

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-8687

Priority: November 13, 1990

Maximum Diversion Volume: 6.0 AF

It is hereby certified that:

AUDREY BASHAW
PO BOX 767
PICABO ID 83348

AND

GERALD B BASHAW
PO BOX 767
PICABO ID 83348

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 13, 1990, and has submitted Proof of Beneficial Use on April 02, 1993. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: LOVING CREEK

Beneficial Use

WILDLIFE STORAGE
AESTHETIC STORAGE

Period of Use

01/01 to 12/31
1/01 to 12/31

Annual Volume

6.0 AF
6.0 AF

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ SE¼, Sec. 2, Twp 01S, Rge 19E, B.M. BLAINE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	19E	2												X			X			

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	19E	2												X			X			

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.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-8687

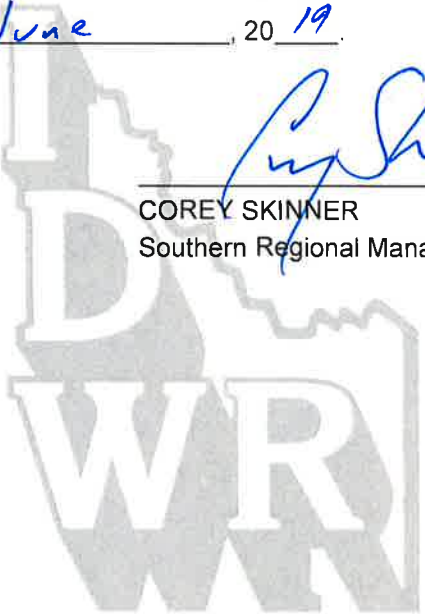
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 1.1 acre.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 12th day of June, 20 19.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right License
37-8687

This map depicts the WILDLIFE & AESTHETIC STORAGE 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.



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

0 0.035 0.07 0.14 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

Brad Little
Governor

Gary Spackman
Director

June 17, 2019

GERALD B BASHAW
AUDREY BASHAW
PO BOX 767
PICABO ID 83348-0767

RE: License No. 37-8687

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2019, I served a true and correct copy of Water Right License No. 37-8687 by U.S. Mail, postage prepaid, to the following:

GERALD B BASHAW (Current Owner)
AUDREY BASHAW (Current Owner)
PO BOX 767
PICABO ID 83348-0767

WATER DISTRICT #37
KEVIN D LAKEY (Water master)
107 W 1ST ST
SHOSHONE ID 83352

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant 1

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.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 37-8687

RECEIVED

JUN 06 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Priority: November 13, 1990

Maximum Diversion Volume: 6.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-8687

AUDREY BASHAW
AND
GERALD B BASHAW
PO BOX 767
PICABO ID 83348

requests the permit be changed as follows:

Source : UNNAMED STREAM

Tributary: LOVING CREEK

Beneficial Use**Period of Use****Rate of Diversion****Annual Volume**

WILDLIFE STORAGE

01/01 to 12/31

6.0 AF

AESTHETIC STORAGE

1/01 to 12/31

6.0 AF

Location of Point(s) of DiversionUNNAMED STREAM SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp 01S, Rge 19E, B.M. BLAINE County**Place of Use: WILDLIFE STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	19E	2												X			X			

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	19E	2												X			X			

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 31 day of JUNE MAY, 2019.

(Signature)

Audrey C Bashaw
Gerald B Bashaw POA
Gerald B Bashaw

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 37-8687

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by DM # SD37365 Date 6-6-2019

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 37-8687 with the following:

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 diversion(s).
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 1.1 acre.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 12th day of June, 20 19.



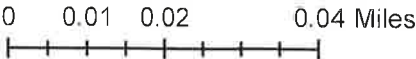
COREY SKINNER
Southern Regional Manager

Place of Use and Point of Diversion for right 37-8687 Bashaw



Legend

- Township/Range
- Sections
- QQ





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

Brad Little
Governor

Gary Spackman
Director

May 29, 2019

AUDREY BASHAW
AND
GERALD B BASHAW
PO BOX 767
PICABO ID 83348

RE: Water Right Permit No. 37-8687

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

 X Place(s) of Use

 X Other – Uses clarified as Aesthetic Storage and Wildlife Storage

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days.

May 29, 2019

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Bitzenburg", with a stylized flourish at the end.

Jim Bitzenburg
Senior Water Resource Agent, Southern Region

Enclosure(s): Application for Amendment