

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/21/2017

Water Right 37-496F
WR Report AFTER Ownership Change Split

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	ELKWOOD RIVER BENCH DEVELOPMENT CO LLC 214 WILLOW RD HAILEY, ID 83333
Original Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876
Previous Owner	MYER BERLOW 214 WILLOW ZINC SPUR HAILEY, ID 83333 (208)578-0604
Previous Owner	DEBORAH BARR 214 WILLOW ZINC SPUR HAILEY, ID 83333 (208)578-0604

Priority Date: 7/1/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.160 CFS	18.7 AF
FIRE PROTECTION	01/01	12/31	0.290 CFS	
AESTHETIC	04/15	10/31	0.290 CFS	18.7 AF
	<u>Total Diversion</u>		0.450 CFS	18.7 AF

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within BLAINE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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03N	18E	29						5.0	3.0									8.0
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POU Total Acres: 8.0

AESTHETIC within BLAINE County

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

FIRE PROTECTION within BLAINE County

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

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
5. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.

Comments:

1. awarntje 9/29/2006 Contact
Brennan is successor to owner/developer. Property owned out right by Brennan and by other lot owners is subject to plat & CCRS, pursuant to which water rights are to be owned by the home owners assoc. Elise G. Lufkin filing for 75" of WR #37-00496.
Claim is split from A37-0049e per transfer 4471. Brennan retains .59 cfs/8 acres.
A37-00496f/Stevens gets .04 cfs/2 acres.
1-13-98: change of ownership Brennan to topiary per notice recd 8-29-97 - VH
1/9/01 tf; ownership changed Topiary Holdings to Berlow/Barr per 1409(6) and quitclaim deed received 9/6/00. James Speck also added as attorney per NOA.
2. lgraves 12/21/2006 P/D
P/d location per aerial photo submitted with ownship documentation for Topiary Holdings Inc.
3. lgraves 12/21/2006 Volume
Volume added per approved transfer nos. 4170 and 4171.
4. lgraves 12/21/2006 Season of Use
Season of Use changed to department standard.

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5. kchriste 4/13/2010 recommendation modification
Added a remark regarding measurement from and back to Big Wood to resolve objection.
Copied remark from 37-496B.
6. nvandyke 9/28/2010 Water Right
This water right record was updated by decree record from old RightID 58618 to new RightID 605427
7. nvandyke 9/28/2010 WR Termination/Status Change
Note this right represents pre-SRBA right 37-496E but was decreed as 37-496F and 37-496G. Due to a workflow program restriction (37-496E pre-existed the SRBA), 37-496F cannot be swapped in for 37-496E in the database. 37-496G could be moved over without problem because it did not pre-exist the SRBA.
8. nvandyke 6/23/2011 Water Right
This water right record was updated by decree record from old RightID 58625 to new RightID 605427
9. nvandyke 6/23/2011 WR Termination/Status Change
This comment explains how the variants of original right 37-496 went thru the adjudication process and migration to the water right database. This is a best estimate taken from the comments left from adjudication staff in the claims and recommendations. Pre-SRBA , 37-496 was good for 4 cfs. The right was split out into active parts A, C, E, and F thru transfers. Entering the adjudication, claim 496 was split into claims A, B, and C. A was later split into D and E, and E then split into F and G. So the active recommendations were B, C, E, F, G, with rates 1.5 cfs, 0.05 cfs, 1.82 cfs, 0.59 cfs, and 0.04 cfs respectively. This totals to 4 cfs. It was somewhat murky which split superceded which pre-SRBA split, but since the totals equal 4 this should be sufficient. More research can be done if needed to determine that.
10. cfield 4/17/2013 Water Supply Bank
This right is overlapped by 37-21418 & 37-21420 therefore this right is un-rentable until rental agreement is terminated on 37-21418 & 37-21420
11. Ownership Change 4/14/2017 Split Right
Split into 37-496F and 37-23033
12. tfawcett 4/20/2017 POU
Updated Shape
13. tfawcett 4/21/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 6/29/2010

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: And

Mitigation Plan: False

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Combined Use Limits

N/A

SubCase:

SubCaseNumber: 37-496F

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: awarntje

Basis of Claim: Decreed

Date Filed: 1/10/2008

Objection Status: Active

Water Supply Bank:

N/A

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Water Right 37-496F
WR Report BEFORE Ownership Change Split

Owner Type **Name and Address**
Current Owner MYER BERLOW
214 WILLOW ZINC SPUR
HAILEY, ID 83333
(208)578-0604

Current Owner DEBORAH BARR
214 WILLOW ZINC SPUR
HAILEY, ID 83333
(208)578-0604

Priority Date: 7/1/1883

Basis: Decreed

Status: Active

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	10/31	0.160 CFS	28.0 AF
FIRE PROTECTION	01/01	12/31	0.430 CFS	
AESTHETIC	04/15	10/31	0.430 CFS	28.0 AF
<u>Total Diversion</u>			0.590 CFS	28.0 AF

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within BLAINE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29						5.0	3.0										8.0

POU Total Acres: 8.0

AESTHETIC within BLAINE County

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

FIRE PROTECTION within BLAINE County

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

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03N	18E	29						X	X										
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605427

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Owner Name Connector: AND
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SubCase:

N/A

Water Supply Bank:

N/A