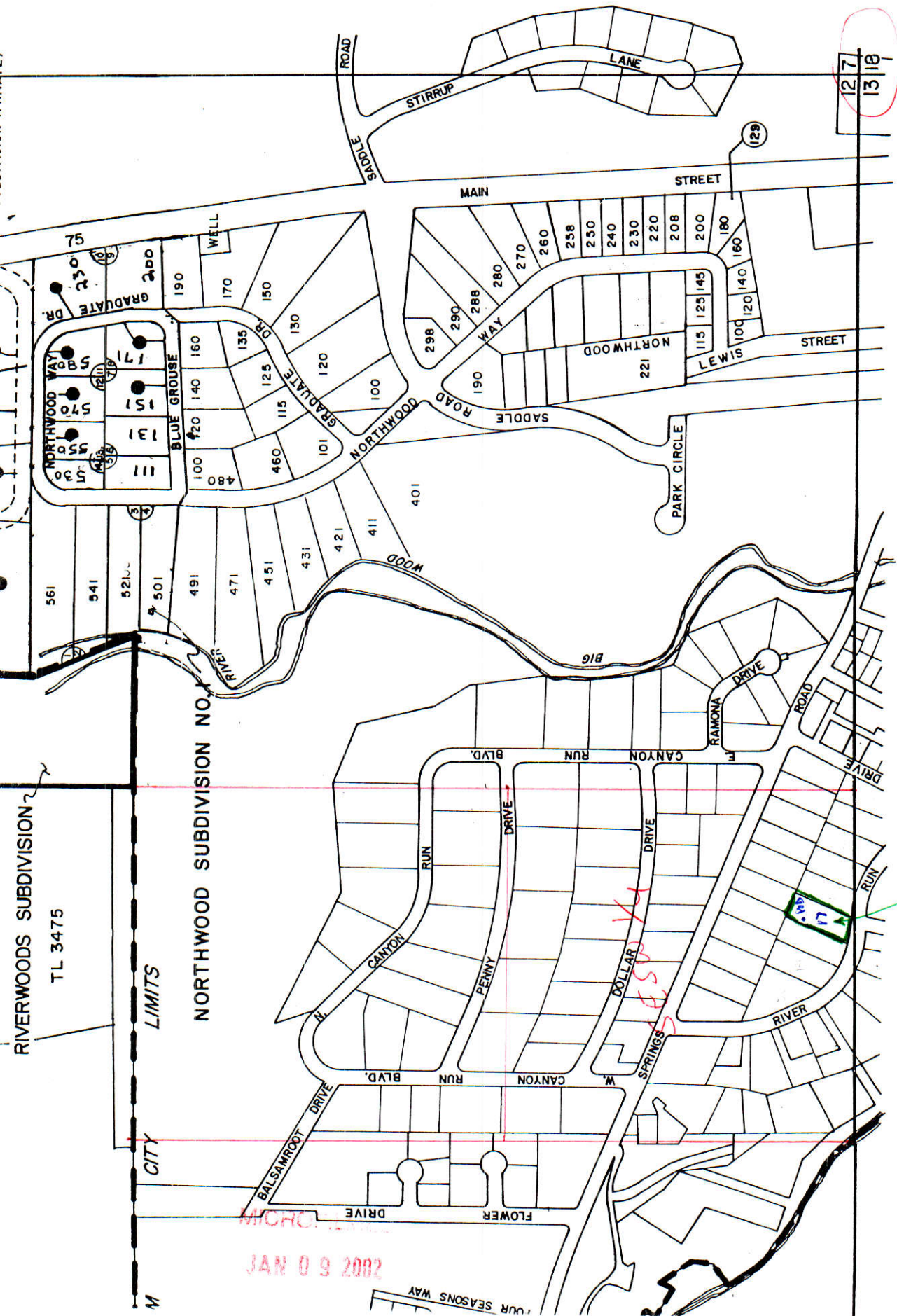




SEC. 12, T. 4 N., R. 17 E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69216

