

RECEIVED

DEC 12 2016

Form 42-24842-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

split #'s
37-23034
37-23035
37-23036
37-23037
37-23033

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-21418	Yes ☒	Yes ☐		Yes ☐	Yes ☐
37-21419	Yes ☒	Yes ☐		Yes ☐	Yes ☐
37-21420	Yes ☒	Yes ☐		Yes ☐	Yes ☐
37-21421	Yes ☒	Yes ☐		Yes ☐	Yes ☐
37-496F	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Deborah Barr, Myer Berlow
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Deborah Barr, Elkwood River Bench Development Company, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
214 Willow Road Hailey ID 83333
Mailing address City State ZIP
(208) 578-0604 myer@aol.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: August 5, 2016
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per undivided water right.
o \$100 per split water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Title, if applicable _____ Date 12-03-2016
Signature: Deborah Barr Title, if applicable _____ Date 12-03-2016
Signature of new owner/claimant Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 12/12/2016 Receipt No. 5035844 Receipt Amt. \$500-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by _____ Date _____

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

LAWSON LASKI CLARK & POGUE, PLLC
Post Office Box 3310
Ketchum, Idaho 83340

Instrument # 637450

HAILEY, BLAINE, IDAHO

8-19-2018 02:38:12 PM No. of Pages: 4

Recorded for : LAWSON LASKI CLARK & POGUE

JOLYNN DRAGE

Fee: 19.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

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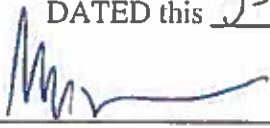
QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MYER BERLOW and DEBORAH BARR, husband and wife, hereby bargain, sell, remise, release, convey and forever quitclaim to ELKWOOD RIVER BENCH DEVELOPMENT COMPANY, LLC, an Idaho limited liability company, whose address is 214 Willow Road, Hailey, Idaho 83333, all of their right, title and interest which they have, if any, in the real property in the State of Idaho, County of Blaine described as follows:

Parcel 2 in the record of survey for Myer Berlow recorded in the records of Blaine County, Idaho as Instrument No. 575269 and more particularly described in Exhibit A attached hereto; and

Parcel A, Block 1, Cottonwood Creek Subdivision, according to the plat thereof recorded in the records of Blaine County, Idaho as Instrument No. 337073 and more particularly described in Exhibit A attached hereto.

DATED this 5th day of August, 2016.



Myer Berlow

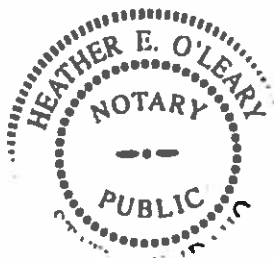


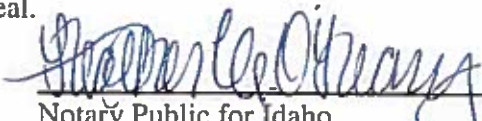
Deborah Barr

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 5th day of August, 2016, before me, the undersigned, a Notary Public in and for said county and state, personally appeared MYER BERLOW, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.



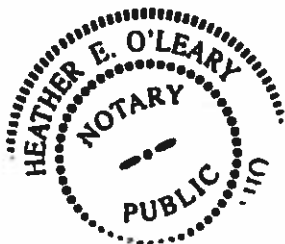


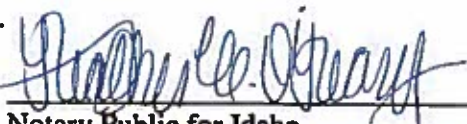
Notary Public for Idaho
Residing at 13306 Hwy 75 Ketchum, ID
My Commission expires 11-4-20

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 5th day of August, 2016, before me, the undersigned, a Notary Public in and for said county and state, personally appeared DEBORAH BARR, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.





