

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00332
Date Received: 8/ 1/1991
Receipt No: C021384
Received By: *Q/C HLB*

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: BARRIE FAMILY PARTNERS
Address: PO BOX 793
BELLEVUE ID 83313
208-788-3933

2. Date of Priority: JUL 1, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	26	SW	SE			BLAINE

5. Description of diverting works:
#40-P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 90.00 A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	26	SW	SE		IRR	27.0
						Section Acres	27.0
		35	NW	NE		IRR	3.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	30.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-13371

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 25 AC.
PLACE OF USE IS THE BELLEVUE BIBLE CAMP.
*****8
OWNERSHIP CHANGE MADE 6/16/95 BY TLB. ASSEMBLIES OF GOD-FORMER
OWNER, BARRIE-NEW OWNER. WARRANTY DEED INCLUDED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

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NOV 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 24 1995

DATE OF CLOSING: _____

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 18E
Section 26, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A37-00332, A37-13370, A37-13371
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
Assemblies of God.
1311 72nd Ave. So.
Thompson, ID 83601
- ☐ New Owner/Claimant (Purchaser):
Barrie Partners
- ☐ New Mailing Address:
P.O. Box 793
Bellvue, ID 83313
- ☐ New Telephone Number: (208) 788 - 3933
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Corporation Warranty Deed + Quit Claim Deed.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Christine M. Barrie Date 1/24/95
general partner Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 6/16/95 By: MB

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Order No. 16745

CORPORATION WARRANTY DEED

THIS INDENTURE is made this 21st day of November, 1991, between SOUTHERN IDAHO DISTRICT COUNCIL ASSEMBLIES OF GOD, INC., an Idaho Corporation, the Grantor, and THE BARRIE FAMILY PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP HAVING AS ITS MANAGING GENERAL PARTNER CAROLINA W. BARRIE, whose mailing address is 1 Wilshire Boulevard, Suite 2000, Los Angeles, California 90017, the Grantee.

WITNESSETH, that the Grantor having been duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's assigns forever, all the following described property in the County of Blaine, State of Idaho, to-wit:

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

A tract of land lying within the SW1/4SE1/4 of Section 26 and the NW1/4NE1/4 and NE1/4NE1/4 of Section 35, more particularly described as follows:

Beginning at a point 717.40 feet due West of the Northeast corner of SW1/4SE1/4 of Section 26; thence S. 28°45' E., 795.00 feet; thence S. 37°23' E., 554.00 feet to the line between SW1/4SE1/4 and SE1/4SE1/4 of said Section 26; thence S. 184.00 feet on said line to the Southeast corner of SW1/4SE1/4 of said Section 26; thence East on the line dividing SE1/4SE1/4 Section 26, and the NE1/4NE1/4 Section 35, 162.80 feet; thence S. 62°25' E., 40.00 feet; thence S. 18°08' W., 108.60 feet to a point on the North side of the Bellevue-Broadford Road; thence along said road N. 86°30' W., 58.00 feet; thence S. 61°22' W., 185.00 feet; thence N. 89°38' W., 590.00 feet to a point on the West side of Mabee Slough or White Creek; thence along the West bank of said slough or creek N. 22°45' W., 140.00 feet; thence N. 49°00' W., 150.00 feet; thence N. 57°45' W., 200.00 feet; thence N. 06°00' W., 205.00 feet; thence N. 46°30' W., 240.00 feet; thence S. 43°15' W., 210.00 feet, more or less, to a point on the North and South center

BLAINE CO. REQUEST

OF Sawtooth Title Co., Inc.

1991 NOV 21 P 2:00

900

MARY GREEN, CLERK *mp*

FEES \$

MICROFILMED

NOV 22 1991

335607

Deed

line of said Section 26, 346.00 feet, more or less, North of the quarter section corner common to Sections 26 and 35; thence Northerly along said center line 974.00 feet, more or less, to the Northwest corner of SW1/4SE1/4 of Section 26; thence East along the North line of the SW1/4SE1/4 Section 26, 602.60 feet, more or less, to the POINT OF BEGINNING.

AND

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 26:

BEGINNING at a point 184.00 feet due North of the Southeast corner of SW1/4SE1/4 of Section 26; thence N. 37°23' W., 554.00 feet; thence N. 28°45' W., 795.00 feet to the North line of the SW1/4SE1/4 of Section 26; thence due East 717.40 feet along said North line to the Northeast corner of the SW1/4SE1/4 of Section 26; thence due South 1136.00 feet to the PLACE OF BEGINNING.

SUBJECT TO THE FOLLOWING:

1. All existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. A forty foot right of way in favor of Blaine County, Idaho, recorded October 29, 1986, as Instrument No. 278200.
3. Any interest of the State of Idaho in and to that portion of said land lying below the high water mark of the Big Wood River.
4. Overhead Power Line Easement, Underground Gas and Telephone Easement along the South line of said property.
5. Overhead Power Line Easement along a portion of the Westerly bank of the Big Wood River.

TOGETHER with the tenements, hereditaments and all water rights and appurtenances thereunto belonging or in anywise appertaining, any reversions, any remainders, rents, issues and

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NOV 22 1996

profits therefrom, and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has set its corporate name by its duly authorized officer.

SOUTH IDAHO DISTRICT COUNCIL
ASSEMBLIES OF GOD, INC.

By: Duane C. Bunker

Its: President
Doyle Tucker
Secretary

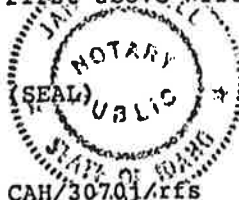
STATE OF IDAHO)

County of Blaine)

) ss.

On this 21st day of November, 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared Duane Bunker & Doyle Tucker known or identified to me to be the President & Secretary, of the corporation that executed the foregoing instrument or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Duane L. Brunell
Notary Public for Idaho
Residing at Hailey
My Commission Expires: 2-18-92

Order No. 16745

QUITCLAIM DEED

FOR VALUE RECEIVED

Southern Idaho District Council Assemblies of God, Inc., an Idaho corporation

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

The Barrie Family Partners, a California General Partnership

whose address is: 1707 San Vicente Blvd., Santa Monica, CA 90402-2306

the following described premises situated in Blaine County, Idaho, to wit:

All water and water rights including but not limited to the following:

50.00 inches of water of the Big Wood River with priority date of July 1, 1887 as identified under adjudication no. A37-00332.

BLAINE CO. REQUEST

on Sawtooth Title Co., Inc.

1991 NOV 21 P 2:01

335609

MARY GREEN, CLERK
FEES \$

3.00

mp

Deed

together with their appurtenances.

Dated: November 18, 1991

Southern Idaho District Council Assemblies of God, Inc.

By: Duane E. Buhler, Esq.
Doyle Fulker Secretary

State of Idaho
County of Blaine

On this November 21, 1991, before me, a notary public in and for said State, personally appeared Duane E. Buhler and Doyle Fulker personally known or identified to me to be the person(s) who executed the within instrument as President and Secretary, on behalf of Southern Idaho District Council Assemblies of God, Inc. the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Xan L. Gurnist

Notary Public
Residing at Halley
Commission Expires: 2-18-92



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00332
Date Received: 8/1/1991
Receipt No: 0021384
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SOUTHERN IDAHO DIST. ASSEMBLIES OF GOD 208-466-8101
Address: 1311 12TH AVE. S.
NAMPA, ID 83651

2. Date of Priority: JUL 1, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	26	SW	SE			BLAINE

5. Description of diverting works:
#40-P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 90.00 A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	26	SW	SE		IRR	27.0
						Section Acres	27.0
		35	NW	NE		IRR	3.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	30.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-13371

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

P/U INCOMPLETE. SEE FILE.

AC. IRRIG. NOT SPECIFIED. FARM = 25 AC.

PLACE OF USE IS THE BELLEVUE BIBLE CAMP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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

vs ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Superintendent of
Title
So. Idaho District Assembly, 96d that I have signed the foregoing
Organization
document in the space below as Superintendent of
Title
So. Idaho District Assembly, 96d and that the statements contained in the
Organization
foregoing document are true and correct.

Deane E. Buehler
Signature of Authorized Agent
Supt.
Southern Idaho Dist. Assembly, 96d
Title and Organization
Aug 1, 1991
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 91

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

COPY
MICROFILMED
FEB 22 1993

R18E

17' 30"

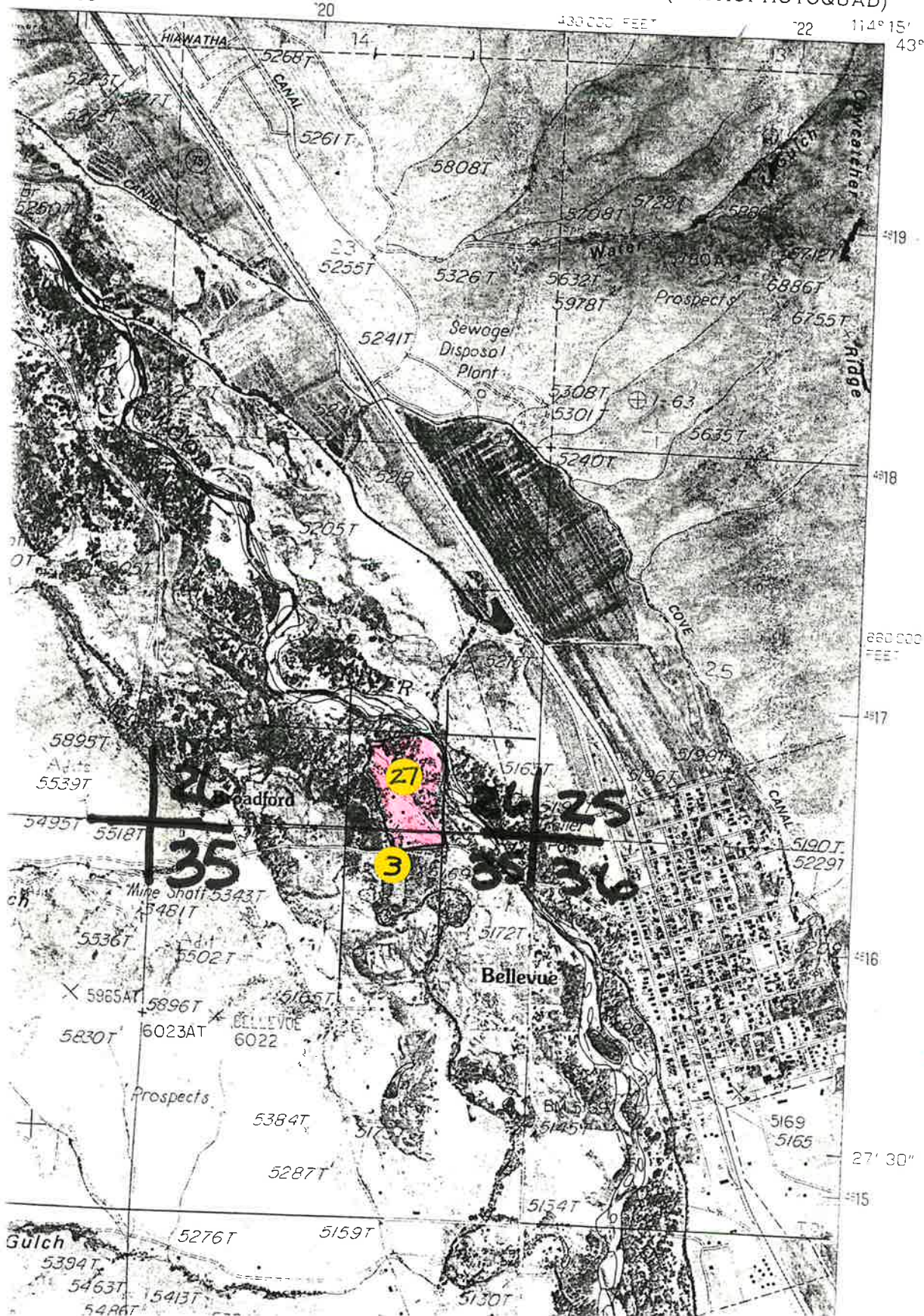
20

430 000 5574

-22

114° 15'

43° 30'



MICROFILMED
 FEB 22 1993

T2N

TIN

Water Right Number - R37-00332

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BARRIE FAMILY PARTNERS1 - PO BOX 793
2 -
3 -
City- BELLEVUE State- ID Zip- 83313
Phone - 208-788-3933*** O - ORIGINAL OWNER ***
IDAHO CONSOLIDATE MINES CO1 -
2 -
3 -
City- N State- ID Zip- 0
Phone - 208-000-0000

ASSEMBLIES OF GOD

SOUTHERN IDAHO DIST

1 - 1311 12TH AVE S
2 -
3 -
City- NAMPA State- ID Zip- 83651
Phone - 208-466-8101

BELLEVUE BIBLE CAMP

1 - SOUTHERN IDAHO DISTRICT
2 - ASSEMBLIES OF GOD
3 - 1311 12TH AVE S
City- NAMPA State- ID Zip- 83651
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1887 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02N 18E 26 SW SE (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.000 90.00 75.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 18E 26 SW SE 27.0 01 IRRIGATION (13) BLAINE
02N 18E 35 NW NE 3.0 01 IRRIGATION (13) BLAINE

Total Acres: 30.0

NOV 22 1996
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Water right number - R37-00332

Prefix Translation: RESEARCH

+ - - Diversion Means - #40-P PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-13371

+ - - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 25 AC.
PLACE OF USE IS THE BELLEVUE BIBLE CAMP.
*****8
OWNERSHIP CHANGE MADE 6/16/95 BY TLB. ASSEMBLIES OF GOD-FORMER
OWNER, BARRIE-NEW OWNER. WARRANTY DEED INCLUDED.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 00/00/0000

+ - - - - - Comments - - - - - +
Date: 06/16/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER. P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 25 AC. PLACE OF USE IS THE BELLEVUE BIBLE CAMP.
*****8 OWNERSHIP CHANGE MADE 6/16/95 BY TLB. ASSEMBLIES OF GOD-FORMER
OWNER, BARRIE-NEW OWNER. WARRANTY DEED INCLUDED.

+ - - Audit Fields - - +
06/16/95 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 08/01/1991 Last Amended Date - 00/00/0000 Temporary Right - T
Receipt Number - X777777 Water District - 37
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag - D
Notice of Error Flag -

NOV 22 1996
MICHO FILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUNE 16, 1995

BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE, ID 83313

RE: SRBA CLAIMS A37-00332, A37-13370, & A37-13371
ASSEMBLIES OF GOD

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS THE ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

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NOV 22 1996

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720



Presorted

First Class
U.S. Postage
Permit No. 1
Boise, Idaho



SOUTH IDAHO ASSEMBLY OF
GOD CHURCH
BOX 173
BELLEVUE ID 83313

RECEIVED
JUL 15 1988

Department of Water Resources

COUNTY: BLAINE 2064
FILING DEADLINE: OCT 26, 1988
MOBILE UNIT LOCATION AND DATES:
WATCH LOCAL NEWSPAPER FOR TIME & PLACE
A MOBILE CLAIMS TAKING OFFICE WILL BE IN
TETON COUNTY BEFORE THE FILING DEADLINE

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

In Re the General Adjudication of) Civil No. 39576
Rights to the Use of Water from)
the Snake River Basin Water System.) COMMENCEMENT NOTICE
)

TO: ALL PERSONS OWNING RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM.

YOU ARE HEREBY NOTIFIED THAT:

On November 19, 1987, the District Court for the County of Twin Falls issued an order commencing a general adjudication of water rights from the Snake River Basin water system in Idaho. A general adjudication is a court case which will result in a decree determining all water rights from the water system. The purpose of the adjudication is to get an accurate schedule of water rights to assure the proper delivery of water in times of shortage. The purpose of this notice is to inform you of the commencement of the adjudication and your legal responsibilities at this stage of the adjudication. PLEASE CONTINUE.

GENERAL REQUIREMENT TO FILE NOTICE OF CLAIM WITH IDWR

Idaho Code §42-1409 requires all persons owning water rights within the boundaries of the Snake River Basin water system in Idaho to file a Notice of Claim with the Idaho Department of Water Resources (IDWR) for each water right, except for certain water rights specifically excluded by law. "Water rights within the

FILED
FEB 22 1993

Date Received Aug 1, 1991

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Southern Idaho Dist. Assembly of God (208) 466-8101
Name of Claimant Phone Number

1311 12th Ave S Nampa Id 83651
Mailing Address City State Zip

Blaine 10-26-88
County(s) where place of use is located Date claim originally due

A37-00332
Identify water right(s) for which extension is requested.

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

We overlooked this water claim when we
filed on the other. I have been newly
elected to this position (2 yrs ago) I came
in as soon as I found out it wasn't
filed on.

Claimant requests an extension to _____, 19 _____

Duane C Bulbr Aug 1, 19 91
Signature Date of request

District Supt.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to August 1, 19 91

Signed this 1 day of August, 19 91

[Signature]
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

RECEIVED
FEB 22 1993

CCPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 12 AM 10 36

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

In Re SRBA

Case No. 39576

SUBCASE NO. 37-332, 37-2639D
37-13370, 37-13371

AMENDED
NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

6/10/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-11, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Barrie Family Partners
PO Box 793
Bellevue ID 83313

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Barker Rosholt & Simpson
PO Box 2139
Boise ID 83701

Hobdey & Hobdey
PO Box 176
Gooding ID 83330



Signature of person or attorney mailing the form

05/28/2009

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S26 SWSE 5.60	T02N R18E S35 NWNE 2.70	
	8.3 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

05/28/2009

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S35 NWNE	0.90	
	0.9 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

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

05/28/2009

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

RIGHT NUMBER: 37-13370

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 12/31/1975

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC in BLAINE County

T02N R18E S26

SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

05/28/2009

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

RIGHT NUMBER: 37-13371

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
26.40 AFY

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.

PRIORITY DATE: 12/31/1975

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.150 CFS 26.40 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S26 SWSE 4.70	T02N R18E S35 NWNE 2.70	
	7.4 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-332, 37-2639D, 37-13370, 37-13371

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

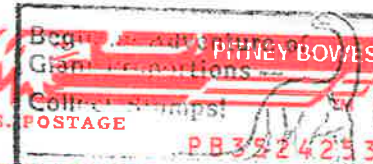
Trish Fawcett
Technical Records Specialist

cc: James P. Speck, Speck & Aanestad
Barker Rosholt & Simpson
Hobdey & Hobdey

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED
MAY 26 2009
DEPT OF WATER RESOURCES
SOUTHERN REGION



U.S. POSTAGE
3332 \$00.61 MAY 21 2009
7534 MAILED FROM ZIP CODE 83301

me

8334010793 8001
83301@5259

NIXIE 837 5E 1 86 05/23/09

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83301525950 *3014-02738-21-37





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

May 21, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

RE: SRBA Claim(s) 37-332, 37-2639D, 37-13370, 37-13371

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: James P. Speck, Speck & Aanestad
Albert Barker, Barker Rosholt & Simpson
Craig Hobdey, Hobdey & Hobdey

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 MAY 21 AM 12 42

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

In Re SRBA

Case No. 39576

) SUBCASE NO. 37-332, 37-2639D,
) 37-13370, 37-13371
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

5/18/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5.21, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Barrie Family Partners
PO Box 793
Ketchum ID 83340

James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Albert Barker
Barker Rosholt & Simpson\l
PO Box 2139
Boise ID 83701

Craig Hobdey
Hobdey & Hobdey
PO 176
Gooding ID 83330



Signature of person or attorney mailing the form

04/27/2009

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S26 SWSE 5.60	T02N R18E S35 NWNE 2.70	
	8.3 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

04/27/2009

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.020 CFS
3.20 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S35

NWNE 0.90

0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

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

04/27/2009

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

RIGHT NUMBER: 37-13370

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 12/31/1975

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.040 CFS
PLACE OF USE:	<u>DOMESTIC in BLAINE County</u>		
	T02N R18E S26 SWSE		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/27/2009

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

RIGHT NUMBER: 37-13371

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
26.40 AFY

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D & 37-13371.

