

Rpt & Rec of Master issued - ⁵⁻⁷⁻²⁰¹⁰~~6-2~~

RESPONDENTS:

James P. Speck

Date

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

IDWR CONCURRENCE:

Kelly K. Christensen *4-15-10*

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer

Date

Deputy Attorney General

Attorney for IDWR

04/13/2010

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

RIGHT NUMBER: 37-496F

NAME AND ADDRESS: MYER BERLOW
214 WILLOW ZINC SPUR
HAILEY ID 83333

DEBORAH BARR
214 WILLOW ZINC SPUR
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS
28.00 AFY

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

PRIORITY DATE: 07/01/1883

POINT OF
DIVERSION: T03N R18E S20 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	04/15 10/31	0.430 CFS 28.00 AFY
IRRIGATION	04/15 10/31	0.160 CFS 28.00 AFY
FIRE PROTECTION	01/01 12/31	0.430 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 NWNW 5.00 T03N R18E S29 SWNW 3.00

FIRE PROTECTION in BLAINE County

T03N R18E S20 SWSW T03N R18E S29 NWNW
T03N R18E S29 SWNW

AESTHETIC in BLAINE County

T03N R18E S20 SWSW T03N R18E S29 NWNW
T03N R18E S29 SWNW

8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

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

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

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

RIGHT NUMBER: 37-496F

NAME AND ADDRESS: MYER BERLOW
214 WILLOW ZINC SPUR
HAILEY ID 83333

DEBORAH BARR
214 WILLOW ZINC SPUR
HAILEY ID 83333

VERIFIED BY: KKC
4-13-10

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

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DIVERSION: T03N R18E S20 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC	04/15 10/31	0.430 CFS 28.00 AFY
IRRIGATION	04/15 10/31	0.160 CFS 28.00 AFY
FIRE PROTECTION	01/01 12/31	0.430 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29	NWNW	5.00	T03N R18E S29	SWNW	3.00
---------------	------	------	---------------	------	------

FIRE PROTECTION in BLAINE County

T03N R18E S20	SWSW	T03N R18E S29	NWNW
T03N R18E S29	SWNW		

AESTHETIC in BLAINE County

T03N R18E S20	SWSW	T03N R18E S29	NWNW
T03N R18E S29	SWNW		

8 ACRES TOTAL

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

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

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

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

37-496F, 21418, & 21420
Berlow / Barr

Both 496F & 21418/21420 were
established thru transfers T-4071 & T-71769.
Both Post 87 transfers.

The PODs have been modified for
21418 - 21420 P/D has been issued.

Need to delete RMC a Gout Subdiv Lot.

Christensen, Kelly

From: Kelly, Vicki
Sent: Monday, April 12, 2010 9:26 AM
To: Christensen, Kelly; Jones, Doug; Clelland, Steve
Subject: FW: RE: Berlow & Barr - 47-496F

Hello again

Ditto on this one?? Anyone? Anyone? Thanks - Vicki

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, April 09, 2010 4:02 PM
To: Kelly, Vicki
Cc: 'Albert Barker'; 'Craig Hobdey'; 'Myer Berlow'
Subject: FW: RE: Berlow & Barr - 47-496F

Vicki,

Per the e-mail exchange below we have reached agreement on the addition of the following remark: "Measuring devices approved by the Watermaster shall be installed at the point of diversion from and point of return to the Big Wood River." Please prepare the SF5 and circulate for signing in time to vacate the April 26 initial hearing. 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

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

From: Craig Hobdey
Sent: Friday, April 09, 2010 3:27 PM
To: Albert Barker; Jim Speck

I agree

Craig Hobdey

> Subject: RE: RE: RE: RE: Berlow & Barr - 47-496F
> Date: Fri, 9 Apr 2010 15:21:43 -0600
> From: apb@idahowaters.com
> To: jim@speckandaanestad.com; hobdeycraig@hotmail.com
>
> Jim/Craig-
> I don't see why we cannot wrap this one up with the additional
measuring device discussed below.
>
> Albert P. Barker
> Barker Rosholt & Simpson LLP
> (208) 336-0700
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>
>
>
>
> -----Original Message-----
> From: Jim Speck [mailto:jim@speckandaanestad.com]
> Sent: Thursday, March 11, 2010 10:33 AM
> To: Albert Barker; 'Craig Hobdey'
> Cc: 'Myer Berlow'
> Subject: FW: RE: RE: RE: Berlow & Barr - 47-496F
>
> Al & Craig,
>
> We would like to resolve your amended objection to this water right.
> I believe we were close at the end of the e-mail exchange below, but
we
> never completed the process! If we agree to Watermaster approved
measuring
> devices at the point of diversion from and point of return to the Big
Wood
> River will that take care of it? If so I will get IDWR started on
drafting
> the SF5.
>
> 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@speckkandaanestad.com

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> -----Original Message-----

> From: Jim Speck
> Sent: Sunday, March 22, 2009 1:01 PM
> To: 'Mr. Craig D. Hobdey'; 'Albert Barker'
> Cc: 'Myer Berlow'

> Al,

> Yes - the diversion is a pump which should have a watermaster approved
> measuring device. The outflow can be measured at either point, but
> the point of return makes more sense to me.

> Jim

> James P. Speck
> SPECK & AANESTAD
> A Professional Corporation
> 120 East Avenue
> P.O. Box 987
> Ketchum, ID 83340
> 208.726.4421
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>
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>
> -----Original Message-----
> From: Albert Barker
> Sent: Saturday, March 21, 2009 5:25 PM
> To: Jim Speck; Mr. Craig D. Hobdey
>
> Jim-
> On this one, is it correct that there is one existing measuring device
> for this right at the river already in place? It seems to me that is
> likely to cover the inflow requirement. Your client will agree to a
> measuring device at the outflow. Would that be at the outflow of the
> pond or where it returns to the river?
>
> Albert P. Barker
> Barker Rosholt & Simpson LLP
> (208) 336-0700
>
>
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>
> -----Original Message-----
> From: Jim Speck [mailto:jim@speckandaanestad.com]
> Sent: Saturday, February 28, 2009 11:14 AM
> To: 'Mr. Craig D. Hobdey'; Albert Barker
> Cc: 'Myer Berlow'
> Subject: RE: RE: Berlow & Barr - 47-496F
>
> Al & Craig,
>
> I have attached a copy of the original transfer application filed by a
> prior owner, Robert Brennan, and a better copy of the map from the
> application. I think it will answer your questions. The property is on
> the west side of the river across from the Zinc Spur Subdivision. Let
> me know if you need anything else.
>
>
> 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@speckkandaanestad.com
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>
>
>
> -----Original Message-----
> From: Albert Barker
> Sent: Friday, February 27, 2009 5:15 PM
> To: Jim Speck; Mr. Craig D. Hobdey
>
> Jim-
> I know I can look this up, but can you help with the plumbing on this
> right? Where is the diversion from the river? Is it into a canal or
> lateral and is there is a second diversion from the lateral to the
> pond? If the latter is true is there a measuring device already at the
> diversion from the river, but not at the diversion from the lateral?
>
> Albert P. Barker
> Barker Rosholt & Simpson LLP
> (208) 336-0700
>
>
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> -----Original Message-----
> From: Jim Speck [mailto:jim@speckkandaanestad.com]
> Sent: Friday, February 27, 2009 4:13 PM
> To: Albert Barker; 'Mr. Craig D. Hobdey'
> Cc: 'Myer Berlow'
> Subject: Re: Berlow & Barr - 47-496F
>
> Al and Craig,
>
> You filed an Amended Objection in this Subcase. I believe your main
> goal is to add the requirement to the decree that there be measuring
> or
> monitoring devices for the water flowing into and out of the pond.
> Since
> the irrigation water is pumped out of the pond, the first requirement
> will be satisfied by the devices at the point of diversion from the

> river.
> My
> client will agree to a measuring/monitoring device at the outflow that
> is approved by the Watermaster. Is that enough to resolve this Subcase
> and
> sign the appropriate SF5?
>
> I look forward to hearing from you.
>
>
> Jim
>
> James P. Speck
> SPECK & AANESTAD
> A Professional Corporation
> 120 East Avenue
> P.O. Box 987
> Ketchum, ID 83340
> 208.726.4421
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> _____
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>

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.
<[http://www.windowslive.com/campaign/thenewbusy?tile=multicalendar&ocid=](http://www.windowslive.com/campaign/thenewbusy?tile=multicalendar&ocid=PID28326::T:WLMTAGL:ON:WL:en-US:WM_HMP:042010_5)
PID28326::T:WLMTAGL:ON:WL:en-US:WM_HMP:042010_5>

ANALYSIS OF 37-496

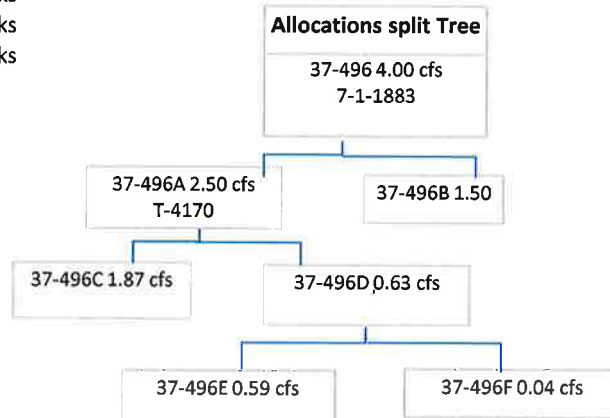
37-496 was decreed in the Frost Decree for 4.00 cfs with a July 1, 1883 priority date. The right has gone through three transfers ultimately splitting the right into four valid rights on the allocations side.

The first transfer (T-3810) split the allocations parent right into parts A and B. The transfer identified the historical POU as 70 ac. See back file for 37-496 pg 92. The B portion was claimed and ultimately recommended as transferred. The right was objected to by the Big Wood Canal Company and the Concerned Citizens. It appears that the objections may be withdrawn on this right.

