

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84895**

This is to certify that: **LOVING SPRINGS RANCH LP**  
**PO BOX 767**  
**PICABO, ID 83348-0767**

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

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

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-23289           | WR/DECREED          | 8/23/1961            | 0.720 cfs             | 113.2 af                | 38.0              | 200.1              | GROUND WATER  |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-22550           | WR/DECREED          | 6/1/1889             | 0.010 cfs             | N/A                     | 22.3              | 200.1              | SILVER CREEK  |
| 37-22552           | WR/DECREED          | 5/15/1890            | 0.020 cfs             | N/A                     | 22.3              | 200.1              | SILVER CREEK  |
| 37-22554           | WR/DECREED          | 4/1/1890             | 0.060 cfs             | N/A                     | 22.3              | 200.1              | SILVER CREEK  |
| 37-22556           | WR/DECREED          | 6/15/1887            | 0.050 cfs             | N/A                     | 22.3              | 200.1              | SILVER CREEK  |
| 37-22558           | WR/DECREED          | 7/8/1884             | 0.010 cfs             | N/A                     | 22.3              | 200.1              | SILVER CREEK  |
| 37-22560           | WR/DECREED          | 2/26/1955            | 0.110 cfs             | 43.6 af                 | 20.1              | 200.1              | GROUND WATER  |
| 37-22562           | WR/DECREED          | 2/25/1957            | 0.090 cfs             | 35.7 af                 | 20.1              | 200.1              | GROUND WATER  |
| 37-22564           | WR/DECREED          | 4/1/1959             | 0.110 cfs             | 43.6 af                 | 20.1              | 200.1              | GROUND WATER  |
| 37-22566           | WR/DECREED          | 6/5/1973             | 0.060 cfs             | 23.8 af                 | 20.1              | 200.1              | GROUND WATER  |
| 37-2683A           | WR/DECREED          | 8/23/1961            | 1.160 cfs             | 180.1 af                | 60.2              | 200.1              | GROUND WATER  |
| 37-7349A           | WR/LICENSE          | 3/7/1974             | 1.170 cfs             | 210.0 af                | 60.0              | 200.1              | GROUND WATER  |
| 37-22572           | WR/DECREED          | 7/18/1960            | 0.230 cfs             | 40.6 af                 | 11.6              | 200.1              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-23289              | NO           | YES        | YES        | NO             | NO                   | NO                   |

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

| <u>Existing Right</u>     | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|---------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-23289                  | 37-23289                         | 0.720 cfs            | 113.2 af               | N/A               | 38.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b>    |                                  | <b>0.720 cfs</b>     | <b>113.2 af</b>        | <b>N/A</b>        | <b>38.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |
| Transfer No. <u>84895</u> |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |

**SUPPORT DATA**

IN FILE # 37-2683A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84895

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 8<sup>th</sup> day of June, 2021.

  
Southern Region Manager



**WATER RIGHT NO. 37-23289**  
**As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-23289 is now described as follows:

**Right Holder:** LOVING SPRINGS RANCH LP  
 PO BOX 767  
 PICABO, ID 83348-0767

**Priority Date:** 8/23/1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.720 cfs             | 113.2 af                |
|                       |             |           | 0.720 cfs             | 113.2 af                |

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

|              |        |                                     |
|--------------|--------|-------------------------------------|
| GROUND WATER | SENWSW | Sec 2 Twp 01S Rge 19E BLAINE County |
| GROUND WATER | SWNWSW | Sec 2 Twp 01S Rge 19E BLAINE County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |      |    |    | NW   |     |    |    | SW |    |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|------|-----|----|----|----|----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW   | SW | SE | NE   | NW  | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE |        |
| 01S | 19E | 2   |    |      |    |    |      |     |    |    |    |    | 0.3 |    |    |    |    |    | 0.3    |
| 01S | 19E | 11  |    | 11.1 |    |    | 25.5 | 1.1 |    |    |    |    |     |    |    |    |    |    | 37.7   |

POU Total Acres: 38.0

**CONDITIONS OF APPROVAL**

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37.
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 diversions.
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 place of use.
4. The right holder shall accomplish the change authorized by this transfer within one 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.

