

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 37-577CF  
Date Received: 11/4/92  
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: 03/24/1883

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      | SW SE                 | BLAINE |

5. Description of diverting works:

HIAWATHA CANAL, PURDUM SLOUGH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/15 | 10/15 | 0.37   |            |

7. Total Quantity Appropriated is:  
0.37 C.F.S.

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  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 10    |
| 03N      | 18E   | 29      | NW         | NW  | IRRIGATION    | 5     |
|          |       |         | SW         | NW  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 10    |
|          |       |         |            |     | Total Acres   | 20    |

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:

THIS CLAIM WAS SPLIT FROM A37-00577C PURSUANT TO APPROVED TRANSFER 4171  
PURSUANT TO APPROVED TRANSFER 4171: 1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL  
BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS TRANSFER

2. 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RESCINDED

3. 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

4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF  
STATE WATER DISTRICT NO. 37

5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND  
MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION

6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS

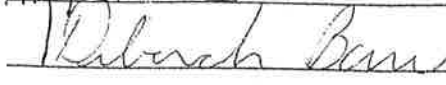
A37-00577CF AND A37-00675D SHALL NOT EXCEED 70.0 ACRE FEET

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.

15. Basis of Claim: Decreed

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. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
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.

Order No. 27248

Instrument 142641  
HAILEY BLAINE, HO  
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: WTYQCICORP DEED

QUITCLAIM DEED

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

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto MYER BERLOW and DEBORAH BARR, husband and wife

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

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

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: S $\frac{1}{2}$  SW $\frac{1}{4}$

Excepting therefrom all that portion of Zinc Spur Ranch Units Two and Three, Blaine County, Idaho, lying within said S $\frac{1}{2}$  SE $\frac{1}{4}$ .

PARCEL III:

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

Excepting therefrom all that portion of Zinc Spur Ranch Unit Two, Blaine County, Idaho, lying within said NE $\frac{1}{4}$ NW $\frac{1}{4}$  and Excepting therefrom all that portion of Lots 1 through 11, inclusive of Cottonwood Creek Subdivision, Blaine County, Idaho.

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

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.

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.

together with their appurtenances.

Dated: August 30, 2000

TOPIARY HOLDINGS, INC.

BY: ERIC SAVICS, PRESIDENT

State of Idaho

}ss.

County of Blaine

On this 30<sup>th</sup> day of August, in the year 2000, before me, the undersigned, personally appeared ERIC SAVICS, known or identified to me to be the president, or vice president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Marsha Riemann  
Notary Public

Commission Expires: 12/1/2000

RECEIVED  
SEP 06 2000  
Department of Water Resources  
Southern Region

Form 2-222

12/99

FEE \$100.00

Water Right No. 37-577CF (HJ)

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

RECEIVED

JUN 25 2002

Department of Water Resources

- Name of water right holder Deborah Barr and/or Myer Berlow
- Mailing address 214 Willow Road, Hailey, Idaho 83333
- The right was obtained or is evidenced by:
  - Decree to W.T. Riley in Case of S.C. Frost, et al.  
vs. Alturus Water Company Dated 12/13/1909 in District  
Court, County of Lincoln Fully describe decree water right adjudication for  
Big and Little Wood Rivers and their tributaries See Transfer 4171
  - SRBA No. \_\_\_\_\_
- Source of water Big Wood River tributary to Malad River  
(Name of stream or source)
- Date of priority of right March 24, 1883
- Description of Right:  
amount 0.37 cfs for irrigation purposes from April 15 to October 15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)
- Point of Diversion SW 1/4 SE 1/4 of Sec. 20 Twp. 3N Rge. 18E County Blaine
- Lands Irrigated or Place(s) of Use:

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 3N  | 18E | 20  |    |    |    |    |    |    |    |    |    |    | 10 |    |    |    |    |    | 10     |
| 3N  | 18E | 29  |    |    |    |    | 5  | 5  |    |    |    |    |    |    |    |    |    |    | 10     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres 20

- Give the last date when water was put to beneficial use September, 1997

Length of extension of time requested five (5) years, or until \_\_\_\_\_ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Addendum

The information contained in this application is true to the best of my knowledge.

M  
(Signature of Applicant)

Subscribed and sworn to before me this 24<sup>th</sup> day of April, 20 02

**HELEN E. WILLIAMS**  
**NOTARY PUBLIC OF NEW JERSEY**

My Commission Expires March 7, 2006

Helen E. Williams  
(Notary Public)

Residing at 19 Christopher Court  
Lincoln Park, NJ 07035

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby approve said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of the water on or  
before June 1, 2007.

Signed this 25<sup>th</sup> day of June, 2002

Glen Saxton  
Chief, Water Allocation Bureau for L. GLEN SAXTON

### FOR DEPARTMENT USE ONLY

Date Received 5/6/02 FEE Received by JF Date 5/6/02 Receipt # 5024903  
Preliminary T by JF Publication prepared by MB Pub. approved by \_\_\_\_\_ Date \_\_\_\_\_  
Published in Wood River Journal Dates Published 5/30 & 6/6/02  
Protests filed by None  
Copies of protests forwarded by \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for 9 APPROVAL / 9 DENIAL By AA

**ADDENDUM TO  
APPLICATION FOR EXTENSION OF TIME TO  
AVOID FORFEITURE OF WATER RIGHT NO. 37-577CF**

I purchased the property in September, 2000. It consists of approximately 175 acres situated on the west side of the Big Wood River. The only legal access to the property is an undeveloped easement for agricultural purposes extending from Deer Creek Road to the property along the western bank of the Big Wood River. I was informed by the previous owner that the irrigation water rights were last used in September, 1997. Since that time, a portion of the unimproved access road along the river bank had eroded away, making vehicular access to the property along the agricultural easement virtually impossible. When I acquired the property, I also inherited an ongoing dispute with the neighbor over an alternate access which would also permit residential development of the property. This dispute has not been resolved and, therefore, any residential use of the property is not presently possible. I am requesting the extension of time to resume use of the water rights so that I can pursue resolution of the access dispute. Once that is resolved, the property can be developed and the water rights reapplied to their currently permitted uses under the terms of approved water right transfers 4171 and 4471.