Part A was then split through T-4170 into parts C for 30 acres at 1.87 cfs and D for 10 acres at 0.63 cfs. See back file for 37-496 pg 61. Claims against that right were 37-496C for 0.05 cfs for 2 acres and 37-496D for 1.87 cfs and 30 acres. Ultimately the recommendations were 37-496C for 0.05 cfs for 2 acres and 37-496D for 1.82 cfs and 30 acres. On 12-21-2009 a partial decree for 37-496D was issued for 1.82 cfs and 30 acres. [The question is, did the decreed POU of 70 acres set in T-3810 and carried forward limit the available POU subject to transfer or not? If the 70 acres were the limit then the combination of SRBA decreed right 37-496C at 30 acres and the director's report for 37-496D at 2 acres would be expanding the total POU by 2 acres. See the historical POU analysis discussion on 37-496 back file page 244.](#)

Table 1									
Allocations				Claim			Recommendation		
Right No	Rate	Acres	transfer	Rate	Acres	transfer	Rate	Acres	transfer
37-496A	split see C & D			No claim					
37-496B	0.60 cfs	30 ac	T-3810	0.60 cfs	30 ac	T-3810	0.60 cfs	30 ac	T-3810
	0.90 cfs	Aest		0.90 cfs			0.90 cfs	Aest	
	0.90 cfs	Fire Pro		0.90 cfs	Fire Pro		0.90 cfs	Fire Pro	
Total	1.50 cfs			1.50 cfs			1.50 cfs		
37-496C	1.87 cfs	30 ac	T-4170	0.05 cfs	2 ac	T-4170	0.05 cfs	2 ac	T-4170
37-496D	split See E & F		T-4170 T-4471	1.87 cfs	30 ac		1.82 cfs	30 ac	
37-496E	0.16 cfs	8 ac	T-4471	split See F & G		T-4471			
	0.43 cfs	Fire Prot							
	0.43 cfs	Aest							
Total	0.59 cfs								
37-496F	0.04 cfs	2 ac	T-4471	0.16 cfs	8 ac	T-4471	0.16 cfs	8 ac	T-4471
				0.43 cfs	Fire Prot		0.43 cfs	Fire Prot	
				0.43 cfs	Aest		0.43 cfs	Aest	
Total				0.59 cfs			0.59 cfs		
37-496G	No right			0.04 cfs	2 ac	T-4471	0.04 cfs	2 ac	T-4471

<u>Bas</u>	<u>Sequ</u>	<u>Suf</u>	<u>Status</u>	<u>Rate/(</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Tbl</u>
37	496	B	Active	1.5	Aest, Fire Prot, Irr	LUFKIN, ELISE G	Aj Claim
37	496	C	Active	0.05	Irr	DONNA F TUTTLE TRUST DATED JANUARY 5 1	Aj Claim
37	496	F	Active	0.59	Aest, Fire Prot, Irr	BARR, DEBORAH ; BERLOW, MYER	Aj Claim
37	496	G	Active	0.04	Irr	SIMON FAMILY TRUST	Aj Claim
				2.18			
37	496		Parent	4	Irr		Aj Claim
37	496	A	Parent	2.5	Irr		Aj Claim
						STARWEATHER SUBD PROPERTY OWNERS ASSN INC	
37	496	D	Parent	1.87	Irr		Aj Claim
37	496	E	See Rema	0.63	Aest, Fire Prot, Irr		Aj Claim
37	496	B	Active	1.5	Aest, Fire Prot, Irr	LUFKIN, ELISE G	Aj Rec
37	496	C	Active	0.05	Irr	DONNA F TUTTLE TRUST DATED JANUARY 5 1	Aj Rec
37	496	D	Active	1.82	Irr	STARWEATHER SUBD PROPERTY OWNERS ASSN INC	Aj Rec
37	496	F	Active	0.59	Aest, Fire Prot, Irr	BARR, DEBORAH ; BERLOW, MYER	Aj Rec
37	496	G	Active	0.04	Irr	SIMON FAMILY TRUST	Aj Rec
				4			
37	496	B	Active	1.5	Aest, Fire Prot, Irr	LUFKIN, ELISE G	Wtr Rt
37	496	C	Active	1.87	Irr	MIZER, THOMAS	Wtr Rt
37	496	E	Active	0.59	Aest, Fire Prot, Irr	BRENNAN, ROBERT M	Wtr Rt
						STEVENS, SHERI EAGLE ; STEVENS, W	
37	496	F	Active	0.04	Irr	GRANT	Wtr Rt
				4			
37	496		See Remarks				Wtr Rt
37	496	A	See Remarks				Wtr Rt
37	496	D	See Remarks				Wtr Rt



06-10-2009 DIRECTOR'S REPORT FOR LATE CLAIMS

06-10-2009 NOTICE OF FILING DIRECTOR'S REPORT FOR LATE CLAIMS

OBJECTIONS DUE

8/10/09 8B 08-10-2009 0500

RESPONSES DUE

11/09/09 RB 11-09-2009 0500

12-21-2009 PARTIAL DECREE FILED

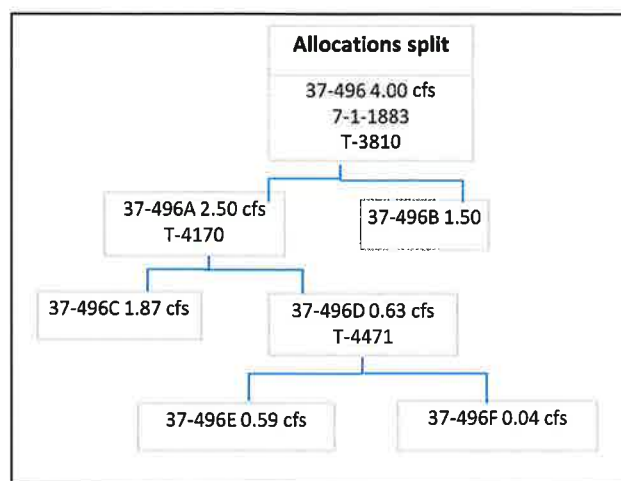
12-21-2009

ANALYSIS OF 37-497

The right was decreed at 2.00 cfs and was split by a transfer into part A for 1.25 cfs and part B for 0.75 cfs.

It was claimed and recommended as 37-479A for 0.94 cfs and 37-497B for 0.75 cfs. I could not identify any 10,000 series rights with a 7-1-1892 priority date that would compete for a portion of the historical right.

I do not see any problems with the recommendations as submitted to the SRBA court. Part A has no objections and part B has objections by the Big Wood Canal Co and Concerned Citizens. The objections hopefully are in the process of being withdrawn.



Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, January 11, 2010 11:25 AM
To: Kelly, Vicki
Subject: RE: Re: Berlow/Real Estate 37-496F

In looking over the current recommendations it appears that the POD issue for 37-21418 and 21420 has been changed in the V-2 recommendation.

In looking over 37-496F it appears that the remark "POU is also known as ..." is in error and should be removed. Once that is done it would probably be ready for settlement.

Is the deal that this one should be ready for settlement as soon as the 111 hearings are over on Wed?

Kelly

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

From: Kelly, Vicki
Sent: Thursday, January 07, 2010 2:22 PM
To: Christensen, Kelly
Subject: FW: Re: Berlow/Real Estate

A blast from the past??? Thanks - V

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

From: Bromley, Chris
Sent: Monday, August 18, 2008 8:24 AM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: FW: Re: Berlow/Real Estate

Kelly,

Could you look into these and see if they're as easy as Speck claims they are. I think we may be in the same dilemma as the last Speck email I sent you regarding whether to do SF5 or request an amended claim.

Chris

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, August 15, 2008 4:17 PM
To: Bromley, Chris
Subject: FW: Re: Berlow/Real Estate

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

From: Jim Speck
Sent: Tuesday, November 28, 2006 8:39 PM
To: 'Mr. David Tuthill'
Cc: 'Myer@AOLTW.com'

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, January 08, 2010 2:51 PM
To: Jones, Doug; Kelly, Vicki
Subject: 37-496 497 analysis

At the request of the court Vicki asked me to look through this group to determine if it would be acceptable for the court to issue a partial decree for 37-497A as they have already issued one for 37-496D Starweather Subd Property.

Most everything looks o.k. except for the acreage on 37-496D. It was decreed for 30 acres. The problem is that this right and 497C (for 2 acres) are splits of allocations right 37-496C which was for 30 acres.

At issue is how allocations established the 70 acre limit for the original decreed POU. Could we actually recognize that the original POU should have been 72 acres. (see my attachment and/or the backfile for 37-496). I am inclined to say that the historical POU could have been 72 acres and let everything to through as recommended.

Note, when reviewing the court summary page no director's report is noted, but when you do a director's report search for 37-496D you find a report that lists the owner and address as UNKNOWN.

A quick look at 37-497 et al does not identify any potential issues with that group..



ANALYSIS OF
37-496.docx

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

Dave,

I knew the list would come in handy!! It says you are doing the prelims for Myer Berlow - I received 37-496F, 37-21419 & 37-21421, but not 37-21418 and 37-21420. If the recommendations on the internet are current, then I have reviewed all of these and they are all correct with the exception of 1) the place of use remark at the end of 37-496F, which should be deleted and 2) the p/d for both 37-21418 and 21420 should be the same as 37-496F, i.e. SESW, S.20,T.3N, R.18E. - I think the data entry on the claims was wrong and never corrected! Let me know if I should fill out the notices of error reply.

Thanks.

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

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Cc: Kelly, Vicki
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Kelly,

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From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, August 15, 2008 4:17 PM
To: Bromley, Chris
Subject: FW: Re: Berlow/Real Estate

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

From: Jim Speck
Sent: Tuesday, November 28, 2006 8:39 PM
To: 'Mr. David Tuthill'
Cc: 'Myer@AOLTW.com'

Dave,

I knew the list would come in handy!! It says you are doing the prelims for Myer Berlow - I received 37-496F, 37-21419 & 37-21421, but not 37-21418 and 37-21420. If the recommendations on the internet are current, then I have reviewed all of these and they are all correct with the exception of 1) the place of use remark at the end of 37-496F, which should be deleted and 2) the p/d for both 37-21418 and 21420 should be the same as 37-496F, i.e. SESW, S.20,T.3N, R.18E. - I think the data entry on the claims was wrong and never corrected! Let me know if I should fill out the notices of error reply.

Thanks.

See 20 SESW

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue

MEMORANDUM

TO: Files 37-496F, 37-577CF, 37-657D

FROM: Douglas Jones

DATE: 4/23/02

RE: Conversation with Jim Speck

As a result of an ownership change proffered by Speck a question arose regarding a discrepancy in descriptions for points of diversion for the above rights. Apparently two transfers describe the same point of diversion two different ways. It was desired by the attorney that the description be edited to the correct point.

My review of the files and the approved transfers (mid 1990's) indicates that the data is entered correctly pursuant to the transfer applications/approvals. In that regard I recommended that a new transfer be filed to correct the rights with the wrong descriptions. I indicated that I could not make the change otherwise. During claim review and recommendation it may be possible, based on field verification, to edit the description. In the alternative, depending on interpretation from legal staff, a transfer could still be filed to correct the information.

My brief review of the information using the claim files and GIS is that the point of diversion would likely be in the SESW S20 T3N R18E (as described on 37-496F). The other two rights have a description in the SWSE of S20. Verification of the point through GPS is required to affirmatively locate the point. Also needed is a check of the registration of the photo – errors in how the photo was correlated to the GCDB could affect the legal description.

See right 37-657D for a layout of the vicinity of the diversion.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

RECEIVED

MAY 03 2001

Department of Water Resources
Southern Region

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

May 2, 2001

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: SRBA Claims A37-00496F, A37-00577CF and
A37-00657D
Myer Berlow and Deborah Barr
Our File No.: 000192**

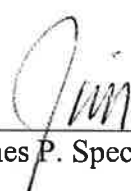
Dear Trish:

I am following up on our telephone conversations in January of this year concerning the correction of the point of diversion identified in these claims. Please call me and bring me up to date at your earliest convenience.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
cc: Clients

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-496F
Date Received: 10/25/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MYER BERLOW
214 WILLOW RD
HAILEY ID 83333

DEBORAH BARR
214 WILLOW RD
HAILEY ID 83333

2. Date of Priority: 07/01/1883

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
03N	18E	20	SF SW	BLAINE

5. Description of diverting works:

PUMP IN RIVER, PIPELINE & DITCH TO POND, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.16	
FIRE PROTECTION	1/01	12/31	0.43	
AESTHETIC	4/15	10/15	0.43	

7. Total Quantity Appropriated is:
0.59 C.F.S. and/or 28 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	20	SW	SW	FIRE PROTECTION	
			SW	SW	AESTHETIC	
03N	18E	29	NW	NW	FIRE PROTECTION	
			SW	NW	FIRE PROTECTION	
			NW	NW	AESTHETIC	
			SW	NW	AESTHETIC	
			NW	NW	IRRIGATION	5
			SW	NW	IRRIGATION	3
					Section Acres	8
					Total Acres	8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496

CLAIM IS SPLIT FROM A37-0049E PER TRANSFER 4471. BRENNAN RETAINS .59CFS/8 ACRES. A37-00496F/STEVENS GETS .04 CFS/2 ACRES

1-13-98: CHANGE OF OWNERSHIP BRENNAN TO TOPIARY PER NOTICE RECD 8-29-97 - VH 1/9/01 tf; ownership changed Topiary Holdings to Berlow/Barr per 1409(6) and quitclaim deed received 9/6/00. James Speck also added as attorney per NOA.

