

RESPONDENTS:

J. P. Speck 4-20-10
James P. Speck Date

Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Mathiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

Kelly K. Christensen 4-15-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 4-15-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/13/2010

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

RIGHT NUMBER: 37-496F

NAME AND ADDRESS: HYER BERTON
214 WILLOW ZINC SPUR
HAILEY ID 83333

DEBORAH BARR
214 WILLOW ZINC SPUR
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS
28.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 07/01/1893

POINT OF DIVERSION: T03N R18E S20 SE5W Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC	04/15 10/31	0.430 CFS
IRRIGATION	04/15 10/31	0.160 CFS
FIRE PROTECTION	01/01 12/31	0.430 CFS

28.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

SECTION	QUANTITY
T03N R18E S29 NW1/4 5.00	3.00

FIRE PROTECTION in BLAINE County

SECTION	QUANTITY
T03N R18E S20 SWSW	
T03N R18E S29 SW1/4	

AESTHETIC in BLAINE County

SECTION	QUANTITY
T03N R18E S20 SWSW	
T03N R18E S29 SW1/4	

8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

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

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.

Place of use is also known as Lot 2A, Gilet Subdivision No. 1, Revised.

CERTIFICATE OF SERVICE

I certify that on April 30, 2010, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

James P. Speck
Speck & Aanstad
P.O. 987
Ketchum, ID 83340

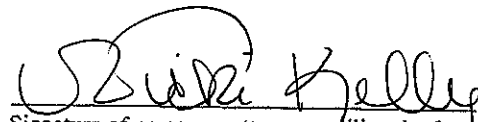
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Signature of person or attorney mailing the form