

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 37-657D
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)

DEBORAH BARR
214 WILLOW RD
HAILEY ID 83333

MYER BERLOW
214 WILLOW RD
HAILEY ID 83333

2. Date of Priority: 05/01/1881

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:

Pump in river, pipeline and 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	0.4	

7. Total Quantity Appropriated is:
0.4 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 A37-00657C 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RESCINDED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

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

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1. Name of Claimant(s)

DEBORAH BARR
214 WILLOW RD
HAILEY ID 83333

MYER BERLOW
214 WILLOW RD
HAILEY ID 83333

2. Date of Priority: 05/01/1881

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:
0.4 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 A37-00657C 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

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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. 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 42641
HAILEY BLAINE, ID
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/QCICORP 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: S½ SW¼

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

PARCEL III:

SECTION 29: W½ NW¼, NE¼NW¼

Excepting therefrom all that portion of Zinc Spur Ranch Unit Two, Blaine County, Idaho, lying within said NE¼NW¼ 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 }
County of Blaine } ss.

On this 30th 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.

Notary Public

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: A37-00657D

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: MAY 1, 1881

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:
0.400 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:
A37-00577CF

14. Remarks:

THIS CLAIM WAS SPLIT FROM A37-00657C 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.
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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

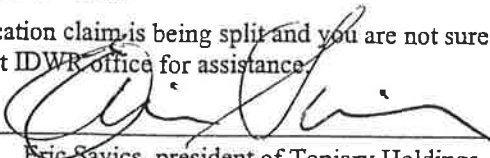
RECEIVED

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 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 _____ 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  Date 14 AUG '97
Owner/Claimant(s) 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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:402230
Deed
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 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. 39376 (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"

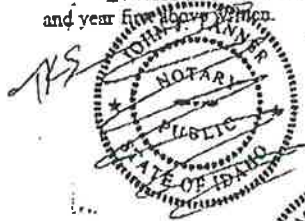
Date:

May 27, 1997 Robert M. Brennan
ROBERT M. BRENNAN

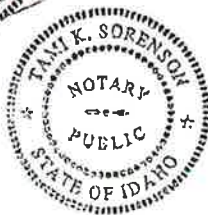
STATE OF IDAHO)
) ss.
County of Blaine)

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: 7-12-2000



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.