This is to certify that: RICHARD H BERBY
PO BOX 2805
SUN VALLEY ID 83353
(208)726-7752

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-12334	WR/Decreed	12/31/1971	0.04 cfs			N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

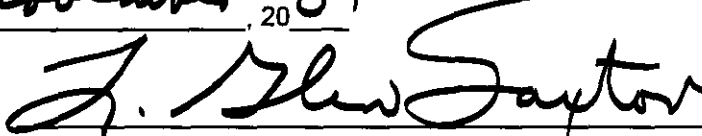
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-12334	NO	YES	YES	NO	NO	NO

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>
37-12334	37-12334	0.04 cfs	1.2 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.04 cfs	1.2 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of November, 2001


Chief, Water Allocation Bureau

MICROFILMED
JAN 09 2002

WATER RIGHT NO. 37-12334
As Modified by Transfer No. 69216

In accordance with the approval of Transfer No. 69216, Water Right No. 37-12334 is now described as follows.

Right Holder: RICHARD H BERBY
 PO BOX 2805
 SUN VALLEY ID 83353

Priority Date: 12/31/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.04 CFS	1.2 AF
			0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER **SESW** Sec. 12 Twp 04N Rge 17E BLAINE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12																	

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

JAN 09 2002

WATER RIGHT NO. 37-12334
As Modified by Transfer No. 69216

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Point of diversion and place of use are located within Lot 17, Sun Valley Subdivision, First Addition, also identified as Parcel No. RPK05450000170A.

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 13th day of November, 2001


Chief, Water Allocation Bureau

MICROFILMED

JAN 09 2002

SEP 14 2001

(Internet)

Department of Water Resources

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69216
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUN 07 2001

PART 1

Department of Water Resources
Southern RegionName of applicant Richard H. Berby Phone 208726-7752
Post Office address P.O. Box 2805 Sun Valley, ID 83353

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To correct the legal description of the point of diversion and place of use of water right 37-12234

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-12334</u>	<u>12/31/1971</u>	<u>0.04 cfs</u>	<u>Domestic</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.04 cubic feet per second and/or _____ acre-feet per annum.3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	12	04N	17E	Blaine	Existing well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	17E	12												D					

MICROFILMED

JAN 04 2002

69216

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Existing well pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This transfer seeks to describe the correct location of the point of diversion and place of use of this right.

d. Remarks:

Place of use and point of diversion, well are on lot 17, owned by R. H. Berby.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED
JAN 30 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 37-12334 Decreed to _____
in case of SRBA vs. _____
dated _____ in _____ county of _____

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

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water ground water tributary to _____

4. Date or priority 12/31/1971

5. Water is used for the following purpose:

amount 0.04 cfs for domestic purposes from 01/01 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	13	04N	17E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	17E	13		D															