PRIORITY DATE: 12/31/1975

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.150 CFS 26.40 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S26 SWSE 4.70	T02N R18E S35 NWNE 2.70	
	7.4 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D & 37-13371.

The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D & 37-13371.

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 - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

May 21, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

RE: SRBA Claim(s) 37-332, 37-2639D, 37-13370, 37-13371

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: James P. Speck, Speck & Aanestad
Albert Barker, Barker Rosholt & Simpson
Craig Hobdey, Hobdey & Hobdey

Hahn, Carrie

To: Christensen, Kelly
Subject: RE: 37-332, 37-2639D, 37-13370, 37-13371

The transfers address is the same as the objection. I can do it.
C

From: Christensen, Kelly
Sent: Thursday, October 09, 2008 3:25 PM
To: Hahn, Carrie
Subject: 37-332, 37-2639D, 37-13370, 37-13371

Could you update the address on this group based upon the objection request? I would do it but I have to run to South Dakota this weekend for a wedding and am leaving tonight.

Thanks even if you can't.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on ^{November}~~October~~ 1, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

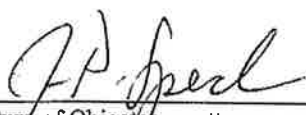
Name: Barrie Family Partners
Address: P.O. Box 793
Bellevue, ID 83313

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

12/20/2006

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

VERIFIED BY KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	SWSE	5.60	T02N R18E S35	NWNE	2.70
---------------	------	------	---------------	------	------

8.3 ACRES TOTAL

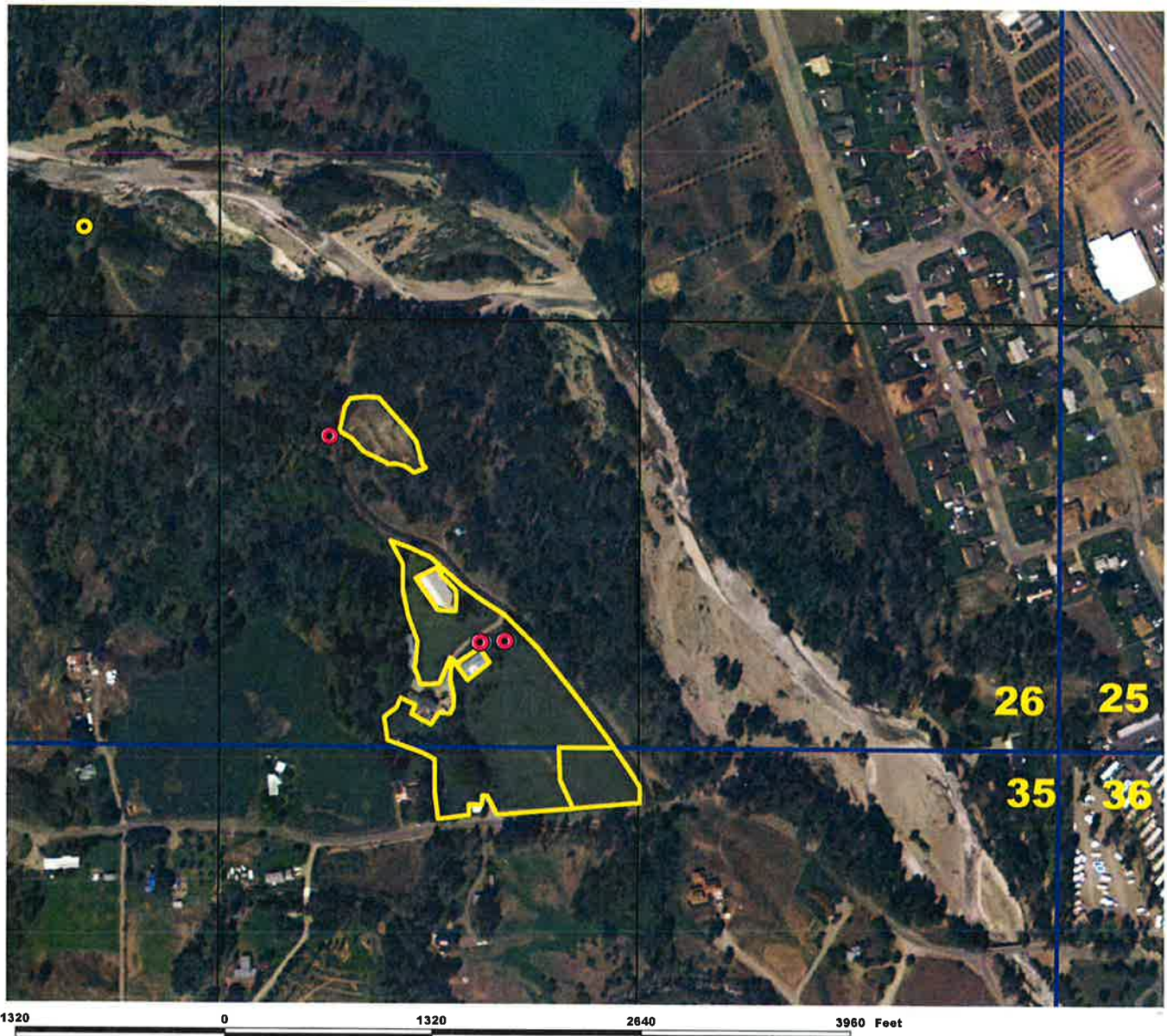
The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

RECOMMENDED PLACE OF USE FOR 37-332



PLACE OF USE
TWP 2N, RNG 18E, SEC 26 & 35
 Data entry on December 20, 2006

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES
- LOCATION IN BASIN
- GIS PLACE OF USE PRESENTATION
 2004 AERIAL PHOTOGRAPHY
 DATA ENTRY BY KELLY K CHRISTENSEN



Contacts Data Entry Form

Claim(s): 37-332, 37-13370, & 37-13371

37-2639D

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

RE: 37-332 If possible, identify the gravity irrigation system (ditch route & ground irrigated by that system.

Question: When was the pumping system installed?
Establish the P/D boundary. Differentiate between historic and current if necessary.

RE: 37-13370 (commercial use) Claimed priority date is in conflict with the mandatory permit statute. See letter from Loren Holmes Oct-1998.

They need to contact me to determine what they want to do.

RE 37-13371 (irrig use)

Locate P/D and describe system. Do there any relationship with the wells claimed thru 37-13370?

Reviewer: _____

Date: _____

Y24_ne_1992_s.sid



GPS file name	Easting	Northing	Plate No.	Photo Id.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date: _____

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 37-13370, 37-13371, 37-26890, 37-332

Previous Mailing Address: Barrie Family Partners
% James P. Speck
Box 988, Ketchum, ID 83340

New Mailing Address: P.O. Box 793
Bellevue ID 83313

Telephone Number: () _____

Signature of all Claimant(s): J. P. Speck
Please print your name below your signature.
JAMES P. SPECK, ATTORNEY

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

*Done
Cable
12/6/06*

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 1, 2005

Jim Speck
Speck & Aanestad
120 East Ave
PO Box 987
Ketchum, ID 83340

Dear Mr. Speck:

Please find enclosed a water right transfer application that you recently filed with our office on behalf of Barrie Family Partners, along with the \$250.00 filing fee (Speck & Aanestad check # 34377) that accompanied the application. The application was filed in an attempt to change the point of diversion of right 37-332. The application is being returned so that you can address a couple of deficiencies that prevent processing of the application.

The application is filed in the name of the Barrie Family Partners, the apparent water right owner, and signed by Christine Barrie. However, there is no documentation included with the application indicating who can sign on behalf of the Barrie Family Partners. Furthermore, examination of the Secretary of State Business Entity Search website reveals that Barrie Family Partners are not registered to do business in the State of Idaho. Note that the Department's transfer processing policies and procedures memo (10/30/2002) indicates that partnerships should be authorized to do business in the State of Idaho.

The map that was included with the transfer application does not show the proposed, in this case existing, place of use of the right, 37-332, being transferred. SRBA claim 37-332 has a claimed place of use of 30 acres. However, examination of aerial photography does not clearly indicate 30 acres as being irrigated, and it actually appears that significantly less than 30 acres are irrigated on the Barrie Family Partners property. The extent of historical beneficial use (including number of irrigated acres) will be considered when acting on this transfer application. Any information or evidence that is available to substantiate the claimed acres should be submitted along with the transfer application. As part of the transfer processing, SRBA staff will investigate the extent of historical beneficial use under the claimed right. This may include a possible field investigation, which may have to occur after snowmelt this spring. Also note that if significantly less than the 30 acres are determined to be irrigated, this could impact the allowable flow rate for the water right (note that the right currently allows for the diversion of up to 1.0 cfs).

Page 2

Speck/ Barrie Family Partners Transfer Letter
December 1, 2005

I have included a copy of 2004 aerial photography of the area so that the place of use can be delineated for right 37-332. It also appears that there are some groundwater irrigation filings (37-2639D and 37-13371) that may overlap the claimed place of use of right 37-332. You should probably investigate, and address, their potential impact on right 37-332 (do they irrigate the same acres, different acres, etc.).

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Corey Skinner, PE
Water Resource Engineer

Enclosures

Barra Fan
A00 11766

7-7-06
Big wood div

EPE
16'

2477 458
1363 724

Fit 1/2 doc

543-5369
3/2/06
2.7 2.7
2.7 8.3

To Healey →

A 29.0

16.8

Big Wood River

SW SE

#37
Kline Headgate

Delivering Ditch

Sec 26
Sec 35

Wise Parcel

"12 acre" Parcel

Broadford Road

Clearwater Sl
Poss. Alt. Div. Pt.

Irrigation Slough

To Bellevue

1/4 Sec Line

NW NE

UNFILED

N
S

PROFILED
Nov 2, 3 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-579

WATER RIGHT NUMBER: 37-579

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	KATHLEEN W WISE PO BOX 164 BELLEVUE, ID 83313 (208)788-3832
Current Owner	GEORGE E WISE PO BOX 164 BELLEVUE, ID 83313 (208)788-3832

Priority Date: 06/02/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4SE1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NW1/4SW1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	26	NE	NW	SW	SE	3.0
02N	18E	35	3.0				3.0

Total Acres: 6

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-579

1. TRANS. 3100.
THIS TRANS. ADDS A P/D FROM CLEARWATER SLOUGH, KNOWN LOCALLY AS WHITE SLOUGH, WITHIN THE SWSE, S6, T2N, R18E.
THE RATE OF DIV. UNDER THIS WATER RT. FROM BROADFORD SLOUGH & CLEARWATER SLOUGH COMBINED SHALL NOT EXCEED THE RATE OF FLOW AVAILABLE FOR DIV. FROM BROADFORD SLOUGH.
2. 016 See remarks for additional conditions of approval.
3. 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-579

WATER RIGHT NUMBER: 37-579

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH ROBERTS

Current Owner , ID
GEORGE E WISE
PO BOX 164
BELLEVUE, ID 83313
(208)788-3832

Priority Date: 06/02/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.500 CFS	
	Total Diversion:	0.500 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER BLAINE County	SW1/4SE1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	NW1/4SW1/4	Sec. 26, Twp 02N, Rge 18E, B.M.

Place of Use

IRRIGATION

[illegible]

Total Acres: 6

Conditions of Approval:

1. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
2. 016 See remarks for additional conditions of approval.
3. 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-579

4. TRANS. 3100.
THIS TRANS. ADDS A P/D FROM CLEARWATER SLOUGH, KNOWN LOCALLY AS WHITE SLOUGH, WITHIN THE SWSE, S6, T2N, R18E.
THE RATE OF DIV. UNDER THIS WATER RT. FROM BROADFORD SLOUGH & CLEARWATER SLOUGH COMBINED SHALL NOT EXCEED THE RATE OF FLOW AVAILABLE FOR DIV. FROM BROADFORD SLOUGH.

Remarks:

Comments:

Water Supply Bank:

Historic point of diversion



The pending recommendation for **37-332** is recognizing the entire 8.30 ac. The recommended point of diversion is identified as the historic point of diversion. The ground in Section 35 was not a portion of the decreed place of use but based upon currently available information, I expect to recognize this ground as an unrecorded transfer and valid under this decreed right.

The recommendation is subject to any transfers that may be approved prior to the final SRBA decree.

Sec 26 SWSE
5.6 acres

Sec 35 SWNE
2.7 ac

Total = 8.3 ac

37-13371 Source = Groundwater for irrigation of 8ac, based on Beneficial use. Evidence of priority by Otis (Tinker) Disbennett describes the historic system as a dug well with a pump in it used for irrigation. He could recall this as an open well that had fish in it, which he tried to catch.

QUESTION: Where was this “well” located and what was the size of this feature? When was the current well drilled? The assumed place of use is ground around the home and the pasture.

37-13370 Source = Groundwater (3 wells) Based upon Beneficial use. Priority date = 1975. Claimed use = Commercial.

ANALYSIS: The claimed priority date is after the mandatory permit statutes, therefore Commercial use cannot be recommended. If the recommendation should be for a domestic use (De Minimus) then an amendment is necessary to change the claimed use. The rate is claimed at 0.40 cfs. This rate appears to be excessive for a domestic use.

QUESTION: During the 7-7-2006-field exam I identified 2 wells located approximately 150 ft southeast of the chapel. Where is the third well located? Are the wells tied together? What is the layout for the delivery system(s) like?

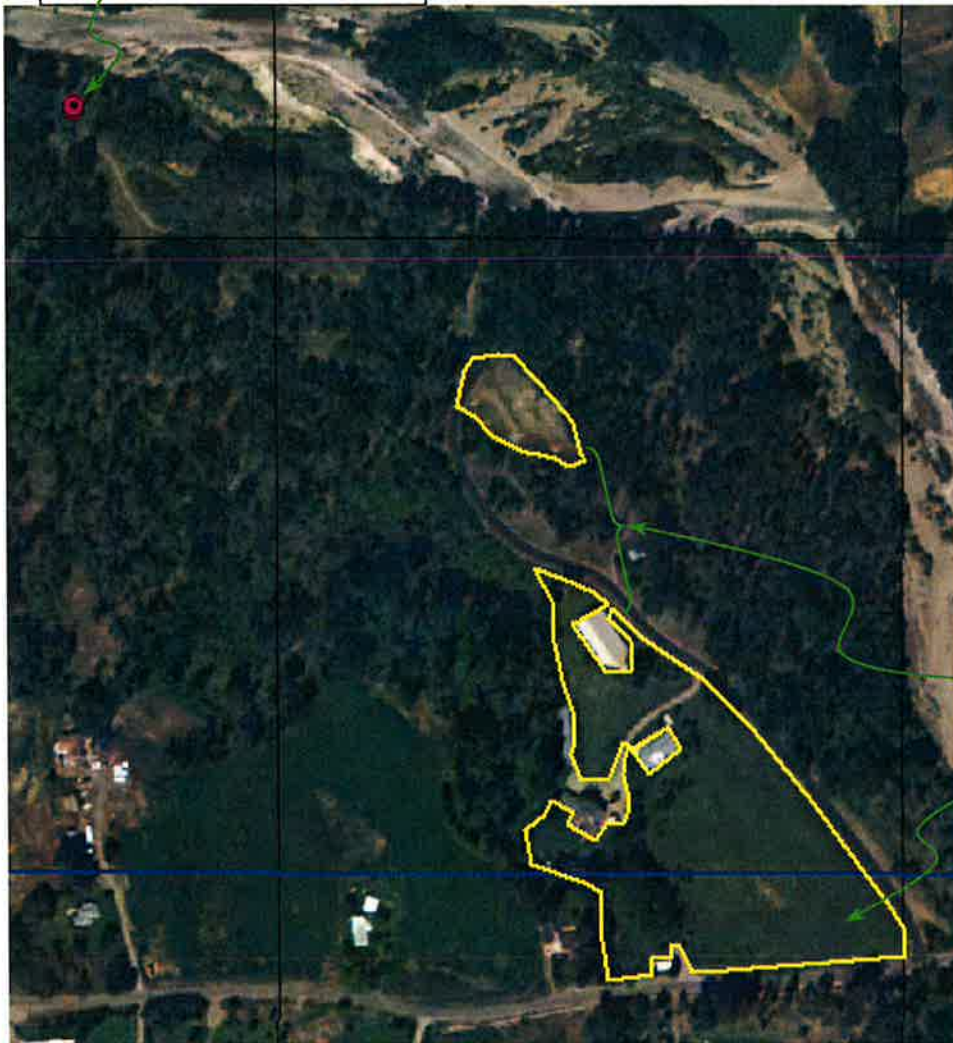
What is the timeline of the development of the wells, delivery system, and all of the claimed uses?



37-2639D For the irrigation of 0.9 ac, transferred in 1994. The transfer identifies one point of diversion that should be one of the two shown above. The place of use is 0.90 ac in sec 35. It is not clear just what portion of the ground in sec 35 the transfer covers.

QUESTION: Which well is associated with the transfer? Is there a specific place of use for this right?

Historic point of diversion



The pending recommendation for **37-332** is recognizing the entire 8.30 ac. The recommended point of diversion is identified as the historic point of diversion. The ground in Section 35 was not a portion of the decreed place of use but based upon currently available information, I expect to recognize this ground as an unrecorded transfer and valid under this decreed right.

The recommendation is subject to any transfers that may be approved prior to the final SRBA decree.

Sec 26 SWSE
5.6 acres

Sec 35 SWNE
2.7 ac

Total = 8.3 ac

37-13371 Source = Groundwater Based on Beneficial use. Evidence of priority by Otis (Tinker) Disbennett describes the historic system as a dug well with a pimp in it used for irrigation. He could recall this as an open well that had fish in it, which he tried to catch.

QUESTION: Where was this “well” located and what was the size of this feature? When was the current well drilled?

37-13370 Source = Groundwater (3 wells) Based upon Beneficial use. Priority date = 1975. Claimed use = Commercial.

ANALYSIS: The claimed priority date is after the mandatory permit statutes, therefore Commercial use cannot be recommended. If the recommendation should be for a domestic use (De Minimus) then an amendment is necessary to change the claimed use. The rate is claimed at 0.40 cfs. This rate appears to be excessive for a domestic use.

QUESTION: During the 7-7-2006-field exam I identified 2 wells located approximately 150 ft southeast of the chapel. Where is the third well located? Are the wells tied together? What is the layout for the delivery system(s) like?

What is the timeline of the development of the wells, delivery system, and uses?



37-2639D For the irrigation of 0.9 ac, transferred in 1994. The transfer identifies one point of diversion that should be one of the two shown above. The place of use is 0.90 ac in sec 35. It is not clear just what portion of the ground in sec 35 the transfer covers.

QUESTION: Which well is associated with the transfer? Is there a specific place of use for this right?