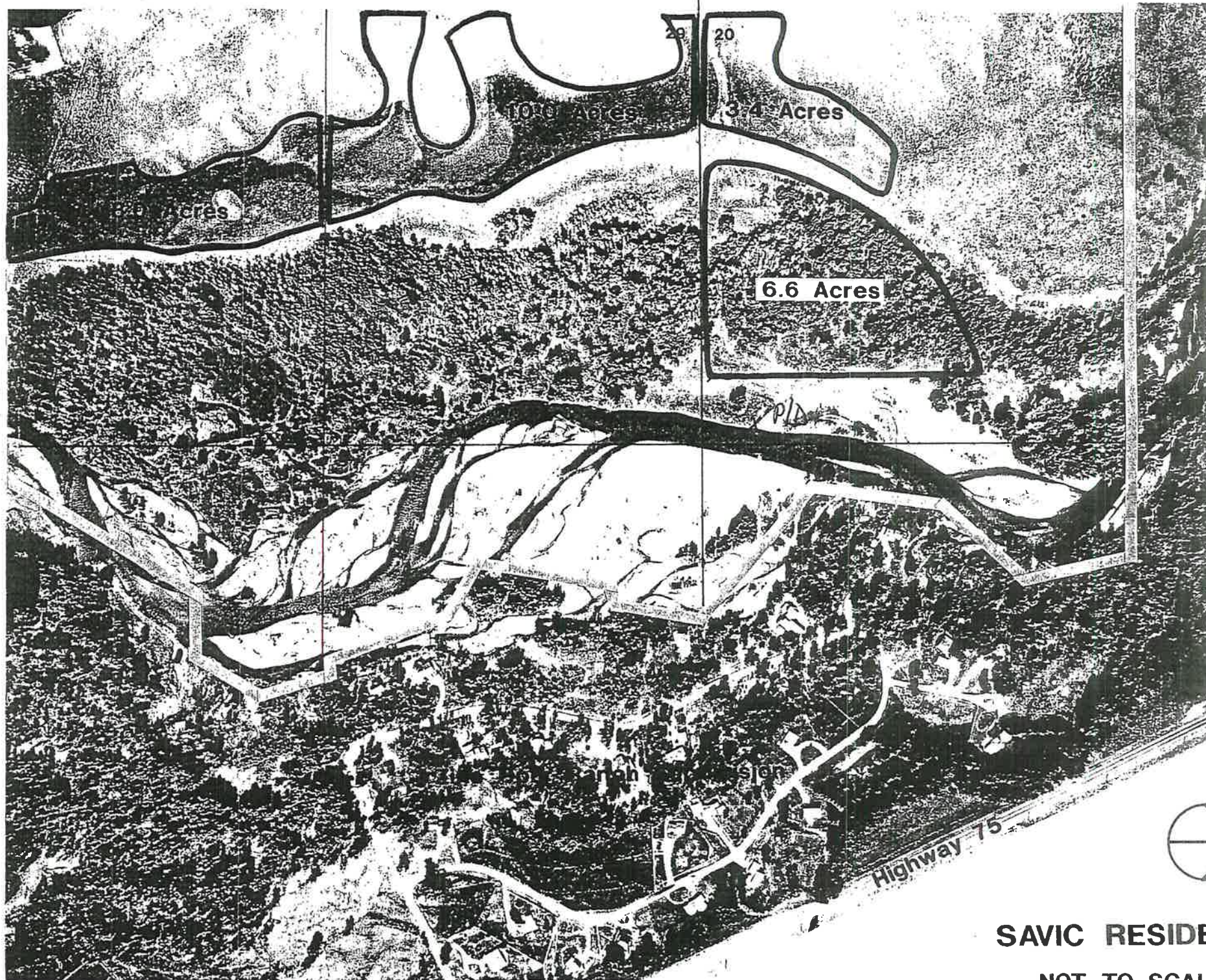
Section 20: S1/2 SW1/4

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.



SAVIC RESIDENCE

NOT TO SCALE

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: A37-00657D

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: MAY 1, 1881

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:
0.400 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

Section Acres 10.0

29	NW	NW	IRR	5.0
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MICROFILMED

NOV 22 1995

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:
A37-00577CF

14. Remarks:

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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

Regan, Adj. Dir.

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

RECEIVED

FEB 01 1994

Department of Water Resources
Southern Region Office

SOURCE

TRIBUTARY OF

BIG WOOD RIVER

MALAD RIVER

Right Nos. 37-00577BY^{CG} and 37-00657B^E :

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^{CG} and 37-00657B^E :

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

MICROFILMED
NOV 22 1996

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

Right Nos. 37-00577^{CF}BZ and 37-00657^DC :

LOCATION OF POINT(S) OF DIVERSION:

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

Right Nos. 37-00577^{CF}BZ and 37-00657^DC :

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 rediversion.
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 rediversion under Right Nos. 37-00577BY and 37-00657B is from Purdum Slough.

Dated this 25th 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: **A37-00657C**
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
Address: PO BOX 1933
SUN VALLEY ID 83353
208-788-9876

2. Date of Priority: MAY 1, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	1.160		

7. Total Quantity Appropriated is:
1.160 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 of	Lot	Use	Acres
03N	18E	29	SW	NE		IRR	35.0
			SE	NW		IRR	34.0
			NE	SW		IRR	25.0
			NW	SE		IRR	38.0

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, A37-00451, A37-00658, A37-00577C