Notary Public for Idaho
Residing at 13306 Hwy 75 Ketchum, ID
My Commission expires 11-4-20

ASSESSORS'S LIST OF TAX NUMBERS

BLAINE COUNTY, ID

YEAR 2010

TAX NO.	DESCRIPTION OF EACH TRACT OF LAND DESIGNATED BY TAX NUMBER
8212	A Parcel of land being all of the W1/2 NW1/4 and all of the NE1/4 NW1/4 of Section 29, Township 3 North, Range 18 East, Boise Meridian, Blaine. Said Parcel being more particularly described by metes and bounds as follows: Beginning at an Aluminum Cap by LS 1000 which marks the Northwest Corner of said Section 29, said point being the REAL POINT OF BEGINNING; Thence S 88°54'58" E along the North Boundary of said Section 29 2048.84 feet to the West Boundary of said Zinc Spur Ranches Unit #2; Thence along said West Boundary the following 9 courses and distances, S 44°35'37" E 37.46 feet; Thence S 30°24'16" E 150.24 feet; Thence S 07°28'49" W 357.75 feet; Thence S 82°28'49" W 128.00 feet; Thence S 15°28'49" W 490.00 feet; Thence S 04°31'11" E 110.00 feet; Thence S 56°55'17" E 183.31 feet; Thence S 37°08'49" W 57.00 feet; Thence S 14°51'11" E 74.57 feet to the South Boundary of the NE1/4 NW1/4 of said Section 29; Thence N 89°01'45" W 708.94 feet to the Southwest Corner of the NE1/4 NW1/4 of said Section 29; Thence S 00°43'14" W 1329.38 feet to the Southeast Corner of the W1/2 NW1/4 of said Section 29; Thence N 89°08'30" W 1306.04 feet to an Aluminum Cap by LS 1000 which marks the Southwest Corner of the W1/2 NW1/4 of said Section 29; Thence N 00°48'58" E 2663.87 feet to the REAL POINT OF BEGINNING. Said Parcel contains 101.13 Acres more or less CANCELS NWNW, SWNW, & TL 4485, SURVEY #575269

EXHIBIT

A

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

LAWSON LASKI CLARK & POGUE, PLLC
Post Office Box 3310
Ketchum, Idaho 83340

Instrument # 637451

HAILEY, BLAINE, IDAHO

8-19-2016 02:48:23 PM No. of Pages: 3

Recorded for : LAWSON LASKI CLARK & POGUE

JOLYNN DRAGE

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

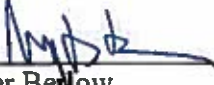
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QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MYER BERLOW and DEBORAH BARR, husband and wife, hereby bargain, sell, remise, release, convey and forever quitclaim to DEBORAH BARR, whose address is 214 Willow Road, Hailey, Idaho 83333, all of their right, title and interest which they have, if any, in the real property in the State of Idaho, County of Blaine described as Parcel 1 in that record of Survey for Myer Berlow, recorded in the records of Blaine County, Idaho as Instrument No. 575269 and more particularly described in Exhibit A attached hereto.

DATED this 5 day of August, 2016.

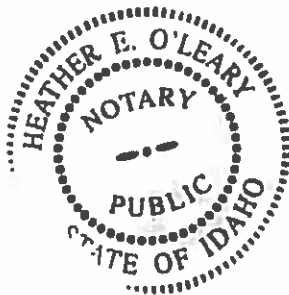

Myer Berlow


Deborah Barr

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 5th day of August, 2016, before me, the undersigned, a Notary Public in and for said county and state, personally appeared MYER BERLOW, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.



Heather E. O'Leary
Notary Public for Idaho
Residing at 13306 Hwy 75, Ketchum, ID
My Commission expires 11-4-20

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 5th day of August, 2016, before me, the undersigned, a Notary Public in and for said county and state, personally appeared DEBORAH BARR, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.



Heather E. O'Leary
Notary Public for Idaho
Residing at 13306 Hwy 75, Ketchum, ID
My Commission expires 11-4-20