JAN 03 2002

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

NA B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

NA C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

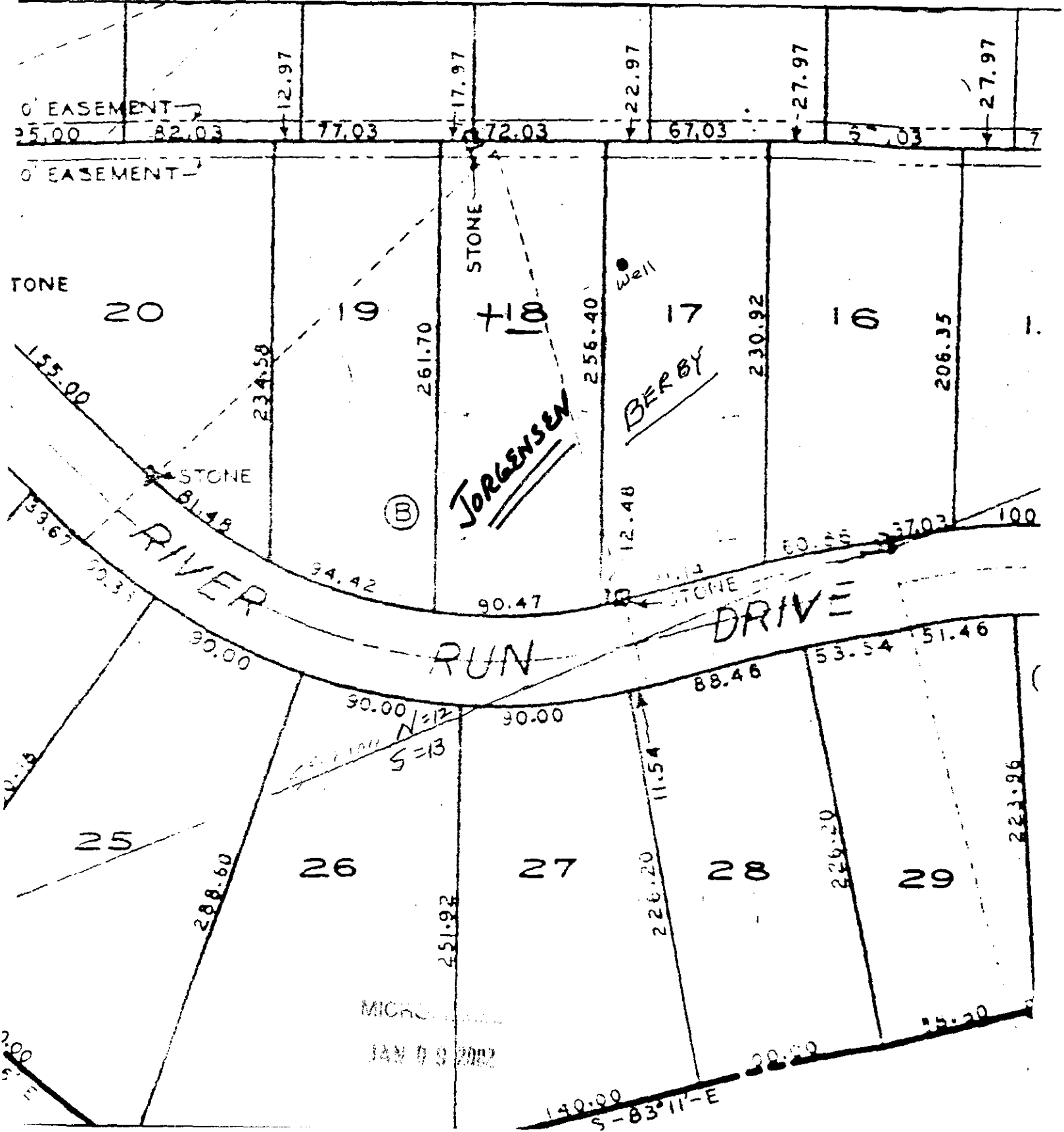
MICRO...

1998 10 2 2002

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**NA B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

NAOMI TIBBITTS
NOTARY PUBLIC
STATE OF IDAHO

My commission expires

2006

Richard H. Berlin
(Signature of Applicant)
4th day of June, 19 2001

Naomi Tibbitts
(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 2 attachmentsReceived by P. SKINNER Date 6/7/2001Prelim. check by P. SKINNER Fee \$100.00 5024031Receipted by P. SKINNER Date 6/8/2001Published in Wood River JournalPub. dates 7/18 + 7/25/01Watermaster recommendation requested on 7/9/01Protest filed by None