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: _____

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 _____

TO: STATE OFFICE

NOV-04-'92 WED 15:3

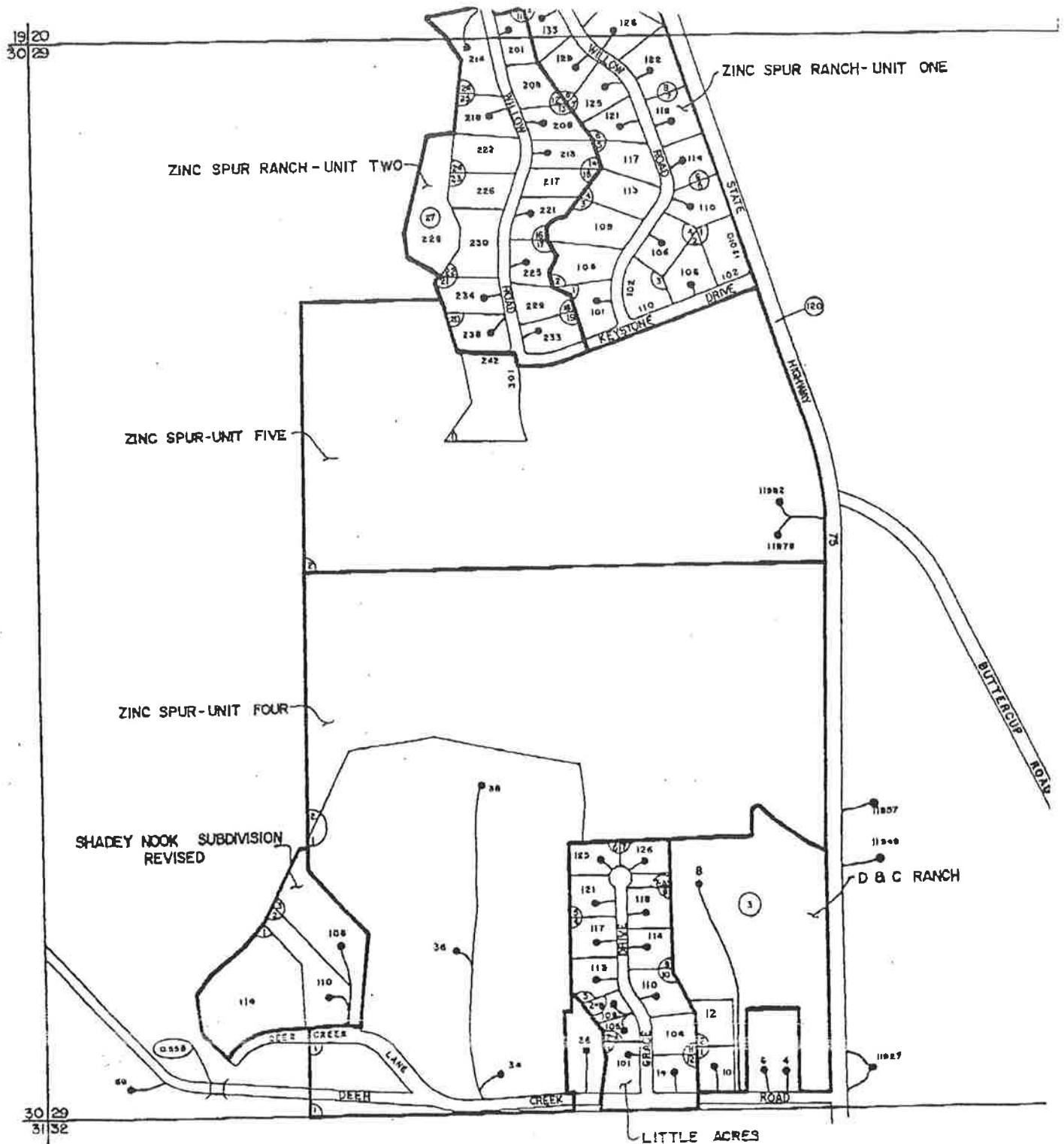
7: IDWR SOUTHERN

TEL NO: 1-208

-3037

#873 P02

A37-00657C



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 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 A37-00657 C
Date Received Nov. 4, 1992
Receipt Number CO25917

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) MAY 1, 18813. 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,

_____ 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. HIAWATHA CANAL
PURDUM SLOUGH

MICROFILMED

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 1.160 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.160 (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.
37-00659 ; 37-00451 ; 37-00658 ; 37-00577 or None ()

