



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2002

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

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

Dear Mr. Speck:

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

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

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

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

Sincerely,

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

MICROFILMED

MAY 16 2002

c: Allen Merritt
✓37-00332

RECEIVED

APR 18 2002

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

Department of Water Resources

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

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

April 17, 2002

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

**Re: Application to Sell or Lease a Water Right
to the Water Supply Bank - Water Right No. 37-00332
Barrie Family Parters
Our File No.: 010067**

Dear Glen:

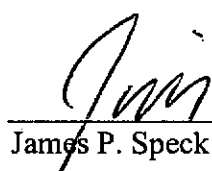
Enclosed please find an original and one copy of the Application to Sell or Lease a Water Right to the Water Supply Bank for Water Right No. 37-00332, together with the attached Exhibits. Please have the Department date stamp the original, conform the copy and return it to me in the enclosed postage paid envelope.

Please call me right away if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:sgg
Enclosures
cc: Client (w/encls.)

MICROFILMED
MAY 16 2002

RECEIVED

APR 18 2002

Form No. 42-1781
3-82

Department of Water Resources

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Barrie Family Partners Phone (208) 788-3933

Post office address Post Office Box 793, Bellevue ID 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 37-332 Decreed to Idaho Consolidated Mines Co.
(Name)

in case of S.C. Frost et al. vs Alturus Water Company et al.

dated 12/13/1909 in District Court county of Lincoln
(Name of court)

b. License No. _____ Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

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

3. Date of priority July 1, 1887

4. Water is used for the following purposes:

amount 1.0 cfs for irrigation purposes from April 1 to November 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 1.0 cubic feet per second
&/or
b. _____ acre feet per annum

6. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26

Township 2N Range 18 E. B.M. in Blaine County

Additional points of diversion, if any _____

MICROFILMED

MAY 16 2002

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	26																	27
2N	18E	35		3															3

Total number of acres to be irrigated 30

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

2
MICROFILMED

MAY 16 2002

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Water right was purchased with property. See Notice of Change of Water Right
Ownership and related deeds attached as Exhibit A.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

The main flow of the Big Wood River has moved over into a new channel and spring
flows have deepened the channel adjacent to the existing point of diversion so that
it is almost impossible to deliver the water. However, last summer the water
right was used pursuant to a temporary change application approved by the Department.
Copies of the documents relating to this approval are attached as Exhibit B.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Attached as Exhibit C is a graph depicting the dates this right was cut for
priority during the period of 1945 to 1990

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

None

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

See Exhibit D attached hereto.

MICROFILMED

3

MAY 16 2002

9. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

XX For lease for period from indefinite to _____
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

the going rate

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

XX Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

4/12/02
(Date)

Chris Stuehn Davis
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by MS Date 4-18-02 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED⁵

MAY 16 2002