Transfer No. 84895

**WATER RIGHT NO. 37-23289**  
**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 37-22550**  
**As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22550 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
 BASHAW FAMILY TRUST  
 C/O GERALD BASHAW  
 PO BOX 767  
 PICABO, ID 83348

**Priority Date:** 6/1/1889

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

0.010 cfs

0.010 cfs

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

|              |      |                        |               |
|--------------|------|------------------------|---------------|
| SILVER CREEK | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |
| SILVER CREEK | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County |
| SILVER CREEK | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 22.3

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
2. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566 when combined shall not exceed the irrigation of 22.3 acres within the authorized place of use.
3. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.

Transfer No. 84895

**WATER RIGHT NO. 37-22550**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Loving Creek at the original point of diversion.
5. Diversion of water from Silver Creek is limited to those times water is available for diversion under this right and priority from the original source, Loving Creek, at the original point of diversion.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 37-22552****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22552 is now described as follows:

**Right Holder:** BASHAW FAMILY TRUST And  
THE BRETT & PATRICIA BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 5/15/1890

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

0.020 cfs

0.020 cfs

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

SILVER CREEK  
SILVER CREEK  
SILVER CREEK

SWSE  
NENE  
NWNE

Sec 22 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 22.3

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. This right does not grant any right-of-way or easement across the land of another.
3. Diversion of water from Silver Creek is limited to those times water is available for diversion under this right and priority from the original source, Loving Creek, at the original point of diversion.

Transfer No. 84895

**WATER RIGHT NO. 37-22552**  
**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Loving Creek at the original point of diversion.
7. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
11. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566 when combined shall not exceed the irrigation of 22.3 acres within the authorized place of use.

**WATER RIGHT NO. 37-22554****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22554 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 4/1/1890

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

0.060 cfs

0.060 cfs

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

SILVER CREEK  
SILVER CREEK  
SILVER CREEK

SWSE  
NENE  
NWNE

Sec 22 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 22.3

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.

**WATER RIGHT NO. 37-22554**  
**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

3. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
4. 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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Loving Creek at the original point of diversion.
7. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566 when combined shall not exceed the irrigation of 22.3 acres within the authorized place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. Diversion of water from Silver Creek is limited to those times water is available for diversion under this right and priority from the original source, Loving Creek, at the original point of diversion.
11. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 37-22556****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22556 is now described as follows:

**Right Holder:** LOVING SPRINGS RANCH LP  
PO BOX 767  
PICABO, ID 83348-0767

**Priority Date:** 6/15/1887

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

**To**

to 10/31

**Diversion Rate**

0.050 cfs

0.050 cfs

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

SILVER CREEK SWSE  
SILVER CREEK NENE  
SILVER CREEK NWNE

Sec 22 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 22.3

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
2. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
3. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566 when combined shall not exceed the irrigation of 22.3 acres within the authorized place of use.

**WATER RIGHT NO. 37-22556**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Loving Creek at the original point of diversion.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. Diversion of water from Silver Creek is limited to those times water is available for diversion under this right and priority from the original source, Loving Creek, at the original point of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 37-22558****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22558 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 7/8/1884

**Source:** SILVER CREEK

**Tributary:** LITTLE WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

0.010 cfs

0.010 cfs

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

SILVER CREEK  
SILVER CREEK  
SILVER CREEK

SWSE  
NENE  
NWNE

Sec 22 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County  
Sec 27 Twp 01S Rge 20E BLAINE County

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 22.3

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. 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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566 when combined shall not exceed the irrigation of 22.3 acres within the authorized place of use.