Rockland Bypass

Broadford Slough

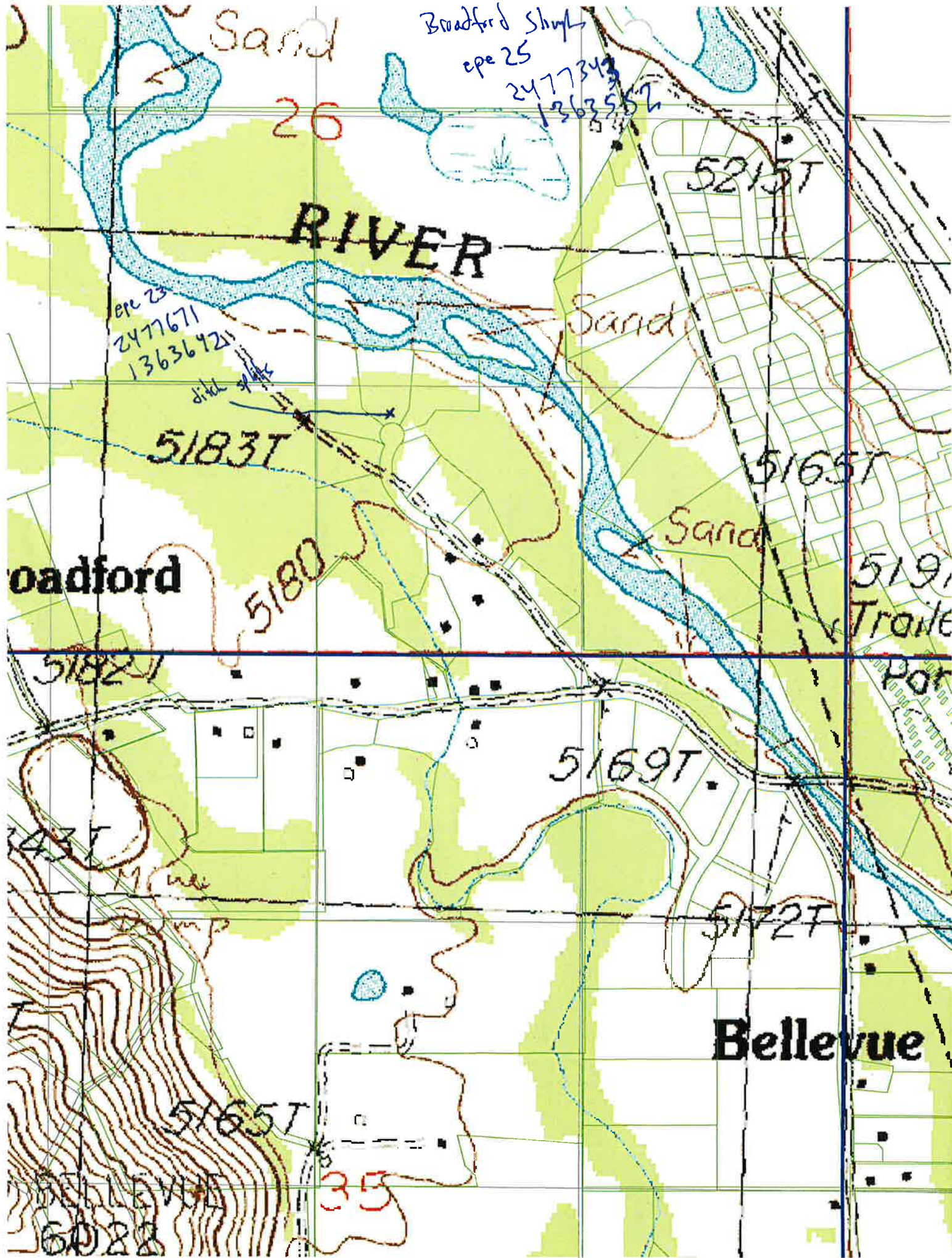
Leroy Lewis P/D

Berrie Big Wood div.

Lewis Spring







Sand
26

Broadford Shm
cpe 25
2477343
1363552

cpe 23
2477671
13636421
ditch

RIVER

Sand

Sand

oadford

5180

519
Traile
Pot

5169T

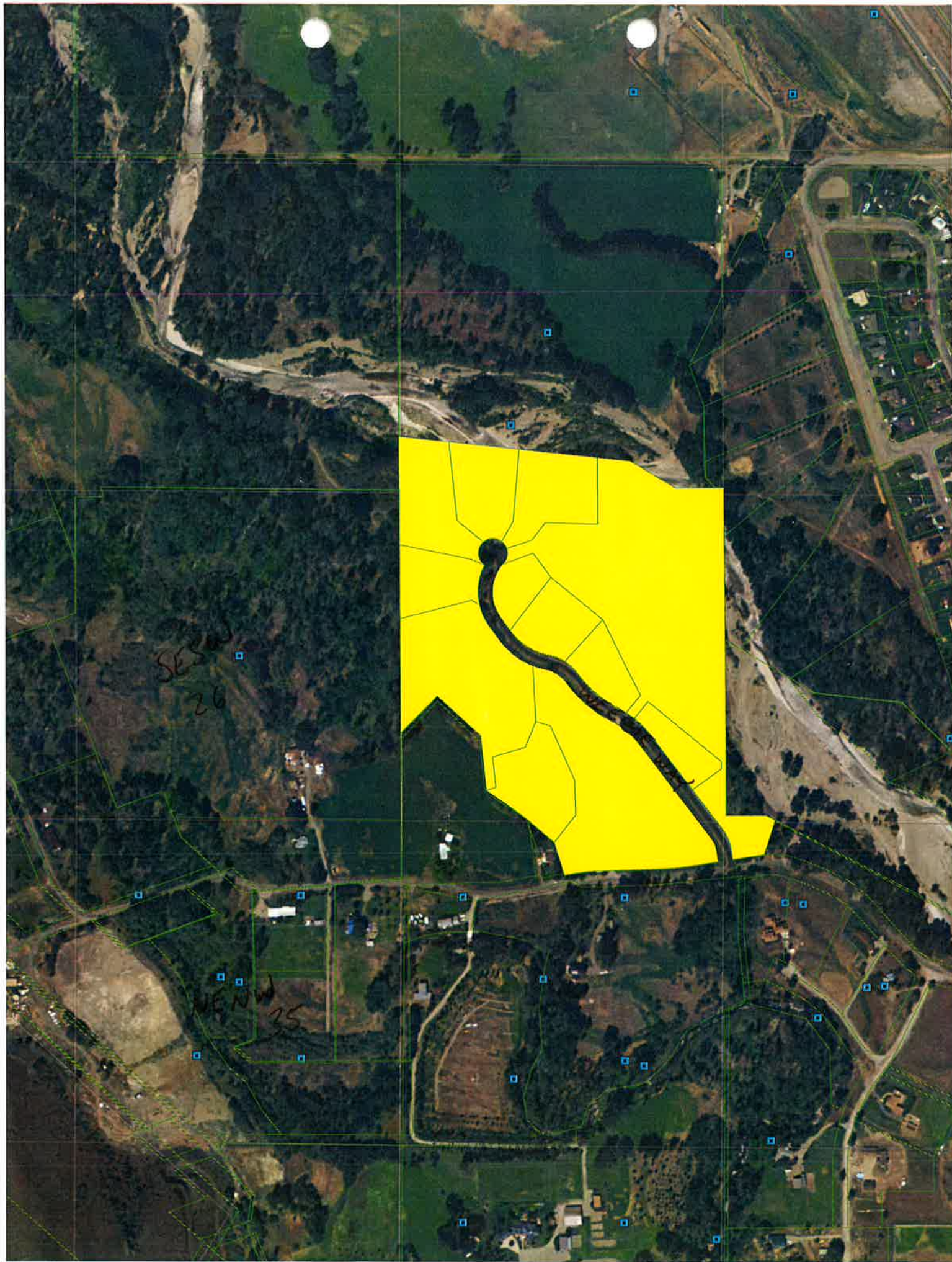
5172T

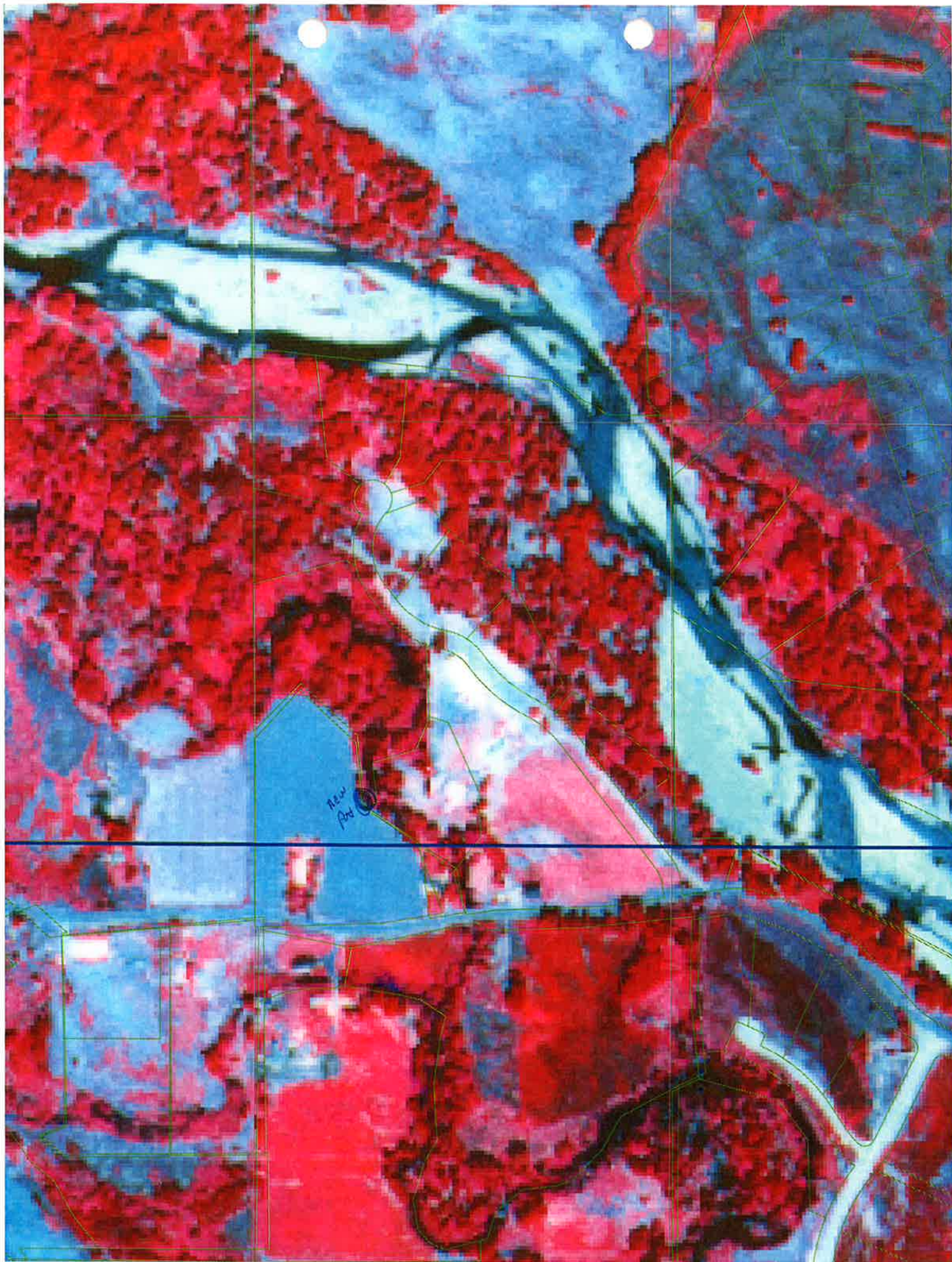
Bellevue

5165T

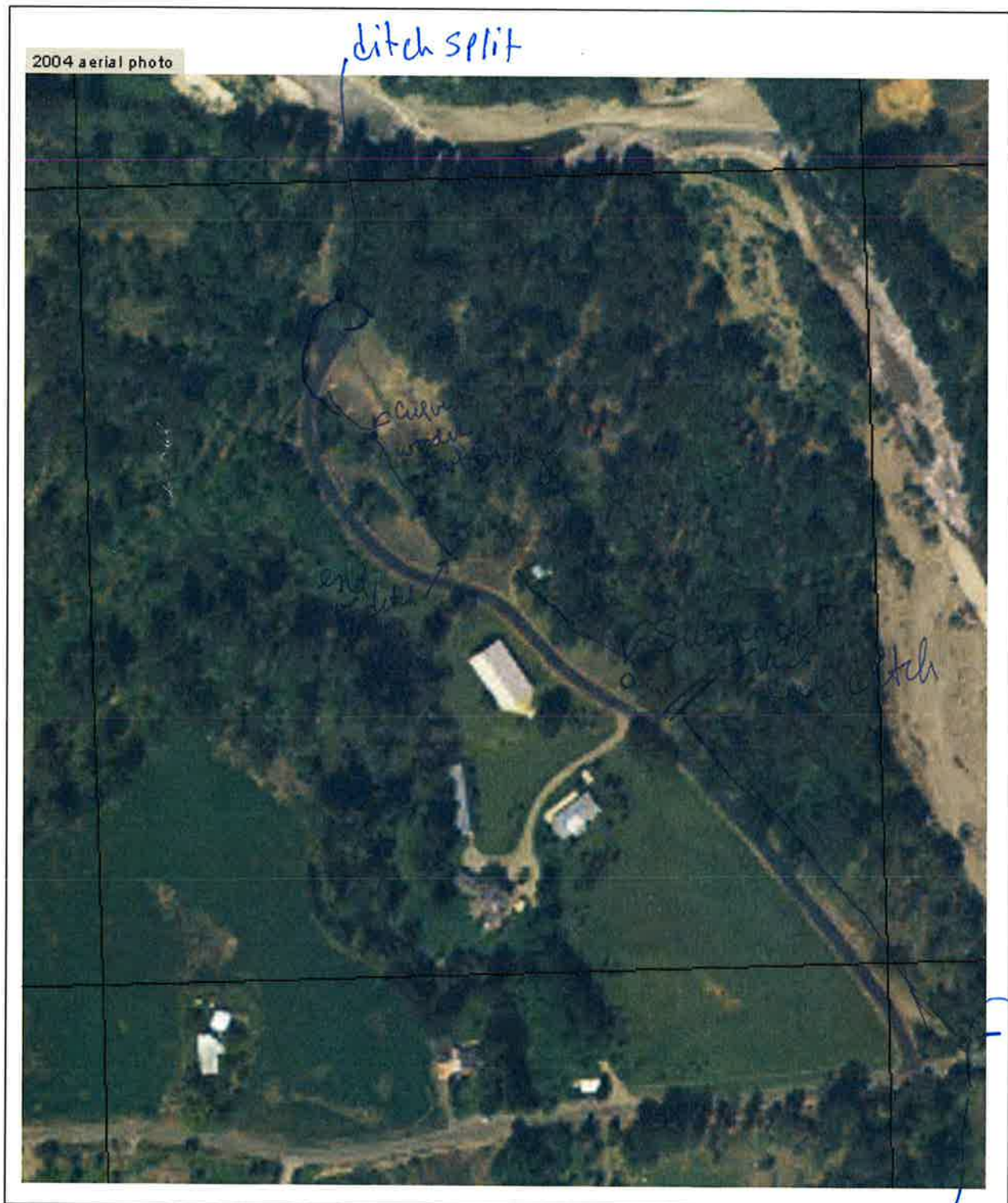
35

6028





Place Of Use Data





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 18, 2002

James P. Speck
SPECK & AANESTAD
120 E. Ave
P.O. Box 987
Ketchum, ID 83340

DIRK KEMPTHORNE
Governor

RECEIVED
KARL J. DREHER
Director

APR 22 2002
Department of Water Resources
Southern Region

RE: APPLICATION TO LEASE WATER RIGHT NO. 37-00332 TO THE WATER
SUPPLY BANK

Dear Mr. Speck:

The department has reviewed the Application to Sell or Lease a Water Right to the Water Supply Bank that you submitted to this office in the name of Barrie Family Partners. Please consider that the offered water right is accepted into the bank.

Several items to keep in mind in connection with the lease of the right to the bank are as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Allen Merritt
37-00332

SPBA File
To

10-27-2010

2639D 13370 13371
37-332 et al Barrie Family

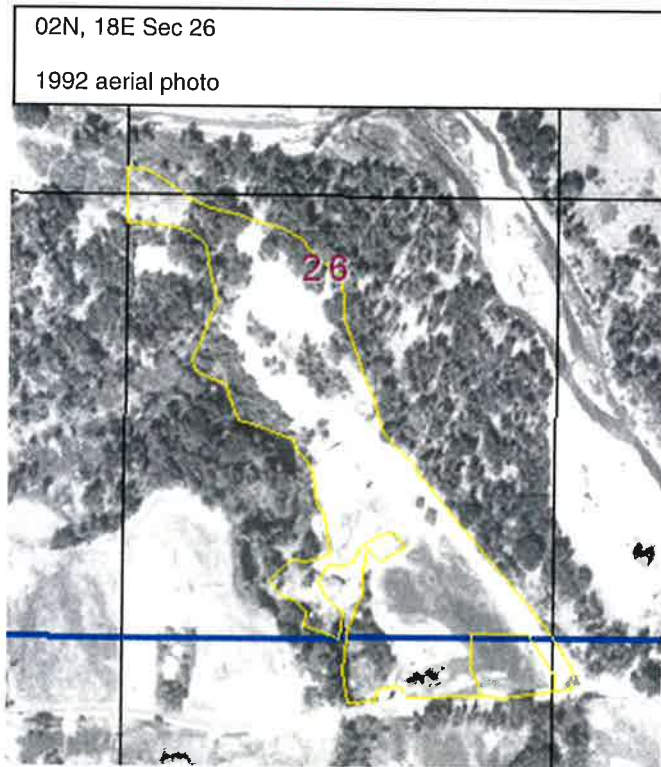
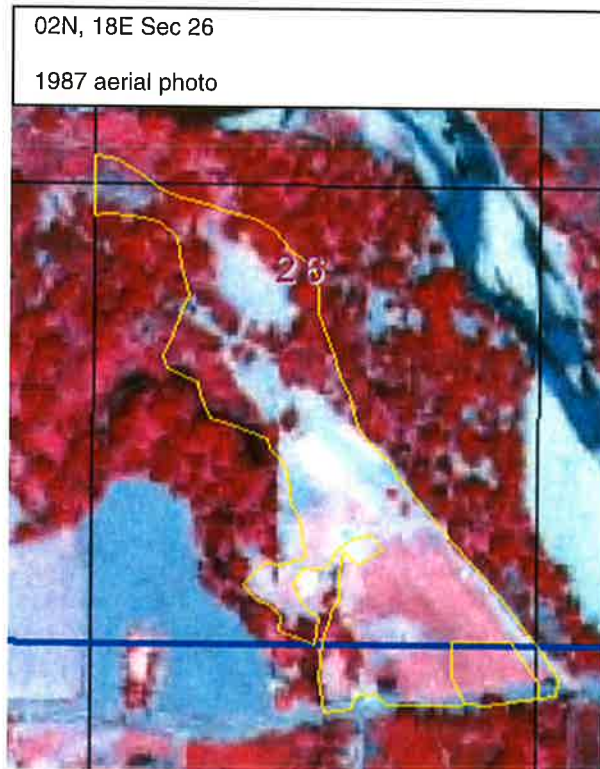
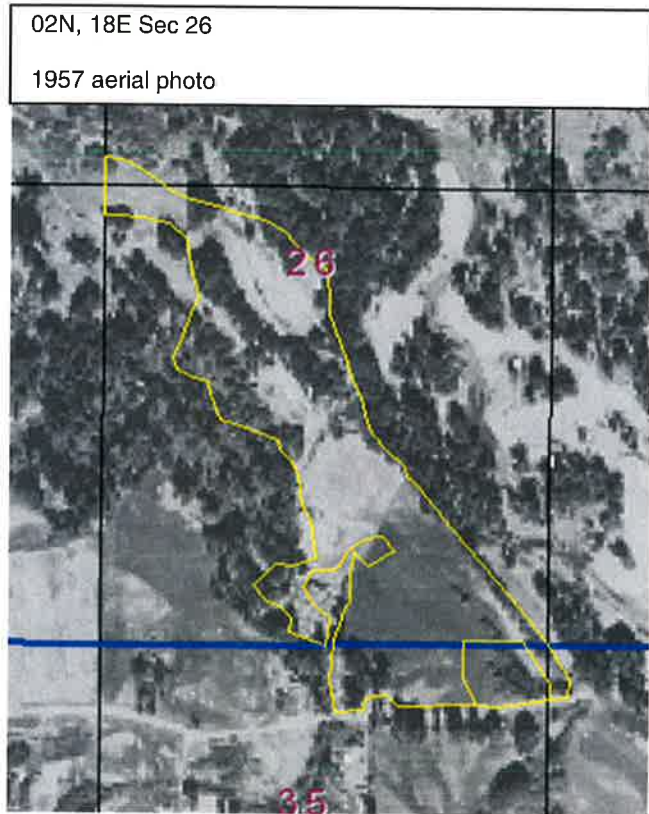
Chris, ~~Evan~~ Jim Speck Craig Hobday AlBarrie

Speck. Hasn't discussed with client
Barker - hasn't made much progress.

trial May 18

Speck - maybe a in person meeting.
Jan 24 @ ~~2:30~~ set for speck settlement conf.
10:30 informal Vieles conf.
State office with others @ court.