Copies of protest forwarded by

Hearing held by Date

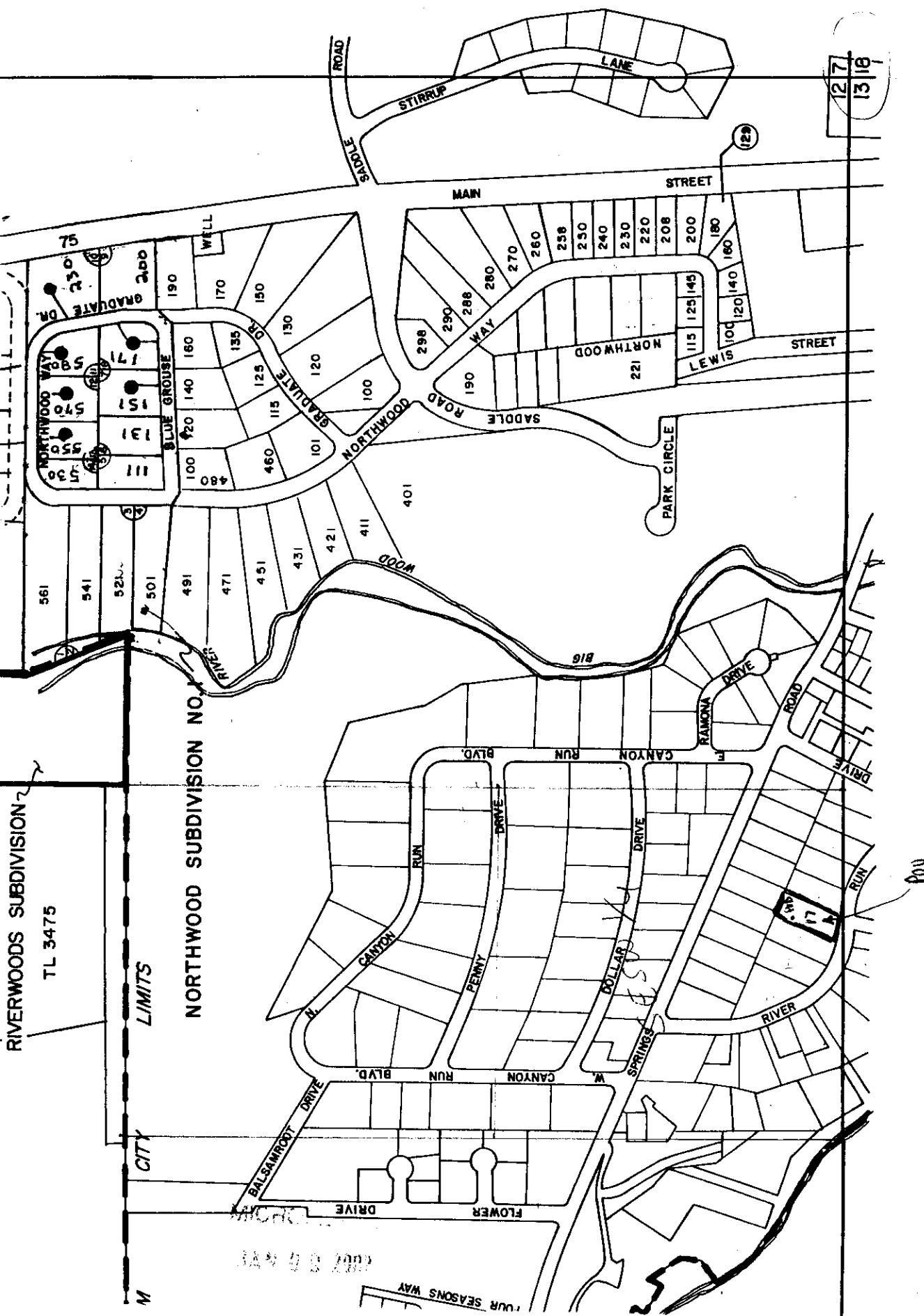
Recommended for ☒ approval ☐ denialby AD

rec'd.

Copy of transfer sent to lien holder

MICHAEL

JAN 11 2002



SEC. 12, T. 4 N., R. 17 E.