ASSESSORS'S LIST OF TAX NUMBERS

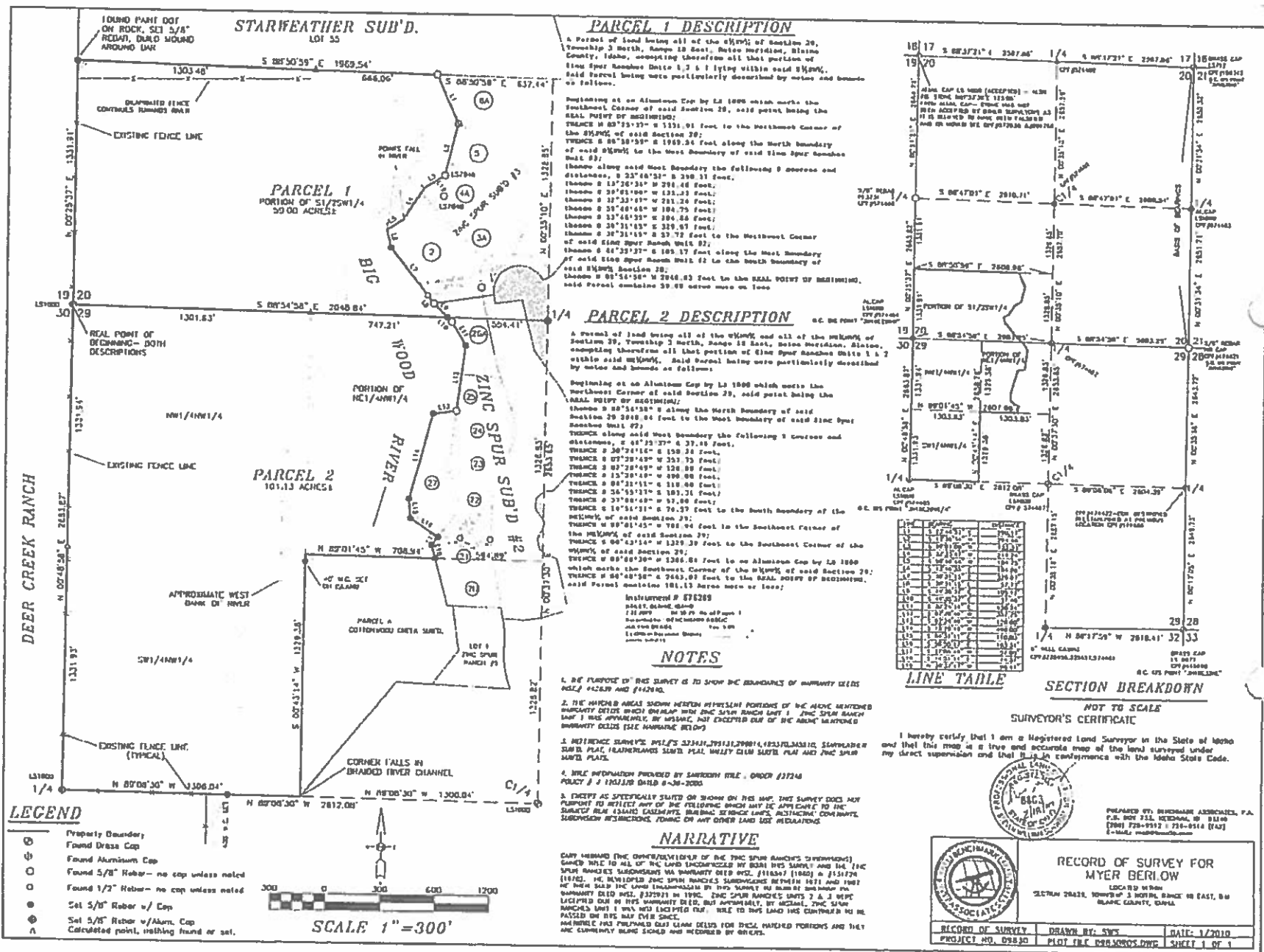
BLAINE COUNTY, ID

YEAR 2010

TAX NO.	DESCRIPTION OF EACH TRACT OF LAND DESIGNATED BY TAX NUMBER
8211	A Parcel of land being all of the S1/2 SW1/4 of Section 20, Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho. Said Parcel being more particularly described by metes and bounds as follows: Beginning at an Aluminum Cap by LS 1000 which marks the Southwest Corner of said Section 20, said point being the REAL POINT OF BEGINNING; THENCE N 00°25'37" E 1331.91 feet to the Northwest Corner of the S1/2 SW1/4 of said Section 20; THENCE S 88°50'59" E 1969.54 feet along the North Boundary of said S1/2 SW1/4 to the West Boundary of said Zinc Spur Ranches Unit #3; Thence along said West Boundary the following 8 courses and distances, S 23°46'52" E 290.17 feet; Thence S 13°36'34" W 294.46 feet; Thence S 59°01'08" W 133.33 feet; Thence S 32°33'47" W 211.24 feet; Thence S 59°46'46" W 104.75 feet; Thence S 13°46'35" E 104.86 feet; Thence S 38°31'15" E 329.87 feet; Thence S 38°31'15" E 57.72 feet to the Northwest Corner of said Zinc Spur Ranch Unit #2; Thence S 44°35'37" E 105.17 feet along the West Boundary of said Zinc Spur Ranch Unit #2 to the South Boundary of said S1/2 SW1/4 Section 20; Thence N 88°54'58" W 2048.83 feet to the REAL POINT OF BEGINNING. Said Parcel contains 59.00 acres more or less CANCELS SWSW, & TL 5317, SURVEY #575269