**POU COMPARISON FOR BARRIE FAMILY PARTNERSHIP
37-332 ETAL**



6-23-10

13371 R remove Field headgate

6-23-2010
Status Conf.

set for trial.

May 18th

April 20th 10:30 pretrial

* status Conf Oct 27 4:30

discovery cutoff. Feb 25th

Hobdeg - informal chatting

12-16, 2009

37-332 Barrie Fam Part. et al

2639D

13370

13371

Plan discussion needed with Chris' mother

Need to scan doc & send to Hobdy & Barker

Barker received email.

Next Status conf June 23, 2:00PM ~~10:00AM~~

Initial Hearing 10-15-2008

Status Conf 4-29-09

Barrie Farm Partners. 37-2639D, 13371 (Gnd Wtr)

37-332 - Surface Water

GW obj 2639D & 13371 should be additive (to 8.9ac
POU acres)
SW obj 332^{POU} should be $26 \pm$ ac.

10-29-08 To Speck 37-2639D & 13371 possible settlement, emailed to Speck req. for additional info but accepting ev. priority for 13371 as O.K.

10-29-08 To Speck 37-332 additional acres suggested still do not appear irrigated would need F.E. to see if there might be something on ground to alter my assessment.

10-29-08 4:10 PM To Speck sending attachment showing Lou comparison for Aerial Photos 1957, 1987, 1992, & 2004.

11-20-08 Field Exam conducted found nothing to change my opinion Owner Stated that she would try to get affidavits from former owners.

12-5-08 E-mailed Speck field exam photos and analysis.

From Status Conf with court

4-28-09 July 17 meeting deadline to contact all parties
Dec 16 10:30 AM

I said that I would add in the road & probably additional ground around the north 1 acre parcel.

5-1-09 E-mailed Speck a revised Shape for review.

NOTE: transfer for 37-332 was to reduce rate to 1" per acre.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, May 01, 2009 12:59 PM
To: 'Jim Speck'; 'hobdeycraig@hotmail.com'; 'Albert Barker'
Cc: Bromley, Chris; Kelly, Vicki
Subject: 37-332, 2639D, and 13371 Barrie Fam Part stat conf follow-up 4-28-09

Attachments: Modified POU for Barrie Fam 5-1-09.doc

Attached is a revised POU shape file and a brief summary of the overlapping considerations. As this is my office day I haven't had much time to work on this but decided to send this much out right now and will look at the balance as time permits.



Modified POU for
Barrie Fam 5-...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

5-1-09 KKE

Modified POU for Barrie Family Partners

37-332 covers all outlined areas for 10.8 ac

Ground Water

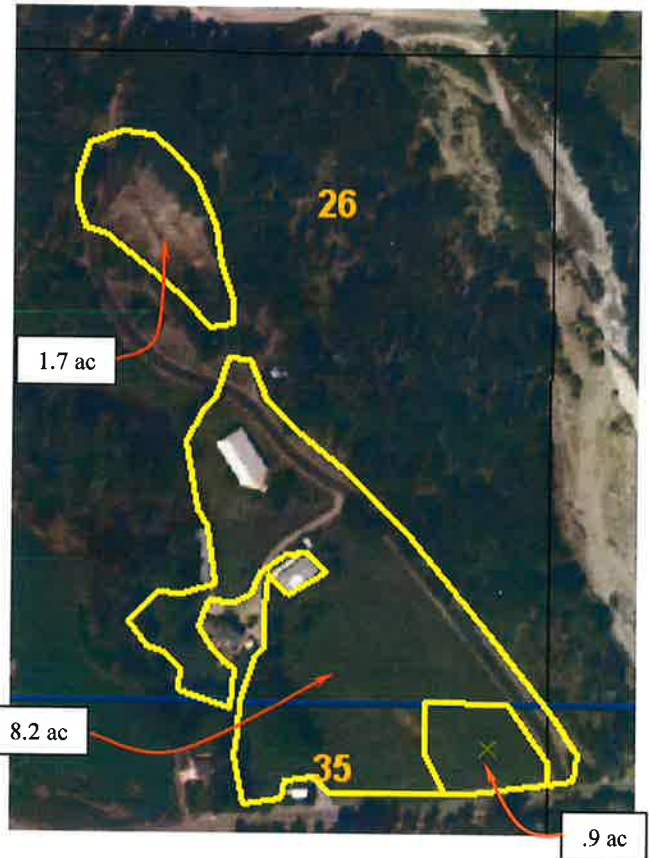
37-2636D no change still .9 ac as transferred

37-13371 8.2 ac (the larger POU to the south.)

When the 2 ground water rights are combined they are limited to 9.1 ac

When all 3 rights are combined they are limited to 10.8 ac

I have expanded both the upper and lower acres to include additional ground. I included the northern most building as a part of the irrigated POU assuming that, like the road, it fell within the window of protection against forfeiture. The area around the Chapel does not appear irrigated in the 1957 aerial photo but as the ground is not covered by trees and appears to be relatively flat I have included it within the recommended POU.



Over all Place of Use by quarter/quarter

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.0
																			8.0
02N	18E	35	.1	2.7															2.8

Total Acres: 10.8

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jlm@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

April 3, 2007

VIA E-MAIL - Corey.Skinner@idwr.idaho.gov
ORIGINAL WILL NOT FOLLOW

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301

Re: *Barrie Family Partners/Water Rights - Transfer fo 37-332*
Our File No. 750/010067

Dear Cory:

This will confirm our phone conversation earlier today. You have raised two points in your March 21, 2007 letter to me. First, you indicate water right 37-33 owner by the Kammer Trust shares the same current point of diversion. However, we both agree that diversion is "high and dry" and can no longer serve either water right which is the real reason for our transfer application. Since the Kammers are in the same situation I do not see any possible injury to their water right by this transfer request.

Second, we understand a large portion of the diversion rate for our water right as recommended in the SRBA (50 inches) covers ditch loss in the current delivery system and that this loss will be eliminated by the new point of diversion. Therefore, a reduction of the diversion rate to the accepted standard of one inch per acre for the irrigation of the 8.3 acres on my client's property is acceptable.

Please review this information with the State office and let me know what the next step will be in processing this application. Thank you.

Sincerely yours,

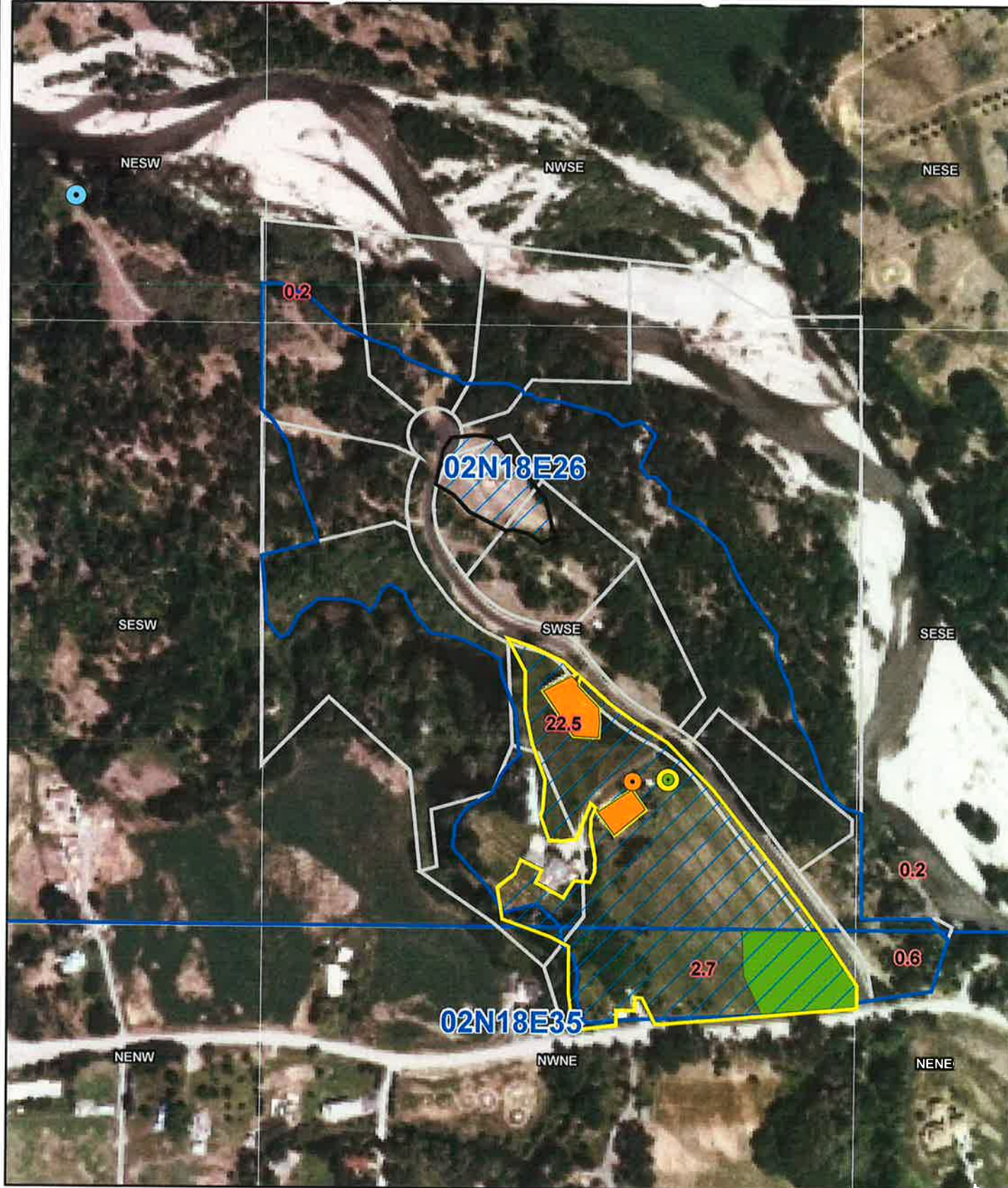
SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS/j

cc: client



BARRIE FAMILY PARTNERSHIP

**T.02N R.18E SEC. 26, 35
2006 NAIP AERIAL PHOTO**

BROCKWAY ENGINEERING, PLLC
air - APRIL 2, 2009
(ZL 4-29-09)

1 inch equals 300 feet

Barrie_Family_Partners_recpod_4-29-09

BASIN, SEQNO

- 37, 2639
- 37, 332
- 37, 13370
- 37, 13371

Barrie_Family_Partners_recposu_4-29-09

BASIN, SEQNO

- 37, 2639 ground water = 0.9 ac.
- 37, 332 Big Wood River = 8.3 ac.
- 37, 13370 ground water- domestic
- 37, 13371 ground water = 7.4 ac.

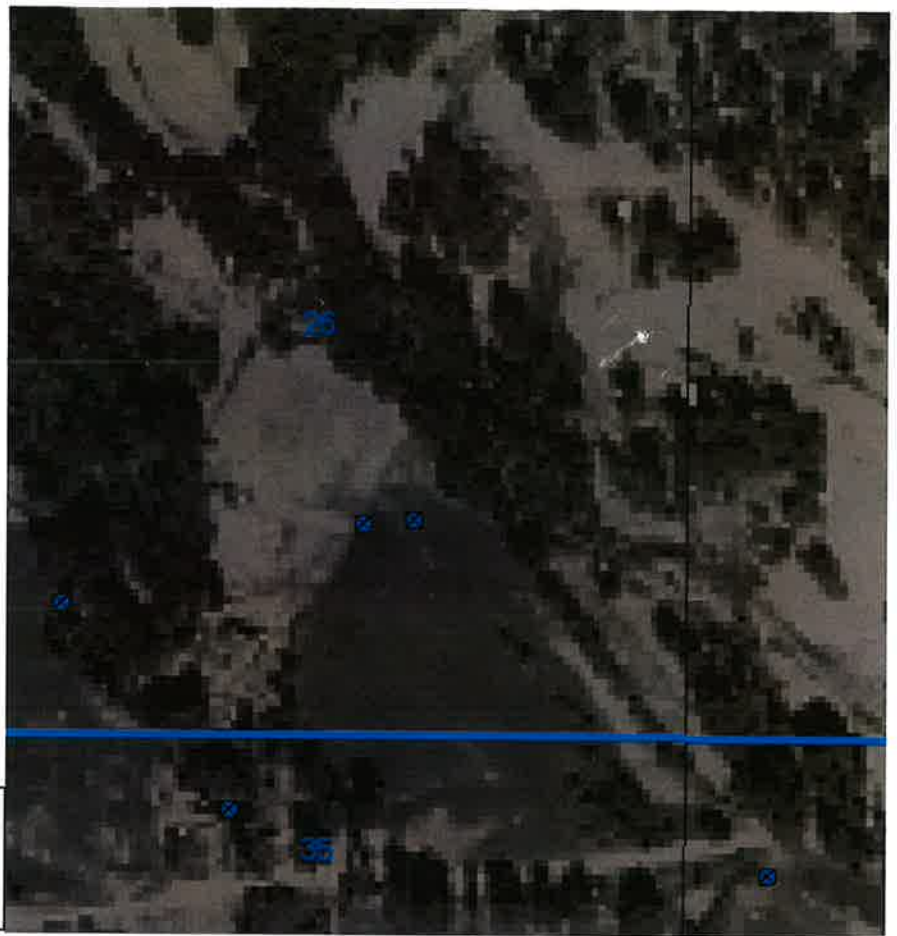
Legend

- Brockway Irrigation = 26.2 ac
- BARRIE_PARCELS
- sections
- t02n18e

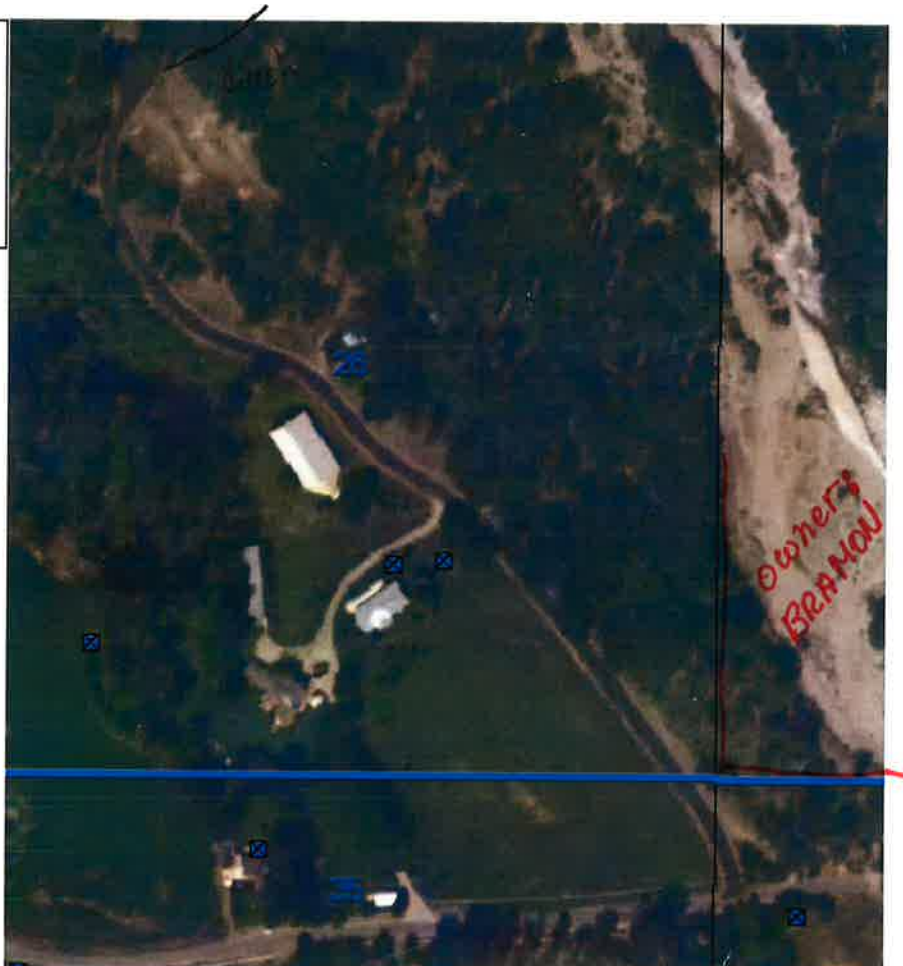
**IDWR
RECEIVED**

VIA E-MAIL 4-29-09

37-332
Barrie Family Partners



2N, 18E Sec 26
1957 aerial photo



2N, 18E Sec 26
2004 aerial photo



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, October 29, 2008 4:08 PM
To: Jim Speck
Subject: 37-2639D and 37-13371 Barrie Fam Partnership

Attachments: 37-2639D and 37-13371 questions about Barrie POU.doc

Jim,

Attached is a narrative and aerial photo clips of the Barrie Family Partnership recommended POU for the groundwater rights. I have tried to outline my findings and ultimate questions thereby raised. I have not attempted to draft any new recommendations as I need your input before I make any final call.