69216

2000 TAX BILL/RECEIPT

MAKE CHECK PAYABLE TO:

VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

BILL#

7806

CODE AREA

3-00

PARCEL NUMBER

RPK05450000170A
247,166
227,834

2ND HALF DUE

TAX 1,498.77

LATE

INT

COST

TOT

FULL DUE

TAX 2,997.54

LATE

INT

COST

TOT

TOT MV

HM-

NET MV

TOT LTS

1.000

475,000

50,000

425,000

1.000

TAXING DISTRICT

STATE

COUNTY

AMBULANCE

RECREATION

REC. BOND

KETCHUM CITY

SCHOOL DIST #61

SCHOOL BOND

KETCHUM CEM

FLOOD #9

AMOUNT DUE

RATE

AMOUNT

0.00000000

0.001024224

0.00125589

0.00132220

0.00000000

0.001318752

0.004173567

0.00240512

0.000011217

0.000027040

0.007053121

BERBY RICHARD H

BOX 2805

SUN VALLEY

ID 83353

SUN VALLEY SUB 1ST ADD

LOT 17 SEC 12 4N 17E

0.5170 22,524 SF

306

RIVER RUN

DR 83340

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE

APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE

RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

RELATED QUESTIONS CALL (208) 788-5530

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-12334

NAME AND ADDRESS: R H BERBY
PO BOX 2805
SUN VALLEY, ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1971

POINT OF DIVERSION: T04N R17E S13 NWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Blaine County
T04N R17E S13 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

JAN 09 2002



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

November 14, 2001

RICHARD H BERBY
PO BOX 2805
SUN VALLEY ID 83353

RE: Transfer No.: 69216 - Water Right 37-12334 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

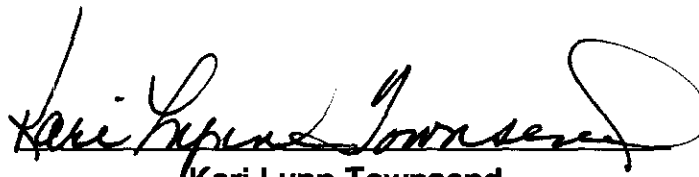
JAN 03 2002

CERTIFICATE OF MAILING

I hereby certify that on November 14, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69216 - WATER RIGHT 37-12334

**RICHARD H BERBY
PO BOX 2805
SUN VALLEY ID 83353**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JAN 09 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JAN 05 2007

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68216

DATE REVIEWED 11-10-2001 CS

SPLIT POD ☒ ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/ 37-12334</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season NA to

Standard Volume NA /

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Big Wood River GWMA Water District (12) Yes Pertinent Conditions (13) NO Expansion
WM/Rcvd SRBA Partial Decree

- (5) Standard Vol. 1 Home = 1.2 ac.
(7) Change P/D - Correct legal
(8) Change P/U - Correct legal

Conditions/Remarks T19, W62, T07, T08

POD & POU/Parcel # 4 Lot 17, Sun Valley Sub. First Addition

WRs for Update Comments NA

Database Updated to Reflect Final Action 11-13-2001 CS

✓ status of AJ rec. before updating database. ✓ per Dave G.

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Richard H. Birtley TRANSFER NO. 69216
1. Right number(s) 37-12334

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: RIGHT HAS BEEN DECREED IN SRBA. TRANSFER
IS BEING FILED TO CORRECT POINT OF DIVERSION AND
PLACE OF USE DESCRIPTIONS.

