

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To: Mr. Shelley W. Keen	Fax Copies:
Fax #: (208) ²⁰⁸⁻⁶⁷⁶⁰ 327-7866	Fax #'s:
From: Joanne E. Farnea for James P. Speck	Pages: 5, including this cover page
Date: October 5, 2007	
Subject: Barrie Family Partners; Transfer No. 73608	Our File No.

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

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

October 5, 2007

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW

Mr. Shelley W. Keen
Idaho Department of Water Resources
322 W. Front St.
Boise, Idaho 83720-0098

*Re: Barrie Family Partners
Transfer No. 73608;
Petition for Reconsideration*

Dear Shelly:

Enclosed you will find the original and one copy of a Petition for Reconsideration of certain aspects of the recently approved Transfer No. 73608. When the original of the Petition and enclosed copy arrived by mail kindly have your secretary receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope included with that mailing. Kindly contact me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS/jef
Enclosures
cc: Client (w/encl.)
C. Brockway (w/encl.)

James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752
Attorneys for Barrie Family Partners

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TRANSFER NO.	)	
73608 IN THE NAME OF BARRIE	)	
FAMILY PARTNERS	)	PETITION FOR
	)	RECONSIDERATION
	)	
	)	

Barrie Family Partners ("Barrie"), by and through its attorney, James P. Speck, of Speck & Aaenstad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5343(3) for reconsideration of its preliminary order titled Transfer of Water Right Transfer No. 73608 (the "Transfer"). In support thereof, Barrie states as follows:

1. On September 20, 2007 the Department issued the Transfer which was then served on Barrie by mail on September 21, 2007. The Transfer changes the point of diversion of Water Right 37-332. However, the Transfer also limits the amount and number of irrigated acres of 37-332

to those recommended by the Department in the SRBA.

2. Brockway Engineering, PLLC, has done field examination of the property and has concluded that 37-332 historically irrigated 28.4 acres within the property now owned by Barrie. Attached as Exhibits A and B are shape drawings of this irrigated area on a 1987 infrared photograph and a 2004 aerial photograph, respectively.

3. The notice of claim filed by Barrie for 37-332 in the SRBA states that 1.0 cfs is diverted to irrigate 30 acres. Barrie accepts the Brockway analysis and will file an Objection in the SRBA asking that 37-332 be decreed for 1.0 cfs and 28.4 acres for its place of use.

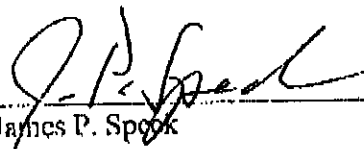
4. Condition no. 7 of the Transfer states that the source at the new point of diversion is known locally as the Clearwater Slough. To Barrie's knowledge this is incorrect and it should instead be the Broadford Slough.

WHEREFORE, Barrie respectfully requests the Department to amend the Transfer to state that 37-332 provides for the diversion of 1.0 cfs from the Broadford Slough to irrigate 28.4 acres.

Dated this 5th day of October, 2007.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Barrie Family Partners

By: _____


James P. Speck

CERTIFICATE OF SERVICE

Thereby certify that on the 5th day of October 2007, I served a true and correct copy of the within and foregoing document upon the persons named below in the manner noted:

Mr. Shelley Keen
IDAHO DEPARTMENT OF WATER
RESOURCES
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098
Fax: 1-208-287-6700

☐ United States Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile

Mr. David Tuthill
Director
IDAHO DEPARTMENT OF WATER
RESOURCES
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098
Fax: 1-208-287-6700 322 East Front Street
P.O. Box 83720
Boise ID 83720-0098
Fax: 1-208-287-6700

☐ United States Mail, Postage Prepaid
☐ Hand Delivery
☒ Facsimile


JAMES P. SPECK





EXHIBIT B