

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-307B
Date Received: 9/16/1988
Receipt No: S002221
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MATTHEW M GUYRE Phone: (208)788-6424
332 GLENDALE RD
BELLEVUE ID 83313

PAUL M GUYRE Phone: (208)788-6424
332 GLENDALE RD
BELLEVUE ID 83313

VERONICA S GUYRE Phone: (208)788-6424
332 GLENDALE RD
BELLEVUE ID 83313

2. Date of Priority: 07/10/1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	12	SW SW	BLAINE	

5. Description of diverting works:

HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	23	SW	SW	IRRIGATION	20
					Section Acres	20
					Total Acres	20

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

10/19/98 TF; OWNERSHIP CHANGED FROM PEAK/STAVROS TO GRABHER PER 1409(6) AND WARRANTY DEEDS REC'D 6/5/98.

***** 06/04/99, CHANGED OWNERSHIP FROM GRABHER TO DOWNHILL AS PER WARRANTY DEED AND FORM 42-248/42-1409(6) RECEIVED 12/09/98. C.T. *****
10/8/99, CHANGED ADDRESS AS PER REQUEST REC'D 10/8/99. C.T.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
NOV 30 2005
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
3747B					
37307B					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) JUDY DOWNHILL
4. New Owner/Claimant(s) MATTHEW GUYRE
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 332 GLENDALE RD
- City, State and ZIP Code BELLEVUE ID 83313
- New Telephone Number (208) 788-6424
5. Date you acquired the property 9/23/04

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

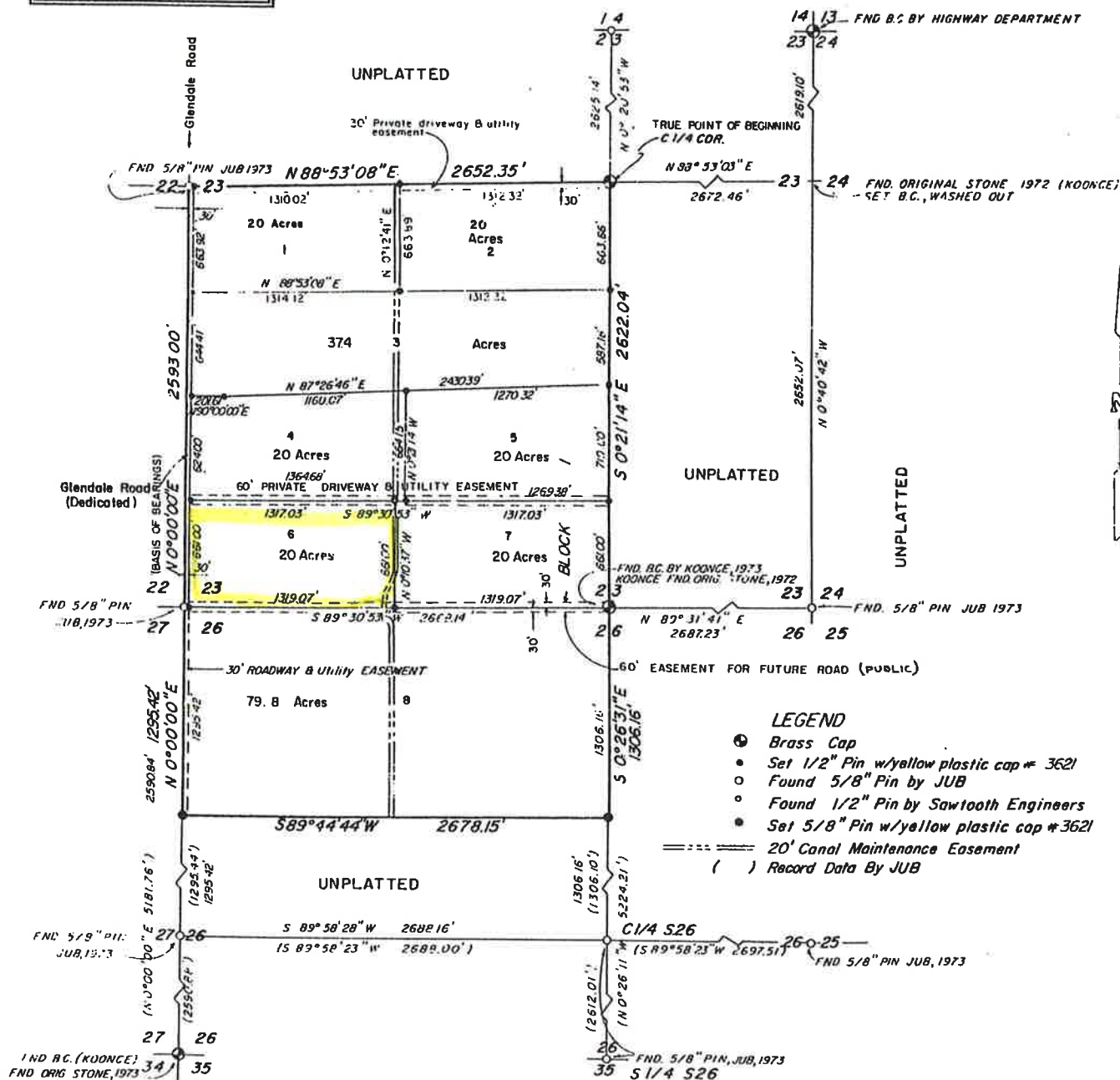
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u></u>	Date <u>11/20/05</u>	Fee <u>—</u>	
Receipted by _____	Date _____	Receipt No. _____	
Processed by _____	AJ Date _____	WR _____	Date _____