5. Check Proposed Right for amount of land &/or water transferred:

 Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: NONE APPARENT

69216

i. X Existing rights from same source, on land water is being transferred to; right number(s): RIGHT 37-12605 DIVERTED FROM SAME WELL SEE COMPANION TRANSFER # 69215

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) SEE COMMENTS FIRST PAGE

k. X Comment letters Yes X No
If yes Water District #
 Lienholder, others, see #2
 below for name and address

INITIAL ALLOCATION REVIEW BY A. SKINNER DATE 6/12/2001
SRBA SUPERVISOR REVIEW BY DATE
PUBLICATION REVIEW BY DATE

1. Legal Notice electronically sent to DWRO3::VAULT Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ X Yes

Watermaster recommendation requested on , Received on

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ✓ Yes No

4. Affidavit of publication received? ✓ Yes No

5. Protests received? Yes ✓ No; Acknowledgement sent? Yes

6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. ✓ Approve

2. Deny due to

3. Conditions (special conditions in Water Districts)

✓ Also see attached memo for recommendation dated: 9/10/01

4. By M Date 9/10/01

RECEIVED

SEP 14 2001

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: September 10, 2001

TO: Transfer File No.

T69215

T69216

In the name of:

Patricia Jorgensen

Richard Berby

Water Right(s):

37-12605

37-12334

SUBJECT: Review and Recommendation

These two transfers were filed to correct the legal description of the POD and POU. Originally the right were decreed in the NWNE S13, T04N, R17E however they should have been within SESW S12, T04N, R17E.

These rights are related in that they share a common POD located on the Berby property in Lot 17 of the First Addition of Sun Valley Subdivision. The Jorgensen property is Lot 18 of same subdivision.

These transfers were processed without protest.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- Same as original rights.
- No new wells authorized to be drilled under approval and no physical change in use to be made. Change is only made to correct record location.

MICROFILMED
JAN 10 1992

T# 69216

WATER RIGHT NO.

37-12334

144 19 29 2009

JUL 30 2001

Department of Water Resources
Southern Region

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

(Paste Here)

Four applications for

TITLE OF NOTICE

Water rights

PLAINTIFF ATTORNEY

State of Idaho, }
County of Blaine } ss.

DEFENDANT

#2594 #24620

PLAINTIFF

Id. Dept. of Water

BILL TO

resource,

On this 25 day of July, in the year 2001, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterrupted published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of July 2001 and the date of the last publication was on the 25 day of July 2001

Subscribed and sworn to before me this 25 day of July 2001
(SEAL)
CHRISTINA A. GARCEAU
NOTARY PUBLIC
STATE OF IDAHO
g garceau
NOTARY PUBLIC

#12730
WOOD RIVER JOURNAL
Hailey, Idaho

OK MB
7/31/01

COST OF PUBLICATION

Number of Picas per Line _____ 11.5
Number of Lines in Notice 100
Number of Insertions 2

100 Lines tabular at _____ 7¢ / Pica

100 Lines straight at 1.43 6¢ / Pica

Subsequent lines at _____ 5¢ / Pica
TOTAL COST 148.00

Publication Rates
As of 1997
(Idaho code,
Rev. Statutes 1984)
7.8 pt./line straight: .06 / pica
7.8 pt./line tabular: .07 / pica
7.8 pt./line successive
insertions: .05 / pica

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100 03 2002

12730

Four applications for water rights

NOTICE OF APPLICATIONS

The following four applications have been filed in BLAINE COUNTY; one to appropriate the public waters of the State of Idaho and three to modify existing water rights as follows:

EDWARD O'GARA FAMILY TRUST, 415 CROYDON DR; SPRING CREEK NV 89815, has filed Application for Permit 37-20400 and companion Application for Transfer No. 69165. Application 37-20400 proposes irrigation of 3 acres from ground water; the transfer dries up 3 acres and leaves the water in the Big Wood River and Hiawatha Canal as mitigation.