Transfer No. 84895

**WATER RIGHT NO. 37-22558**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
7. Diversion of water from Silver Creek is limited to those times water is available for diversion under this right and priority from the original source, Loving Creek, at the original point of diversion.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Loving Creek at the original point of diversion.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 37-22560****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22560 is now described as follows:

**Right Holder:** BASHAW FAMILY TRUST And  
THE BRETT & PATRICIA BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 2/26/1955

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.110 cfs             | 43.6 af                 |
|                       |             |           | 0.110 cfs             | 43.6 af                 |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 20.1

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
2. Rights 37-22560, 37-22562, 37-22564 and 37-22566, when combined shall not exceed a total annual maximum diversion volume of 70.3 af at the field headgate, and the irrigation of 20.1 acres.
3. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566, when combined shall not exceed the irrigation of 22.3 acres.

Transfer No. 84895

**WATER RIGHT NO. 37-22560**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of rediversion from Silver Creek.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
8. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
9. This right does not grant any right-of-way or easement across the land of another.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 37-22562****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22562 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 2/25/1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.090 cfs             | 35.7 af                 |
|                       |             |           | 0.090 cfs             | 35.7 af                 |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 20.1

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
2. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566, when combined shall not exceed the irrigation of 22.3 acres.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 84895

**WATER RIGHT NO. 37-22562**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. This right does not grant any right-of-way or easement across the land of another.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
6. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of redirection from Silver Creek.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the redirections from Silver Creek.
8. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
12. Rights 37-22560, 37-22562, 37-22564 and 37-22566, when combined shall not exceed a total annual maximum diversion volume of 70.3 af at the field headgate, and the irrigation of 20.1 acres.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.

**WATER RIGHT NO. 37-22564****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22564 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 4/1/1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.110 cfs             | 43.6 af                 |
|                       |             |           | 0.110 cfs             | 43.6 af                 |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 20.1

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.

Transfer No. 84895

**WATER RIGHT NO. 37-22564**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
6. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of rediversion from Silver Creek.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Rights 37-22560, 37-22562, 37-22564 and 37-22566, when combined shall not exceed a total annual maximum diversion volume of 70.3 af at the field headgate, and the irrigation of 20.1 acres.
10. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
11. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566, when combined shall not exceed the irrigation of 22.3 acres.
12. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 37-22566****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22566 is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST And  
BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 6/5/1973

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION                   | 04/15              | to 10/31         | 0.060 cfs                    | 23.8 af                        |
|                              |                    |                  | 0.060 cfs                    | 23.8 af                        |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 20.1

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
3. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 84895

**WATER RIGHT NO. 37-22566**

**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of rediversion from Silver Creek.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
11. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
12. Rights 37-22560, 37-22562, 37-22564 and 37-22566, when combined shall not exceed a total annual maximum diversion volume of 70.3 af at the field headgate, and the irrigation of 20.1 acres.
13. Rights 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, and 37-22566, when combined shall not exceed the irrigation of 22.3 acres.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

**WATER RIGHT NO. 37-2683A****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-2683A is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO, ID 83348

**Priority Date:** 8/23/1961

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION                   | 04/15              | to 10/31         | 1.160 cfs                    | 180.1 af                       |
|                              |                    |                  | 1.160 cfs                    | 180.1 af                       |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 60.2

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
2. Rights 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 390.1 af at the field headgate, and the irrigation of 120.2 acres.
3. This right is limited to the irrigation of 60.2 acres within the place of use described above in a single irrigation season.

Transfer No. 84895

**WATER RIGHT NO. 37-2683A**  
**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into and at the point of rediversion from Silver Creek.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

**WATER RIGHT NO. 37-7349A**  
**As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-7349A is now described as follows:

**Right Holder:** THE BRETT & PATRICIA BASHAW FAMILY TRUST  
 C/O GERALD BASHAW  
 PO BOX 767  
 PICABO, ID 83348

**Priority Date:** 3/7/1974

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION                   | 04/15              | to 10/15         | 1.170 cfs                    | 210.0 af                       |
|                              |                    |                  | 1.170 cfs                    | 210.0 af                       |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 60.0

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
2. This right is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season.
3. Rights 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 390.1 af at the field headgate, and the irrigation of 120.2 acres.

