

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

Gary Spackman

Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 37-577CF

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

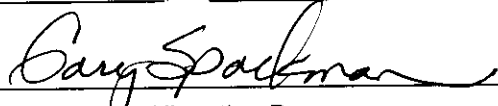
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 20											3.2						3.2
03N 18E 29					8.7	6.1											14.8
Total Acres: 18																	

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, 20 05


 Chief, Water Allocation Bureau

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.

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

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

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.

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