EXHIBIT

A





Parcel RP03N18020575C

Blue Outline is Place of Use for Water Rights 37-21419 & 37-21421

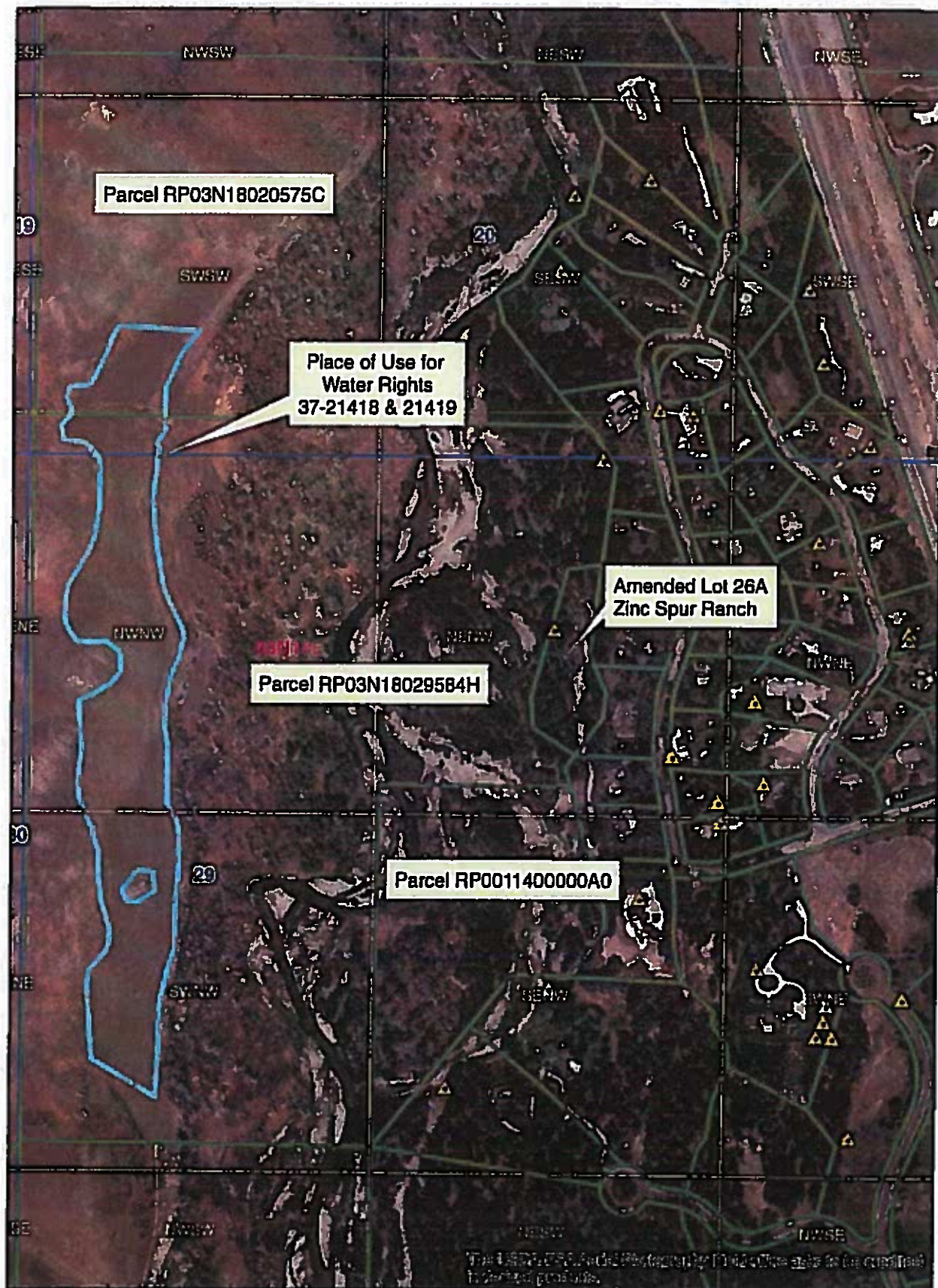
Amended Lot 26A
Zinc Spur Ranch Unit 2

Parcel RP03N18029584H

Green Lines are Blaine County
Taxlot Boundaries

Parcel RP0011400000A0

The USGS National Hydrography Dataset is a digital product.







