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DEPARTMENT OF
WATER RESOURCES

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SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
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JAMES P. SPECK
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September 22, 2010

Mr. Aaron Marshall
Idaho Department of Water Resources
Post Office Box 83720
322 E. Front St.
Boise, ID 83720-0098

***Re: Deborah Barr & Myer Berlow -- Application to Sell or Lease a Water Right to
the Water Supply Bank -- 37-00496F***

Dear Aaron:

Enclosed you will find the original and one copy of the above-referenced Application for a recently-decreed water right in Blaine County, Idaho. Please have your assistant receipt-date stamp the copy and return it to me in the postage-prepaid self-addressed envelope I have included for that purpose. Kindly call me right away if you have any questions. Please let me know at your earliest convenience when you might be able to process this Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

RECEIVED
SEP 24 2010
DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____
(For Department Use Only)

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Myer Berlow and Deborah Barr Phone (617) 621-8500
Mailing address 159 E. 61st St., New York, NY 10029 Email mberlow(at)aol.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Water Right Number 37-00496F Amount (cfs/ac-ft) 1 Nature of Use to Period of Use
_____ to _____
_____ to _____
_____ to _____
Total Amount: All

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. Is the water right appurtenant to land 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 and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

No system is currently in place and functioning.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

37-21418 and 37-21420

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe. _____

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒?

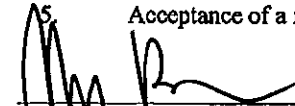
If Lease, for a period from _____ to _____ OR Indefinite ☒
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. current rental rate

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 this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.


Signature of Applicant

Myer Berlow
Printed Name and Title*

9/21/10
Date


Signature of Applicant

Deborah Barr
Printed Name and Title*

9/21/10
Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

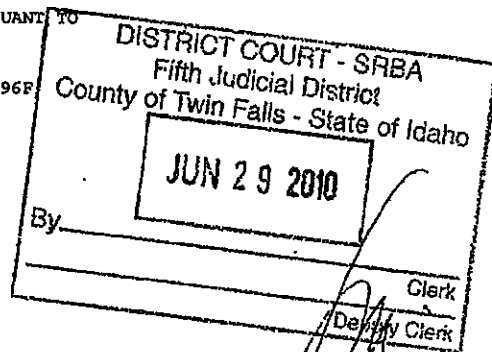
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

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 37-00496F



NAME AND ADDRESS: DEBORAH BARR
MYER BERLOW
214 WILLOW ZINC SPUR
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.59 CFS
28.00 APY

This right when combined with all other rights shall provide no more than .02 bfs per acre nor more than 3.5 afa per acre for irrigation of the lands herein.

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION: T03N R18E S20 SESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.16 CFS
			28.00 APY
	Fire Protection	01-01 TO 12-31	0.43 CFS
	Aesthetic	04-15 TO 10-31	0.43 CFS
			28.00 APY

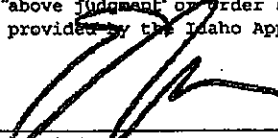
PLACE OF USE:	Irrigation		Within Blaine County
	T03N R18E S29	NWNW 5.0	SWNW 3.0
	8.0 Acres Total		
Fire Protection	T03N R18E S20	SWSW	Within Blaine County
	S29	NWNW	SWNW
Aesthetic	T03N R18E S20	SWSW	Within Blaine County
	S29	NWNW	SWNW
8 acres total			

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

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.


Eric B. Wildman
Presiding Judge of the
Snake River Basin Adjudication