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



WARRANTY DEED

FOR VALUE RECEIVED

JUDY E. DOWNHILL, AN UNMARRIED WOMAN

the grantor, do hereby grant, bargain, sell and convey unto

MATTHEW M. GUYRE, A SINGLE MAN, AS TO AN UNDIVIDED 1/3 INTEREST AND VERONICA S. GUYRE AND PAUL M. GUYRE, WIFE AND HUSBAND, AS TO AN UNDIVIDED 2/3 INTEREST

the grantees, whose current address is P.O. Box 4530 *NG GMB 159*
Hailey, ID 83333

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 6 of POVERTY FLAT SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded April 18, 1980, as Instrument No. 202835, and amendments thereto, recorded September 9, 1998, as Instrument No. 418536, records of Blaine County, Idaho.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 17, 2004

Judy E. Downhill
JUDY E. DOWNHILL

State of: *Idaho*
County of: *Blaine*

On this *22nd* day of *Sept*, 2004, Before me a Notary Public in and for said State, personally appeared JUDY E. DOWNHILL known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Carolyn Baird
Notary Public
Residing at *Hailey*
Comm. Expires *1/23/2009*



DECREE BK
PRIORITY BK
ANNUAL RPT
ACCESS
BWCC CERT

COST REPORT
MSO ADDRESS
CMS ADDRESS
ROLODEX
RIDER LIST

QUITCLAIM DEED

For Value Received

Judy E. Downhill, an unmarried woman

Do hereby convey, release, remise and forever quitclaim unto

MATTHEW M. GUYRE, A SINGLE MAN, AS TO AN UNDIVIDED 1/3 INTEREST AND VERONICA S. GUYRE AND PAUL M. GUYRE, WIFE AND HUSBAND, AS TO AN UNDIVIDED 2/3 INTEREST

the grantees, whose current address is **P.O. Box 4530**
Hailey, ID 83333

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

Any and all water rights pertaining to the following property:
Lot 6 of POVERTY FLAT SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded April 13, 1980, as Instrument No. 202835, and amendments thereto, recorded September 9, 1998, as Instrument No. 418536, records of Blaine County, Idaho.

Together with their appurtenances.

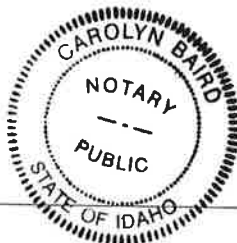
Dated: September 20, 2004

Judy E. Downhill
Judy E. Downhill

State of: Idaho
County of: Blaine

On this 22nd day of Sept, 2004, Before me a Notary Public in and for said State, personally appeared Judy E. Downhill known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Carolyn Baird
Notary Public
Residing at: Hailey
Comm. Expires: 1/23/2005





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

December 1, 2005

MATTHEW M GUYRE
332 GLENDALE LN
BELLEVUE ID 83313

RE: #37-47B, #37-307B

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownerships to you. Please find the enclosed copies of the water right claims noting the change in owners. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Clerk

enc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00307B

Date Received: 9/16/1988

Receipt No: S002221

Received By: *[Signature]*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JUDY E DOWNHILL
Address: PO BOX 112
BELLEVUE ID

208-788-3556

83313

2. Date of Priority: JUL 10, 1887

3. Source: BIG WOOD RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12		SW	SW		BLAINE

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	23	SW	SW		IRR	20.0

Section Acres 20.0

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00047B

14. Remarks:

10/19/98 TF; OWNERSHIP CHANGED FROM PEAK/STAVROS TO GRABHER PER
1409(6) AND WARRANTY DEEDS REC'D 6/5/98.

06/04/99, CHANGED OWNERSHIP FROM GRABHER TO DOWNHILL AS PER
WARRANTY DEED AND FORM 42-248/42-1409(6) RECEIVED 12/09/98. C.T.