Transfer No. 84895

**WATER RIGHT NO. 37-7349A**  
**As Modified by Transfer No. 84895**

**CONDITIONS OF APPROVAL**

4. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of rediversion from Silver Creek.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
8. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
9. This right does not grant any right-of-way or easement across the land of another.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 37-22572****As Modified by Transfer No. 84895**

In accordance with the approval of Transfer No. 84895, Water Right No. 37-22572 is now described as follows:

**Right Holder:** GERALD B BASHAW  
PO BOX 767  
PICABO, ID 83348-0767

**Priority Date:** 7/18/1960

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.230 cfs             | 40.6 af                 |
|                       |             |           | 0.230 cfs             | 40.6 af                 |

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

|              |      |                        |               |     |
|--------------|------|------------------------|---------------|-----|
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NESW | Sec 20 Twp 01S Rge 20E | BLAINE County | (I) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | SWSE | Sec 22 Twp 01S Rge 20E | BLAINE County |     |
| GROUND WATER | NENE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |
| GROUND WATER | NWNE | Sec 27 Twp 01S Rge 20E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

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

Right Acre Limit: 11.6

POU Total Acres: 200.1

**CONDITIONS OF APPROVAL**

1. This right in combination with all other right for irrigation of the lands above shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre, measured at the field, when water is applied via pump and pressurized irrigation system.
2. This right is limited to the irrigation of 11.6 acres within the authorized place of use in a single irrigation season.
3. Rights 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556, 37-22558, 37-22560, 37-22562, 37-22564, 37-22566, and 37-22572 when combined shall not exceed the irrigation of 154.1 acres.