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: **A37-00577CF**  
Date Received: 11/ 4/1992  
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 BURNARD ST #2000  
VANCOUVER BC V6C3A6  
CANADA // //

2. Date of Priority: MAR 24, 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      | SW     | SE     |     |     | BLAINE |

5. Description of diverting works:  
HIAWATHA CANAL, PURDUM SLOUGH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.370 |      |        |

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

8. Total consumptive use is 50.0 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  |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 10.0  |
|          |       | 29      | NW         | NW  | IRR           | 5.0   |
|          |       |         | SW         | NW  | IRR           | 5.0   |
|          |       |         |            |     | Section Acres | 10.0  |
|          |       |         |            |     | Total Acres   | 20.0  |

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:  
A37-00657D

14. Remarks:

THIS CLAIM WAS SPLIT FROM A37-00577C PURSUANT TO APPROVED TRANSFER 4171.

\*\*\*\*\*  
PURSUANT TO APPROVED TRANSFER 4171:

1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS TRANSFER.
2. 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.
3. 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.
4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.
5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION.
6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. A37-00577CF AND A37-00675D SHALL NOT EXCEED 70.0 ACRE FEET.

\*\*\*\*\*

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

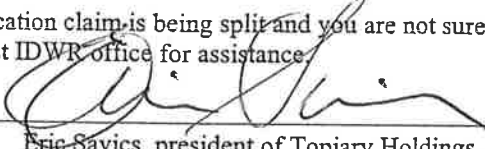
RECEIVED

AUG 29 1997

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

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) 37-00657C and 37-00577BZ  
Adjudication Claim Number(s) A37-00657D and A37-00577CF
  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 Owner/Claimants Robert M. Brennan  
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 \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS                      cubic feet per second Number of homes                      Other uses                       
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 14 AUG '97  
Eric Savics, president of Topiary Holdings, Inc.
- (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 ympp

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 Savics, 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:

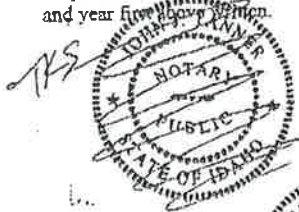
May 27, 1997

Robert M. Brennan  
ROBERT M. BRENNAN

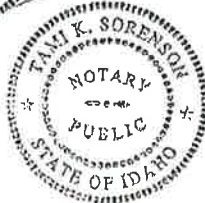
STATE OF IDAHO )  
                          ) ss.  
County of Blaine )

On this 27<sup>th</sup> 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.

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CIVIL CASE NUMBER: 39576

Ident. Number: A37-00577CF  
Date Received: 11/ 4/1992  
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 1933  
SUN VALLEY ID 83353

2. Date of Priority: MAR 24, 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      | SW     | SE     |        |     | BLAINE |

5. Description of diverting works:  
HIAWATHA CANAL, PURDUM SLOUGH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.370 |      |        |

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

8. Total consumptive use is 50.0 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     |     | IRR           | 10.0  |
|          |       |         |        |        |     | Section Acres | 10.0  |
|          |       | 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      | SW     | NW  |     | IRR | 5.0   |
| Section Acres |       |         |        |     |     |     | 10.0  |
| Total Acres   |       |         |        |     |     |     | 20.0  |

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:

A37-00657D

14. Remarks:

THIS CLAIM WAS SPLIT FROM A37-00577C PURSUANT TO APPROVED TRANSFER 4171.

\*\*\*\*\*

PURSUANT TO APPROVED TRANSFER 4171:

1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS TRANSFER.

2. 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.

3. 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.

4. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

5. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION AND POINT OF REDIVERSION.

6. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. A37-00577CF AND A37-00675D SHALL NOT EXCEED 70.0 ACRE FEET.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant

MICROFILMED  
NOV 22 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

*Robert M. Brennan*

TRANSFER OF WATER RIGHT

TRANSFER NO. 4171  
WATER RIGHT NO(S). 37-00577BY/37-00577BZ/37-00657B/37-00657C

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> |
|-----------------------|----------------------|-----------------------|
| Right No. 37-00577BY: |                      |                       |
| IRRIGATION            | 04/15 to 10/15       | 0.69 CFS              |
| Priority: 03/24/1883  |                      |                       |
| Right No. 37-00577BZ: |                      |                       |
| IRRIGATION            | 04/15 to 10/15       | 0.37 CFS              |
| Priority: 03/24/1883  |                      |                       |
| Right No. 37-00657B : |                      |                       |
| IRRIGATION            | 04/15 to 10/15       | 0.76 CFS              |
| Priority: 05/01/1881  |                      |                       |
| Right No. 37-00657C : |                      |                       |
| IRRIGATION            | 04/15 to 10/15       | 0.40 CFS              |
| Priority: 05/01/1881  |                      |                       |

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FEB 01 1994

Department of Water Resources  
Southern Region Office

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

Right Nos. 37-00577BY<sup>CG</sup> and 37-00657B<sup>E</sup> :

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

SWNW , Sec. 20, Township 03N, Range 18E  
SESW , Sec. 20, Township 03N, Range 18E  
NWSE , Sec. 29, Township 03N, Range 18E  
BLAINE County

Right Nos. 37-00577BY<sup>CG</sup> and 37-00657B<sup>E</sup> :

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        | 29         | SWNE 19      | NWSE 19      |              | 38           |
| Total number of acres irrigated: |            |            |              |              |              | 38           |

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NOV 22 1996

TRANSFER NO. 4171

WATER RIGHT NO(S). 37-00577BY/37-00577BZ/37-00657B/37-00657C

Right Nos. 37-00577<sup>CF</sup>BZ and 37-00657<sup>D</sup>C :LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 20, Township 03N, Range 18E  
BLAINE CountyRight Nos. 37-00577<sup>CF</sup>BZ and 37-00657<sup>D</sup>C :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         | SWSW 10      |              |              | 10           |
| 03N                              | 18E        | 29         | NWNW 05      | SWNW 05      |              | 10           |
| Total number of acres irrigated: |            |            |              |              |              | 20           |

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. 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.
4. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37.
5. Measuring devices of a type approved by this Department shall be installed and maintained at each point of diversion and point of redirection.
6. The combined annual volume of water under Right Nos. 37-00577BY and 37-00657B shall not exceed 133.0 acre feet.
7. The combined annual volume of water under Right Nos. 37-00577BZ and 37-00657C shall not exceed 70.0 acre feet.
7. Point of redirection under Right Nos. 37-00577BY and 37-00657B is from Purdum Slough.

Dated this 25<sup>th</sup> day of

January, 1994.