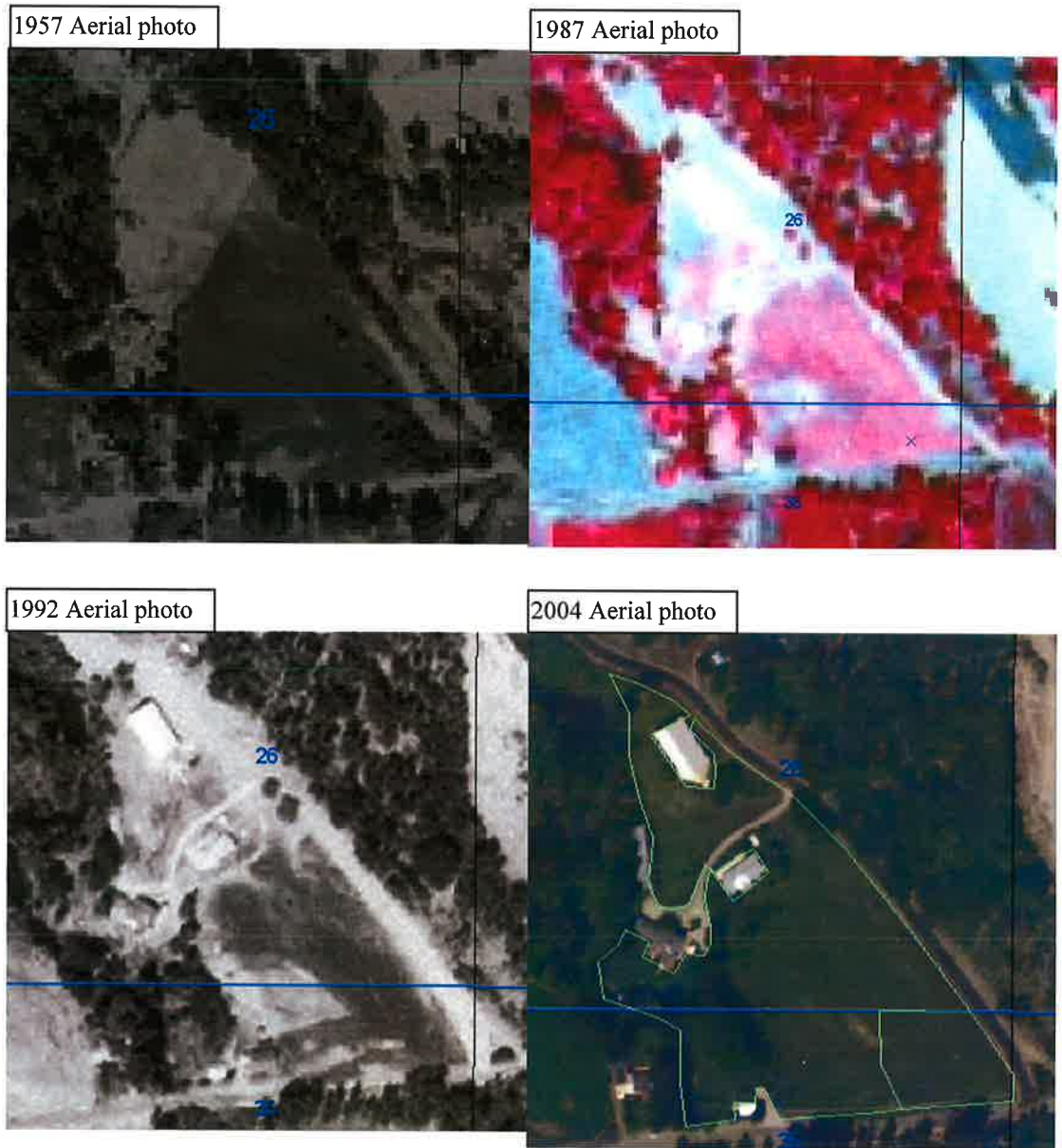


37-2639D and
37-13371 question..

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Place of use comparison from years 1957 thru 2004.

37-2639D and 37-13371 groundwater rights with a common point of diversion. The recommendation shape was drawn in relation to the 2004 aerial photo as the photo was sharper.



The evidence of priority provided by Otis Disbennett states that he knew that the well was in existence approximately 63 years prior to the date of the affidavit, thus suggesting a priority date year of 1938. Lacking any other information I am going with a 4-1-1938 priority date for 37-13371.

The issues regarding irrigation, as I recall, are that the road area along the east side of the POU should be included within the recommended POU as at some time past there was no road and that the ground was irrigated. It appears to me that at least most of the road area existed as far back as 1957. If you have additional information regarding the road please let me know.

Also suggested by Brockway Engineering ground east of the subdivision road and at the north end of the identified POU should be included, as in the 1987 aerial photo it shows up as not being irrigated in a similar manner as a portion of the ground within the recommended POU. This would be the ground east of the northern most building for the non-irrigated ground. In the other available photos that ground also does not appear irrigated. If you have additional information documenting when the water was first pumped to that ground please let me know.

As the southern portion of the place of use has always appeared to be irrigated it is my inclination to recognize that ground as irrigated under 37-13371. For some reason, transfer 4154 moved 0.9 acres into 02N, 18E, Sec 35 NWNE. As far back as 1957 it appears that basically all of the ground in Sec 35 NWNE currently being recognized as irrigated was irrigated at that time. Unless there was a 0.9 acre portion of that ground not being irrigated with the groundwater within that 40-acre tract the transfer stacked 37-2639D on top of the POU for a portion of 37-13371. I need additional information regarding the POU relationship between the two rights as associated with the 0.9 acres. If they are overlapping and as I expect to recommend 37-13371 at 1 inch per acre 37-2639D would have no practical value as it is later in time priority date wise.

I have not attempted to draft a modified recommendation as answers to the above questions could have a direct bearing upon the ultimate recommended shape(s).

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, October 29, 2008 9:23 AM
To: Jim Speck; Bromley, Chris
Cc: Kelly, Vicki
Subject: 37-332 Barrie Family Partnership

Relating to the request for additional acres for 37-332. I have reviewed the 2004, 1992, 1987, and 1957 aerial photos and I am still not convinced that the tree area east of the pasture was ever a part of the irrigated POU. In fact as Zach pointed out I probably recommended historically dry ground at the north end of the POU for 37-13371. The ditch through the trees may have been associated with the original delivery system for 37-33. Transfer 73570 (Kammer) identifies the same 40-acre tract as the original point of diversion for 37-332 as the legal description for the original point of diversion for that right.

If you still feel that that area should be included as a part of the irrigated POU, then I would like to schedule a time for a field examination of that area to better document the irrigation system within the trees. When Corey and I visited the property and did the field exam for the Barrie Family transfer I tried to walk through that area and had difficulty getting through the brush so I did not walk out the southern end of that ground.

At this point I am expecting to modify the recommendations for 37-2639D and 37-13371 to reflect two different shapes independent of each other as discussed and to modify the remarks accordingly.

In discussing the requested address change for 37-13370, Chris suggested that we accomplish this through a SF-5 as this will resolve the address change and also settle the objection at the same time.

Please let me know how you wish to proceed.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

04/28/2009

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

RIGHT NUMBER: 37-13370

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

KRC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 12/31/1975

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC in BLAINE County

T02N R18E S26 SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

Subcase 37-332

STIPULATION

The parties to this Subcase and the Idaho Department of Water Resources ("IDWR"), by and through their respective counsel of record, stipulate and agree as follows:

1. The attorneys for the parties and IDWR shall sign and file with the Court a Standard Form 5 - Stipulated Elements of a Water Right for 37-332 with an amended recommendation in the form attached hereto as **Exhibit A**.
2. In the event Claimant files an application for transfer with IDWR requesting a change in the point of diversion of 37-332, the parties and IDWR agree that any approval of that application shall include the following condition: "This right, when combined with all other rights and delivered by a pressurized sprinkler irrigation system, shall provide at the field headgate no more than 0.02 cfs per acre and 3.5 acre-feet per annum per acre."
3. The validity, meaning and effect of this Stipulation shall be determined in accordance with the laws of the State of Idaho applicable to agreements made and performed in that state.
4. This Stipulation sets forth the entire understanding of the parties hereto, and shall not be changed or terminated orally. Any other agreements between the parties, express or implied, are hereby cancelled and of no further force nor effect. It is understood and agreed by

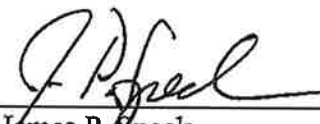
the parties hereto that there are no verbal or written promises, agreements, stipulations or other representations of any kind or character, express or implied, other than as set forth in writing in this Stipulation.

5. Each party agrees to perform any further acts and execute any documents that may be reasonably necessary to effect the purpose of this Stipulation.

CLAIMANT AND OBJECTOR

SPECK & AANESTAD
A Professional Corporation
Attorneys for Barrie Family Partners

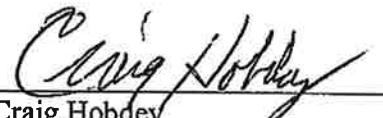
Date: Jan. 21, 2011

By: 
James P. Speck

RESPONDENTS

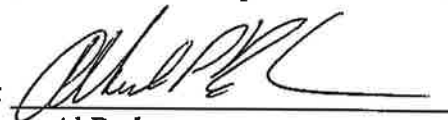
HOBDEY & HOBDEY
Attorneys for Big Wood Canal Company

Date: 1-29-2011

By: 
Craig Hobdey

BARKER, ROSHALT & SIMPSON, LLP
Attorneys for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Peter Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw and Pepin Corso-Harris

Date: Jan 24, 2011

By: 
Al Barker

IDWR

Date: 2/1/2011


Chris Bromley
Deputy Attorney General
Attorney for IDWR

06/15/2010

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION: _

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	<u>T02N R18E S26 NWSE 0.20</u>	T02N R18E S26 SWSE	~~5.60~~ <u>13.00</u>
	<u>T02N R18E S35 NENE 0.20</u>	T02N R18E S35 NWNE	~~2.70~~ <u>2.50</u>
	<u>8.3-15.9 ACRES TOTAL</u>		

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

Future changes in 37-332 are subject to the terms, conditions and agreements of a Stipulation dated January , 2011.

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

EXHIBIT A

01/20/2011

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

VERIFIED BY KKC
1-20-11

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

Re submitted to
S.D. 2-2-11

The rights listed below are limited to a total combined diversion rate of ~~0.15~~ 0.16 cfs and to a total combined annual diversion volume of ~~26.4~~ 28 AF. Combined Right Nos.: 37-2639D, & 37-13371.

~~This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.~~

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NWNE 0.90

0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

Director's Report

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.

Page 865

01/20/2011

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

RIGHT NUMBER: 37-13371
NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

VERIFIED BY KKC

1-20-11

Resubmitted to SO.
2-2-11

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.15~~ 0.160 CFS
~~26.4~~ 28.00 AFY

The rights listed below are limited to a total combined diversion rate of ~~0.15~~ 0.160 cfs and to a total combined annual diversion volume of ~~26.4~~ 28.00 AF. Combined Right Nos.: 37-2639D, & 37-13371.

PRIORITY DATE: ~~12/31/1975~~ 04/01/1938

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~0.15~~ 0.160 CFS ~~26.4~~ 28.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	SWSE	4.70 6.10	T02N R18E S35	NENE	0.20
T02N R18E S35	NWNE	1.70 2.70			

~~7.4~~ 8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - Beneficial Use

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

RIGHT NUMBER: 37-13371
NAME AND ADDRESS: BARRIE FAMILY PARTNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

Director's Report.

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.150 CFS
26.40 AFY

The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AFY. Combined Right Nos.: 37-2639D, & 37-13371. 28 116

PRIORITY DATE: 12/31/1975
POINT OF DIVERSION: T02N R18E S26 SESWSE Within BLAINE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.150 CFS 26.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	SWSE	4.70	T02N R18E S35	NWNE	2.70
---------------	------	------	---------------	------	------

7.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371. has

The rights listed below are limited to the irrigation of a combined total of 7.4 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371. has

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 - Beneficial Use

01/20/2011

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

RIGHT NUMBER: 37-13371

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.15-0.160~~ CFS
~~26.4-28.00~~ AFY

*updated
3-24-11*

The rights listed below are limited to a total combined diversion rate of ~~0.15~~
~~0.180~~ cfs and to a total combined annual diversion volume of ~~26.4-31.2~~ AF.
Combined Right Nos.: 37-2639D, & 37-13371.

PRIORITY DATE: ~~12/31/1975-04/01/1938~~

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~0.15-0.160~~ CFS ~~26.4-28.00~~ AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	SWSE	~~4.70~~ 6.10	T02N R18E S35	NENE	0.20
T02N R18E S35	NWNE	1.70 ~~2.70~~			
7.4 8 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~
~~15.9~~ acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D,
& 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~
~~8.9~~ acres in a single irrigation season. Combined Right Nos.: 37-2639D, &
37-13371.

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 - Beneficial Use

01/20/2011

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

The rights listed below are limited to a total combined diversion rate of ~~0.15-0.18~~ cfs and to a total combined annual diversion volume of ~~26.4~~ 31.2 AF. Combined Right Nos.: 37-2639D, & 37-13371.

~~This right when combined with all other rights shall provide no more than 3.5~~
~~afa per acre for irrigation of the lands above.~~

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NWNE 0.90

0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, February 02, 2011 1:25 PM
To: Kelly, Vicki
Subject: RE: 37-332 Barrie Family Stip



37-332 BARRIE 37-13371 BARRIE 37-2639D BARRIE
FAMILY SF-5 2011... FAMILY SF-5 20... FAMILY SF-5 20...

Here are the three again. NO changes were made to 13371 or 2639D from the 1-20 printing.

kkc

From: Kelly, Vicki
Sent: Wednesday, February 02, 2011 10:36 AM
To: Christensen, Kelly
Subject: 37-332 Barrie Family Stip

<< File: DOC006.PDF >>

Hi Kelly

Here's what we're basing the SF5 on. The date to be used for the stip is February 1, 2011. Do magic please. Thanks - Vicki

01/20/2011

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

VERIFIED BY: *KKC*
2-2-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	<u>T02N R18E S26</u> <u>NWSE</u> <u>0.20</u>	<u>T02N R18E S26</u> <u>SWSE</u>	<u>5.60</u> <u>13.00</u>
	<u>T02N R18E S35</u> <u>NENE</u> <u>0.20</u>	<u>T02N R18E S35</u> <u>NWNE</u>	<u>2.70</u> <u>2.50</u>
	<u>8.3-15.9 ACRES TOTAL</u>		

The rights listed below are limited to the irrigation of a combined total of 8.3-15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

Future changes in 37-332 are subject to the terms, conditions and agreements of a Stipulation dated February 1, 2011.

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

06/15/2010

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

Modified rec 6-23-2010

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

This right when combined with all other rights shall provide no more than
3.5 afa per acre for irrigation of the lands in the place of use.

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
<u>T02N R18E S26 NWSE 0.20</u>	<u>T02N R18E S26 SWSE</u>	<u>5.60 13.00</u>
<u>T02N R18E S35 NENE 0.20</u>	<u>T02N R18E S35 NWNE</u>	<u>2.70 2.50</u>
<u>8.3-15.9 ACRES TOTAL</u>		

The rights listed below are limited to the irrigation of a combined total of
8.3-15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-
2639D,
& 37-13371.

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

06/15/2010

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

Modified rec 6-23-2010

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

~~The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.~~

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands in the place of use above.

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NWNE 0.90

0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8.3-15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of 7.4 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

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

RIGHT NUMBER: 37-13371

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

Modified rec 6-23-2010

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.15-0.160~~ CFS
~~26.4-28.00~~ AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use.

~~The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.~~

PRIORITY DATE: ~~12/31/1975~~ 04/01/1938

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~0.15-0.160~~ CFS ~~26.4-28.00~~ AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26 SWSE 4.70-6.10 T02N R18E S35 NENE 0.20

T02N R18E S35

NWNE

1-2.70

7.4-8 ACRES TOTAL

2 crossout 1 underline
KCC 1-20-11

The rights listed below are limited to the irrigation of a combined total of ~~8.3-8.9~~ acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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 - Beneficial Use

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, June 15, 2010 12:11 PM
To: 'Jim Speck'; 'Craig Hobdey'; 'Albert Barker'; Bromley, Chris; Kelly, Vicki
Subject: 37-332, 37-2639D, & 37-13371

I have drafted recommendations for use in the preparation of SF-5s based upon the agreed upon POU of 15.9 acres. In reviewing various documents available I could not locate any specific discussions relating to any resolution regarding the Big Wood/ Concerned Citizens quantity objection, however I have taken the liberty to utilize the "0.02 cfs 3.5 af per acre at the field headgate" language used on previous settlements. This language was a part of Transfer 73608 although this transfer was ultimately rescinded. Please review the recommendations and provide feedback to me and/or Vicki so that she can start routing the SF-5s.



37-13371 BARRIE 37-332 BARRIE 37-2639D BARRIE
FAMILY SF-5 20... FAMILY SF-5 2010... FAMILY SF-5 20...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

06/15/2010

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

RIGHT NUMBER: 37-13371
NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: GROUND WATER
QUANTITY: ~~0.15~~ 0.160 CFS
~~26.4~~ 28.00 AFY

TRIBUTARY:

*6-15-2010
Proposal superceded
6-23-2010
go with Vol.*

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use.

del. E The rights listed below are limited to a total combined diversion rate of ~~0.15~~ 0.160 cfs and to a total combined annual diversion volume of ~~26.4~~ 28.00 AF. Combined Right Nos.: 37-2639D, & 37-13371.

PRIORITY DATE: ~~12/31/1975~~ 04/01/1938

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~0.15~~ 0.160 CFS ~~26.4~~ 28.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	SWSE	~~4.70~~ 6.10	T02N R18E S35	NENE	0.20
T02N R18E S35	NWNE	~~1~~ 2.70			
7.4 ~~8~~ ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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 - Beneficial Use

06/15/2010

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

The rights listed below are limited to a total combined diversion rate of ~~0.15~~ 0.16 cfs and to a total combined annual diversion volume of ~~26.4~~ 28 AF. Combined Right Nos.: 37-2639D, & 37-13371.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use above.

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NWNE 0.90
0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

06/15/2010

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use.

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T02N R18E S26 NWSE 0.20	T02N R18E S26 SWSE	~~5.60~~ 13.00
T02N R18E S35 NENE 0.20	T02N R18E S35 NWNE	~~2.70~~ 2.50
8.3-15.9 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, February 04, 2010 8:51 AM
To: 'Jim Speck'; Kelly, Vicki
Subject: FW: RE: Barrie-Ditches Map
Attachments: 37-332 Barrie Family Partners POU revision.docx

As you indicated that your computer system had gone south for a while I thought that I would follow-up on this group. I haven't heard anything since that e-mail. I included the area where the chapel sits as irrigated as I was not sure if it was in existence in 1987.

kkc

-----Original Message-----

From: Christensen, Kelly
Sent: Wednesday, December 16, 2009 9:19 AM
To: 'Jim Speck'; Bromley, Chris
Cc: 'Dr. Charles E. Brockway'; 'Zach Latham'; 'natootsi'; 'Albert Barker'; 'Craig Hobdey'; Kelly, Vicki
Subject: RE: RE: Barrie-Ditches Map

Attached is the shape that I generated based upon the additional information. The most significant difference between my shape and Brockway Engineering is that I excluded the home and most of the outbuildings.

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, December 14, 2009 10:33 AM
To: Christensen, Kelly; Bromley, Chris
Cc: 'Dr. Charles E. Brockway'; 'Zach Latham'; 'natootsi'; 'Albert Barker'; 'Craig Hobdey'; Kelly, Vicki
Subject: RE: RE: Barrie-Ditches Map

Chris,

Thanks for getting right on this!

Jim

-----Original Message-----

From: Bromley, Chris
Sent: Monday, December 14, 2009 10:24 AM
To: Jim Speck; Christensen, Kelly
Cc: Dr. Charles E. Brockway; Zach Latham; natootsi; Albert Barker; Craig Hobdey; Kelly, Vicki

Jim,

Kelly has reviewed the information provided and also spoken directly with Lee Peterson. Kelly will be altering his recommendation to account for the information received. I'm not sure at this point what the acreage count will be, but Kelly thinks it will be close to what Dr. Brockway has come up with.

Attachment to
12-16-09 &
2-4-10 emails

37-332 Barrie Family Partners POU revision based upon additional information received 12-11-2009.

The shape that I generated is basically the same as the shape provided by Brockway Engineering. The main difference is that I excluded the home and outbuildings. I did include the chapel within the recommended POU as I was not sure when that building was constructed.

Brockway Engineering found 17.8 acres and I found 15.9 acres as shown in the table below. As the north end of the property has not been irrigated for 23 years, nor has any irrigation system been maintained, it is difficult to determine the extent of the historical irrigated POU boundary.