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

MICROFILMED

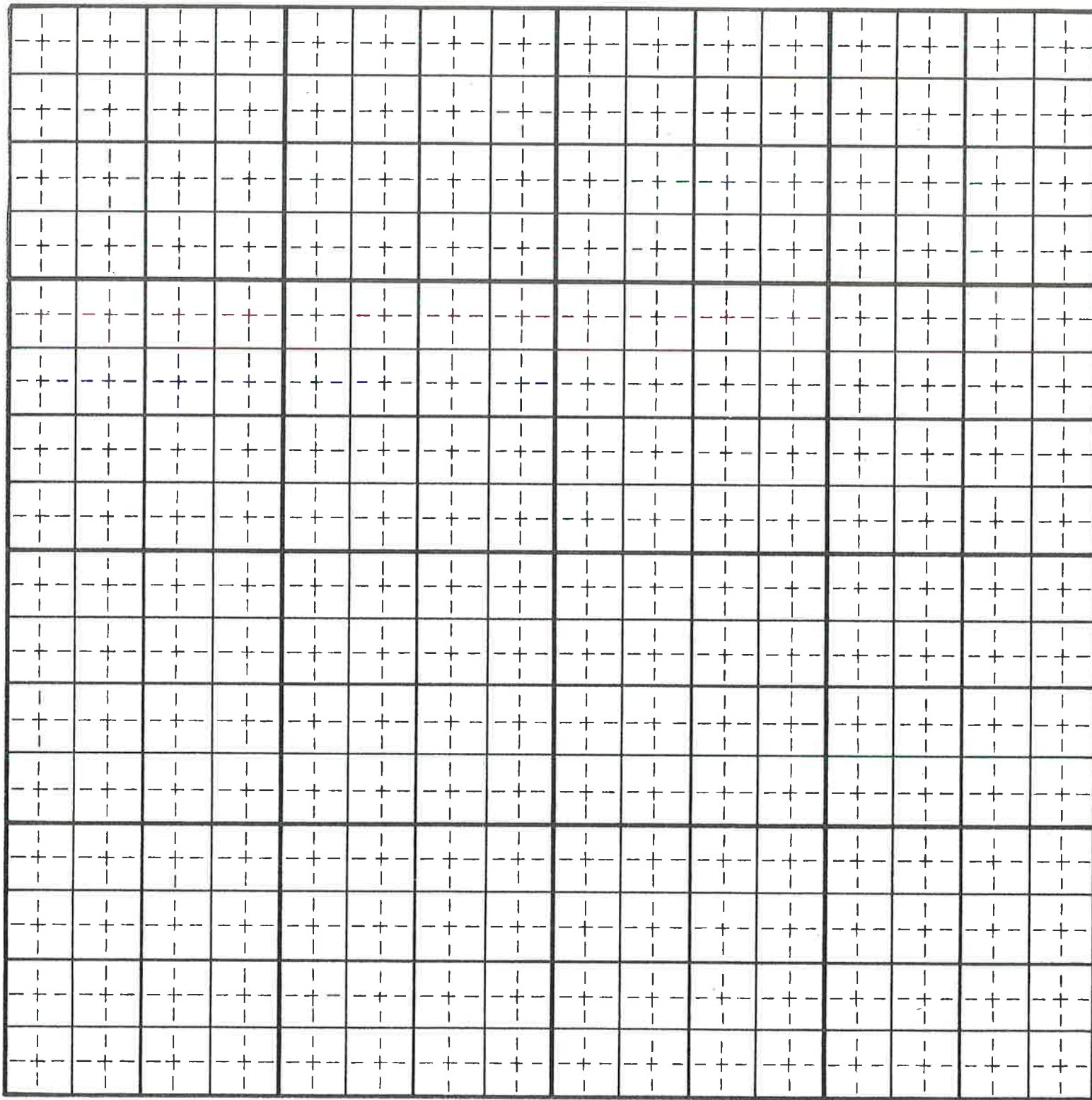
Last Name BRENNAN Ident No. A37-00657C

FEB 23 1993
Copies: White State & Allow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

(SEE ATTACHED)



MICROFILMED

Last Name BRENNAN

Ident No. A37-00657C

Copies: White State, Yellow Claimant

FEB 23 1993

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) *Robert L. Brennan* Date Sept. 21, 1992

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____, that I have signed the foregoing