*J. Glen Saylor*  
Chief, Water Alloc. Bureau

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: A37-00577C  
Date Received: 11/ 4/1992  
Receipt No: C025917  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROBERT M BRENNAN 208-788-9876  
Address: PO BOX 1933  
SUN VALLEY ID 83353

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 20      | SW     | NW     |     |     | BLAINE |
|          |       |         | SE     | SW     |     |     | BLAINE |

5. Description of diverting works:  
HIAWATHA CANAL, PURDUM SLOUGH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 1.060 |      |        |

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

8. Total consumptive use is 330.0 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   | 29      | SW     | NE  |     | IRR | 35.0  |
|          |       |         | SE     | NW  |     | IRR | 34.0  |
|          |       |         | NE     | SW  |     | IRR | 25.0  |
|          |       |         | NW     | SE  |     | IRR | 28.0  |

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FEB 23 1993

10. Place of Use: Continued

Section Acres 132.0

Total Acres 132.0

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:

A37-00659B, A37-00657C, A37-00658, A37-00451

14. Remarks:

THIS PROPERTY WAS PURCHASED IN JUNE 1990.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S.C. FROST

Decree Plaintiff

ALTURAS WATER CO.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

MICROFILMED  
FEB 23 1993

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be  
Print Name  
acting as attorney at law on behalf of the claimant signing above, and that  
all notices required by law to be mailed by the director to the claimant  
signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

MICROFILMED  
FEB 23 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A37-00577C

Date Received

Nov. 4, 1992

Receipt Number

C025917

RECEIVED

NOV 04 1992

Department of Water Resources

## NOTICE OF CLAIM

## TO A

## WATER RIGHT

## ACQUIRED UNDER STATE LAW

RECEIVED

OCT 13 1992

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) ROBERT M. BRENNAN Phone (208) 788-9876Mailing Address P.O. BOX 1933, SUN VALLEY, ID Zip 833532. Date of Priority (Only one (1) per claim) MARCH 24, 18833. Source of water supply (a) BIG WOOD RIVER  
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 3N Range 18E Section 20,  
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of BLAINEAdditional points of diversion if any: SE 1/4 OF SW 1/4, 3N, 18E, SEC 20

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.HIWATHA CANAL;  
PURDUM SLOUGHMICROFILMED  
FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 1.060 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.060 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 3N  | 18E | 29  |        |       | 35    |       |        |       |       | 34    | 25     |       |       |       |        | 38    |       |       | 132    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 132

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
37-00657 ; 37-00659 ; 37-00658 ; 37-00451 or None ( )

14. Remarks: THIS PROPERTY WAS PURCHASED IN JUNE OF 1990

MICROFILMED  
FEB 23 1993

Last Name BRENNAN Ident No. A37-00517

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☒

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 12/13/1909

Plaintiff vs Defendant SC FROST V. ALTURAS WATER CO.

16. Signature (s)

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

Number of attachments 5 Pages

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date Sept. 21, 1992

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of BLAINE ) SS.

Subscribed and sworn (or affirmed) before me this 21st day of SEPTEMBER 19 92

SEAL

Notary Public [Signature]

Residing at BOISE, IDAHO

My Commission Expires 12/12/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, BRIAN L. BALLARD will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. BOX 1617 BOISE IDAHO 83701