15. Basis of Claim: Decreed

37-496F

01/09/2001



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

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA Claim(s) A37-00496F, A37-00577CF, A37-00657D

Dear Counselor:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to your client. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

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

Trish Fawcett
Technical Records Specialist

enc.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

September 14, 2000

RECEIVED
SEP 15 2000

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RE: Water Right Nos. A37-00657D, A37-00577CF and A37-00496F
Claimants Myer Berlow and Deborah Barr
Our File No.: 000192

Dear Allen:

Enclosed you will find an original and one copy of the Notice of Appearance for filing for the above referenced water rights. I have also included a copy of the Notices of Change of Water Right Ownership for your information. After you have receipt date stamped the copy of the Notice of Appearance, please return it to me in the enclosed postage paid envelope.

Thank you for your assistance.

Sincerely,

SPECK & AANESTAD
A Professional Corporation



Randi S. Diem
Assistant to James P. Speck

:rsd
enclosure

Claimants Names:

**Myer Berlow
Deborah Barr**

Attorney Name & Address:

**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**

RECEIVED
SEP 13 2000
MB
Department of Water Resources
Southern Region

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

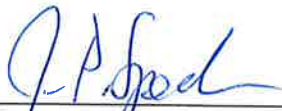
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimants, Myer Berlow and Deborah Barr, for the following water rights which are not the subject of any subcases: A37-00657D, A37-00577CF and 0.59 cfs of A37-00496F.

DATED this 14th day of September, 2000.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2000, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK



September 5, 2000

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
SEP 06 2000
Department of Water Resources
Southern Region

Re: Order No. 27248

Berlow etux/Topiary Holdings, Inc.

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> x </u>	Copy of Quitclaim Deed recorded as Instrument No. 442641.
<u> x </u>	Original Notice of Change of Water Right Ownership.

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

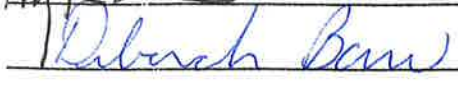
Marla G. Mink
Escrow Officer

mgm/mjs

Attachment(s)

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 37-00657C AND 37-00577BZ AND 37-00496D
Adjudication Claim Number(s) A37-00657D AND A37-00577CF AND A37-00496F
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) TOPIARY HOLDINGS, INC.
830 KENWOOD ROAD, WEST VANCOUVER, BC V75159
4. New Owner/Claimant(s) MYER BERLOW AND DEBORAH BARR
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 214 WILLOW ROAD
City, State and ZIP Code HAILEY, ID 83333
New Telephone Number () -
5. Date you acquired the property 8/30/2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 8/30/00
 Date 8/30/00
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Instrument # 442641
HAILEY BL. DAHO
2000-08-30 04:05:00 No. of Pages: 1
Recorded for: SAWTOOTH TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/CIC/CP DEED

FOR VALUE RECEIVED TOPIARY HOLDINGS, INC., a British Columbia corporation

whose address is: **214 Willow Road, Hailey, ID 83333**

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

Parcel A of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Excepting therefrom all that portion of Zinc Spur Ranch Units Two and Three, Blaine County, Idaho, lying within said S½ SE¼.

SECTION 29: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Together with all Water Rights appurtenant to the property described herein as follows:

- together with their appurtenances.

TOPIARY HOLDINGS, INC.

State of Idaho }
County of Blaine } ss.
}

WITNESS my hand and official seal.

Commission Expires: 12/1/2000

RECEIVED
SEP 06 2000
Department of Water Resources
Southern Region

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: **A37-00496F**
Date Received: 10/25/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: TOPIARY HOLDINGS INC C/O ERIC SAVICS
Address: FIRST MARATHON SECURITIES
400 BURRARD ST #2000
VANCOUVER BC V6C3A6
CANADA //

2. Date of Priority: JUL 1, 1883

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
03N	18E	20		SE	SW		BLAINE

5. Description of diverting works:
PUMP IN RIVER, PIPELINE & DITCH TO POND, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		
FIRE PROTECTION	01/01	12/31	0.430		
AESTHETIC	04/15	10/15	0.430		

7. Total Quantity Appropriated is:
0.590 C.F.S. (and/or) 28.00 A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	20	SW	SW		FIRE	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	20	SW	SW		AES	
		29	NW	NW		IRR	5.0
			NW	NW		FIRE	
			NW	NW		AES	
			SW	NW		IRR	3.0
			SW	NW		FIRE	
			SW	NW		AES	
						Section Acres	8.0
						Total Acres	8.0

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:
A37-00497

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.

CLAIM IS SPLIT FROM A37-0049E PER TRANSFER 4471. BRENNAN RETAINS .59CFS/8 ACRES. A37-00496F/STEVENS GETS .04 CFS/2 ACRES.

1-13-98: CHANGE OF OWNERSHIP BRENNAN TO TOPIARY PER NOTICE REC'D
8-29-97 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant



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

January 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

James P. Speck
HOGUE, SPECK & AANESTAD
P.O. Box 987
Ketchum, Idaho 83340

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): **A37-00657D, A37-00577CF, A37-00496F**
Change of Ownership Notification

Dear Mr. Speck:

Pursuant to the notification that your client, Topiary Holdings, Inc., has purchased property with the above-mentioned Snake River Basin Adjudication claims, I have modified our records. The enclosed copies are for your records, please review them for accuracy in all respects.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

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

August 28, 1997

RECEIVED

AUG 29 1997

Mr. Alan Merritt
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls ID 83301

Department of Water Resources
Southern Region

***Re: Topiary Holdings, Inc. - Notices of Change of Water Right Ownership
and Notice of Appearance***

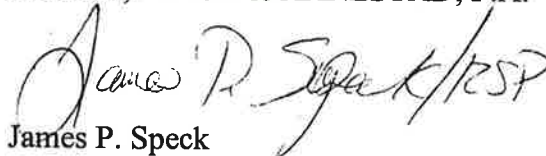
Dear Alan:

I represent Topiary Holdings, Inc. which has recently purchased property from Robert M. Brennan. Enclosed you will find signed Notices of Change of Water Right Ownership for the water rights which are appurtenant to the property and a Notice of Appearance from my firm as attorney of record in the SRBA for Topiary Holdings, Inc. Please call me if you have any questions about these documents. When the records have been changed in the IDWR data base for the SRBA claims, please send me computer print outs.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:rsd
enclosures
c: Peter Ripson, w/encl.
Eric Savics, w/encl.
Gregg Sturtavant, w/encl.

Claimants Names:
Topiary Holdings, Inc.

RECEIVED

AUG 29 1997

Attorney Name & Address:

James P. Speck
Hogue, Speck & Aanestad, P.A.
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752

Department of Water Resources
Southern Region

**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

)
)
) **NOTICE OF APPEARANCE**
)
)
)

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Hogue, Speck & Aanestad hereby enters its appearance in the action on behalf of Claimant Topiary Holdings, Inc. for the following water right claims which are not the subject of any subcases: A37-00657D, A37-00577CF and 0.59 cfs of A37-00496F.

DATED this 26th day of ^{August} ~~July~~, 1997.

HOGUE, SPECK & AANESTAD, P.A.

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 1997, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

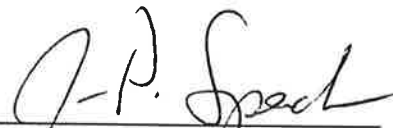
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid



JAMES P. SPECK

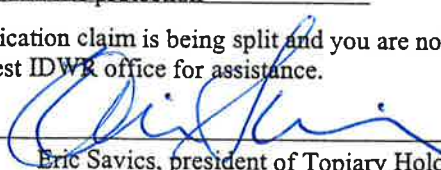
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

AUG 29 1997

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right Number(s) 37-00496D
 Adjudication Claim Number(s) A37-00496F
 2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Robert M. Brennan
 Owner/Claimants
P. O. Box 1991, Sun Valley, ID 83353
 4. New Owner/Claimant(s) Topiary Holdings, Inc.
 Name connector (check one): [☐] AND, [☐] OR, [☐] AND/OR
 New Mailing Address c/o Eric Savics, First Marathon Securities, 400 Burrard Street, Suite 2000
 City, State and ZIP Code Vancouver, BC, CANADA V6C3A6
 New Telephone Number (____) _____
 5. Date you acquired the property May 27, 1997
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres actually irrigated 8 Number and type of stock _____
 Diversion rate in CFS 0.16 cfs - irrigation; 0.43 cfs - aesthetics & fire protection Number of homes _____
 Other uses aesthetics and fire protection
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 7. Signature of New 
 Owner/Claimant(s) Eric Savics, president of Topiary Holdings, Inc. Date 14 Aug '97
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

ATTN: Jim

20056

402230

Deed

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO.

'97 MAY 27 PM 3 54

MARY GREEN, CLERK mpp

FEES \$9.00

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT M. BRENNAN, a married man dealing in his sole and separate property ("Grantor"), hereby grants, bargains, sells and conveys unto TOPIARY HOLDINGS, INC., a corporation, whose address is c/o Mr. Eric Savies, First Marathon Securities, 400 Burrard Street, Suite 2000, Vancouver, BC, CANADA V6C3A6 ("Grantee", whether one or more), that certain real property situated in Blaine County, Idaho and described in Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all water rights appurtenant thereto including the following:

a. All of Water Right No. 37-00657C as described and defined in Transfer No. 4171 and as claimed in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA") as Claim A37-00657D;

b. All of Water Right No. 37-00577BZ as described and defined in Transfer No. 4171 and as claimed in the SRBA as Claim A37-00577CF; and

c. 0.59 cfs of Water Right No. 37-00496D as described and defined in Transfer No. 4170 and as claimed in the SRBA as Claim A37-00496F.

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

Date:

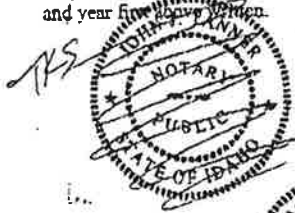
May 27, 1997

Robert M. Brennan
ROBERT M. BRENNAN

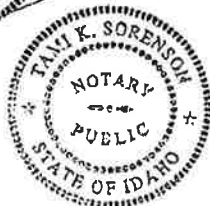
STATE OF IDAHO)
) ss.
County of Blaine)

On this 27th day of May, 1997, before me, the undersigned notary public in and for said state, personally appeared ROBERT M. BRENNAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Tami K. Sorenson
Notary Public for Idaho
Residing at: Idaho
Commission Expires: 7-10-2000



Order No. 20056
Legal Description

Exhibit "A"

Parcel I:

Parcel A of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

Parcel II:

Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho.