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 *J. J. Ballard*

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 *J. J. Ballard*

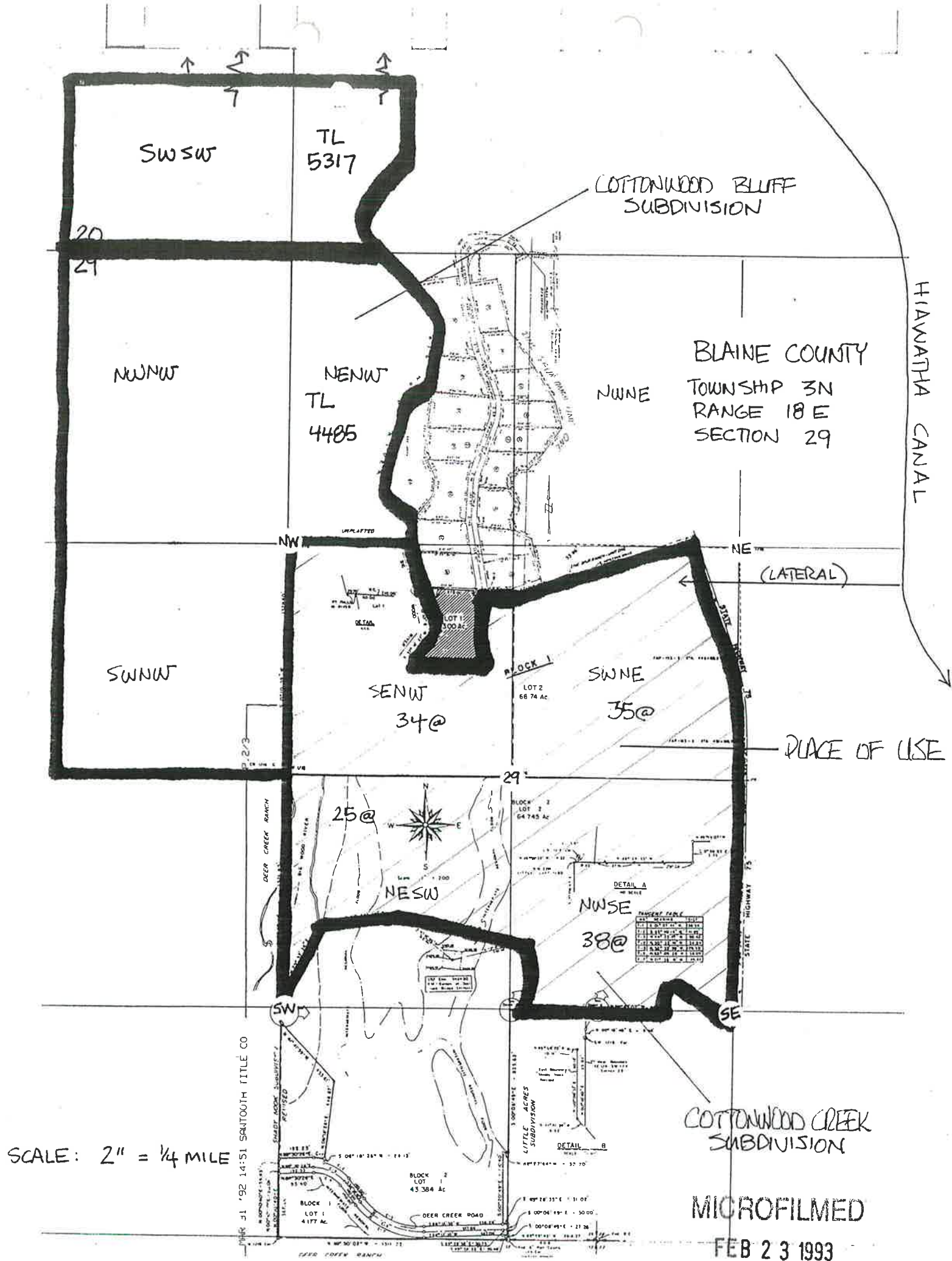
Address P.O. BOX 1617 BOISE, IDAHO 83701