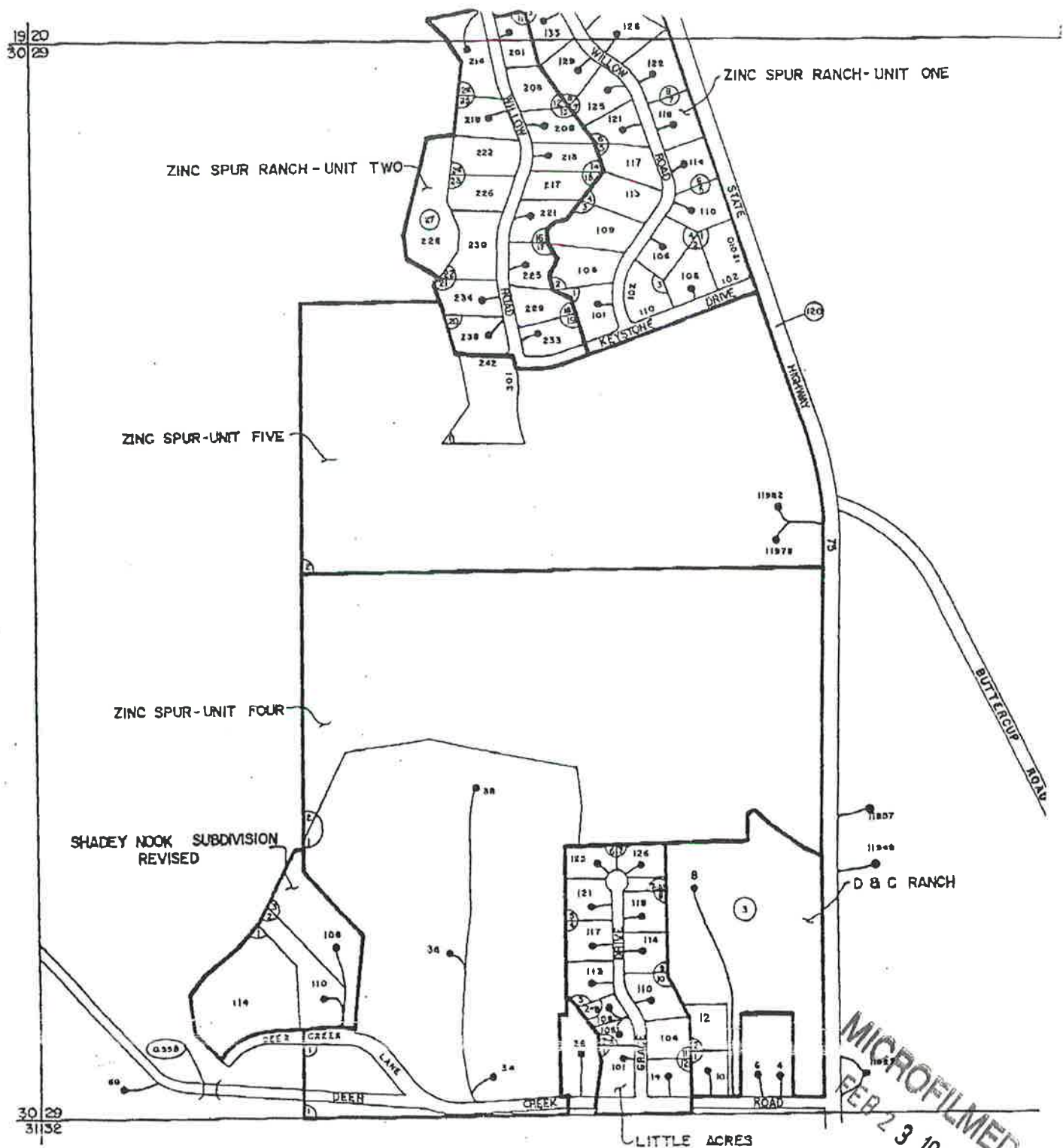
Date 9/21/92

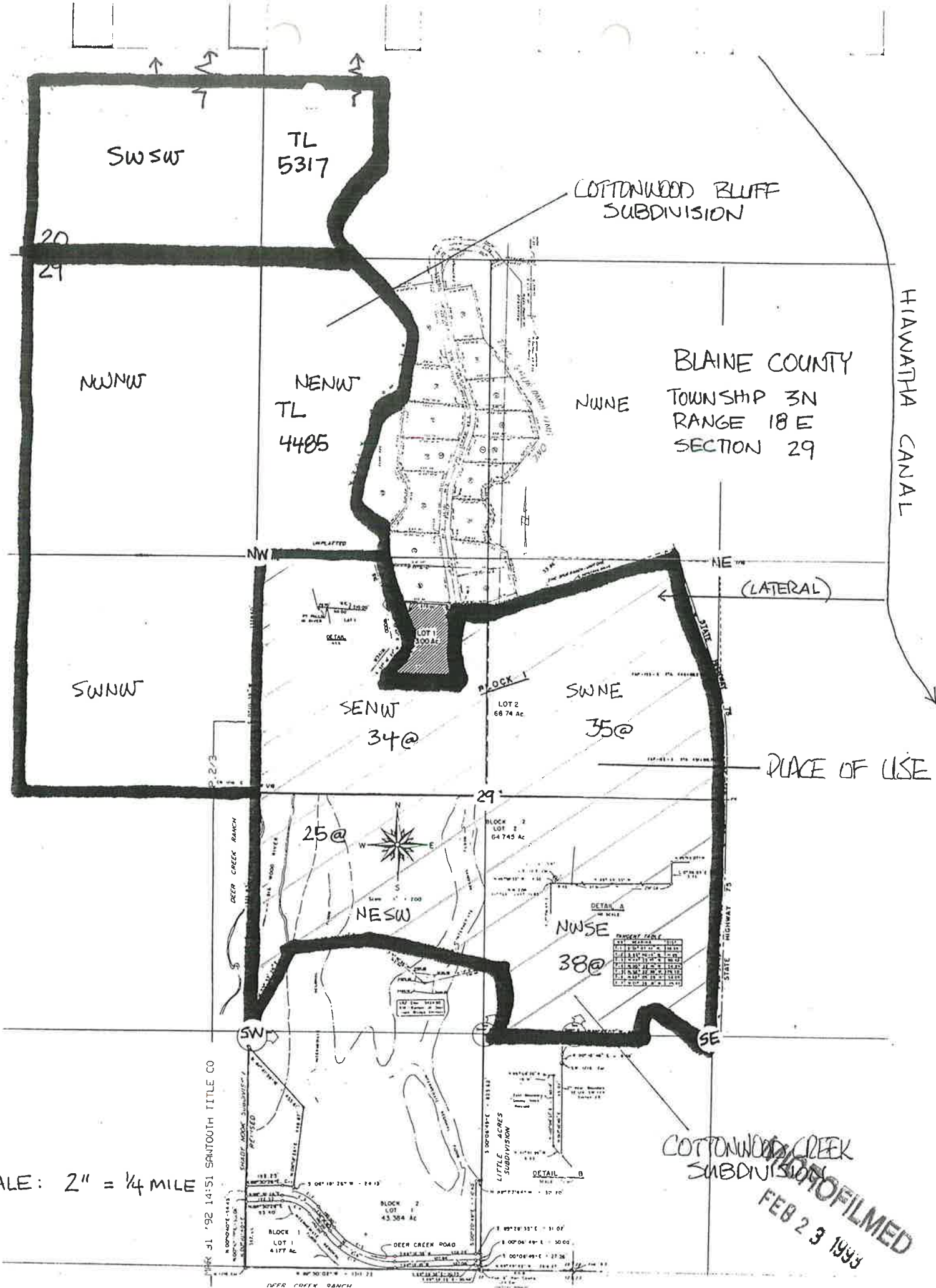
MICROFILMED  
FEB 23 1993

Last Name BRENNAN Ident. Number A37-00577

Copies White-State, Yellow-Claimant

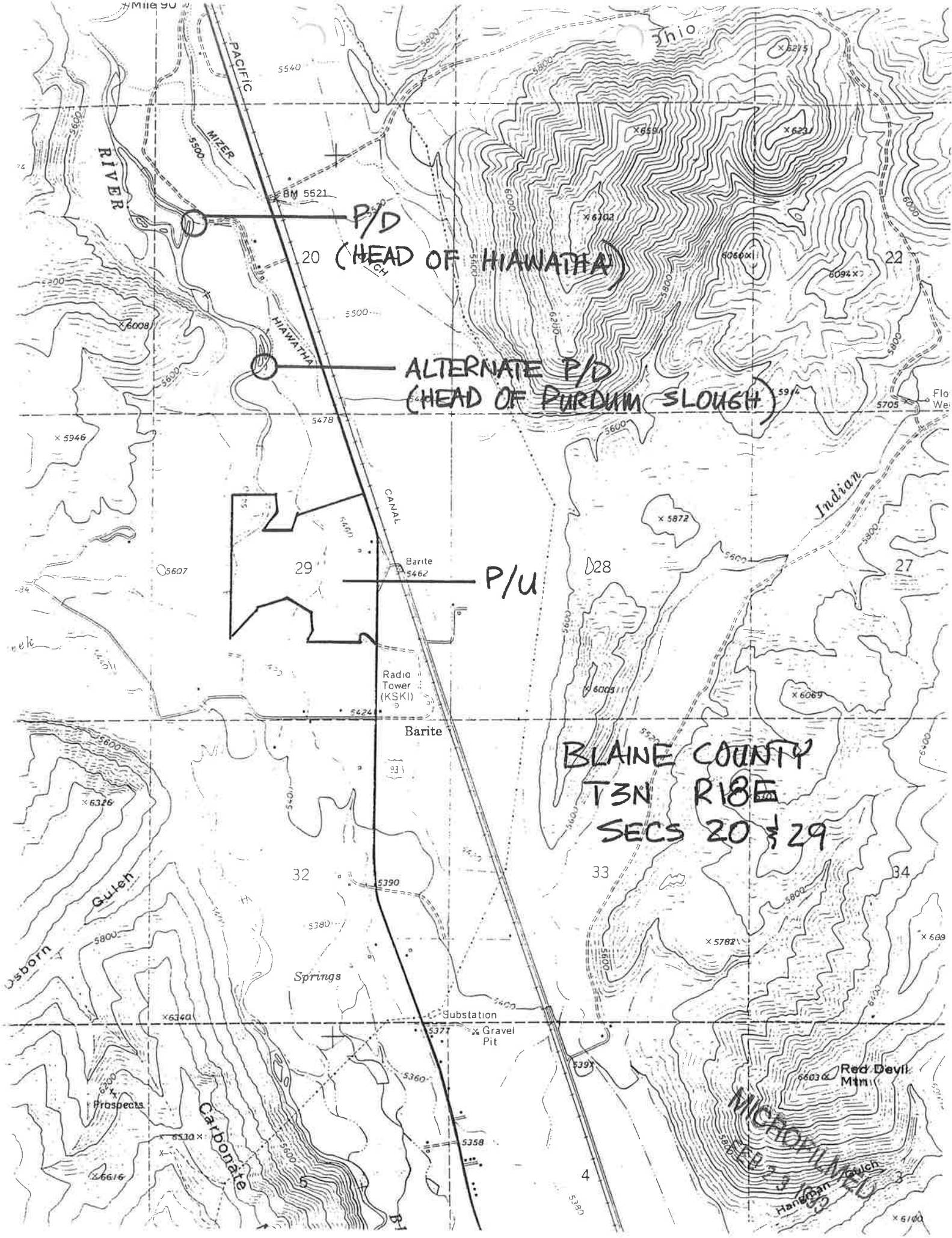
A37-00577





SCALE: 2" = 1/4 MILE

COTTONWOOD CREEK  
SUBDIVISION  
PHOTOFILMED  
FEB 23 1993



P/D  
(HEAD OF HIAWATHA)

ALTERNATE P/D  
(HEAD OF PURDUM SLOUGH)

P/U

BLAINE COUNTY  
T3N R18E  
SECS 20 & 29

Barite

Radio Tower  
(KSKI)

Substation

Gravel Pit

Springs

Gutten

Prospects

Carbonate

Red Devil Mtn

MICHOPIA Mtn

# WARRANTY DEED

For Value Received Gary J. Hibbard and Donna G. Hibbard, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto  
Robert M. Brennan, a single person  
whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

See Attached Schedule "A" Made a Part Hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 31, 1990

Gary J. Hibbard  
Gary J. Hibbard

Donna G. Hibbard  
Donna G. Hibbard

State of Idaho

County of Blaine

On June 4 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary J. Hibbard and Donna G. Hibbard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Susan K. Rubel

Commission Expires: 3-11-95



BLAINE CO. REQUEST  
OF: First American Title Co.  
Deed  
JUN 8 PM 3 35  
RECEIVED CLERK  
FEE \$ 6.00

320427

MICROFILMED  
FEB 23 1993

Exhibit "A"

**PARCEL I:**

Lot 2 in Block 2 of ZINC SPUR - UNIT FOUR, according to the official plat thereof, recorded as Instrument No. 214089, records of Blaine County, Idaho.

**PARCEL II:**

Lot 2 in Block 1 of ZINC SPUR - UNIT FIVE, according to the official plat thereof, recorded as Instrument No. 233535, records of Blaine County, Idaho.

**PARCEL III:**

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

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 NE1/4 NW1/4.

MICROFILMED  
FEB 23 1993

# QUITCLAIM DEED

For Value Received

Gary J. Hibbard and Donna G. Hibbard, husband and wife

do hereby convey, release, remise and forever quit claim unto

Robert M. Brennan, a single person

whose address is: 1411 Marsh Straer, Suite 207, San Luis Obispo, CA 93401

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

The following described water rights:

58 inches of 1881 priority

53 inches of 1883 priority

183 inches of 1889 priority

200 inches of 1891 priority

BLAINE CO. REQUEST

FIRST AMERICAN TITLE CO.

OF

1991 MAR 29 P 3: 26

328718

MARY GREEN, CLERK *mp*

FEES \$

3<sup>00</sup>

Deed

together with their appurtenances.

Dated: June 8, 1990

*Gary J. Hibbard*  
Gary J. Hibbard

*Donna G. Hibbard*  
Donna G. Hibbard

STATE OF Idaho COUNTY OF ~~Blaine~~ Lincoln

On this 26<sup>th</sup> day of February, 19 91,  