Section 20: S1/2 SW1/4

Excepting therefrom all that portion of Zinc Spur Ranch Units Two and Three, Blaine County, Idaho, lying within said S1/2 SW1/4.

Section 29: W1/2 NW1/4, NE1/4 NW1/4

Excepting therefrom all that portion of Zinc Spur Ranch Unit Two, Blaine County, Idaho, lying within said NE1/4NW1/4 and Excepting therefrom all that portion of Lots 1 through 11, inclusive, of Cottonwood Creek Subdivision, Blaine County, Idaho.

Together with an easement for ingress and egress as set forth in that certain Judgment recorded December 12, 1969, as Instrument No. 134490, records of Blaine County, Idaho.

30 19

29 20

10.0 Acres

3.4 Acres

8.0 Acres

6.6 Acres

XPD

Zinc Spur Ranch Subdivision

Highway 75



SAVIC RESIDENCE

NOT TO SCALE

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

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

FAX (208) 726-0752
September 10, 1996

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

Mr. Allen Merritt
Idaho Dept. Of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

SEP 11 1996

Department of Water Resources
Southern Region

Re: Water Right No. 37-00496D - Robert M. Brennan -
Starweather Subdivision Property Owners Association

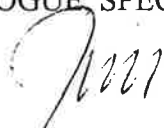
Dear Allen:

Enclosed you will find original signed and acknowledged Relinquishments of a Portion of a Water Right whereby Robert M. Brennan and the Starweather Subdivision Property Owners Association each relinquish any right, title, or interest they may have in and to 0.025 cfs of water right no. 37-00496D. This will hopefully clarify an apparent overlap in the ownership of this water right as has been pointed out to me by the watermaster.

Please call me if you have any questions or comments.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS:jal

Enclosures

pc: Mr. Richard Burleigh
client

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NOV 22 1996

A37-00496F

RECEIVED

SEP 11 1996

RELINQUISHMENT OF A PORTION OF A WATER RIGHT
Department of Water Resources
Southern Region

TO WHOM IT MAY CONCERN:

The undersigned hereby relinquishes to the State of Idaho all of his right, title, and interest in and to 0.025 cfs of Water Right No. 37-00496D attributable to fire protection and aesthetic use as evidenced by Transfer No. 4170.

DATED this 14 day of June, 1996.

Robert M. Brennan
Robert M. Brennan

STATE OF IDAHO)
County of Blaine) ss.

On this 14th day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Brennan, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

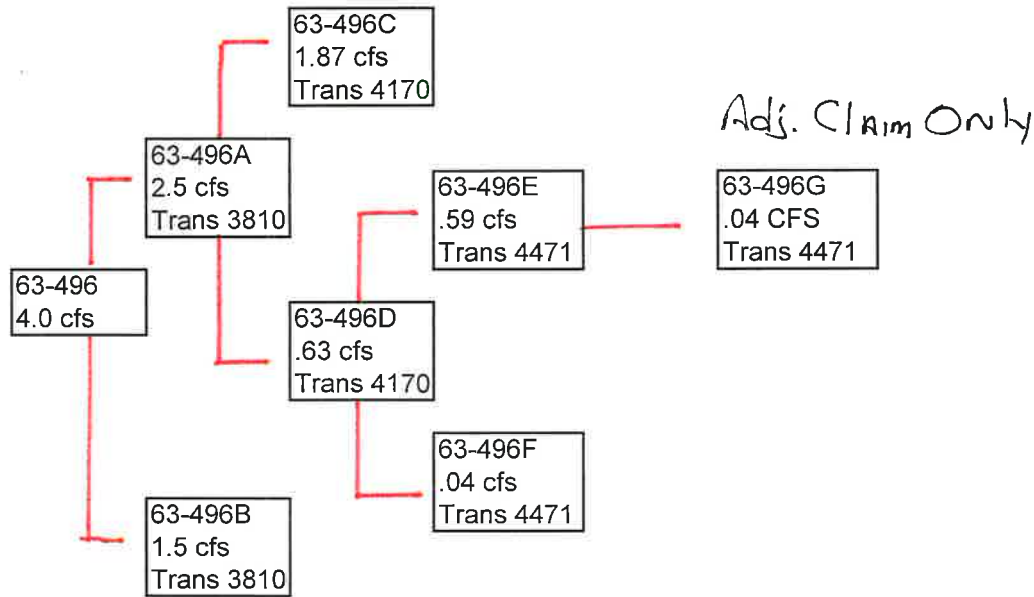
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tina M. Clark
Notary Public for Idaho
Residing at Boise
My commission expires 2-21-97

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NOV 22 1996

37-496 Splits



Transfer 3180 gave 63-496B POD of NENE, Sec 19, T3N, R18E for 1.5 cfs

Transfer 4170 for 63-496D shows POD at SESW, Sec 20, T3N, R18E for .63 cfs
From this transfer 63-496C POD is NENE, Sec 19, T3N, R18E for 1.87 cf

Transfer 4471 for 63-496F shows POD at SENE, Sec 6, T3N, R18E for .04 cfs
Leaving 63-496E with .59 cfs at SESW, Sec 20, T3N, R18E for .59 cfs

Analysis: WR shows	Owner	Adj Claim shows	Owner
63-496F .04 cfs POD at SENE, Sec 6, T3N, R18E	Grant Stevens	.59 cfs POD at SESW, Sec 20, T3N, R18E	Berlow/Barr from Robert Brennan
63-496E .59 cfs POD at SESW Sec 20, T3N, R18E	Robert Brennan	.63 cfs POD at SESW, Sec 20, T3N, R18E	
63-496G none		.04 cfs POD is SENE, Sec 6, T3N, R18E	Simon Family Trust from Grant Stevens

Smith W



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

September 18, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ROBERT M BRENNAN
PO BOX 1991
KETCHUM ID 83353

RE: Amendment of SRBA Claim A37-00496E and A37-00496F

Dear Claimant:

Pursuant to the approval of Transfer Nos. 4170 and 4471, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfers. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

I am also enclosing a Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication form for you to complete and return to us at the above address if you desire to have an attorney act in your behalf and also receive any future mailings regarding these two claims.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MIKHO FILMED
NOV 22 1995

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: A37-00496F
Date Received: 10/25/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBERT M BRENNAN 208-788-9876
Address: PO BOX 1991
KETCHUM ID 83353

2. Date of Priority: JUL 1, 1883

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
03N	18E	20		SE	SW		BLAINE

5. Description of diverting works:
PUMP IN RIVER, PIPELINE & DITCH TO POND, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		
FIRE PROTECTION	01/01	12/31	0.430		
AESTHETIC	04/15	10/15	0.430		

7. Total Quantity Appropriated is:
0.590 C.F.S. (and/or) 28.00 A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	20	SW	SW		FIRE	
			SW	SW		AES	
		29	NW	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	29	NW	NW		FIRE	
			NW	NW		AES	
			SW	NW		IRR	3.0
			SW	NW		FIRE	
			SW	NW		AES	
Section Acres							8.0
Total Acres							8.0

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:
A37-00497

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.

CLAIM IS SPLIT FROM A37-0049E PER TRANSFER 4471. BRENNAN RETAINS .59CFS/8 ACRES. A37-00496F/STEVENS GETS .04 CFS/2 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST
Decree Plaintiff

ALTURAS WATER CO.
vs Decree Defendant

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NOV 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-496D

2. Claim is split into 37-496E and 37-496F pursuant to approved transfer 4471. ALW

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 10/25/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4471
WATER RIGHT NO. 37-00496F

RECEIVED

MAY 08 1995

Department of Water Resources
Southern Region

This is to certify that: **SHERI EAGLE STEVENS**
W GRANT STEVENS
4644 LINCOLN BLVD
SUITE 552
MARINA DEL REY CA 90292

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	0.04 CFS	7.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 6, Township 03N, 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>
03N	18E	6	SENE	2		2
Total number of acres irrigated:						2

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor 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.

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TRANSFER NO. 4471
WATER RIGHT NO. 37-00496F

CONDITIONS/REMARKS:

5. 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.
6. 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.
7. Place of use is also known as Lot 2A, Gimlet Subdivision No. 1, Revised.

Dated this 3rd day of

may, 1995

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED
NOV 22 1996

Date Sent to S.C. JAN 13 1995

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4471APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant W. GRANT STEVENS and/or SHERI EAGLE
STEVENS, husband and wife Phone (310) 827-2653

Post Office address 4644 Lincoln Boulevard, Suite 552, Marina del Rey, CA 90292

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes Partial transfer of water right; former
place of use will be taken out of production

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------|-----------------|--------------------|---|-----------------------------|
| <u>37-00496 F</u> | <u>7/1/1883</u> | <u>0.04</u> | <u>irrigation</u> | <u>4-15</u> to <u>10-15</u> |
| | | | <u>* aesthetics & fire protection</u> | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.04 cubic feet per second and/or 7.0 acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion: * Changed per telecon w/ Richard Burleigh 9-28-94

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	6	3N	18E	Blaine	
*	NE	SE	SE					
	SE	SE	NE					

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	
3N	18E	6				2													2

Total acres 2

PART 1**6. General Information:**

a. Description of diversion system Private well (already in place for domestic purposes)

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:

Two (2) acres (1" per acre) will not be irrigated

d. Remarks:

See Transfer 4170 included herewith; this is a change in point of diversion from surface to ground; the new point of diversion site is very close to Big Wood River and presents optimum location for such change.

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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NOV 22 1996

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. 37-00496D Decreed to Thomas Mizer
in case of S.C. Frost, et al. vs. Alturas Water Co., et al.
dated 12/13/1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4170 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 _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 7/1/1883

5. Water is used for the following purpose:

amount 0.20 cfs for irrigation purposes from 4/15 to 10/15
(cfs/ac-ft) aesthetics &
amount 0.43 cfs for fire protection purposes from 4/15 to 10/15
(cfs/ac-ft) 0.43 cfs for fire protection purposes from 1-1 to 12-31
(cfs/ac-ft)

6. Total amount of water under right 0.63 cubic feet per second and/or 85.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	20	3N	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	
3N	18E	29						5	5										10
3N	18E	20											FP/A						
3N	18E	29						FP/A	FP/A										

Total acres

10

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

WHICH OF FILMED
NOV 22 1996

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 0.04 for irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

*

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	6	3N	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	
3N	18E	6				2													2
3N	18E	29						2											

Total acres 2

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

*

1. amount 0.16 cfs for irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount 0.344 cfs for fire protection & aesthetics purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount 43 0.43 for Fire Prot. purposes from 1-1 to 12-31
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	20	3N	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	
3N	18E	29						5	3										8
								FP/A	FP/A										
		20											FP/A						

Total acres 8

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NOV 22 1996

36 31 T. 4 N.
1 6 T. 3 N.