10/8/99, CHANGED ADDRESS AS PER REQUEST REC'D 10/8/99. C.T.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00307B

Date Received: 9/16/1988

Receipt No: S002221

Received By: CF. OWNERSHIP CHANGE

~~COPY FOR~~
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR~~
~~YOUR FILES~~

1. Name: JUDY E DOWNHILL 208-726-1671
Address: PO BOX 4785
KETCHUM ID 83340

2. Date of Priority: JUL 10, 1887

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12	SW	SW	SW		BLAINE

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	23	SW	SW		IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00047B

14. Remarks:

10/19/98 TF; OWNERSHIP CHANGED FROM PEAK/STAVROS TO GRABHER PER
1409(6) AND WARRANTY DEEDS REC'D 6/5/98.

06/04/99, CHANGED OWNERSHIP FROM GRABHER TO DOWNHILL AS PER
WARRANTY DEED AND FORM 42-248/42-1409(6) RECEIVED 12/09/99. C.T.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

OCT 08 1999

Department of Water Resources
Southern Region

☐ Water Right Number(s): A37-00047B ; A37-00307B

☐ Old Mailing Address:

Judy Downhill

Box 4785

Ketchum ID 83340

Judy Downhill

☐ New Mailing Address:

Box 112

Bellevue 83313

☐ New Telephone Number: (208) 788-3556

☐ Signature of Claimant(s): Judy Downhill

Date:

9/9/99

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 10/8/99 By: ct

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

10/8/99

RECEIVED
DEC 16 1998
Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

DEC 09 1998

Department of Water Resources
Southern Region

1. Water Right Number(s) _____
Adjudication Claim Number(s) 437-00047B, A37-00307B
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Artur and Johana Grabher, Kellereiartikel, Dornbirnerstr.16, A-6890 Lustenau, Austria
4. New Owner/Claimant(s) Judy E. Downhill
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 4785
City, State and ZIP Code Ketchum, ID 83340
New Telephone Number (208) 726 - 1671
5. Date you acquired the property December 2, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Judy E. Downhill Date 12/14/98
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Data entered 6/4/99 CT 

Order No. 25002

WARRANTY DEED

RECEIVED

DEC 09 1998

Department of Water Resources
Southern Region

FOR VALUE RECEIVED

ARTUR GRABHER and JOHANA GRABHER, husband and wife

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

JUDY E. DOWNHILL, an unmarried woman

GRANTEE(s) whose address is: P.O. Box 4785, Ketchum, ID 83340

the following described real property in Blaine County, Idaho, to wit:

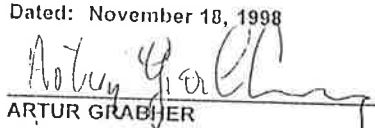
Lot 6, POVERTY FLAT SUBDIVISION, according to the official plat thereof recorded as Instrument No. 202835, records of Blaine County, Idaho.

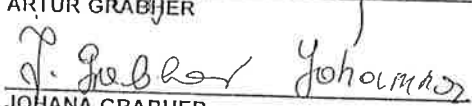
TOGETHER WITH 25 MINERS INCHES OF WATER, IDWR NO. 3700047B

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 18, 1998


ARTUR GRABHER


JOHANA GRABHER

State of Austria)
County of Vorarlberg) ss.

On this 27 day of November, in the year 1998, before me, the undersigned, personally appeared ARTUR GRABHER and JOHANA GRABHER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