Transfer No. 84895

**WATER RIGHT NO. 37-22572**  
**As Modified by Transfer No. 84895**

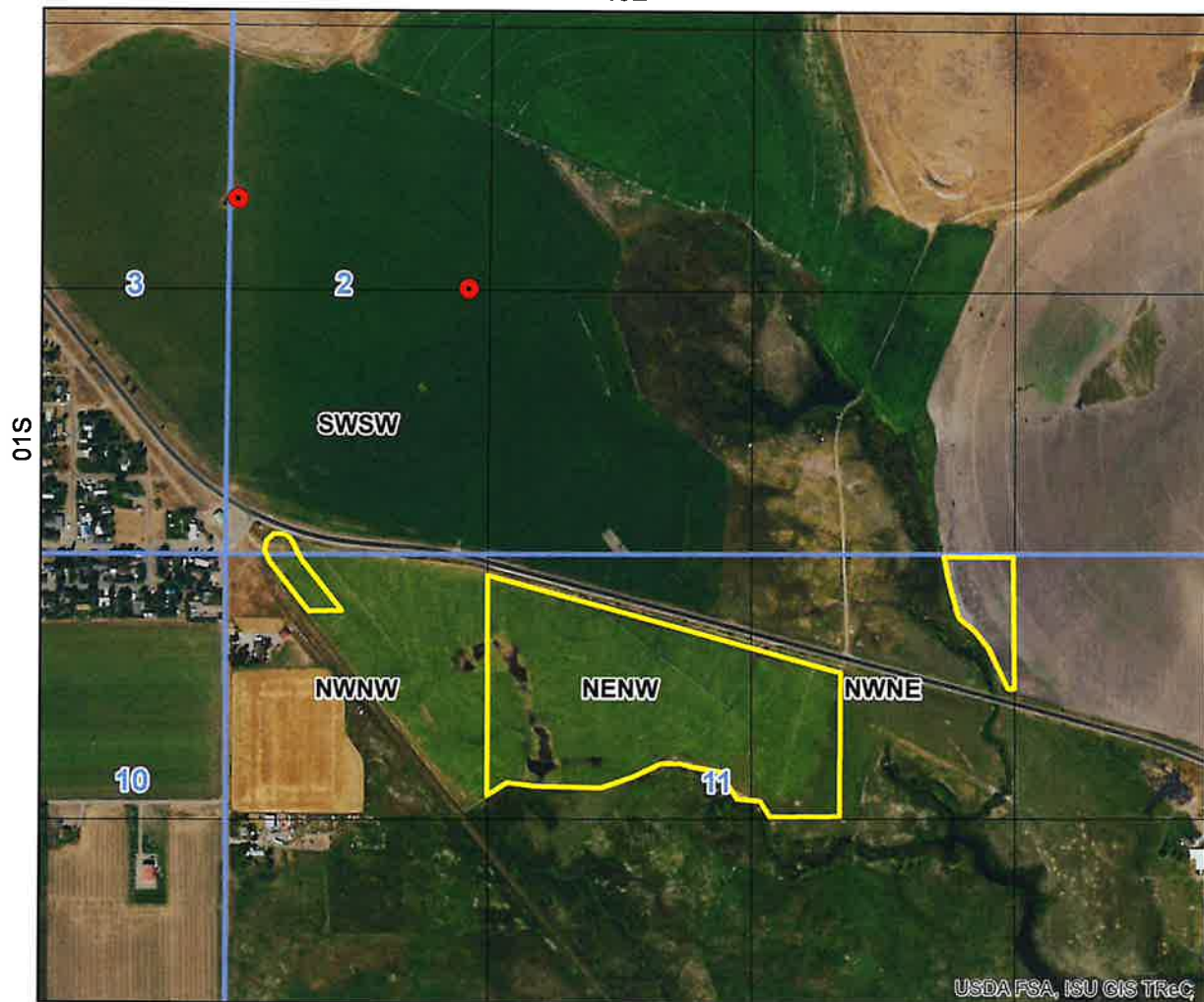
**CONDITIONS OF APPROVAL**

4. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Silver Creek and at the point of rediversion from Silver Creek.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the rediversions from Silver Creek.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
7. This right does not grant any right-of-way or easement across the land of another.
8. The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21E, Sec 20: 37-2444, 37-2683A, 37-2683B, 37-7349A, 37-7349B, 37-21942, 37-22560, 37-22562, 37-22564, 37-22566 and 37-22572.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from the wells and shall annually report the information to the Department.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 84895**  
37-23289

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

19E



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

0 0.1 0.2 0.4 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 14, 2021

LOVING SPRINGS RANCH LP  
PO BOX 767  
PICABO ID 83348-0767

Re: Transfer No: 84895

Water Right No(s): 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556,  
37-22558, 37-22560, 37-22562, 37-22564, 37-22566, 37-22572, 37-23289

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

TRAVIS L THOMPSON  
BARKER ROSHOLT & SIMPSON LLP  
PO BOX 63  
TWIN FALLS ID 83303-0063

THE BRETT & PATRICIA BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO ID 83348-0767

BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO ID 83348-0767

GERALD B BASHAW  
PO BOX 767  
PICABO ID 83348-0767

KEVIN LAKEY  
WATER DISTRICT 37  
107 W 1ST ST  
SHOSHONE ID 83352

## CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 84895

Water Right No(s): 37-2683A, 37-7349A, 37-22550, 37-22552, 37-22554, 37-22556,  
37-22558, 37-22560, 37-22562, 37-22564, 37-22566, 37-22572, 37-23289

LOVING SPRINGS RANCH LP  
PO BOX 767  
PICABO ID 83348-0767

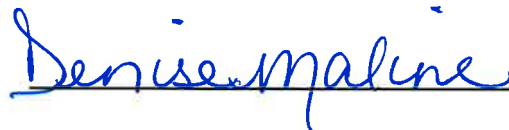
TRAVIS L THOMPSON  
BARKER ROSHOLT & SIMPSON LLP  
PO BOX 63  
TWIN FALLS ID 83303-0063

THE BRETT & PATRICIA BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO ID 83348-0767