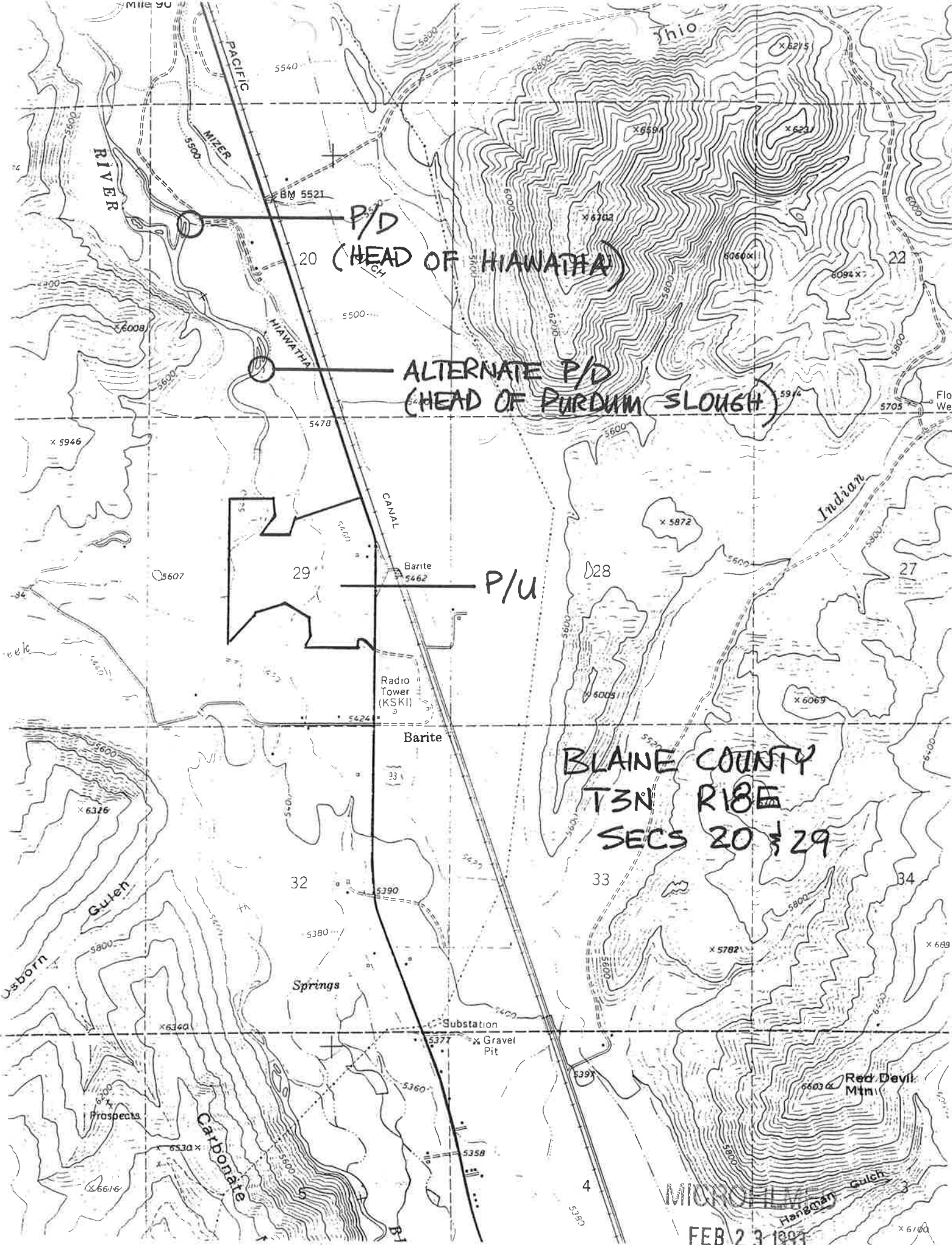
Date 9/21/92

Last Name BRENNAN Ident. Number A37-00657C

MICROFILMED
Copies: White-State, Yellow-Claimant

FEB 23 1993





BLAINE COUNTY
T3N R18E
SECS 20 & 29

MICROFILM
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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-657D	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)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-657D	YES	YES	YES	NO	NO	NO
37-577CF	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this 19th 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

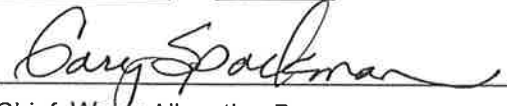
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 20											3.2						3.2
03N 18E 29						8.7	6.1										14.8
Total Acres: 18																	

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 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 19th 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 19th 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 19th 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
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 19th day of October, 20 05


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: 37-657D

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

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.400 CFS

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

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	0.400 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. 37-577CF & 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

THIS CLAIM WAS SPLIT FROM A37-00657C PURSUANT TO APPROVED
TRANSFER 4171.

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

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

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.

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 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.

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 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 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: 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

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

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 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

November 14, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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,

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

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

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

October 26, 2007

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

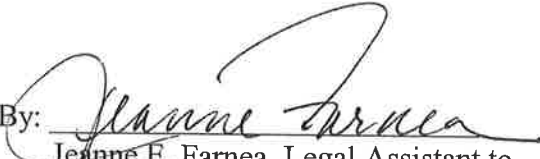
**Re: Water Right Nos.: 37-496F; 37-21418; 37-21419; 37-21420 and 37-21421
Meyer Berlow and Deborah Barr**

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: 37-21421
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: 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 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

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.