R. 17 E.
P. 18 E.

ASPEN HOLLOW SUBDIVISION NO. 3

LE BARON ESTATES

(124,265)

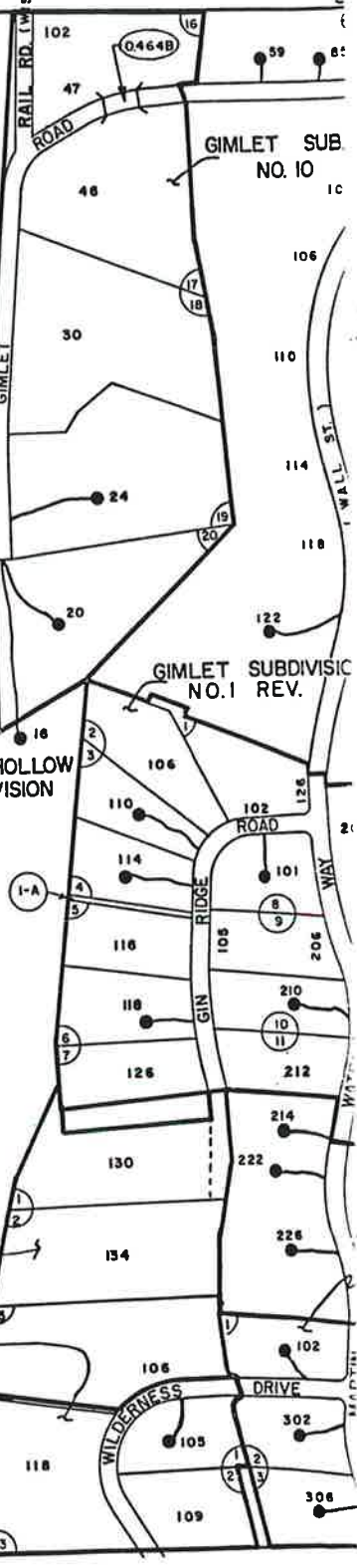


ASPEN HOLLOW SUBDIVISION

ASPEN HOLLOW SUB. NO. 2

GIMLET NO. 20 SUBDIVISION

GIMLET SUBDIVISION NO. 8A



SEC. 6, T. 3 N., R. 18 E. MICROFILMED
NOV 22 1996

T # 4471

REPLAT OF: LOT 1, GIMLET SUB. NO. 1, REVISED and TAX LOT 3939

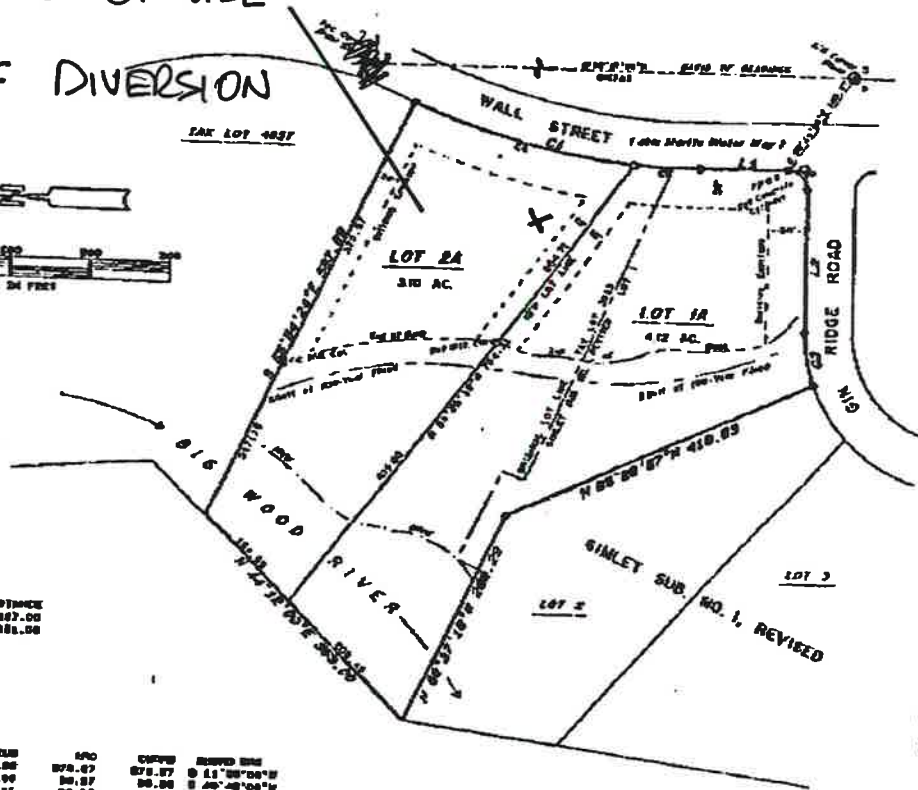
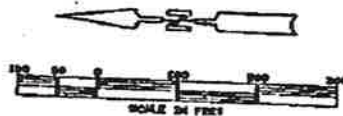
SHEET 1 OF 2 SHEETS

SEC. 6 T3N, R18E, B.M.
BLAINE COUNTY, IDAHO
NOVEMBER 1989

SE SE NE
SEC 6

PLACE OF USE
POINT OF DIVERSION

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. This company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:
First American Title Co.
Box 758
Ketchum, Idaho 83340



LEGEND

- Found 1/2" Rod
- Set 1/2" x 24" Rod
- Down High Water - Big Wood River

LINE	BEARING	DISTANCE
1	S 04° 00' 00" E	107.00
2	S 08° 00' 00" E	281.00

STATION	DELTA	SIDEWALL	WFO	CHP	SHOULDER
1	00° 14' 00" W	042.00	078.07	078.07	0 41° 00' 00" W
2	00° 00' 00" W	00.00	00.00	00.00	0 40° 00' 00" W
3	18° 44' 00" W	00.00	00.00	00.00	0 75° 00' 00" W
4	13° 00' 00" W	040.00	000.07	000.00	0 64° 00' 00" W
5	0° 00' 00" W	040.00	00.00	00.00	0 61° 00' 00" W

10' FISHERMAN'S ACCESS EASEMENT
A 10' Fisherman's Privilege Access easement is dedicated to the public along the western bank of the Big Wood River. Said easement shall shift to follow any change in the location of the river bank.

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NOV 22 1996

PREPARED BY: PUCHNER & WILLIAMS : KETCHUM, IDAHO

T#444

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.



Subscribed and sworn to before me this

17

day of

August

, 19

94

(Signature of Applicant)

Margie M. McLeod

(Notary Public)

My commission expires

6-30-98**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by LC Date 9/23/94Protest filed by NonePrelim. check by J. Stanton Fee 20.2312-501741Received by J Date 9/23/94Published in Wood River Journal

Copies of protest forwarded by

Pub. dates 11/16 & 11/23/94

Hearing held by Date

Watermaster recommendation requested on 11/3/94Recommended for ☒ approval ☐ denialrec'd. 11/17/94by AD

Copy of transfer sent to lien holder

MICROFILMED

NOV 22 1996

SEP 26 1994

Department of Water Resources
Southern Region Office

INTER-DEPARTMENT MEMO

TO: Stevens Transfer File

SUBJECT: Staff Analysis

FROM: Jim Stanton

DATE: 10-03-94

This application for transfer is based on a previous transfer, #4170, that was approved earlier this year. Assuming that approval of that transfer was a declaration by IDWR that this right is still valid, I do not plan to do a site inspection to answer this question. Since Mr. Brennan (owner of the previous transfer) has a year to actually make the transfer, and since the transfer was approved 5 months ago, we cannot yet question the validity of T. 4170. Based on subdivision plats, the legal description of the Stevens property appears to be correct. Applicant's attorney has confirmed that the proposed transfer involves only irrigation water; Mr. Brennan kept all the water allocated for fire protection and aesthetic

☒ For your information

☐ Response required


signature

T#4471

MICROFILMED
NOV 22 1996

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: **A37-00496E**
Date Received: 10/25/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: ROBERT M BRENNAN 208-788-9876
Address: PO BOX 1991
SUN VALLEY ID 83353

2. Date of Priority: JUL 1, 1883

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
03N	18E	20	SE	SW			BLAINE

5. Description of diverting works:
PUMP IN RIVER, PIPELINE & DITCH TO POND. PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		
FIRE PROTECTION	01/01	12/31	0.430		
AESTHETIC	04/15	10/15	0.430		

7. Total Quantity Appropriated is:
0.630 C.F.S. (and/or) 35.00 A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	18E	20	SW	SW		FIRE	
			SW	SW		AES	
		29	NW	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	29	NW	NW		FIRE	
			NW	NW		AES	
			SW	NW		IRR	5.0
			SW	NW		FIRE	
			SW	NW		AES	
Section Acres							10.0
Total Acres							10.0

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:

A37-00497

14. Remarks:

BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.

CLAIM IS SPLIT FROM A37-0049A PER TRANSFER 4170.

PURSUANT TO APPROVED TRANSFER 4170:

1. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR 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. 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.

6. 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.

15. Basis of Claim: DECREED

Case Number:

A37-00496E

Page

2

MICROFILMED
NOV 22 1996

Date: 09/15/95

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs

Decree Defendant

MICHO FILMED
NOV 22 1995

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

MAY 20 1994

Department of Water Resources
Southern Region Office

TRANSFER NO. 4170
WATER RIGHT NO. 37-00496D

✓ Carter
✓ Bob
— Southern AJ

This is to certify that: **ROBERT M BRENNAN**
PO BOX 1991
SUN VALLEY ID 83353

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	0.20 CFS	35.0 AF
FIRE PROTECTION	01/01 to 12/31	0.43 CFS	
AESTHETIC	04/15 to 10/15	0.43 CFS	35.0 AF
TOTAL:		0.63 CFS	35.0 AF

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 18E 29	NWNW 5	SWNW 5		10
Total number of acres irrigated:				10

PLACE OF USE: FIRE PROTECTION

<u>TWN RGE SEC</u>		
03N 18E 20	SWSW	
29	NWNW	SWNW

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS/REMARKS:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 37.

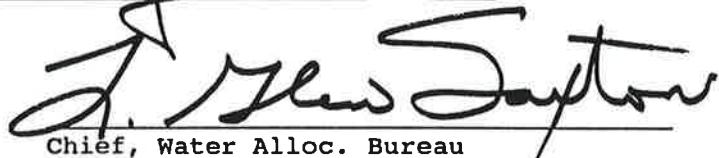
MICROFILMED
NOV 22 1995

TRANSFER NO. 4170
WATER RIGHT NO. 37-00496D

CONDITIONS/REMARKS:

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor 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. 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.
6. 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.

Dated this 4th day of May, 1994.


Chief, Water Alloc. Bureau

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NOV 22 1996

10
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NOV 22 1996

PART 1

6. General Information:

a. Description of diversion system Pump in river, pipeline & ditch to pond. Pump in pond,
pipeline to sprinklers & fire-protection systems. Ditch from pond back into
Big Wood R. (aesthetic use in pond & ditch).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ✓ 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:

Land will no longer be irrigated.

d. Remarks:

This transfer is similar in nature to Approved Transfer #3810.