State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 833301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2017

DEBORAH BARR
ELKWOOD RIVER BENCH DEVELOPMENT CO LLC
214 WILLOW RD
HAILEY ID 83333

Re: Change of Ownership/Split of Water Rights 37-496F, 37-21418, 37-21419, 37-21420 & 37-21421

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence splitting ownership of the above referenced water rights. These water rights have been split as follows:

<u>Water Right</u>	<u>Elkwood River Bench Development Co LLC</u>	<u>Deborah Barr</u>
37-496F	37-496F	37-23033
37-21418	37-21418	37-23034
37-21419	37-21419	37-23035
37-21420	37-21420	37-23036
37-21421	37-21421	37-23037

The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Lawson Laski Clark & Pogue PLLC
James P. Speck

RECEIVED

DEC 12 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

Heather E. O'Leary
heo@lawsonlaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

December 7, 2016

Idaho Department of Water Resources
Southern Region
Attn: Trish Fawcett
650 Addison Avenue W., Suite 500
Twin Falls, ID 83301-5858

Re: Notice of Change of Water Right Ownership
Our File No. 11529-001

Dear Trish:

Enclosed herewith are the following documents:

- Notice of Change in Water Right Ownership for Water Right Nos. 37-21418, 37-21419, 37-21420, 37-21421 and 37-496F;
- Our firm's check for \$500 for the change in ownership and water right split fees for each of the foregoing water rights;
- Quitclaim Deeds conveying the properties associated with the foregoing water rights; and
- Maps of the foregoing water rights' places of use.

Each of the foregoing water rights are to be split proportionate to the amount of land acquired by Deborah Barr ("Barr") and Elkwood River Bench Development Co., LLC ("Elkwood River") as set forth in the enclosed quitclaims deeds. For your assistance, set forth below is a breakdown of the proportionate splits of ownership for each water right – if any of the following calculations are incorrect please let me know.

Water Right No. 37-21418

- This water right is appurtenant to Parcels 1 and 2 in the Record of Survey for Myer Berlow recorded in the records of Blaine County, Idaho as Instrument No. 575269 ("Survey") which is attached as Exhibit A to the Quitclaim Deed recorded as Instrument No. 637450 enclosed herewith.
 - The owner of Parcel 1 is: Barr
 - The owner of Parcel 2 is: Elkwood River

- According to the water right report, 18 acres may be irrigated throughout Parcels 1 and 2 with a total diversion of .33 cfs → this calculates to .018 cfs per acre
 - The report states that Parcel 1 may irrigate 3.2 acres
 - $3.2 \text{ acres} \times .018 \text{ cfs} = .06 \text{ cfs to be allocated to Parcel 1 (Barr)}$
 - The report states that Parcel 2 may irrigate 14.8 acres
 - $14.8 \text{ acres} \times .018 \text{ cfs} = .27 \text{ cfs to be allocated to Parcel 2 (Elkwood River)}$

Water Right No. 37-21419

- This water right is appurtenant to Parcels 1 and 2 in the Survey as well as Amended Lot 26A of Blk 2 Zinc Spur Ranch (which also identified in the Survey)
 - The owner of Parcel 1 is: Barr
 - The owner of Parcel 2 is: Elkwood River
 - The owner of Amended Lot 26A is: Barr
- According to the water right report, 4.3 acres may be irrigated throughout Parcels 1 and 2 and Amended Lot 26A but the report states that this right is combined with Water Right No. 37-21421 and is limited to the irrigation of a combined total of 2.0 acres in a single irrigation season with a total diversion of .04 cfs → this calculates to .02 cfs per acre
- Based on my conversation with Pam at the IDWR state office, it looks like the water right's place of use is on .7 acres of Parcel 1, it is on 1.9 acres of Parcel 2 and it is on 1.7 acres of Lot 26A.
 - Based on the foregoing calculations for places of use, Parcel 1 represents 16% of the allocated place of use
 - $.16 \times 2 \text{ acres} = .32 \text{ acres}$; $.02 \text{ cfs} \times .32 \text{ acres} = .0064 \rightarrow .01 \text{ cfs to be allocated to Parcel 1 (Barr)}$
 - Based on the foregoing calculations for places of use, Parcel 2 represents 44% of the allocated place of use
 - $.44 \times 2 \text{ acres} = .88$; $.02 \text{ cfs} \times .88 \text{ acres} = .017 \text{ cfs to be allocated to Parcel 2 (Elkwood River)}$
 - Based on the foregoing calculations for places of use, Lot 26A represents 40% of the allocated places of use
 - $.4 \times 2 \text{ acres} = .8$; $.02 \text{ cfs} \times .8 \text{ acres} = .016 \text{ cfs to be allocated to Lot 26A (Barr)}$