BASHAW FAMILY TRUST  
C/O GERALD BASHAW  
PO BOX 767  
PICABO ID 83348-0767

GERALD B BASHAW  
PO BOX 767  
PICABO ID 83348-0767

KEVIN LAKEY  
WATER DISTRICT 37  
107 W 1ST ST  
SHOSHONE ID 83352



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** May 27, 2021  
**To:** Transfer 84895  
**From:** Bill Mills  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application proposes changing the points of diversion and place of use for a 28 acre (0.72 cfs) irrigation ground water right that is diverted from a well located approximately 8.2 miles west and 1.5 miles north of Carey where it is injected and rediverted from Silver Creek. This right can also be diverted from a well located at the current place of use approximately 5.1 to 6.0 miles west and 0.8 to 1.7 miles north of Carey. Application proposes moving the right to irrigate new acres at an existing farm and diverting it from two existing wells located adjacent to the proposed place of use which is approximately 10.7 to 11.4 miles west and 3.6 to 4.0 miles north of Carey.

At the proposed POU there is no overlap with other water rights, although the new 38 acre POU is adjacent to two other ground water right POU's (37-800 and 37-801) and this right will be diverted from the same two wells utilized to divert water rights 37-800 and 37-801. All Pods and POUs in this transfer are located within Water District 37. Watermaster comments were solicited and the Watermaster did not provide comments. Idaho Department of Fish and Game comments were also solicited and they did not oppose approval of this application.

- **Authority to File:** Applicant is listed as the current owner of water right 37-23289 and the properties this right is being transferred to.
- **Water Right Validity:** Water right 37-23289 was decreed in the SRBA on 9/18/2009. Recent aerial imagery indicates ground appears irrigated at the current POU for this right.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**  
None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing**

# AFFIDAVIT of PUBLICATION

State of Idaho  
County of Blaine

Pam Morris

, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

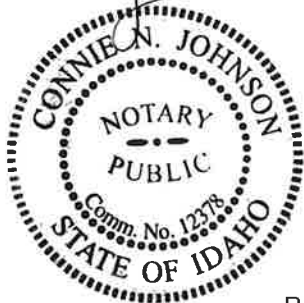
each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 5 day of

May, 20 21, and the date of the last publication was on the 12 day of May, 20 21

Subscribed and sworn to before me this 12 day of

May, 20 21.



Connie N. Johnson  
NOTARY PUBLIC

RECEIVED

MAY 17 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

RESIDING AT HAILEY, IDAHO  
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS  
P.O. Box 1013  
Ketchum, Idaho 83340

## COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 56

Number of Insertions 1

Lines tabular at 9.0 cents/pica

56 Lines straight at 51.52 8.0 cents/pica

56 Subsequent lines at 45.08 7.0 cents/pica

TOTAL COST \$ 96.60

## COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84895

LOVING SPRINGS RANCH LP, PO BOX 767, PICABO, ID 83348-0767 has filed Application No. 84895 for changes to the following water rights within BLAINE County(s): Right No(s). 37-23289; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 28 acre (0.72 cfs) irrigation ground water right that is diverted from a well located approximately 8.2 miles west and 1.5 miles north of Carey, where it is injected and rediverted from Silver Creek. This right can also be diverted from a well located at the current place of use approximately 5.1 to 6.0 miles west and 0.8 to 1.7 miles north of Carey. Application proposes moving the right to irrigate new acres at an existing farm and diverting it from two existing wells located adjacent to the proposed place of use which is approximately 10.7 to 11.4 miles west and 3.6 to 4.0 miles north of Carey.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 24, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH  
IDAHO MOUNTAIN EXPRESS  
MAY 5 & 12, 2021

✓ DM  
5-21-2021

State of Idaho  
Department of Water Resources  
RECOMMENDATION FORM

RECEIVED

MAY 07 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

RE: Transfer No. 84895

Water Right No(s): 37-23289

Transfer Applicant's Name:

LOVING SPRINGS RANCH LP  
PO BOX 767  
PICABO ID 83348-0767

Recommendation:

- a) X I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:
- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- d) \_\_\_\_\_ Additional comments:

Dated this 7 day of May, 2021

Dept of Fish & Game

Bradley Dawson  
Signature

Bradley Dawson  
Printed Name