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____

MICROFILMED
NOV 22 1985

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00496A

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	2.50 cfs

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 07/01/1883

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 18, Township 03N, 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>
03N	18E	20	NENW 2	NWNW 4	SWNW 7	40
			SESW 12	NESW 15		40
Total number of acres irrigated:						40

CONDITIONS/REMARKS:

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NOV 22 1996

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. 37-00496A Decreed to Thomas Mizer
 In case of S. C. Frost, Et AL. vs. Alturas Water Co., Et AL.
 dated 12/13/1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3810 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 Grant Deed3. Source of water Big Wood River tributary to Melad Snake River4. Date or priority 7/1/1883

5. Water is used for the following purpose:

amount 2.50 cfs for irrigation purposes from 4/15 to 11/15
 (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 2.50 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Blaine	Mizer #20 Headgate

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	
3N	18E	20					2	4	7	12	15								40

Total acres 409. Describe any other water rights used for the same purpose as described above 37-00497A None

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NOV 22 1996

PART 2

Transfer No. 4170

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

Part D

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

1. amount 0.30 cfs for irrigation purposes from 4/15 to 11/15
 (cfs/ac-ft) 63 residential and
 amount 0.30 cfs for fire protection purposes from 4/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
3N	18E	20							6	4									10

Total acres 10

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

1. amount 1.87 cfs for irrigation purposes from 4/15 to 11/15
 (cfs/ac-ft) 2.00
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Blaine	Mizer #20 Headgate

3. 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	
3N	18E	20					2	4	1	8	15								30

Total acres 30

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 NOV 22 1996

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00476A Amended 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 _____

3. Source of water Big Wood River tributary to Mohd River
4. Date or priority 7-1-1882

5. Water is used for the following purpose:

amount 2.5 cfs for Irrig. purposes from 4-15 to 10-15
 (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 2.5 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	Rhine	Hedgegate #20 & Mizer Ditch

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	
3N	18E	20					2	4	7	12	15								40

9. Describe any other water rights used for the same purpose as described above None

Total acres 40

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NOV 22 1996

PART 2

Transfer No. 4170

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 0.63 cfs for Irrig. purposes from 4-15 to 10-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
<u>3N</u>	<u>18E</u>	<u>20</u>							<u>6</u>	<u>4</u>									<u>10</u>

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

Total acres 10

1. amount 1.87 cfs for Irrig. purposes from 4-15 to 10-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: Same

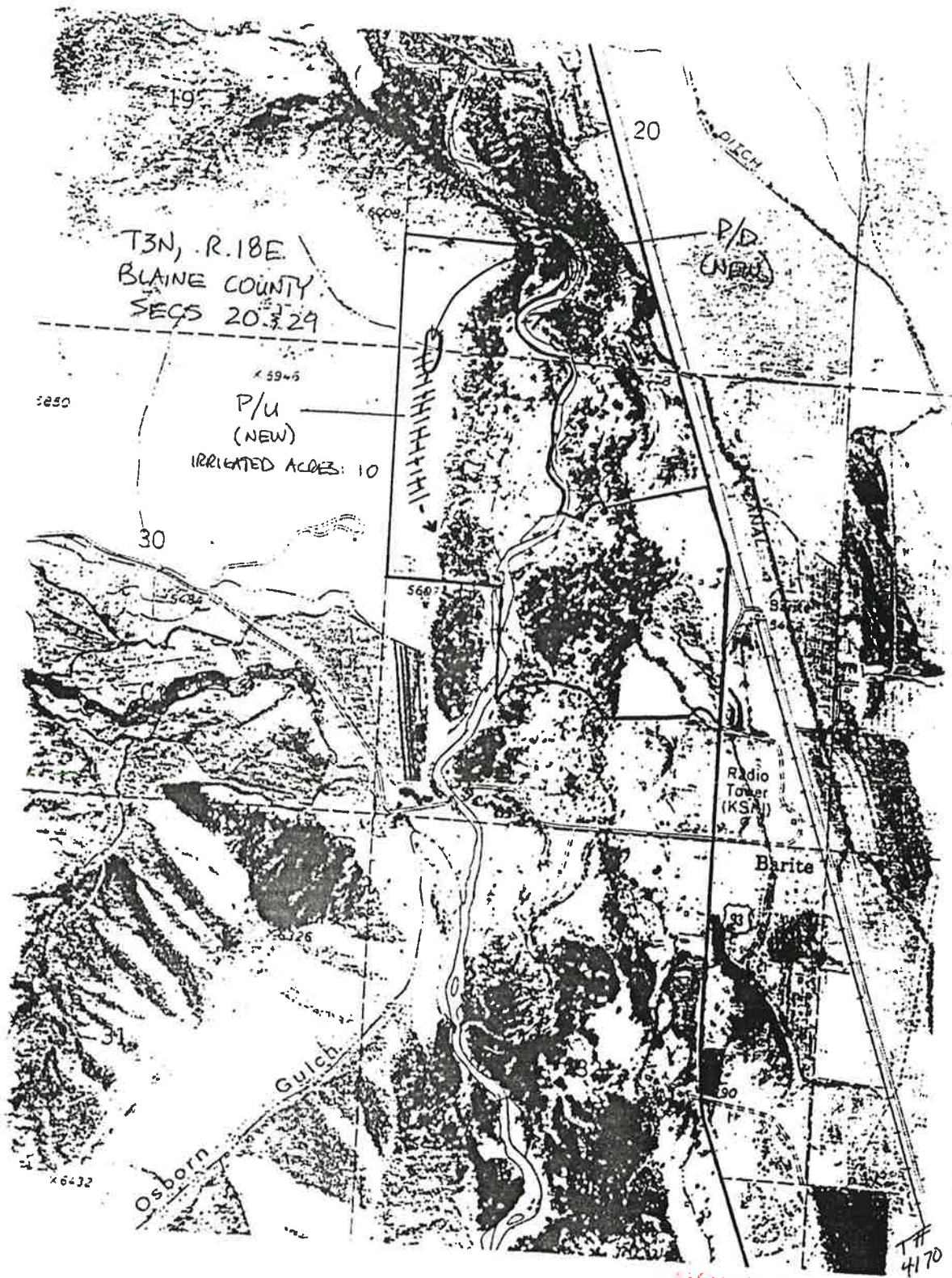
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
<u>3N</u>	<u>18E</u>	<u>20</u>					<u>2</u>	<u>4</u>	<u>1</u>	<u>8</u>	<u>15</u>								<u>30</u>

Total acres 30

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NOV 22 1996



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NOV 22 1996

Page 7 of 8

Transfer No. 4170

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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NOV 22 1996

PART 3

B. CHANGES IN NATURE OF USE

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
<u>Irrigation</u>	<u>0.20 cfs</u>	<u>2 hrs/day, 26 days/yr</u>	<u>4-15 to 10-15</u>
<u>Aesthetics/Fire Protection</u>	<u>0.43 cfs</u>	<u>24/184 days/yr</u>	<u>4-15 to 10-15</u>

2. Quantity and quality of return flows and location of discharge:
0.43 cfs return to Big Wood R. in SW/4th Sec. 27 T.3N R.18E., with no reduction in water quality.

3. Describe effects on other water uses resulting from the proposed change:
Amount of return flow may actually increase due to change from gravity to sprinkler irrigation.

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.

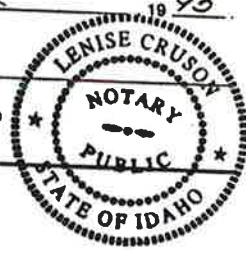
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert H. Bluman by [Signature]
 (Signature of Applicant)

Subscribed and sworn to before me this 13th day of May 1993

Lenise Cruson
 (Notary Public)
 Residing at: Bruc, Idaho

My commission expires 9/9/98



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by J. P. Stanton Date 5-18-93

Prelim. check by MTS Fee \$50.00 5015967

Receipted by JS Date 5-18-93

Published in Wood River Journal

Pub. dates 6/30 & 7/7/93

Watermaster recommendation requested on 6/18/93

rec'd. 7/14/93

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Cop. of transfer sent to lien holder _____

MICROFILMED
NOV 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-496A

WATER RIGHT NUMBER: 37-496A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT M BRENNAN PO BOX 297 KETCHUM, ID 83340 (208)726-5657
Original Owner	STARWEATHER SUBD PROPERTY OWNERS ASSN INC PO BOX 254 KETCHUM, ID 83340 (208)726-5657

Priority Date: 07/01/1883

Basis:

Status: See Remarks

<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	2.500 CFS	
	<u>Total Diversion:</u>		2.500 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4NE1/4	Sec. 18, Twp 03N, 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	
03N	18E	20																	
								30.0	35.0	20.0	20.0	20.0							125.0

Total Acres: 125

Conditions of Approval:

- BRENNAN IS SUCCESSOR TO OWNER/DEVELOPER. PROPERTY OWNED OUT RIGHT BY BRENNAN AND BY OTHER LOT OWNERS IS SUBJECT TO PLAT & CCR'S, PURSUANT TO WHICH WATER RIGHTS ARE TO BE OWNED BY THE HOME OWNERS ASSOC. ELISE G. LUFKIN FILING FOR 75" OF WR #37-00496.
***** OWNERSHIP CHANGE MADE 9/14/95 TF.
***** CLAIM WAS SPLIT PURSUANT TO APPROVED
TRANSFER 4170: A37-00496D-STARWEATHER PROPERTY OWNERS ASSOCIATION-1.87
CFS-115 ACRES. A37-00496E-ROBERT M BRENNAN-.63 CFS-10 ACRES.
| CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-496

WATER RIGHT NUMBER: 37-496

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELISE G LUFKIN PO BOX 1854 KETCHUM, ID 83340 (208)726-8804

Priority Date: 07/01/1883

Basis:

Status: See Remarks

<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	4.000 CFS	
	<u>Total Diversion:</u>		4.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NE1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of UseConditions of Approval:

- CLAIMANT RECENTLY PURCHASED APPROX. 77 ACRES ON OTHER SIDE OF BIG WOOD RIVER FROM THE IRRIGATED LANDS DESCRIBED ABOVE, TOGETHER WITH THIS WATER RIGHT (WHICH IS NOT PRESENTLY APPURTENANT TO THE 77 ACRES) FROM ROBERT M. BRENNAN WHO OWNS THE LAND IDENTIFIED AS THE PLACE OF USE AND THE REST OF THE ORIGINAL WATER RIGHT (SEE COPY OF WARRANTY DEED). APPLICANT INTENDS TO APPLY FOR A TRANSFER OF THE PLACE OF USE AND POINT OF DIVERSION SO THIS RIGHT MAY BE USED ON THE PURCHASED LANDS. THIS CLAIM WILL BE PROPERLY AMENDED UPON APPROVAL OF THE TRANSFER.
***** 11/18/91 ORIGINAL CLAIM A37-00496 HAS BEEN RENUMBERED A37-00496B PURSUANT TO APPROVED TRANSFER 3810.
***** THE ORIGINAL RIGHT IS CLAIMED AS FOLLOWS: A37-00496A STARWEATHER SUBD./BRENNAN 2.50 CFS A37-00496B LUFKIN 1.50 CFS A37-00496C COOK 0.05 CFS

Remarks:Comments:Dates and Other Information:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3810AMENDED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant ELISE G. LUFKIN Phone (208) 726-4421Post Office address C/O JAMES P. SPECK, ESQ., HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM

ID 83340

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes APPLICANT PURCHASED PORTIONS OF PURCHASED WATER RIGHTS AND DESIRES TO USE THEM ON HER LANDS. THIS REQUIRES A NEW POINT OF DIVERSION AND CHANGE OF THE PLACE OF USE. APPLICANT ALSO DESIRES TO USE THESE WATERS FOR DOMESTIC FIRE PROTECTION.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE ** AMENDED PER LETTER OF Jim Speck 8-16-91 1/2 8-27-91*

1. Right Number	Priority	Amount (cfs/ac-ft) *	Nature of Use *	Period of Use
37-00496 B	7/1/1883	1.41 CFS 0.30	IRRIGATION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	0.705 CFS 0.90	IRRIGATION	APRIL 1 to NOV 1
37-00496 B	7/1/1883	1.41 CFS 0.45	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1
37-00497 B	7/1/1892	0.705 CFS 2.25	AESTHETICS & FIRE PROTECTION	APRIL 1 to NOV 1

2. Total amount of water being transferred 2.105 cubic feet per second and/or _____ acre-feet per annum.3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NN	NE	NE	19	3N	18E	BLAINE	NONE

5. 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	
3N	18E	19	20			10													30
3N	18E	19				F/A													

Total acres 30

PART 1**6. General Information:**

a. Description of diversion system Pump in river to open ditch to storage pond to sprinkler system. Pump for storage pond through pipeline to single family residence for emergency fire protection purposes.