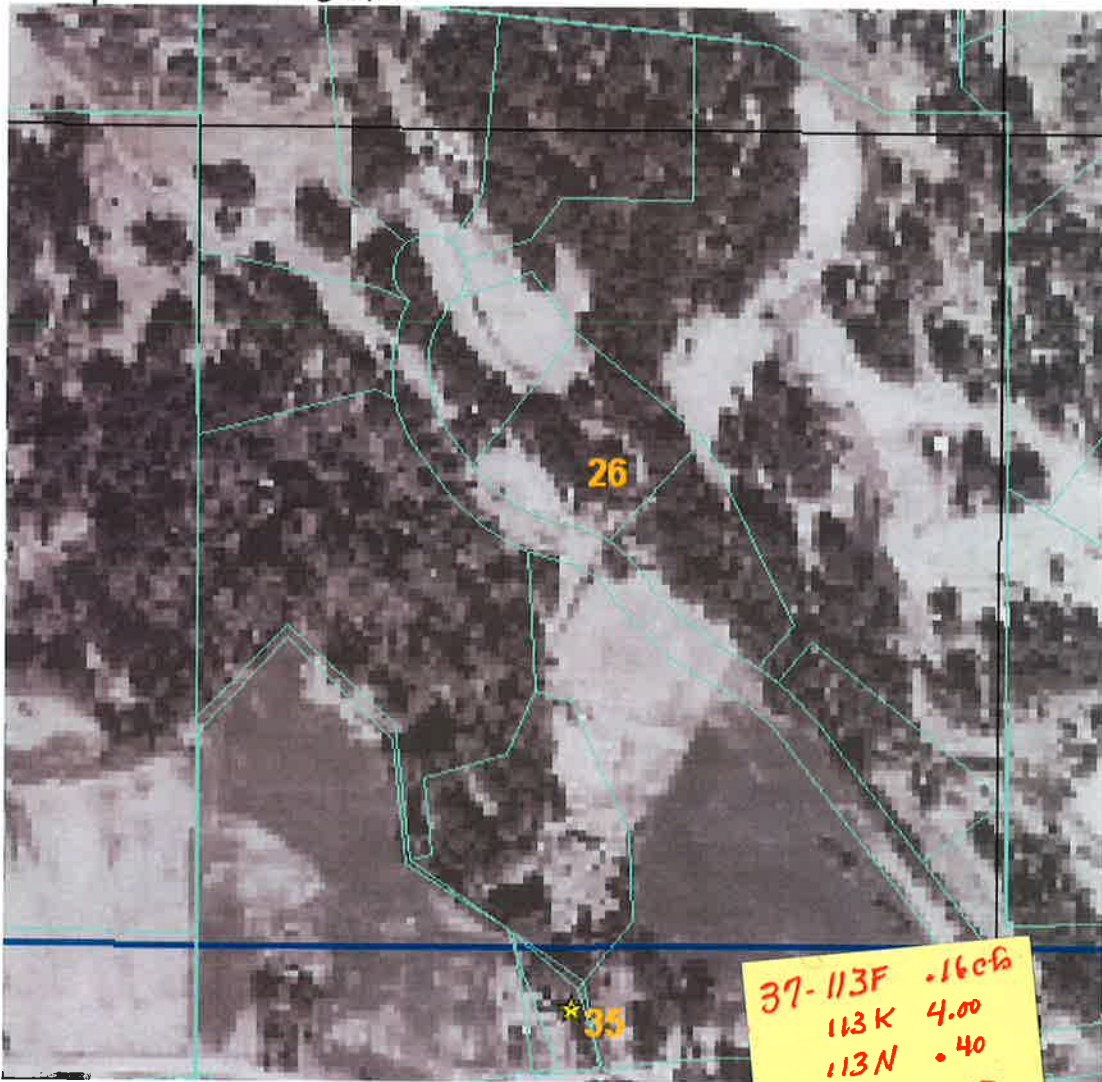
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26														.2	13.0		13.2
02N	18E	35	.2	2.5															2.7

Total Acres: 15.9

37-332
Barrie Farm

1967 aerial for comparison
use only

12-16-09



37-113F .1606
113K 4.00
113N .40
113O .02
113P .12
113Q .10
113R 2.88
113T 4.00

Chris

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]

Sent: Friday, December 11, 2009 4:17 PM

To: Christensen, Kelly; Bromley, Chris

Cc: 'Dr. Charles E. Brockway'; 'Zach Latham'; 'natootsi'; 'Albert Barker'; 'Craig Hobdey'

Subject: FW: Barrie-Ditches Map

Kelly and Chris,

In the e-mail below Dr. Brockway describes his findings from the July 15, 2009 site visit regarding the historical diversion and delivery system as well as irrigated areas. The updated aerial photo he refers to is the one attached as an exhibit to the Affidavit of Lee Peterson which I have attached to this e-mail. I have also attached a 2006 aerial photo on which the same information has been overlaid that clearly shows how the river moved away from the original Rockwell 40 diversion and also away from the replacement Rockwell diversion, rendering both currently impossible to use.

I would like to discuss these with you before next Wednesday's status conference to see if we can finally resolve the irrigated area. Let me know what works for you.

Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

-----Original Message-----

From: Charles E. Brockway

Sent: Friday, December 11, 2009 4:05 PM

To: Jim Speck

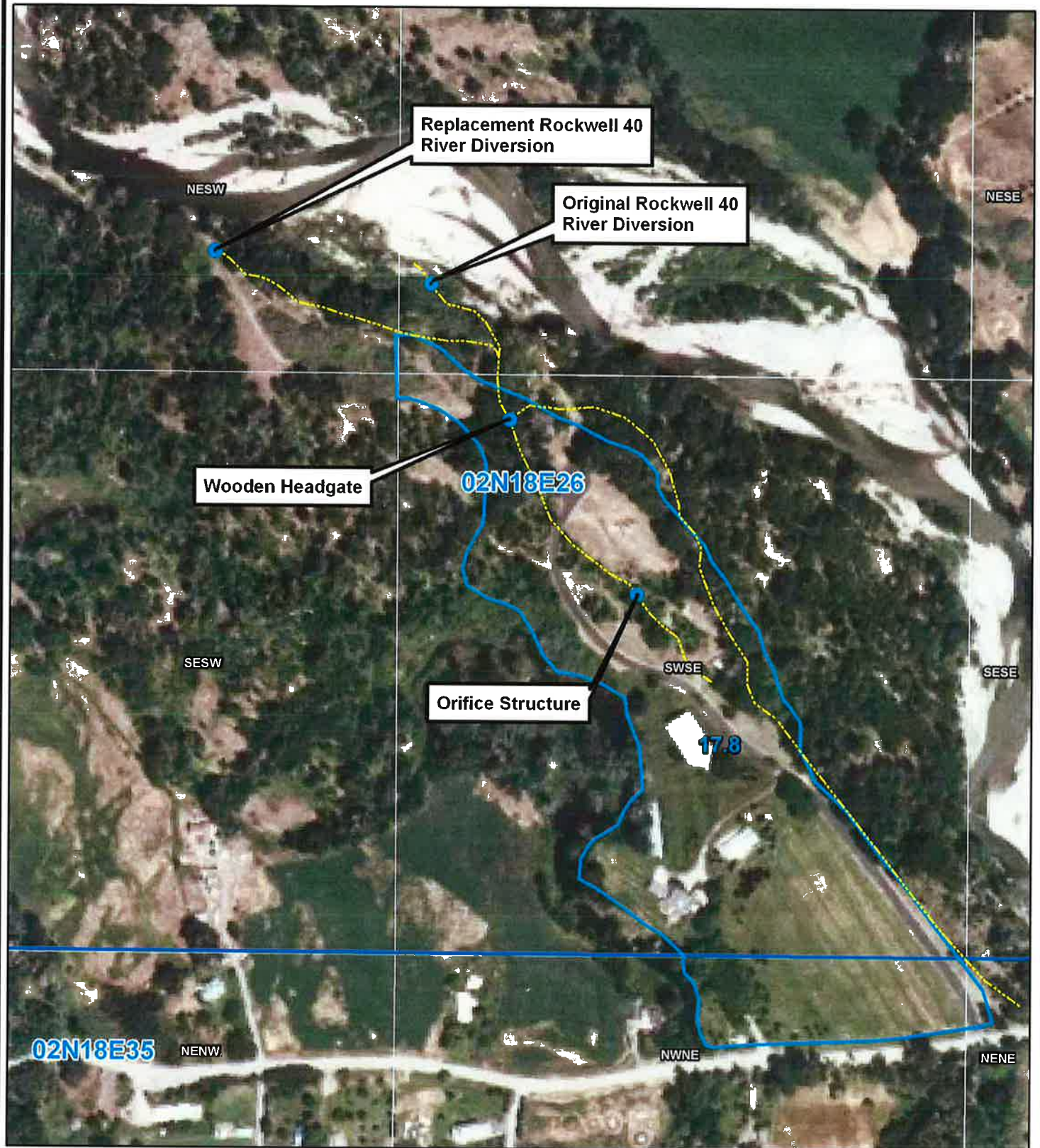
Jim: The updated 1984 aerial photo is the result of my additional field exam on July 15, 2009 with Christine Barrie and Lee Peterson and shows the distribution system from the Big Wood River which is definable on the property. The main ditch flows from the replacement diversion at the river which consists of a canal gate and large deep diversion ditch.

When the ditch was constructed, it had to be deep since the river had incised and the water level was very low. The river has moved to the north and neither the original diversion or the replacement diversion are operable. The diverted water flowed south to a wooden splitter headgate which diverted water to an east ditch and a center ditch. The east ditch follows the road along the east side of the clearing to the Broadford road. This ditch is still in place and could be used to deliver water across Broadford road to the old polo grounds. The center ditch from the wooden headgate flowed south to an orifice structure and thence south to the cleared area. All of these ditches and structures are still discernible on the ground but have not been operated since the replacement river diversion became inoperable.

The ditch system was, in my opinion, capable of delivering water to the area outlined in red on the aerial photo. Other minor ditches are still discernible and provided distribution of irrigation water throughout the area. The irrigation method utilized on the upper area of the property was likely not furrow or border irrigation but wild flooding to provide water to grass and pasture. It was therefore not very efficient and required large discharges to cover the area. This method of irrigation was not uncommon and is still utilized in many areas.

I believe that the area west of the main house, which was not included in the IDWR recommended .shp file, and which traverses the east side of Broadford Slough was irrigated in 1987 and should be included in the recommendation. I believe the 17.8 acres is a reasonable delineation of the irrigated area prior to 1987.

Charles E. Brockway P.E. PhD.
Brockway Engineering
2016 Washington Street North
Twin Falls, ID 83301
208 736 8543



Legend

- Diversion Structures
- Historical Ditches
- 1987 Estimated Irrigated Area
- sections
- t02n18e

N
1 inch equals 300.0 feet

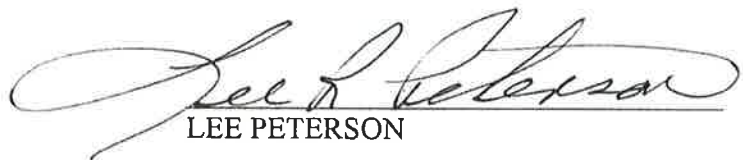
BROCKWAY ENGINEERING, PLLC
ALR - JULY 20, 2009

**BARRIE FAMILY PARTNERSHIP
T.02N R.18E SEC. 26, 35
2006 NAIP AERIAL PHOTO**

2. The Rockwell 40 diversion from Big Wood River was listed in the Watermaster Decree book for District 37 for the entire period of my tenure. Watermaster delivery records show that diversions were made as late as 1986. The diversion to the Barrie Family Partners under Water Right No. 37-332 has not been functional since the main flow of the river deepened and moved over into a new channel on the north side in 1992. To divert out of the river now would take a dam five to six feet in height since the river is about four to five feet deeper than the bottom of the delivery channel. In my opinion rehabilitation of this diversion would not be economically feasible.

3. Water was delivered to the Rockwell 40 diversion serving the current Barrie Family Partners property through open ditches and diversion structures to other distribution ditches which are still there. It is evident that irrigation has not taken place since the river diversion went out. With proper maintenance the system of ditches is adequate to flood irrigate the upper part of the property. The south part of the property is irrigated by sprinkler. I believe that about 8 to 10 acres of the property north of the barn was irrigated from the ditch system and concur with delineation of irrigated area as outlined on the aerial photo prepared by Brockway Engineering. I believe this area was flood irrigated from the ditch system as outlined on the aerial photo provided by Brockway Engineering. These ditches flow from the Big Wood diversion south through the property as shown on the ditch diagram provided by Brockway Engineering. Some of the ditches have been eliminated by road and other construction, particularly around the upper cul-de-sac.

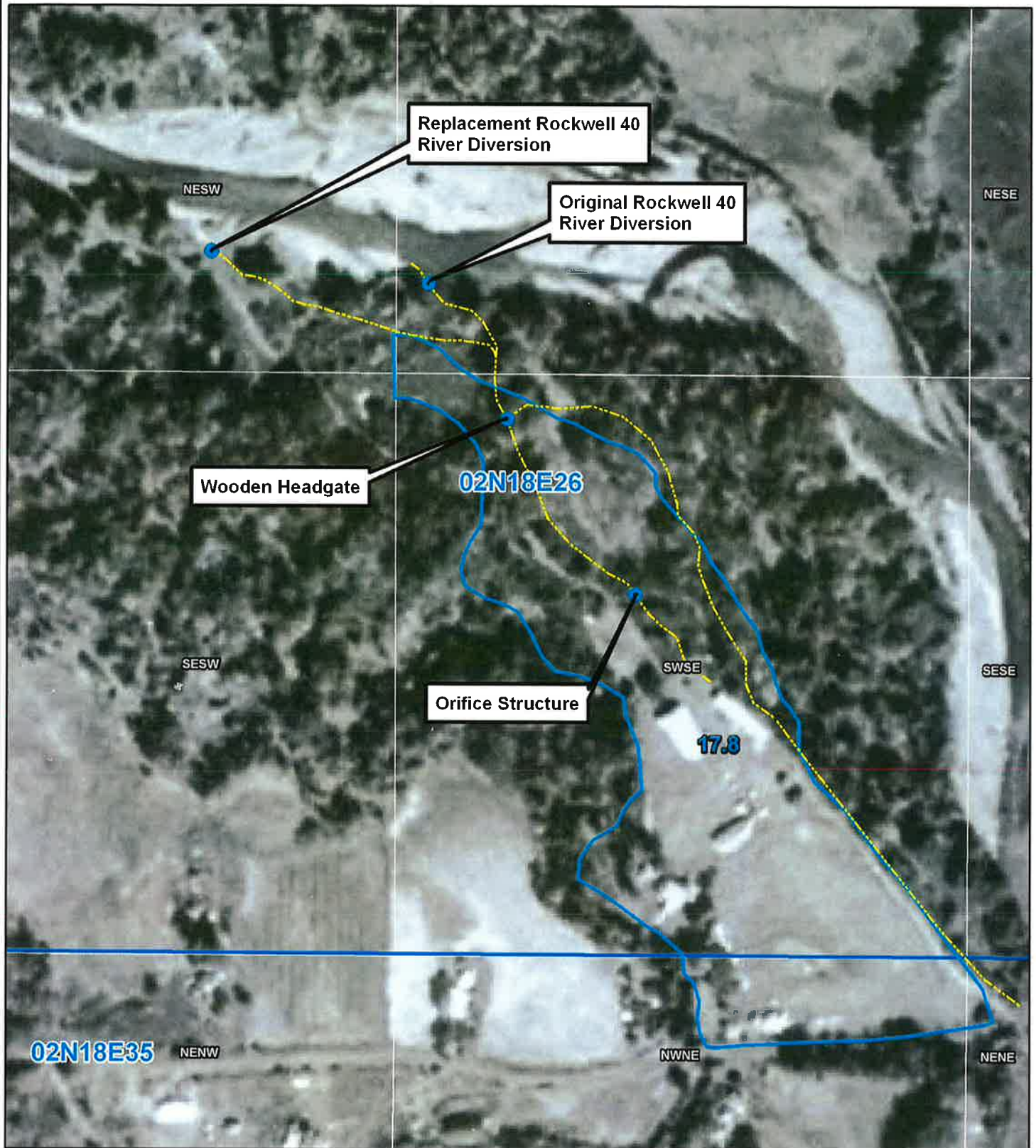
DATED this 29 day of July, 2009.


LEE PETERSON

SUBSCRIBED AND SWORN to before me this 29th day of July, 2009.




Notary Public for Idaho
Residing at: Kimberly, Idaho
Comm. Expires: Aug. 16, 2013



Legend

- Diversion Structures
- Historical Ditches
- 1987 Estimated Irrigated Area
- sections
- t02n18e

N
1 inch equals 300.0 feet

BARRIE FAMILY PARTNERSHIP T.02N R.18E SEC. 26, 35 USDA 1984 AERIAL PHOTO

BROCKWAY ENGINEERING, PLLC
ALR - JULY 20, 2009

Pic #1 looking south
GPS 2477474; 1363687

This photo shows where there may be a ditch remnant ≈ 100 yds south of headgate. Access road comes in from the southeast following the main ditch (on the west side of ditch). The road obliterates the ditch in that area.



Pic # 2 a 2 picture pan GPS 2477524; 1363549 Looking south on the left to south southwest on right
This set is looking across ditch area showing the general topography of the area.



Pic # 3 looking southeast across the area suggested as possibly being irrigated.



Pic # 4 looking west
This shows the area just south of the Leach field.

Pic # 5 Pic set looking east on the left to southwest on the right GPS 2477776; 1363609

This is the first picture set showing the east ditch system. This shows the area assumed to be the ditch route. The "ditch" would be approximately 30 ft wide at this point. This location is approximately 100 ft or so from the Big Wood (to the east, not from the point of diversion). No visible way to get water out of this channel in this general area.





Pic # 6 1 picture

GPS 2477846; 1363598

looking West southwest down what may have been an old diversion point from the Big Wood river. The channel may also just be a channel cut through high water flows in the spring floods.

Chuck and Christine are standing where this channel and the channel shown in the four picture pan come together. No way to divert water from either channel. Ridge to the west by about 20 ft is 2 to 3 feet higher than the top of the channel.



Pic # 7 1 picture (no gps)

You are looking west across the point where the channels come together.

Note ridge by fallen tree. This is the same ridge as described in the previous picture.



Pic # 8 3 picture pan looking south on the left to southwest on the right. This photo set is approximately 100 to 150 feet south of last picture. This shows the continuation of the channel (ditch).

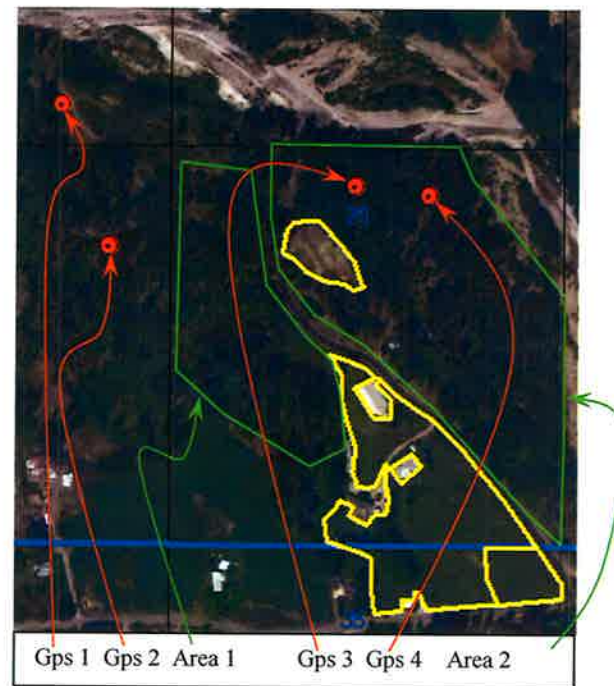


Pic # 9 1 picture looking north

This photo shows a small lateral that runs north to the south along the eastern boundary of the irrigate pou. This location is directly east of the well. Just to the east or right water going that direction would immediately drop into a deep channel with no way of getting out.

FIELD EXAM REPORT FOR THE NOVEMBER 20, 2008 VISIT BY KELLY K CHRISTENSEN AND ANGIE GRIMM

We were accompanied by Charles Brockway Sr and Christine for the Barrie Family Partners on this examination. There were basically two areas of concern. Starting near the recent historical point of diversion there was a ditch remnant that ran roughly south toward the slough that lies on the western side of the property. That area is covered by pictures 1 through 4. The upper portion of the ditch has been obliterated by road construction accomplished to provide access to the ditch and point of diversion. The channel shown in pic # 1 did appear to me to likely be a ditch remnant. We attempted to follow the channel by identifying the lowest swale area as it meandered through the trees. It was not clear if we stayed on the original channel or not as we moved through the trees. After returning to the office and plotting the GPS points on ArcMap I found that the majority of the area asserted to have maybe been irrigated is actually owned by the neighbors to the west. In fact photo # 2 and associated GPS point 2 is approximately 200 ft west into the neighbor's property. This was the general area that was suggested to have been irrigated by predecessors to the Barrie Family Partners. Brockway argued that the old timers could have just dropped a dam into the channel causing water to spill out of the ditch and then water ground where ever it was want to go. At the point where he was suggesting this, any water diverted out of the channel assumed to be a ditch would only flow a few feet where it would encounter a small wash and would then be confined to that channel. Thus the water would be irrigating a strip of ground a foot or two wide and for the length of the channel. There was never any area observed to be level enough to accomplish more than a few feet of irrigation before the water would become concentrated into a channel. This is a moot point anyway as the property in question does not belong to Barry Family Partners. Christine stated that the "ditch" eventually reached the slough north of the home. We did not follow the channel to the slough and there were no discussions of potential better quality irrigated grounds south of the last GPS point.



The second area of concern relates to the ditch that runs east of the previously recommended place of use. The main ditch split just north of the current cul-de-sac at a cement headgate with one ditch running mostly south and the other main segment running east and then southeasterly. To the best of my knowledge the southeasterly ditch was the main supply ditch for water decreed to property south this property and south of the Broadford road prior to Transfer 73570 changing the point of diversion for that right. Historical irrigation practices at the north end of the property (just south of the previously discussed headgate) is not clear as that area has been leveled as a first step in developing a subdivision. In reviewing the 1957 aerial photo for this area there are open areas between the trees that were possibly irrigated. This was recommended in the initial director's report. Proceeding southeasterly from the headgate the ditch route and viability diminishes rapidly as shown in photos 5 through 8. I understood Brockway to state that he did not believe that any irrigation occurred east of the channel. In walking out the channel as best I could I did not observe any area where one might divert water either east or west from that channel.

If one were to 'block the channel' to irrigate directly from the channel two things would happen. First the diverter would be taking water being delivered to the southern property if they had water in the ditch and secondly the ground is so rough that any diverted water would almost immediately flow into another depression and beneficial use would effectively cease at that point (other than the bottom of the channel). There is no ground remotely level conducive to even minimal irrigation. As far back as the 1957 aerial photo the majority of that area was tree covered and the areas fairly open did not show any irrigation where as the main meadow currently recommended shows strong irrigation. The irrigation shown in the 1957 aerial photo did not show irrigation as far north as currently recommended. Only slightly more than 5 acres show as being irrigated. Based upon current information I do not believe that more ground was being irrigated on the east side of the property.

During the settlement conference in Hailey on October 15, 2008 Zach Lathem (employed by Brockway engineering pointed out that I had recommended ground at the north end of the majority of place of use as irrigated and that that area looked as un-irrigated as the ground to the east of that area. His argument was that I could possibly include the 'dry' ground to the east as a part of the irrigated ground. After reviewing the 1957, 1987, and 1992 aerial photos I am inclined to agree with Zach that that the two areas historically have similar irrigation practices. I probably should not have included that ground (at least for the groundwater source) as a part of the recommended place of use.

Field exam notes.

Pg 1/2

37-332 Barrie Farm Part.

Nov 20, 2008

#27

2477474

1363687

Pic #1 looking south at an area where there appears to be a ditch remnant $\approx$ 100 yds South of head gate. Access road comes in from the Southeast following the main ditch (on the west side) Road obliterates ditch

2477524

1363549

3 Pic taken looking across ditch area showing topography

1 pic looking West from a point just south of Leach field

29

2477776

1363609

If this is a ditch the channel would be $\approx$ 30' wide approx 100' or so from River
4 pans to east on left to SW on right.
No visible way to get water out of channel.
Bottom $\approx$ 4' deep

2477846

1363598

1 pic looking WSW down what may have been an old div system. Chuck & Christine standing approx where the two channels come together. No way to divert water from either channel ground. Ridge to west about 20' 2 to 3' higher than top of channel

1 Pic looking west across point where channels come together Note ridge by fallen tree prev described

3 pan pic looking S on left to SW on right showing continuation of channel (ditch)
Approx 100 to 150' so of last pic

1 Pic looking North at a small lateral running on the east side of recommended PO4
Water going east would immediately drop into a deep channel. Water to west would irrigate field
P/D location is just east of well.

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES R. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILIER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

MAILING OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

May 26, 1993

RECEIVED

MAY 26 1993

Department of Water Resources
Southern Region Office

VIA FAX NO. 736-2037

Mr. James E. Stanton
Sr. Water Resource Agent
Idaho Department of Water Resources
Southern Region
222 Shoshone Street, East
Twin Falls, Idaho 83301

RE: Application for Transfer No. 4154 - Barrie Family
Partners

Dear Jim:

Thank you for your letter of May 24, 1993 setting out the proposed advertising schedule for the above-referenced application for transfer. Please note that Barrie Family Partners is a general partnership and not a corporation. Let me know if you need a list of the general partners.

Enclosed you will find a copy of the plat map for the replat of Blocks 1 and 2 of the Broadford Polo Subdivision. The transferred water right will be taken from Lot 1, Block 2. 0.9 acre of that lot will be "dried up".

My clients desire to irrigate an orchard with the transferred water right. The orchard would, of course, cover a total surface area greater than 0.9 acre, but the individual trees will be irrigated by a drip irrigation system and the surface area actually covered by the trees will be limited to 0.9 acre. I discussed this concept yesterday with Jim Johnson. Jim suggested that the "Remarks" include a request that the "permissible place of use" be defined to include those areas which might be covered by the orchard. Therefore, please consider this letter a request to add to the "Remarks" section:

The transferred water right shall have a permissible place of use equal to the NW1/4NE1/4, Section 35 and SW1/4SE1/4, Section 26, Township 2 North, Range 18 East, B.M., Blaine County, Idaho. Irrigation within the permissible place of use shall be limited to 0.9 acre.

RECEIVED

APR 26 1994

Pedoc 211

Mr. James E. Stanton
Page 2
May 26, 1993

Please call me if you have any questions concerning
this request. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jim
James P. Speck

JPS/de
enclosure

cc: Mr. Barry Luboviski
Ms. Kiki Tidwell
Mr. Jim Johnson

RECEIVED

MAY 26 1993

Department of Water Resources
Southern Region Office

MICROFILMED

APR 26 1994

Pc Doc 212

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-332 V1

WATER RIGHT NUMBER: 37-332 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRIE FAMILY PARTNERS C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 07/01/1887

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4SW1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26															5.6		5.6
02N	18E	35		2.7															2.7

Total Acres: 8.3

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. TBACKLUN 6/16/1995 COPIED FROM REMARKS

Comment: P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER. P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 25 AC. PLACE OF USE IS THE BELLEVUE BIBLE CAMP. *****8
OWNERSHIP CHANGE MADE 6/16/95 BY TLB. ASSEMBLIES OF GOD-FORMER OWNER, BARRIE-NEW OWNER.

RECEIVED 2

DEC 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 37-332

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Barrie Family Partners

Address: P O. Box 793
Bellevue, ID 83313

Daytime Phone: (208) 788-3933

*Response to
POU Quantity*

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Barrie Family Partners

Address: c/o James P. Speck
PO Box 987
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es))

1. ☒ **Name and Address**
Should be: Barrie Family Partners, PO Box 793, Bellevue, ID 83313
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: 1 0 cfs
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 26.2 acres as depicted in the map prepared by Brockway Engineering and attached hereto.
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F. VERIFICATION (Must be completed)

State of Idaho)
) ss
County of Blaine)

James P Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on

November 1, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on ^{November}~~October~~ 1, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

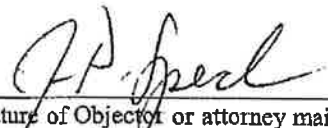
Name: Barrie Family Partners
Address: P.O. Box 793
Bellevue, ID 83313

3. Copies to:

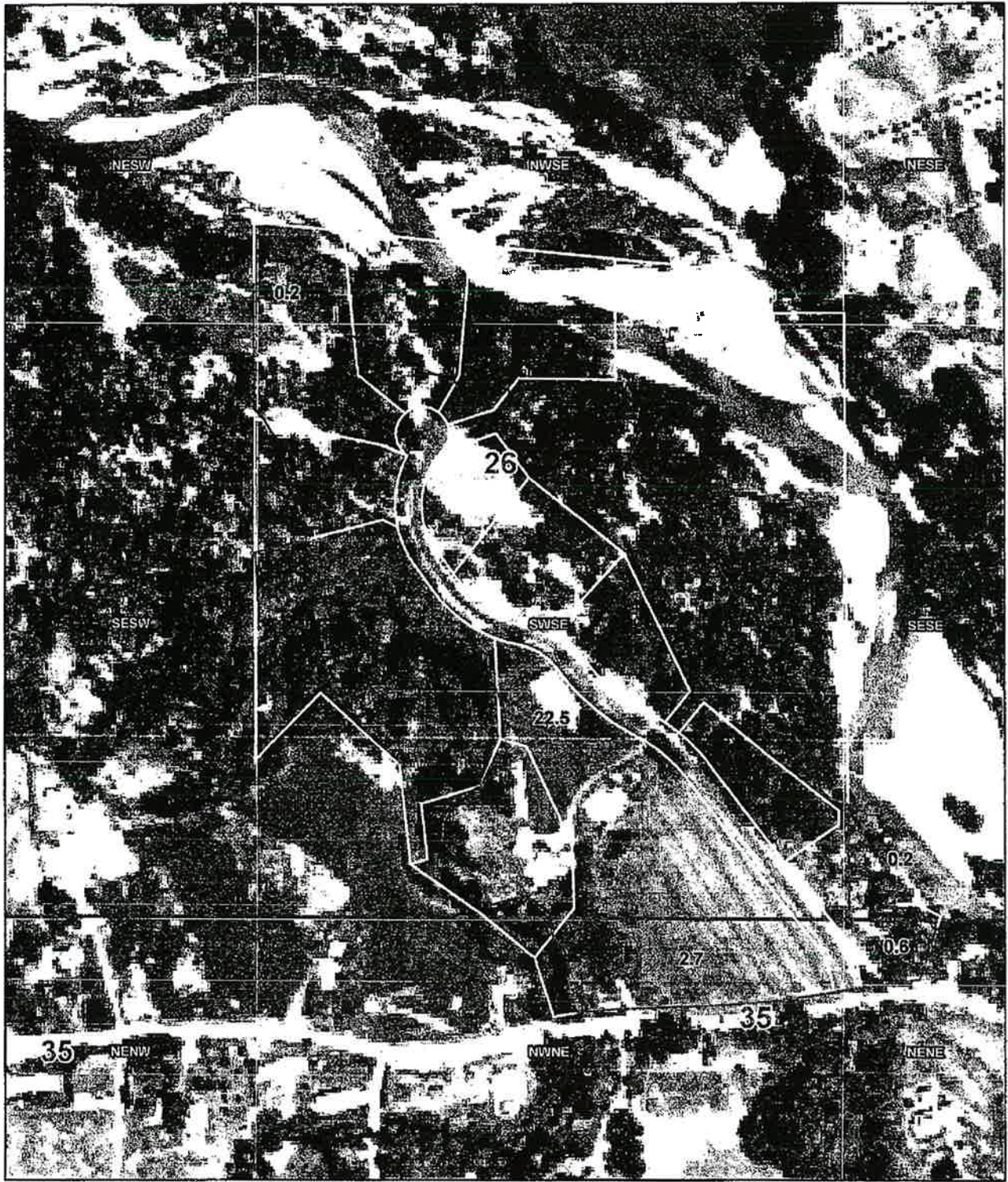
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf



0 145 290 580 Feet

BARRIE FAMILY PARTNERSHIP
T.02N R.18E SEC. 26, 35
2006 NAIP AERIAL

BROCKWAY ENGINEERING PLLC
 alr - oct 30, 2007

F:\Projects\Barrie Family Trust\ArcView 9\Barrie Family Trust Water Right Analysis alr

BARRIE_PARCELS
 Irrigation = 26.2 ac
 102n18a
 sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73608

This is to certify that: BARRIE FAMILY PARTNERS
 PO BOX 793
 BELLEVUE ID 83313
 (208)788-3933

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-332	AJC/Decreed	07/01/1887	1 cfs	N/A	N/A	8.3	BIG WOOD RIVER

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>
37-332	NO	YES	NO	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>
37-332	37-332	0.17 cfs	N/A	N/A	8.3		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.17 cfs	N/A	N/A	8.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 20 07

 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-332
As Modified by Transfer No. 73608

In accordance with the approval of Transfer No. 73608, Water Right No. 37-332 is now described as follows.

Right Holder: BARRIE FAMILY PARTNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

Priority Date: July 01, 1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

0.17 CFS

0.17 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER

SWSWSE

Sec. 26 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 26															5.6		5.6
02N 18E 35			2.7														2.7

Total Acres: 8.3

WATER RIGHT NO. 37-332
As Modified by Transfer No. 73608

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Rights 37-332, 37-2639D, and 37-13371 when combined shall not exceed the irrigation of 8.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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. 37.
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 diversion.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. The source at the point of diversion for this right is known locally as the Clearwater Slough.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

This water right 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.

Dated this 20th day of September, 2007



Chief, Water Allocation Bureau

10/09/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-13371 V1

WATER RIGHT NUMBER: 37-13371 V1

Owner Type

Current Owner

Name and Address

BARRIE FAMILY PARTNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340
(208)726-4421

Priority Date: 12/31/1975

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.150 CFS

Annual Volume

26.40 AF

Total Diversion:

0.150 CFS

26.40 AF

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

SE1/4SW1/4SE1/4

Sec. 26, Twp 02N, Rge 18E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 26															4.7		4.7
02N 18E 35			2.7														2.7

Total Acres: 7.4

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E61 The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.
4. E56 The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

Remarks:

Wed
Oct 15. 2:15

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-13371

WATER RIGHT NUMBER: 37-13371

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRIE FAMILY PARTNERS C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 04/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.160 CFS	
<u>Total Diversion:</u>		0.160 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26															5.6		5.6
02N	18E	35					2.4												2.4

Total Acres: 8

Conditions of Approval:

- 1/23/2002, DJ: CLAIM AMENDED TO SPECIFY EARLIER PRIORITY DATE AND 3 ADDITIONAL ACRES OF IRRIGATION. RIGHT 37-332 ALSO USED ON PLACE OF USE. AFFIDAVIT SUBMITTED TO SUPPORT PRIORITY DATE.
- APPROX. 5 ACRES OF SPRINKLER IRRIGATION.
OWNERSHIP CHANGE MADE 6/16/95 BY TLB. ASSEMBLIES OF GOD-FORMER OWNER, BARRIE-NEW OWNER. WARRANTY DEED INCLUDED.

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

In Re SRBA

Case No. 39576

A. Subcase 37-13371

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Barrie Family Partners

Address: P.O. Box 793
Bellevue, ID 83313

Daytime Phone: (208) 788-3933

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Barrie Family Partners

Address: c/o James P. Speck
PO Box 987
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Barrie Family Partners, PO Box 793, Bellevue, ID 83313
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: 0.16 cfs, the combined diversion rate for 37-11371 and 37-2639D should be 0.18 cfs, and the combined annual diversion volume of those rights should be 31.2 AF
4. ☒ **Priority Date**
Should be: April 1, 1938
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 8 acres as claimed 37-2693D and 37-13371 should be limited to the irrigation of a combined total of 8.9 acres. 37-332, 37-2693D and 37-13371 should be limited to the irrigation of a combined total of 26.2 acres as depicted in the map prepared by Brockway Engineering and attached hereto..
10. **I object because:**
 - ☐ This water should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

F. VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss

James P Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge

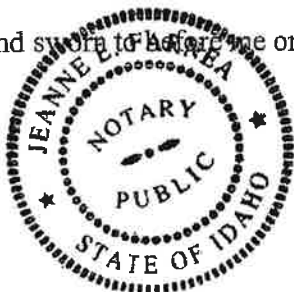
(Signature of person filing objection)

J. A. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 1, 2007



Jeanne Farner

Notary Public for Idaho
Residing at Boothone, Idaho
My Commission expires 05/05/09

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on ~~October~~ ^{November} 1, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

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Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2 One copy to the claimant of the water right at the following address:

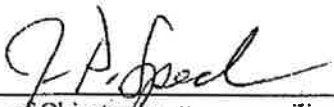
Name: Barrie Family Partners
Address: P O. Box 793
Bellevue, ID 83313

3 Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf



0 145 290 580 Feet

BARRIE FAMILY PARTNERSHIP
T.02N R.18E SEC. 26, 35
2006 NAIP AERIAL

BARRIE_PARCELS
 Irrigation = 26.2 ac
 T02N18E
 sections



BROCKWAY ENGINEERING PLLC
 alr - oct 30 2007

F:\Projects\Barrie Family Trust\ArcView 9\Barrie Family Trust Water Right Analysis alr

Barrie Family Partners

James P. Speck, ISB#2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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

In Re SRBA

Case No. 39576

**AFFIDAVIT OF OTIS (TINKER)
DISBENNETT**

DESCRIPTIVE SUMMARY

This is an affidavit in support of the claimed priority date for a beneficial use water right claim filed Barrie Family Partners.

AFFIDAVIT

STATE OF IDAHO)
)ss.
County of Blaine)

OTIS (TINKER) DISBENNETT, being first duly sworn upon oath deposes and states as follows:

1. I am 73 years old and a life long resident of Blaine County, Idaho.
2. I worked as a deputy watermaster for Water District 37 and 37M for approximately

23 years and am familiar with the delivery and use of water for irrigation in Blaine County.

3. Approximately 63 years ago I first went on to property now owned by Barrie Family Partners along Broadford Road in Blaine County, Idaho. There was a ^{O.D.} ~~hand~~ dug well on the property with a pump in it which the then owner, Mr. Rockwell, used to irrigate the property. I specifically recall this because there were fish in this hand dug, open well which we used to catch!

FURTHER, YOUR AFFIANT SAYETH NOT.

Dated this 20 day of November, 2001.

2001
- 63

1938

Otis Disbennett
OTIS (TINKER) DISBENNETT

SUBSCRIBED AND SWORN TO before me this 20 day of November, 2001.



Jean A. Latham
NOTARY PUBLIC for Idaho
Residing in: Blaine Co
My Commission Expires: 1-25-07

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2639D V1

WATER RIGHT NUMBER: 37-2639D V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	BARRIE FAMILY PARTNERS C/O JAMES P SPECK ESQ PO BOX 793 KETCHUM, ID 83340 (208)726-4421

Priority Date: 07/25/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	10/31	0.020 CFS	3.20 AF
	<u>Total Diversion:</u>		0.020 CFS	3.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 26, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	35	.9				.9

Total Acres: 0.9

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 8.3 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The rights listed below are limited to the irrigation of a combined total of 7.4 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.
7. E61 The rights listed below are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 26.4 AF. Combined Right Nos.: 37-2639D, & 37-13371.
8. R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2639D V1

Comments:

1. JROBERTS 12/23/1994 SPLIT/TRANSFER

Comment: This claim was created from a split of A37-02639A pursuant to approved Transfer No. 4154. jr

Combined Use Limits:

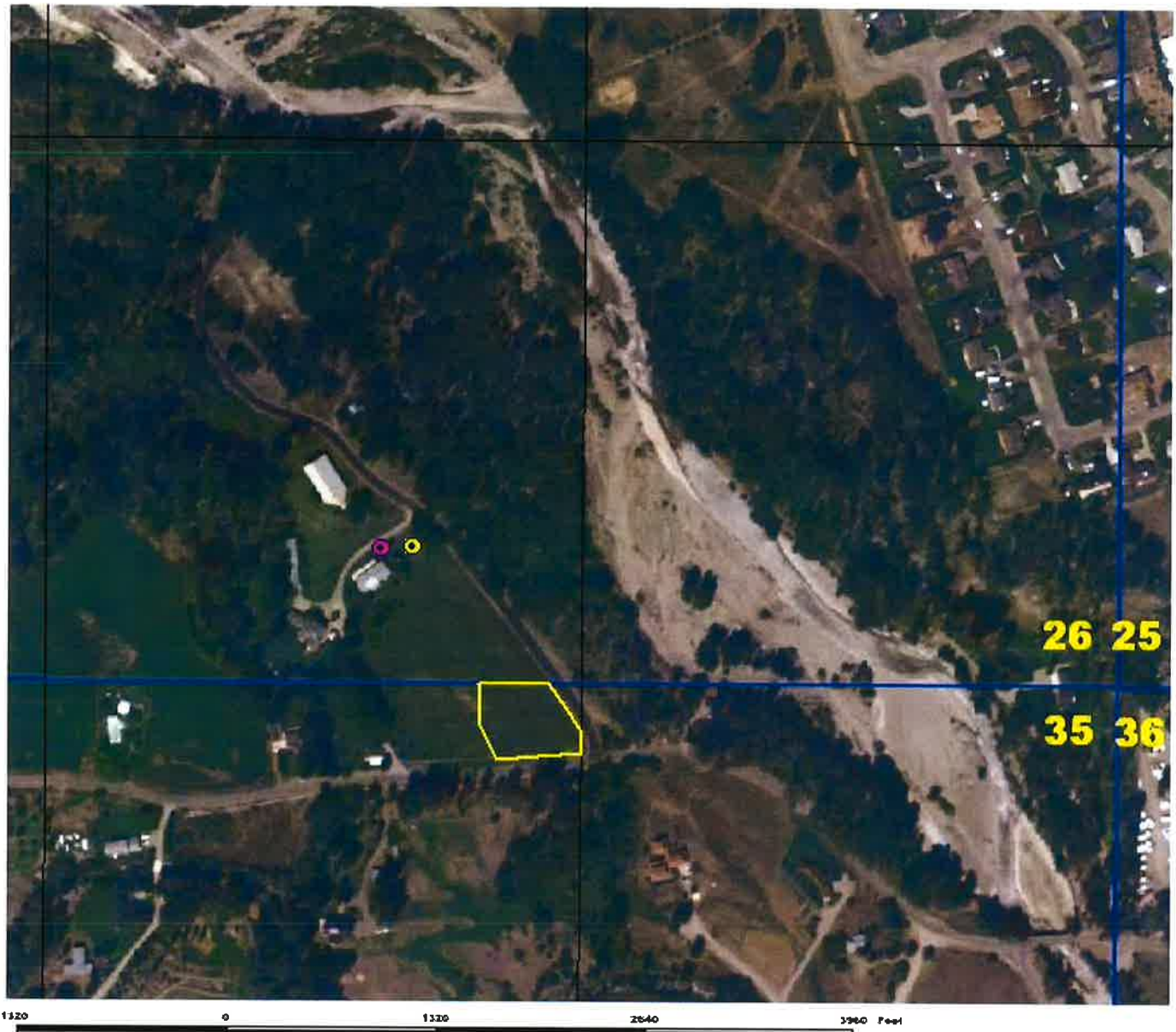
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.15	26.4	7.4

Combined Water Rights: 37-13371 , 37-2639D

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		8.3

Combined Water Rights: 37-13371 , 37-2639D , 37-332

RECOMMENDED PLACE OF USE FOR 37-2639D



PLACE OF USE
TWP 2N, RNG 18E, SEC 35
Data entry on December 20, 2006

- ⊙ RECOMMENDED POINT OF DIVERSION
 - RECOMMENDED PLACE OF USE
 - TOWNSHIP LINES
 - SECTION LINES
 - QUARTER/QUARTER LINES
- ★ LOCATION IN BASIN
- GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



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

In Re SRBA

Case No. 39576

A. Subcase 37-2639D

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Barrie Family Partners
Address: P O. Box 793
Bellevue, ID 83313
Daytime Phone: (208) 788-3933

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Barrie Family Partners
Address: c/o James P. Speck
PO Box 987
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Barrie Family Partners, PO Box 793, Bellevue, ID 83313
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: The combined diversion rate for 37-11371 and 37-2639D should be 0.18 cfs, and the combined annual diversion volume of those rights should be 31.2 AF.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 37-2693D and 37-13371 should be limited to the irrigation of a combined total of 8.9 acres. 37-332, 37-2693D and 37-13371 should be limited to the irrigation of a combined total of 26.2 acres as depicted in the map prepared by Brockway Engineering and attached hereto.
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F. VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

James P. Speck, being first duly sworn, upon oath, deposes and says:

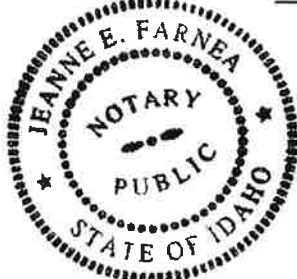
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(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 1, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at *Shoshone, Idaho*
My Commission expires *05/05/09*

INSTRUCTIONS FOR MAILING

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Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

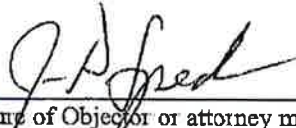
Name: Barrie Family Partners
Address: P.O. Box 793
Bellevue, ID 83313

3. Copies to:

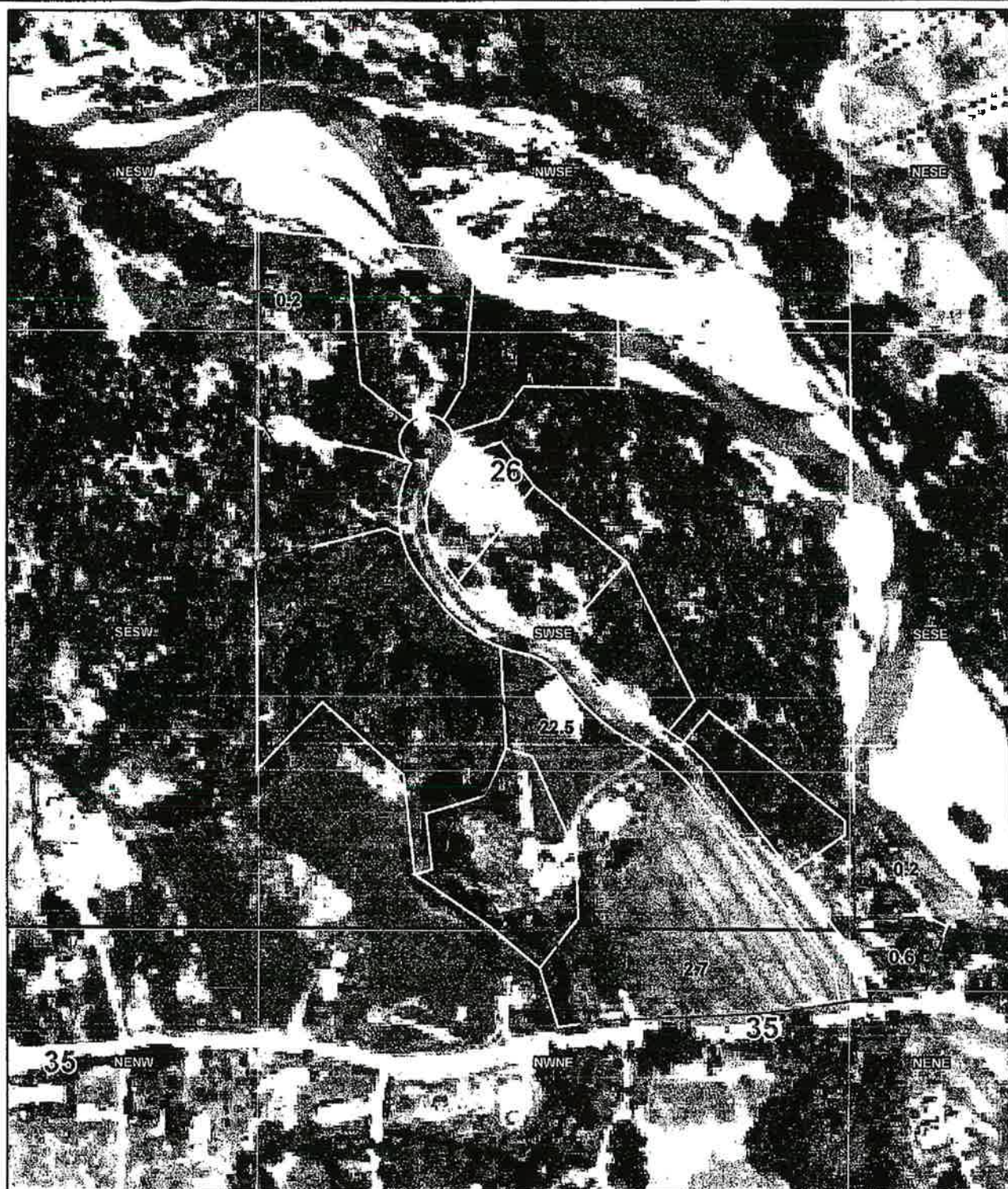
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf



0 145 290 580 Feet

BARRIE FAMILY PARTNERSHIP
T.02N R.18E SEC. 26, 35
2006 NAIP AERIAL

BARRIE_PARCELS
 Irrigation = 26.2 ac
 T02N18E
 sections



BROCKWAY ENGINEERING PLLC
 air - oct. 30 2007

F:\Projects\Barrie Family Trust\ArcView 9\Barrie Family Trust Water Right Analysis air

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4154
WATER RIGHT NO. 37-02639B

This is to certify that: **BARRIE FAMILY PARTNERS**
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.02 CFS	3.2 AF

SOURCE

GROUNDWATER

Priority: 07/25/1966

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 26, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	35	NWNE	0.9		0.9
Total number of acres irrigated:						0.9

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECORDED

APR 26 1994

TRANSFER NO. 4154
WATER RIGHT NO. 37-02639B

CONDITIONS/REMARKS:

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

Dated this 21st day of April, 1994.

R. Allen Saxton
Chief, Water Alloc. Bureau

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APR 26 1994

MEMORANDUM

TO: FILE 37-02639

FROM: PAM SKAGGS/STATE OFFICE *JS*

SUBJECT: TRANSFER NO. 4154

DATE: April 15, 1994

=====

Transfer No. 4154 was filed to change the point of diversion and place of use under a portion of Right No. 37-02639, splitting the right into parts A and B.

A purchase agreement was provided that outlined the sale of 0.02 cfs of water and irrigation of 0.9 acres from the Tidwells to the Barrie Family Partners. The transfer will remove water from the SENE, S35, T02N, R18E, but no proof of ownership was provided. The Blaine County Assessor's office had no current record of the Tidwell's owning property in that QQ.

Upon request, the applicant provided several copies of warranty deeds confirming a chain of ownership and a subdivision plat map verifying location of the Lots and Blocks identified in the deeds. Prior to the purchase agreement and the transfer application, the Tidwells owned Blocks 1 and 2 in their entirety.

There appeared to be a possible overlap with a surface water right, 37-00687. However, statements from the applicant's attorney by letter dated 03-08-93 state that the 0.9 acres from which the water is being removed was not irrigated by surface water and would not be irrigated by any surface water right. The application was processed transferring the groundwater right only.

Recommended conditions include drilling permit requirements, watermaster control, irrigation overlap and standard transfer conditions.

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Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

FEB 26 1993

MAR 10 1993

JUL 19 1993

Department of Water Resources

Department of Water Resources Southern Region Office

Southern Region Office

Phone (208) 726-4421

Department of Water Resources BARRIE FAMILY PARTNERS

Post Office address C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM, ID 83340

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes APPLICANT DESIRES TO PURCHASE PORTION OF WATER RIGHT AND MOVE IT TO ITS LAND

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------|------------------|--------------------|-------------------|---|
| <u>37-02639B</u> | <u>7/25/1966</u> | <u>0.02 cfs</u> | <u>IRRIGATION</u> | <u>APRIL 15</u> to <u>NOV. 1</u> ¹⁰⁻¹⁵ |
| <u>A37-02639A</u> | <u>7/25/1966</u> | <u>0.02 cfs</u> | <u>IRRIGATION</u> | <u>APRIL 15</u> to <u>NOV. 1</u> ¹⁰⁻¹⁵ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.02 cfs cubic feet per second and/or 3.2 acre-feet per annum.
- Source of water GROUND WATER tributary to _____
- Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SE	26	2N	18E	BLAINE	N/A

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35		0.9															0.9

Total acres 0.9

PART 1

6. General Information:

a. Description of diversion system WELL, PUMP AND SPRINKLER IRRIGATION SYSTEM.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

0.9A WILL NO LONGER BE IRRIGATED.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-02639 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other PURCHASE AGREEMENT

3. Source of water GROUND WATER tributary to _____

4. Date or priority 7/25/1966

5. Water is used for the following purpose:

amount 1.47 for IRRIGATION purposes from APRIL 15 to NOV. 1 / 0-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.47 cubic feet per second and/or 150 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	2N	18E	BLAINE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35	12			38													50

APR 26 1994 Total acres 50

9. Describe any other water rights used for the same purpose as described above

37-00687994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02639

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.47 CFS	150.0 AF

SOURCE

GROUNDWATER

Priority: 07/25/1966

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 35, Township 02N, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 35	NENE 12	SENE 38		50
Total number of acres irrigated:				50

CONDITIONS/REMARKS:

APR 26 1994

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.02 for IRRIGATION purposes from APRIL 1 to NOV 1
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	2N	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35				0.9													0.9

Total acres 0.9

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.45 for IRRIGATION purposes from APRIL 1 to NOV 1
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	2N	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35	12			37.1													49.1

Total acres 49.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
JUL 19 1993

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ Department of Water Resources
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-02639A on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other PURCHASE AGREEMENT

3. Source of water GROUNDWATER tributary to _____4. Date or priority 7/25/1966

5. Water is used for the following purpose:

amount 0.67 for IRRIGATION purposes from ARRIL 1 to NOV. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.67 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	35	2N	18E	BLAINE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	35				29													29

APR 26 1994

Total acres 299. Describe any other water rights used for the same purpose as described above A37-00687

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 NO _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.02 for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	35	2N	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35				0.9													0.9

Total acres 0.9

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.65 for IRRIGATION purposes from APRIL 1 to NOV. 1
 (cfs/)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	35	2N	18E	BLAINE	

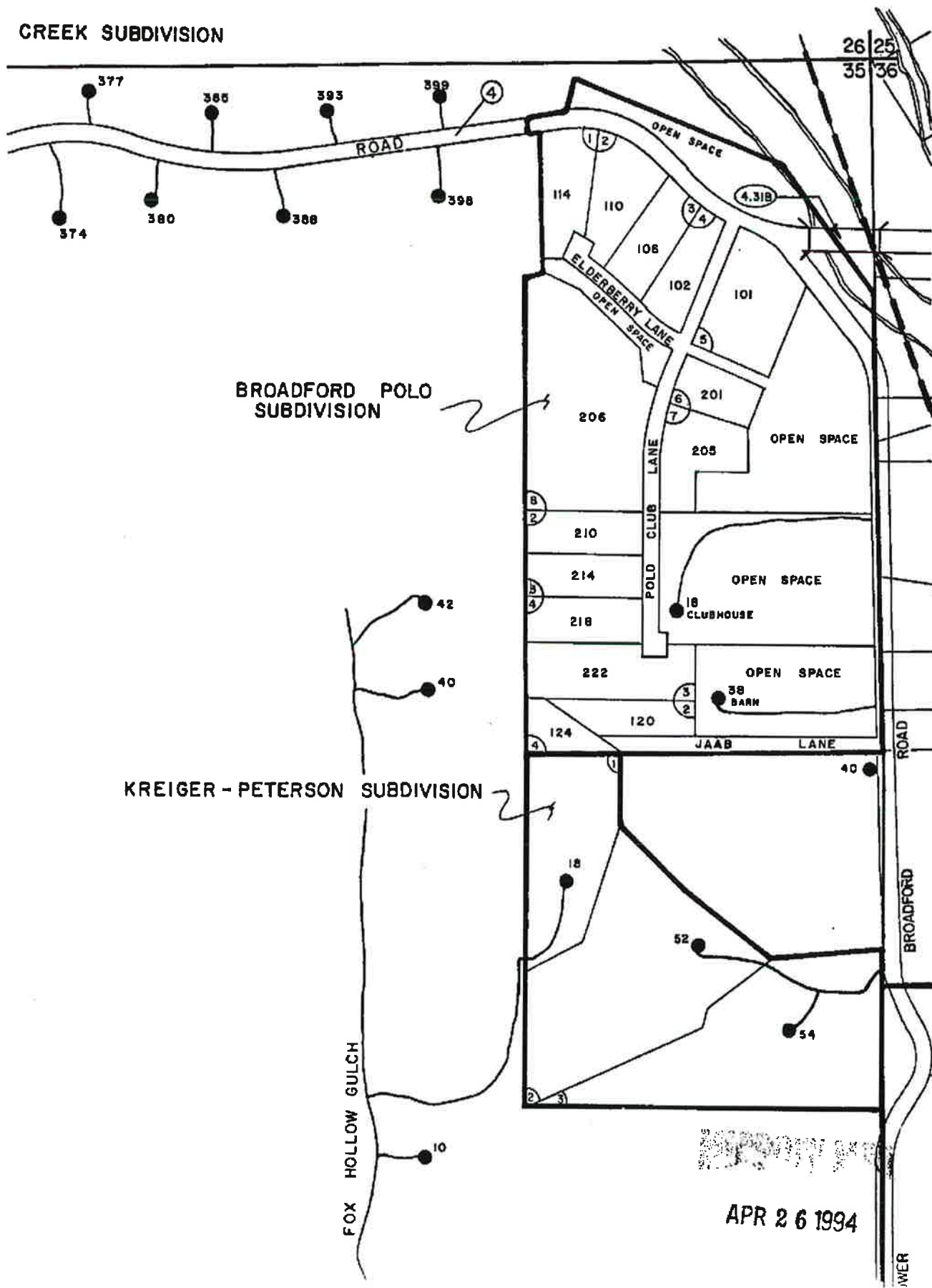
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	35				28.1													28.1

APR 26 1994

Total acres 28.1

CREEK SUBDIVISION



T# 4154

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

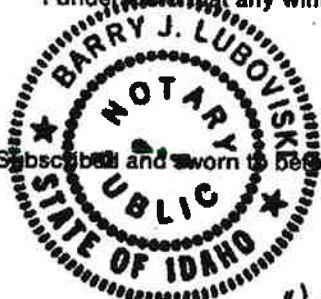
BARRIE FAMILY PARTNERS

By: David R. Baue

(Signature of Applicant)

27thday of November, 19 92

Subscribed and sworn to before me this

Barry J. Luboviski

(Notary Public)

My commission expires

November, 1997**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 1 attachmentsReceived by R. Foster det Date 2-26-93 ^{03/11/93}

Protest filed by _____

Prelim. check by J. E. Stanton Fee \$30.00 5015477Receipted by J. E. Stanton Date 3-10-93Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 2/2 & 6/9/93

Hearing held by _____ Date _____

Watermaster recommendation requested on 5/24/93Recommended for ☒ approval ☐ denialrec'd. 6/1/93by [Signature]

Copy of transfer sent to lien holder _____

APR 26 1994