before me, a notary public in and for said State, personally  
appeared Gary J. Hibbard and Donna G.  
Hibbard

known or identified to me to be the person who is named in the instrument  
is subscribed to the within instrument and acknowledged to me that they executed the same.

*Virginia Churchman*

Notary Public

Residing at Shoshone, Idaho  
Commission Expires: 6/24/94

MICROFILMED  
FEB 23 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71769

This is to certify that: MYER BERLOW And  
DEBORAH BARR  
C/O JAMES P SPECK  
PO BOX 987  
KETCHUM ID 83340

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

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

| Right    | Origin/Basis | Priority   | Rate     | Volume | Acre Limit | Total Acres | Source         |
|----------|--------------|------------|----------|--------|------------|-------------|----------------|
| 37-657D  | AJC/Decreed  | 05/01/1881 | 0.40 cfs | N/A    | N/A        | 20.0        | BIG WOOD RIVER |
| 37-577CF | AJC/Decreed  | 03/24/1883 | 0.37 cfs | N/A    | N/A        | 20.0        | BIG WOOD RIVER |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 37-657D        | YES   | YES | YES | NO      | NO            | NO            |
| 37-577CF       | YES   | YES | YES | NO      | NO            | NO            |

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

| Existing Right  | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|-----------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 37-657D         | <b>37-21421</b>           | 0.04 cfs        | 7.0 af          | 2.0        | 4.3         | <b>37-21420</b>             | 0.36 cfs       | N/A              | N/A                  | 18.0                  |
| 37-577CF        | <b>37-21419</b>           | 0.04 cfs        | 7.0 af          | 2.0        | 4.3         | <b>37-21418</b>             | 0.33 cfs       | N/A              | N/A                  | 18.0                  |
| <b>COMBINED</b> |                           |                 |                 |            |             |                             |                |                  |                      |                       |
| <b>TOTALS</b>   |                           | <b>0.08 cfs</b> | <b>7.0 af</b>   | <b>2.0</b> | <b>4.3</b>  |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Description(s) attached

Dated this 19<sup>th</sup> day of October, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

SUPPORT DATA  
IN FILE # 37-577CF

SCANNED  
NOV 09 2005

**WATER RIGHT NO. 37-21418**  
**As Modified by Transfer No. 71769**

In accordance with the approval of Transfer No. 71769, Water Right No. 37-21418 is now described as follows.