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:

It will no longer be irrigated. It is a residential subdivision.

d. Remarks:

Although not listed in the Frost Decree, land in the NE1/4NW1/4 Sec. 20 that is west of Hwy. 75 has always been part of this farm (3 irrigated acres total). Old deeds confirm that these lands were part of this farm.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0496 & 37-0497

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

See attached sheet for conditions of approval.

Witness my hand this

28th

day of

October

, 1991

A. Glen Saylor
Chief, Water Allocation Bureau

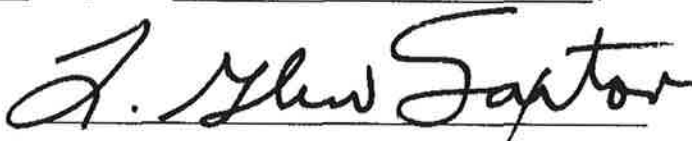
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 37-0496 & 37-0497

Transfer No. 3810

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
2. The total combined annual consumptive volume of water diverted under Right Nos. 37-0496 & 37-0497 as authorized by this transfer shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.
3. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.
4. 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. Access must be provided for the watermaster to both the point of diversion and point of return.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. 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.
7. 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 28th day of October, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

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. 37-00496 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ 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 _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority _____

5. Water is used for the following purpose:

amount 4.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/acre-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30	20	15									85
3N	18E	20					11	17	7	20	15								70*

* Amended 8/1/19 TLL

Total acres 85 70*

9. Describe any other water rights used for the same purpose as described above 37-00497

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 1.5 0.6 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.9 for APERTHETES purposes from APRIL 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for 3 FIRE Protection 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
	SE	NE	NE	18	3N	18E	BLAINE	MUZER #20 HEADGATE

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	
3N	18E	20						30											30
		<u>20</u>					<u>9</u>	<u>13</u>		<u>8</u>									<u>30 *</u>

Total acres 30**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.5 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20							<u>20</u>	<u>20</u>	<u>15</u>								<u>55</u>
							<u>2</u>	<u>4</u>	<u>7</u>	<u>12</u>	<u>15</u>								<u>40 *</u>

Total acres 55 40

Mc Alexander 8-1-14

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. 37-00497 Decreed to THOMAS MIZER
in case of S.C. FROST ET AL. vs. ALTURUS WATER COMPANY ET UX.
dated 12/13/1909 in 4TH DISTRICT county of LINCOLN
- b. License No. _____ 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 QUITCLAIM DEED

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 7/1/1892

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
(cfs/ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						30	20	20	15								85

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-00496

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 0.75 0.30 for IRRIGATION purposes from APRIL 1 to NOVEMBER 1
 (cfs/ac-ft)
 amount 0.45 for APESTHETICS purposes from APRIL 1 to NOV 1
 (cfs/ac-ft)
 amount _____ for FIRE PROTECTION 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

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	
3N	18E	20						<u>30</u>											<u>30</u>
		<u>20</u>					<u>7</u>	<u>13</u>	<u>5</u>										<u>30*</u>

Total acres 30

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

1. amount 1.25 for IRRIGATION purposes from APRIL 1 to NOVEMBER 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
	SE	NE	NE	18	3N	18E	BLAINE	MIZER #20 HEADGATE

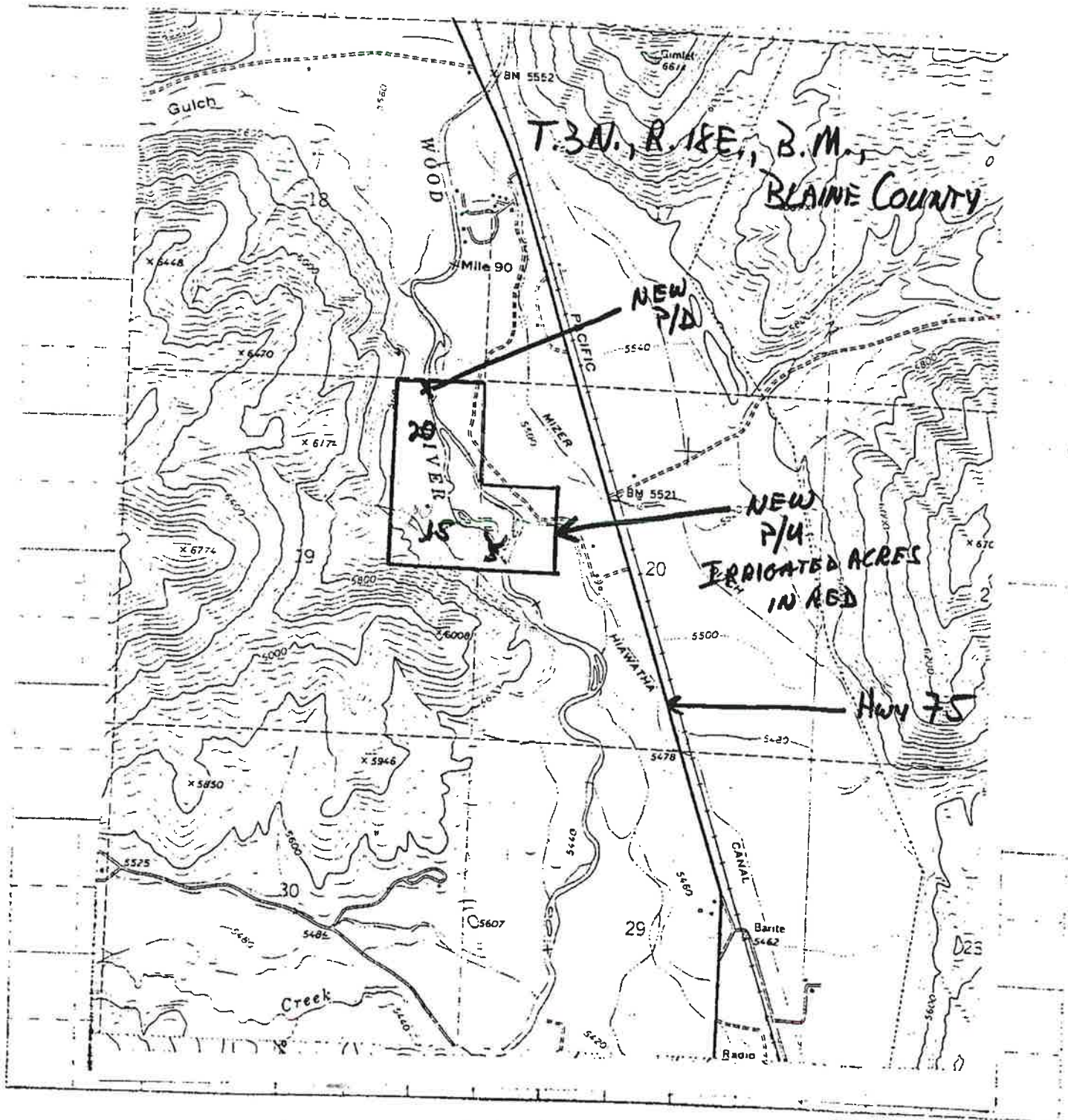
3. Lands irrigated or place of use:

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	
3N	18E	20							<u>20</u>	<u>20</u>	<u>15</u>								<u>55</u>
		<u>20</u>					<u>2</u>	<u>4</u>	<u>7</u>	<u>12</u>	<u>15</u>								<u>40*</u>

Total acres 55

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Domestic fire protection	2.25 cfs	24/214/year	Apr. 1 to Nov. 1
4	2 AESTHETICS	1.35 cfs		to

* AMENDED PER 8/16/91, 1 RR J.M. SPOCK 22 8-37 11

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

Will be the same as water removed from the river. The amount of the return flow depends entirely upon that left over from irrigation. The location of point of return is shown on the above map.

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

None

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.

Chase R. [Signature]

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of August, 1990.

James D. [Signature]

(Notary Public)

My commission expires 1/29/91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by M. Baldwin Date 8/27/90 Protest filed by _____

Prelim. check by J. Stanton Fee 50.00 R# 5012821

Receipted by DRJ Date 12/5/90

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 3/6 & 3/13/91 Hearing held by _____ Date _____

Watermaster recommendation requested on 8/27/91 Recommended for ☐ approval ☐ denial

_____ rec'd. 3/6/91 by _____

Copy of transfer sent to lien holder _____

01/06/2007

JAN 18 2007

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007

Water right number: 37-496F

MYER BERLOW
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

DEBORAH BARR
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

214 Willow
Zinc Spar
Hailey ID 83333

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Remarks

2. Describe the changes you wish to make in the proposed recommendation:

Delete any reference to Lot 2A, Gemlet Subdivision

3. Give a brief explanation as to why you disagree with these portions:

Place of use is NOT there!