Water Right No. 37-21420

- This water right is appurtenant to Parcels 1 and 2 in Survey
 - The owner of Parcel 1 is: Barr
 - The owner of Parcel 2 is: Elkwood River
- According to the water right report, 18 acres may be irrigated throughout Parcels 1 and 2 with a total diversion of .36 cfs → this calculates to .02 cfs per acre
 - The report states that Parcel 1 may irrigate 3.2 acres
 - $3.2 \text{ acres} \times .02 \text{ cfs} = .06 \text{ cfs to be allocated to Parcel 1 (Barr)}$
 - The report states that Parcel 2 may irrigate 14.8 acres
 - $14.8 \text{ acres} \times .02 \text{ cfs} = .3 \text{ cfs to be allocated to Parcel 2 (Elkwood River)}$

Ms. Trish Fawcett
Idaho Department of Water Resources
December 7, 2016
Page 3

Water Right No. 37-21421

- This is the same breakdown and proportionate split as Water Right No. 37-21419 [see above]

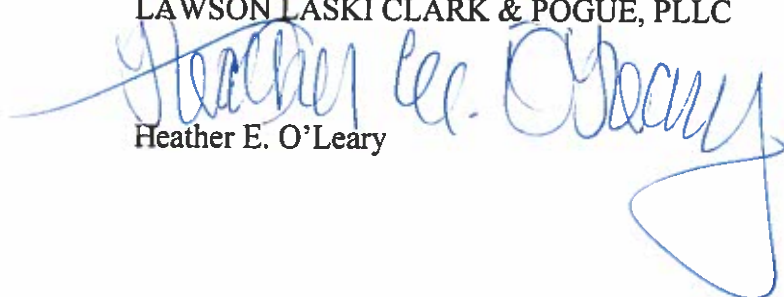
Water Right No. 37-496F

- This water right is appurtenant to Parcels 1 and 2 in the Survey
 - The owner of Parcel 1 is: Barr
 - The owner of Parcel 2 is: Elkwood River
- According to the water right report, 8 acres may be irrigated throughout Parcels 1 and 2 with a total diversion of .16 cfs for irrigation; .43 cfs for fire protection; and .43 cfs for aesthetic purposes
 - Irrigation
 - The report states that the place of use for irrigation is solely on Parcel 2
 - **.16 cfs should be allocated to Parcel 2 (Elkwood River)**
 - Fire Protection
 - The report appears to allocate 1/3 of this right to SWSW which is Parcel 1 and 2/3 of this right to NWNW and SWNW which is Parcel 2
 - Parcel 1 should receive 1/3
 - **.43 cfs x 1/3 = 0.14 cfs to be allocated to Parcel 1 (Barr)**
 - Parcel 2 should receive 2/3
 - **.43 cfs x 2/3 = 0.29 cfs to be allocated to Parcel 2 (Elkwood River)**
 - Aesthetic
 - The report appears to allocate 1/3 of this right to SWSW which is Parcel 1 and 2/3 of this right to NWNW and SWNW which is Parcel 2
 - **.43 cfs x 1/3 = 0.14 cfs to be allocated to Parcel 1 (Barr)**
 - Parcel 2 should receive 2/3
 - **.43 cfs x 2/3 = 0.29 cfs to be allocated to Parcel 2 (Elkwood River)**

Once completed, please send me as well as the new owners confirmation of the ownership changes. Thank you for your assistance in this matter and please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

LAWSON LASKI CLARK & POGUE, PLLC


Heather E. O'Leary

Enclosures
cc: Client