Idaho Department of Water Resources

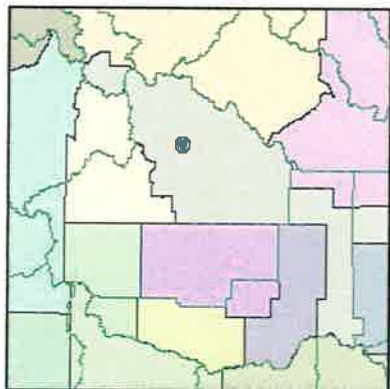
SRBA Recommendation:

37-21421

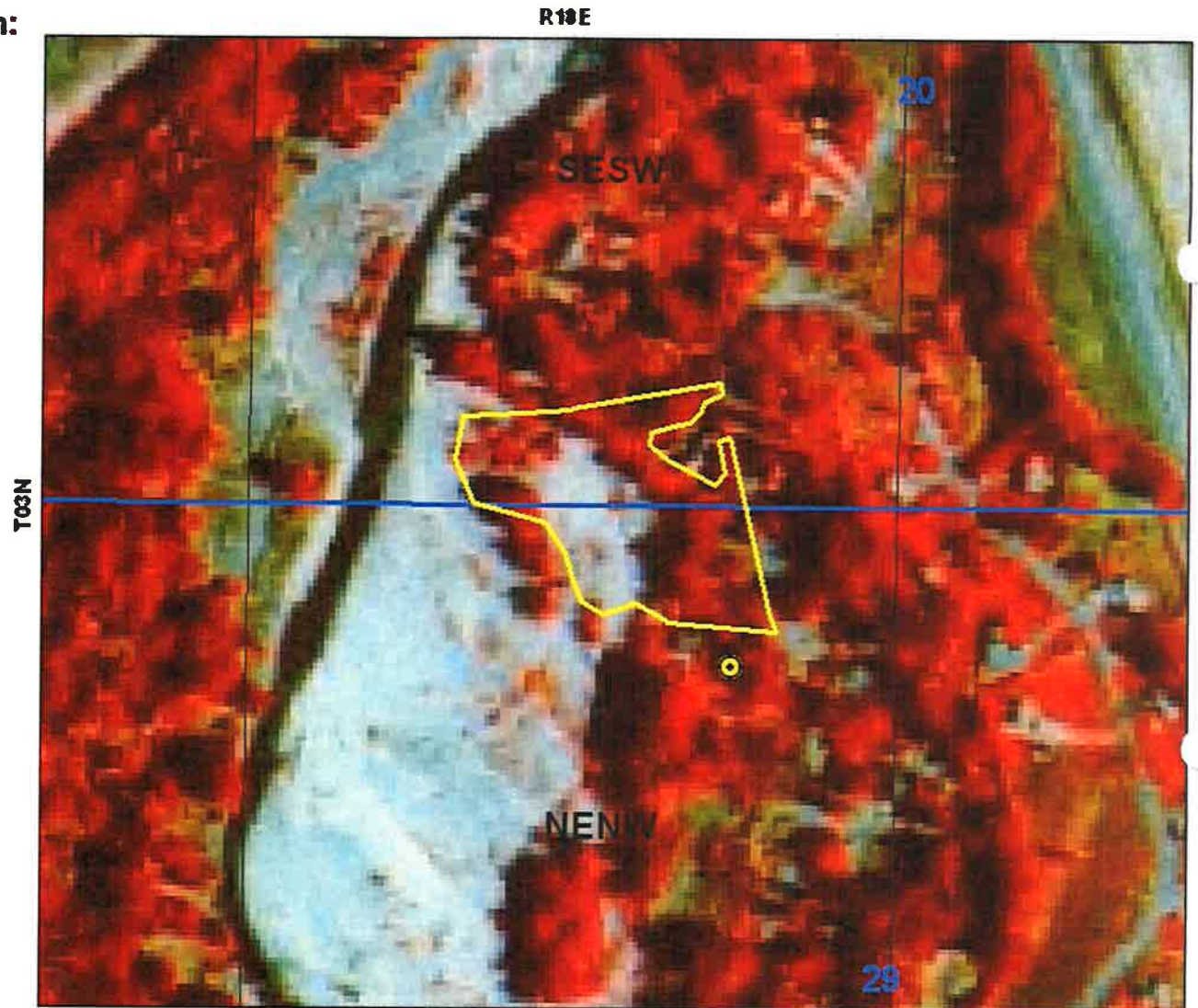
(Irrigation)

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