**Right Holder:** MYER BERLOW And  
 DEBORAH BARR  
 C/O JAMES P SPECK  
 PO BOX 987  
 KETCHUM ID 83340

**Priority Date:** March 24, 1883

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 0.33 CFS              |               |
|                       |             |           | 0.33 CFS              |               |

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

BIG WOOD RIVER SWSE Sec. 20 Twp 03N Rge 18E BLAINE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec  | NE |    |    |    | NW |    |     |     | SW |    |    |     | SE |    |    |    | Totals |
|--------------|----|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|----|----|--------|
|              | NE | NW | SW | SE | NE | NW | SW  | SE  | NE | NW | SW | SE  | NE | NW | SW | SE |        |
| 03N 18E 20   |    |    |    |    |    |    |     |     |    |    |    | 3.2 |    |    |    |    | 3.2    |
| 03N 18E 29   |    |    |    |    |    |    | 8.7 | 6.1 |    |    |    |     |    |    |    |    | 14.8   |
| Total Acres: |    |    |    |    |    |    |     |     |    |    |    |     |    |    |    |    | 18     |

**CONDITIONS OF APPROVAL**

1. The change authorized by Transfer 4171 shall be accomplished within one (1) year of the date of this transfer.
2. Failure to comply with the conditions of Transfer 4171 is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37.
5. Measuring devices of a type approved by this Department shall installed and maintained at each point of diversion and point of redirection.
6. The combined annual volume of water under right Nos. 37-21418 and 37-21420 shall not exceed 63 af.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of October, 2005

  
 Chief, Water Allocation Bureau

SCANNED  
 NOV 09 2005

**WATER RIGHT NO. 37-21419**  
**As Modified by Transfer No. 71769**

In accordance with the approval of Transfer No. 71769, Water Right No. 37-21419 is now described as follows.

**Right Holder:** MYER BERLOW And  
 DEBORAH BARR  
 C/O JAMES P SPECK  
 PO BOX 987  
 KETCHUM ID 83340

**Priority Date:** March 24, 1883

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 0.04 CFS              | 7.0 AF        |
|                       |             |           | 0.04 CFS              | 7.0 AF        |

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

BIG WOOD RIVER      NENENW      Sec. 29 Twp 03N    Rge 18E    BLAINE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec      | NE |    |    |    | NW  |    |    |    | SW |    |    |     | SE |    |    |    | Totals |
|------------------|----|----|----|----|-----|----|----|----|----|----|----|-----|----|----|----|----|--------|
|                  | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE |        |
| 03N 18E 20       |    |    |    |    |     |    |    |    |    |    |    | 2.2 |    |    |    |    | 2.2    |
| 03N 18E 29       |    |    |    |    | 2.1 |    |    |    |    |    |    |     |    |    |    |    | 2.1    |
| Total Acres: 4.3 |    |    |    |    |     |    |    |    |    |    |    |     |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 37-21419 and 37-21421 when combined shall not exceed a total diversion rate of 0.08 cfs, a total annual maximum diversion volume of 7.0 af at the field headgate, and the irrigation of 2.0 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
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.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

SCANNED  
 NOV 09 2005

**WATER RIGHT NO. 37-21419**  
**As Modified by Transfer No. 71769**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of October, 2005

  
Chief, Water Allocation Bureau



SCANNED  
NOV 09 2005

**WATER RIGHT NO. 37-21420**  
**As Modified by Transfer No. 71769**

In accordance with the approval of Transfer No. 71769, Water Right No. 37-21420 is now described as follows.

**Right Holder:** MYER BERLOW And  
 DEBORAH BARR  
 C/O JAMES P SPECK  
 PO BOX 987  
 KETCHUM ID 83340

**Priority Date:** May 01, 1881

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 0.36 CFS              |               |
|                       |             |           | 0.36 CFS              |               |

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

BIG WOOD RIVER SWSE Sec. 20 Twp 03N Rge 18E BLAINE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |     |     |    | SW |    |     |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW | SW  | SE | NE | NW | SW | SE |        |
| 03N 18E 20  |    |    |    |    |    |     |     |    |    |    | 3.2 |    |    |    |    |    | 3.2    |
| 03N 18E 29  |    |    |    |    |    | 8.7 | 6.1 |    |    |    |     |    |    |    |    |    | 14.8   |

Total Acres: 18

**CONDITIONS OF APPROVAL**

1. The change authorized by Transfer 4171 shall be accomplished within one (1) year of the date of this transfer.
2. Failure to comply with the conditions of Transfer 4171 is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Use of water under these water rights will be regulated by the watermaster of State Water District No. 37.
5. Measuring devices of a type approved by this Department shall installed and maintained at each point of diversion and point of rediversion.
6. The combined annual volume of water under right Nos. 37-21418 and 37-21420 shall not exceed 63 af.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of October, 2005

  
 Chief, Water Allocation Bureau

SCANNED

NOV 09 2005

**WATER RIGHT NO. 37-21421**  
**As Modified by Transfer No. 71769**

In accordance with the approval of Transfer No. 71769, Water Right No. 37-21421 is now described as follows.

**Right Holder:** MYER BERLOW And  
 DEBORAH BARR  
 C/O JAMES P SPECK  
 PO BOX 987  
 KETCHUM ID 83340

**Priority Date:** May 01, 1881

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to    | 10/15     | 0.04 CFS              | 7.0 AF        |
|                       |             |           | 0.04 CFS              | 7.0 AF        |

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

BIG WOOD RIVER                      NENENW                      Sec. 29 Twp 03N    Rge 18E    BLAINE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec      | NE |    |    |    | NW  |    |    |    | SW |    |    |     | SE |    |    |    | Totals |
|------------------|----|----|----|----|-----|----|----|----|----|----|----|-----|----|----|----|----|--------|
|                  | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE |        |
| 03N 18E 20       |    |    |    |    |     |    |    |    |    |    |    | 2.2 |    |    |    |    | 2.2    |
| 03N 18E 29       |    |    |    |    | 2.1 |    |    |    |    |    |    |     |    |    |    |    | 2.1    |
| Total Acres: 4.3 |    |    |    |    |     |    |    |    |    |    |    |     |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 37-21419 and 37-21421 when combined shall not exceed a total diversion rate of 0.08 cfs, a total annual maximum diversion volume of 7.0 af at the field headgate, and the irrigation of 2.0 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
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.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

SCANNED  
 NOV 09 2005

**WATER RIGHT NO. 37-21421**  
**As Modified by Transfer No. 71769**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of October, 2005

  
Chief, Water Allocation Bureau

SCANNED  
NOV 09 2005

08/09/2005

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

RIGHT NUMBER: 37-577CF

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

VERIFIED BY KKC

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.370 CFS

THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS.  
37-00577CF AND 37-00675D SHALL NOT EXCEED 70.0 ACRE FEET.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWSE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.370 CFS       |

PLACE OF USE: IRRIGATION Within BLAINE County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T03N R18E S20 | SWSW | 5.2 | T03N R18E S29 | NWNW | 8.7 |
| T03N R18E S29 | SWNW | 6.1 |               |      |     |

20 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 20 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 37-557CF & 37-657D

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  
USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY  
THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

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.

MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT  
SHALL BE INSTALLED AND MAINTAINED AT EACH POINT OF DIVERSION  
AND POINT OF REDIVERSION.

THIS CLAIM WAS SPLIT FROM A37-00577C PURSUANT TO APPROVED  
TRANSFER 4171

COPY

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 NOV 14 PM 2 32

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

In Re SRBA

Case No. 39576

) SUBCASE NO. 37-496F,  
)  
)  
)  
)  
)  
)

37-21418, 37-21419,

37-21420, 37-21421

**NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING**

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

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

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

Dated: \_\_\_\_\_

11/13/07



Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

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

Copies to:

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

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

Myer Berlow  
Deborah Barr  
214 Willow Zinc Spur  
Hailey ID 83333

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



Signature of person or attorney mailing the form

10/30/2007

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<br>28.00 AFY |
| IRRIGATION            | 04/15 10/31          | 0.160 CFS<br>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.

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

10/30/2007

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

RIGHT NUMBER: 37-21418

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: 0.330 CFS

The combined annual volume of water under right Nos. 37-21418 and 37-21420 shall not exceed 63 af.

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 SWSE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.330 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T03N R18E S20 | SWSW | 3.20 | T03N R18E S29 | NWNW | 8.70 |
| T03N R18E S29 | SWNW | 6.10 |               |      |      |

18 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

Failure to comply with the conditions of Transfer 4171 is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded.

This claim was split from water right 37-577C and 37-577CF pursuant to approved Transfers 4171 and 71769 respectively.

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

The change authorized by Transfer 4171 shall be accomplished within one (1) year of the date of this transfer.

Measuring devices of a type approved by this Department shall be installed and maintained at each point of diversion and point of rediversion.

10/30/2007

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

RIGHT NUMBER: 37-21419

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: 0.040 CFS  
7.00 AFY

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

Right Nos. 37-21419 and 37-21421 are limited to a total combined diversion rate of 0.08 cfs and to a total combined annual diversion volume of 7.0 AF.

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S29 NENENW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/15 10/31          | 0.040 CFS<br>7.00 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

|                 |      |      |               |      |      |
|-----------------|------|------|---------------|------|------|
| T03N R18E S20   | SESW | 2.20 | T03N R18E S29 | NENW | 2.10 |
| 4.3 ACRES TOTAL |      |      |               |      |      |

Right Nos. 37-21419 and 37-21421 are limited to the irrigation of a combined total of 2.0 acres in a single irrigation season.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This claim was split from water right 37-577C and 37-577CF pursuant to approved Transfers 4171 and 71769 respectively.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

10/30/2007

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

RIGHT NUMBER: 37-21420

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: 0.360 CFS

The combined annual volume of water under right Nos. 37-21418 and 37-21420 shall not exceed 63 af.

PRIORITY DATE: 05/01/1881

POINT OF  
DIVERSION:

T03N R18E S20 SWSE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|---------------|------------------------------------|----------------------|-------------------------|
|               | IRRIGATION                         | 04/15 10/31          | 0.360 CFS               |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                      |                         |
|               | T03N R18E S20 SWSW                 | 3.20                 | T03N R18E S29 NWNW 8.70 |
|               | T03N R18E S29 SWNW                 | 6.10                 |                         |

18 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

Measuring devices of a type approved by this Department shall be installed and maintained at each point of diversion and point of redirection.

The change authorized by Transfer 4171 shall be accomplished within one (1) year of the date of this transfer.

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

Failure to comply with the conditions of Transfer 4171 is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded.

This claim was split from water right 37-657C and 37-657D pursuant to approved Transfers 4171 and 71769 respectively.

10/30/2007

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

RIGHT NUMBER: 37-21421

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: 0.040 CFS  
7.00 AFY

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

Right Nos. 37-21419 and 37-21421 are limited to a total combined diversion rate of 0.08 cfs and to a total combined annual diversion volume of 7.0 AF.

PRIORITY DATE: 05/01/1881

POINT OF  
DIVERSION:

T03N R18E S29 NENENW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/15 10/31          | 0.040 CFS<br>7.00 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T03N R18E S20 | SESW | 2.20 | T03N R18E S29 | NENW | 2.10 |
|---------------|------|------|---------------|------|------|

4.3 ACRES TOTAL

Right Nos. 37-21419 and 37-21421 are limited to the irrigation of a combined total of 2.0 acres in a single irrigation season.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

This claim was split from water right 37-657C and 37-657D pursuant to approved Transfers 4171 and 71769 respectively.

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.

# State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
**Director**

November 14, 2007

MYER BERLOW  
DEBORAH BARR  
214 WILLOW ZINC SPUR  
HAILEY ID 83333

RE: SRBA Claim(s) 37-496F, 37-21418, 37-21419, 37-21420,  
37-21421

Dear Claimant:

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

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

Sincerely,

Frank B. Rowlett

Trish Fawcett  
Technical Records Specialist

Enclosure

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

**SNAKE RIVER BASIN ADJUDICATION  
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

RECEIVED  
OCT 29 2007  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Claim Number (s): 37-496F; 37-21418; 37-21419; 37-21420 and 37-21421

Previous Mailing Address: Myer Berlow and Deborah Barr  
c/o James P. Speck  
Speck & Aanestad, P.A.  
P.O. Box 987  
Ketchum, Idaho 83340

New Mailing Address: Myer Berlow and Deborah Barr  
214 Willow Zinc Spur  
Hailey, Idaho 83333

Telephone Number: (208) 578-0604

Signature of Claimant(s):

  
James P. Speck, Esq.