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

1-10-07

SIGNATURE:

J. P. Speck, attorney
JAMES P. SPECK

Please print your name:

JAMES P. SPECK

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED

JAN 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED
JAN 22 2007

12/21/2006

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

RIGHT NUMBER: 37-496F

NAME AND ADDRESS: MYER BERLOW
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

DEBORAH BARR
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS
28.000 AFY

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

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION:

T03N R18E S20 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	04/15 10/31	0.430 CFS 28.00 AFY
IRRIGATION	04/15 10/31	0.160 CFS 28.00 AFY
FIRE PROTECTION	01/01 12/31	0.430 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29	NWNW	5.00	T03N R18E S29	SWNW	3.00
---------------	------	------	---------------	------	------

FIRE PROTECTION in BLAINE County

T03N R18E S20	SWSW	T03N R18E S29	NWNW
T03N R18E S29	SWNW		

AESTHETIC in BLAINE County

T03N R18E S20	SWSW	T03N R18E S29	NWNW
T03N R18E S29	SWNW		

8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

12/21/2006

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

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



Idaho Department of Water Resources

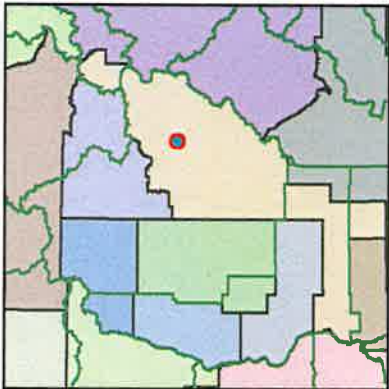
SRBA Recommendation:

37-496F

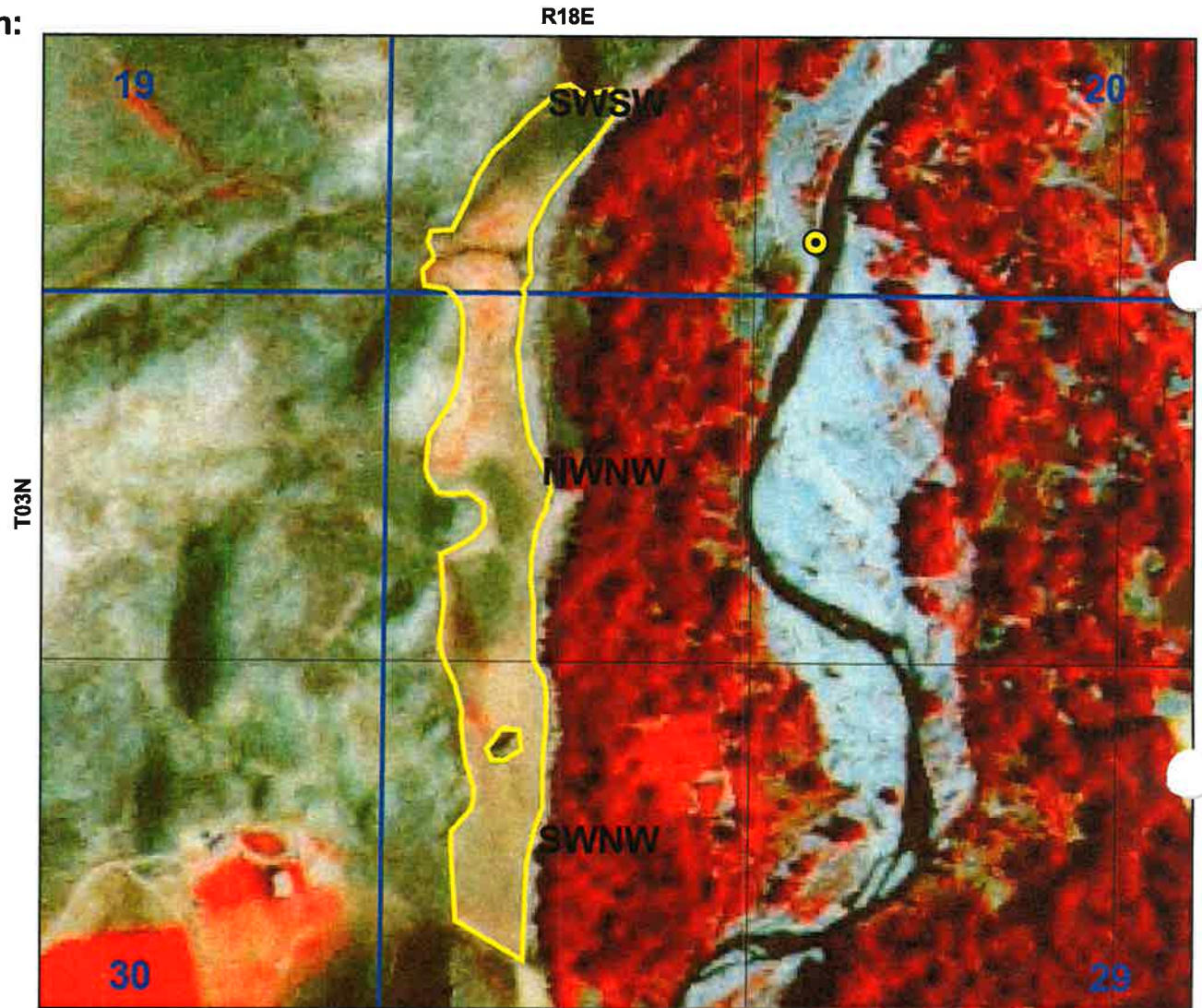
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

Prepared by L. Graves
On Thursday, December 21, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 37-496F V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876
Current Owner	MYER BERLOW C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340
Current Owner	DEBORAH BARR C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Status: Active

MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	04/15	to 10/31	0.430 CFS	28.00 AF
IRRIGATION	04/15	to 10/31	0.160 CFS	28.00 AF
FIRE PROTECTION	01/01	to 12/31	0.430 CFS	
		<u>Total Diversion:</u>	0.590 CFS	28.00 AF

BIG WOOD RIVER SE1/4SW1/4 Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County

AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
03N	18E	20											X						
03N	18E	29						X	X										

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-496F V1

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	
03N 18E 29						5.0	3.0										8.0

Total Acres: 8

FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 20											X						
03N 18E 29						X	X										

Conditions of Approval:

1. 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.
2. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. Place of use is also known as Lot 2A, Gimlet Subdivision No. 1, Revised.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-496F V1

Comments:

1. awamtje 9/29/2006 Contact

Comment: Brennan is successor to owner/developer. Property owned out right by Brennan and by other lot owners is subject to plat & CCRS, pursuant to which water rights are to be owned by the home owners assoc. Elise G. Lufkin filing for 75" of WR #37-00496.

Claim is split from A37-0049e per transfer 4471. Brennan retains .59 cfs/8 acres. A37-00496f/Stevens gets .04 cfs/2 acres.

1-13-98: change of ownership Brennan to topiary per notice recd 8-29-97 - VH

1/9/01 tf; ownership changed Topiary Holdings to Berlow/Barr per 1409(6) and quitclaim deed received 9/6/00. James Speck also added as attorney per NOA.

2. Igraves 12/21/2006 P/D

Comment: P/d location per aerial photo submitted with owneship documentation for Topiary Holdings Inc.

3. Igraves 12/21/2006 Volume

Comment: Volume added per approved transfer nos. 4170 and 4171.

4. Igraves 12/21/2006 Season of Use

Comment: Season of Use changed to department standard.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

09/29/2006

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

RIGHT NUMBER: 37-496F

NAME AND ADDRESS: MYER BERLOW
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

DEBORAH BARR
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS
28.000 AFY

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

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION:

T03N R18E S20 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	4/15 10/15	0.430 CFS
IRRIGATION	4/15 10/15	0.160 CFS
FIRE PROTECTION	1/01 12/31	0.430 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S29 NWNW 5.00 T03N R18E S29 SWNW 3.00

FIRE PROTECTION Within BLAINE County

T03N R18E S20 SWSW T03N R18E S29 NWNW

T03N R18E S29 SWNW

AESTHETIC Within BLAINE County

T03N R18E S20 SWSW T03N R18E S29 NWNW

T03N R18E S29 SWNW

8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

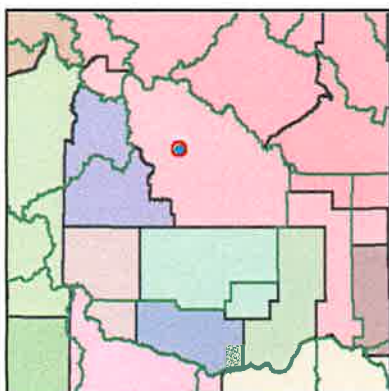
SRBA Recommendation:

37-496F

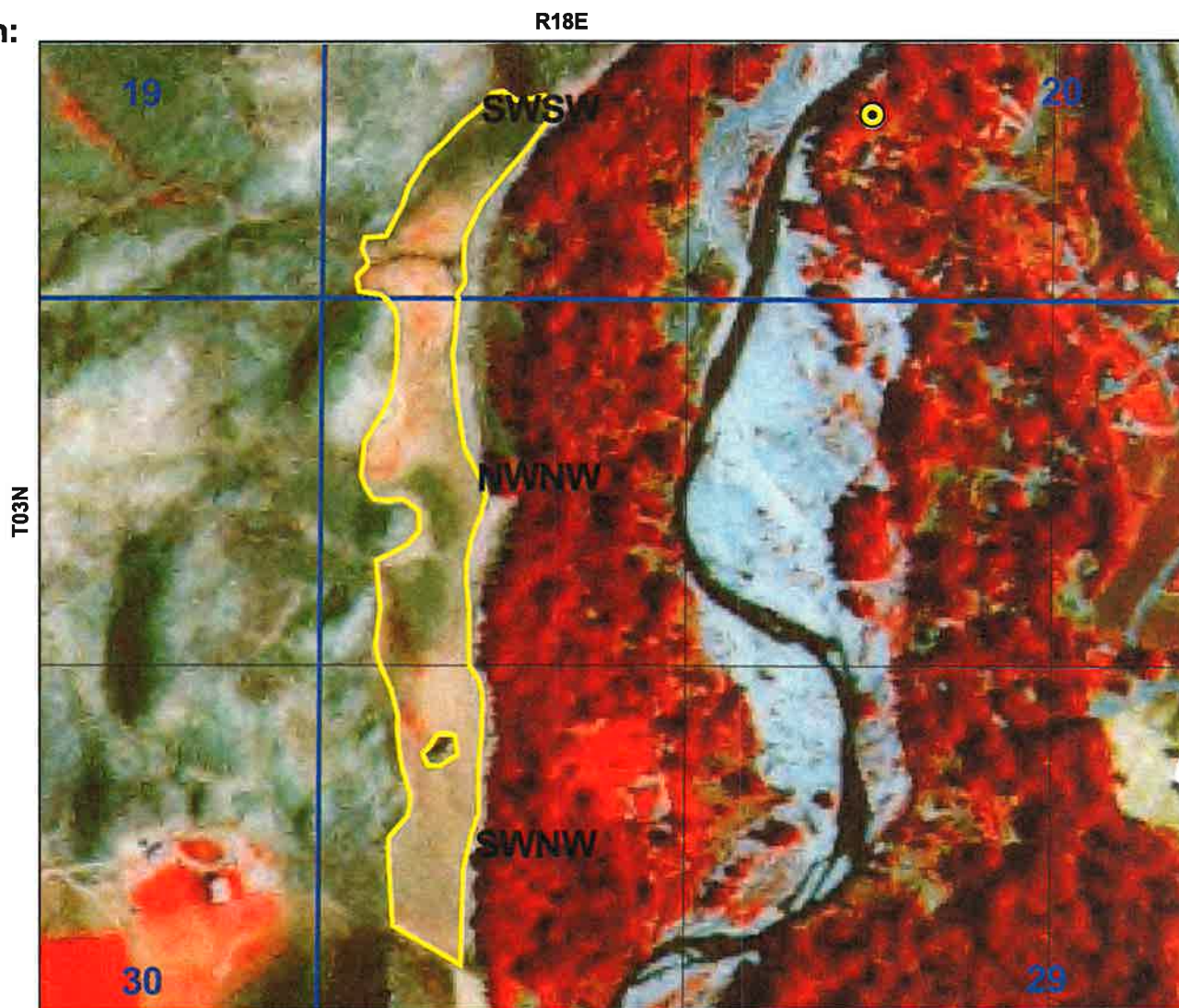
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles



Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography