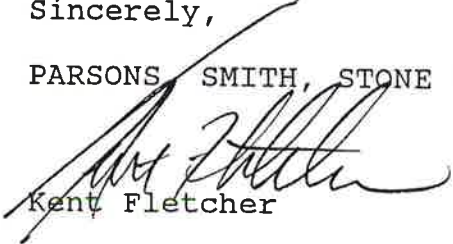
RECEIVED
FEB 23 1993

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 23 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

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

Allen Merritt, P.E.
Water Rights Supervisor

CC: Kent Fletcher, Attorney
Dave Shaw

MICROFILMED
FEB 23 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

MICROFILMED
FEB 23 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 Rights numbers. This is just one incident of many.

MICROFILMED
FEB 23 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 J. Newby
Watermaster

RJN/ic

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

MICROFILMED
FEB 23 1993