Please return this completed form to:

Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400

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

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

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

SS  
ADDRESS FM  
Revised 12/13/99

IDWR Use Only:  
Data Entry: \_\_\_\_\_

Date: \_\_\_\_\_

RECEIVED

OCT 29 2007

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

JAMES P. SPECK  
jim@speckandaanestad.com  
DOUGLAS J. AANESTAD  
doug@speckandaanestad.com

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

October 26, 2007

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

**Re: Water Right Nos.: 37-496F; 37-21418; 37-21419; 37-21420 and 37-21421  
Meyer Berlow and Deborah Barr**

Dear Trish:

Enclosed for filing please find the original and one copy of an Address Change Notice for the above-referenced water rights. Please return the receipt date-stamped copy to our office in the postage prepaid, self-addressed envelope provided. Kindly call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: 

Jeanne E. Farnea, Legal Assistant to  
James P. Speck

Enclosure

cc: client (w/encl.)

10/23/2006

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

RIGHT NUMBER: 37-21419  
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: 0.040 CFS  
7.000 AFY

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

Right Nos. 37-21419 and 37-21421 are limited to a total combined diversion  
rate of 0.08 cfs and to a total combined annual diversion volume of 7.0 AF.

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.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S29 NENENW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/15 10/31          | 0.040 CFS<br>7.00 AFY |

PLACE OF USE: IRRIGATION Within BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T03N R18E S20 | SESW | 2.20 | T03N R18E S29 | NENW | 2.10 |
|---------------|------|------|---------------|------|------|

4.3 ACRES TOTAL

Right Nos. 37-21419 and 37-21421 are limited to the irrigation of a combined  
total of 2.0 acres in a single irrigation season.

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.

10/23/2006

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This claim was split from water right 37-577C and 37-577CF pursuant to approved Transfers 4171 and 71769 respectively.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.



# Idaho Department of Water Resources

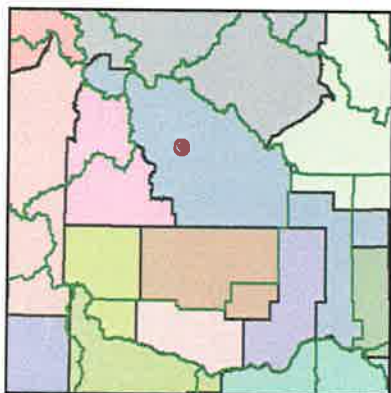
SRBA Recommendation:

**37-21419**

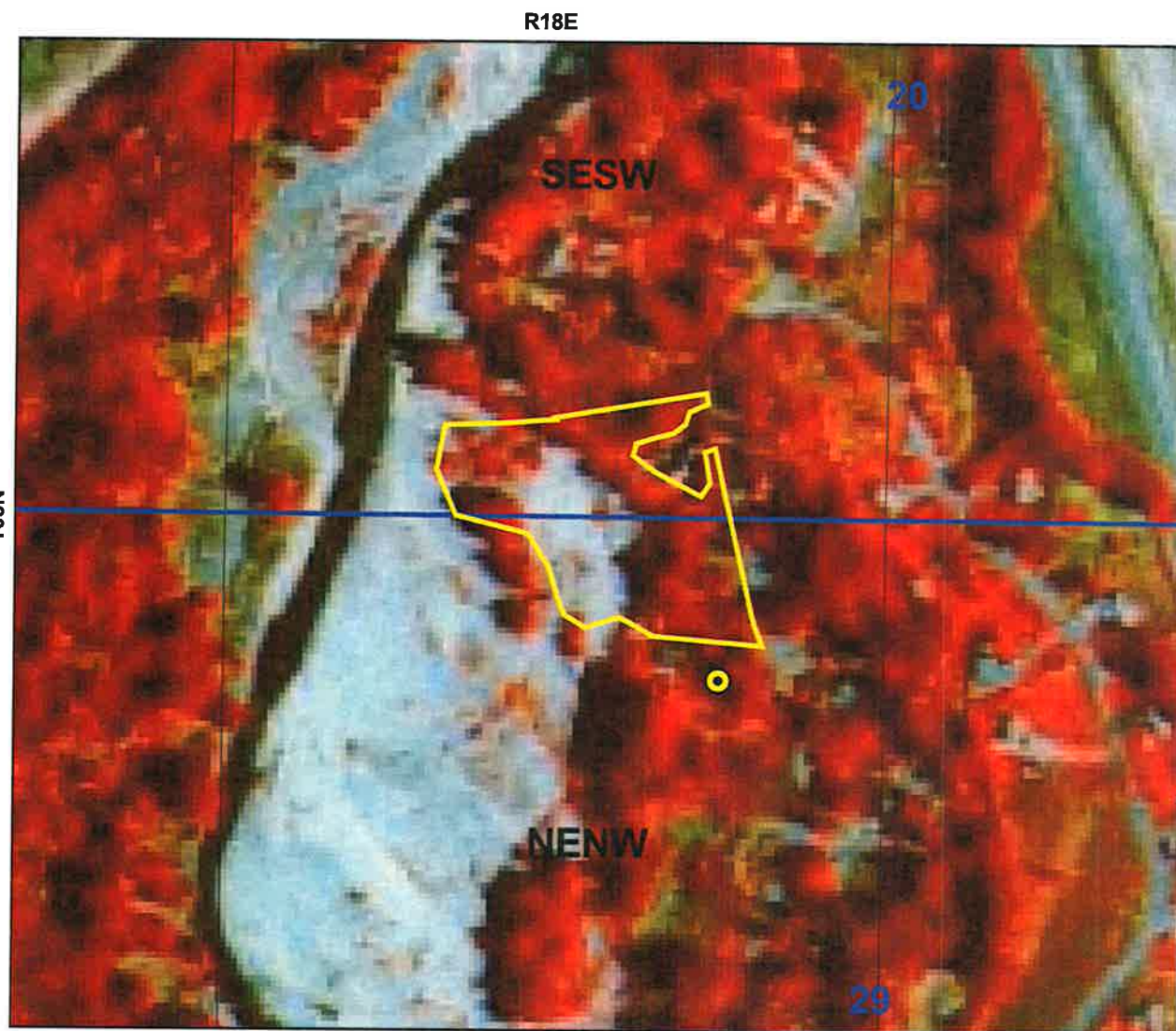
(Irrigation)

## Legend

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



Blaine County  
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. Norques  
On Thursday, November 9, 2006  
1987/88 Aerial Photography