TRANSFER NO. 69165 changes the following water right recorded as:

Right No. 37-4C
Priority: 3/24/1883
Source: BIG WOOD RIVER
Use: IRRIGATION (1.10 CFS)
Point(s) of Diversion: NESENE S19 T03N R18E
Place of Use: 12 acres within S4 and S9 T02N R18E

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 37-20402 (split from Parent Right No. 37-4C)
Priority: 3/24/1883
Source: BIG WOOD RIVER
Use: IRRIGATION (0.28 CFS/10.5 AFA)
Point(s) of Diversion: SESWNW S20 T03N R18E
Place of Use: 3 acres within S5 T02N R18E

APPLICATION FOR PERMIT 37-20400
Point(s) of Diversion: Lot 2 (SEWNWNE) S5 T02N R18E
Source: GROUND WATER
Use: 04/01 To 11/01
Irrigation: (0.06 CFS)
Date Filed: 05/04/2001
Place Of Use: 3 acres within Lot 2

(NWNE) S5 T02N R18E

PATRICIA JORGENSEN, PO BOX 875; KETCHUM ID 83340 has filed Application No. 69215 for changes to the following water Rights:

Right No. 37-12605
Priority: 12/31/1971
Source: GROUND WATER
Use: DOMESTIC (0.04 CFS)
Point(s) of Diversion and Place of Use: NWNE S13 T04N R17E

The purpose of the transfer is to change (correct) the legal description of point of diversion and place of use as follows:
Point(s) of Diversion & Place of Use: SESW S12 T04N R17E

RICHARD H BERBY, PO BOX 2805; SUN VALLEY ID 83353 has filed Application No. 69216 for changes to the following water Rights:

Right No. 37-12334
Priority: 12/31/1971
Source: GROUND WATER
Use: DOMESTIC (0.04 CFS)
Point(s) of Diversion & Place of Use: NWNE S13 T04N R17E

The purpose of the transfer is to change (correct) the legal description of point of diversion and place of use as follows:
Point(s) of Diversion & Place of Use: SESW S12 T04N R17E

Applications for Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests of Proposed Transfers may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 06, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Publish: Wood River Journal—July 18 & 25, 2001.

MICROFILMED

JAN 13 2002



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 9, 2001

RICHARD H BERBY
PO BOX 2805
SUN VALLEY ID 83353

RE: Application for Transfer No. 69216

Dear Mr. Berby:

The Department of Water Resources acknowledges receipt of your application for transfer. Please refer to this number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Wood River Journal for 7/18 and 7/25/01. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUL 09 2002

NOTICE OF APPLICATIONS

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APPLICATION FOR PERMIT 37-20400
Point(s) of Diversion: Lot 2 (SEWNW) S5 T02N R18E
Source: GROUND WATER
Use: 04/01 To 11/01
Irrigation (0.06 CFS)
Date Filed: 05/04/2001
Place Of Use: 3 acres within Lot 2 (NWNE) S5 T02N R18E

PATRICIA JORGENSEN, PO BOX 875; KETCHUM ID 83340 has filed Application No. 69215 for changes to the following water Rights:

Right No. 37-12605
Priority: 12/31/1971
Source: GROUND WATER
Use: DOMESTIC (0.04 CFS)
Point(s) of Diversion and Place of Use: NWNE S13 T04N R17E

The purpose of the transfer is to change (correct) the legal description of point of diversion and place of use as follows:

Point(s) of Diversion & Place of Use: SESW S12 T04N R17E

RECORDED

JAN 9 3 2002

RICHARD H BERBY, PO BOX 2805; SUN VALLEY ID 83353 has filed Application No. 69216 for changes to the following water Rights:

Right No. 37-12334
Priority: 12/31/1971
Source: GROUND WATER
Use: DOMESTIC (0.04 CFS)
Point(s) of Diversion & Place of Use: NWNE S13 T04N R17E

The purpose of the transfer is to change (correct) the legal description of point of diversion and place of use as follows:

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Applications for Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests of Proposed Transfers may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 06, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Wood River Journal on 7/18 & 7/25/01.

MICHAEL
JAN 03 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

July 9, 2001

ATTN WAYNE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Wayne:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 6, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

MICRO-
JAN 11 9 2002