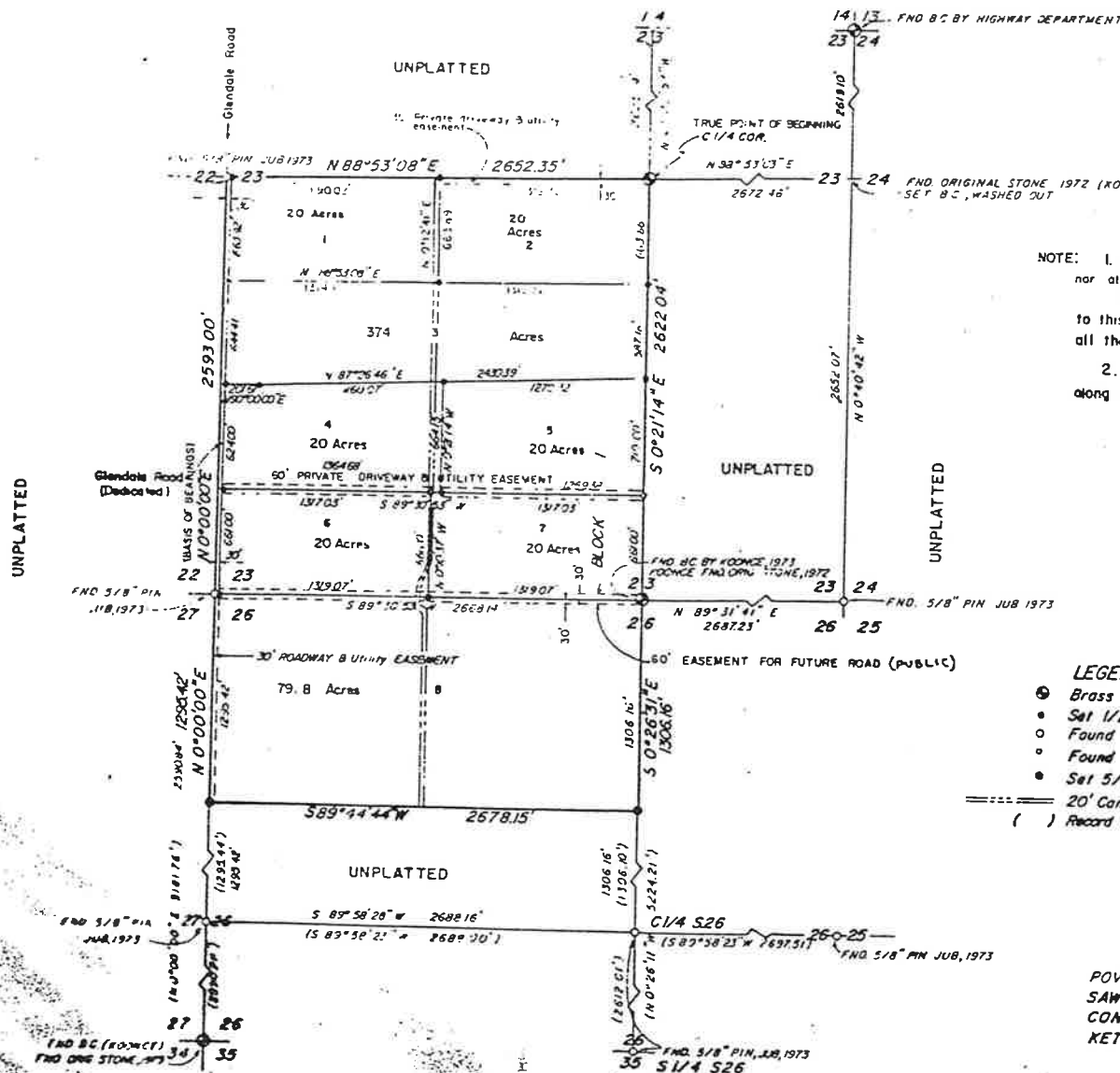
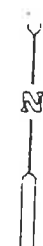
BRZ1. 1657/98




Dr. Johannes Häusler
als Substitut des öffentl. Notars
Dr. Gerhard Hammer
in Dornbirn, Vorarlberg

PLAT SHOWING
POVERTY FLAT SUBDIVISION
IN THE N 1/2 NW 1/4, SECTION 26, AND THE SW 1/4, SECTION 23,
T.1N., R.18E., B.M., BLAINE COUNTY, IDAHO
OCTOBER, 1979

VICINITY SKETCH



NOTE: 1. Lot 3 may not be further subdivided nor allowed additional residential development. The deeded water rights now attached to this property shall be proportioned among all the lots on the basis of their size.
2. There hereby exists a 10' utility easement along all lot lines.

LEGEND

- Brass Cap
- Set 1/2" Pin w/yellow plastic cap
- Found 5/8" Pin by JUB
- Found 1/2" Pin by Sawtooth Engineers
- Set 5/8" Pin w/yellow plastic cap
- ==== 20' Canal Maintenance Easement
- () Record Data By JUB

POVERTY FLAT
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

Department of Water Resources
Southern Region

DEC 09 1979

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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Department of Water Resources
Southern Region

1. Water Right Number(s) _____
Adjudication Claim Number(s) A37-00047B, A37-00307B
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Artur and Johana Grabher, Kellereiartikel, Dornbirnerstr.16,
A-6890 Lustenau, Austria
4. New Owner/Claimant(s) Judy E. Downhill
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 4785
City, State and ZIP Code Ketchum, ID 83340
New Telephone Number (208) 726 - 1671
5. Date you acquired the property December 2, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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7. Signature of New Owner/Claimant(s) _____ Date _____

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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Order No. 25002

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Southern Region

FOR VALUE RECEIVED

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JUDY E. DOWNHILL, an unmarried woman

GRANTEE(s) whose address is: P.O. Box 4785, Ketchum, ID 83340

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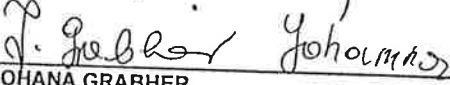
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Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 18, 1998


ARTUR GRABHER


JOHANA GRABHER

State of Austria)
County of Vorarlberg) ss.

On this 27 day of November, in the year 1998, before me, the undersigned, personally appeared ARTUR GRABHER and JOHANA GRABHER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

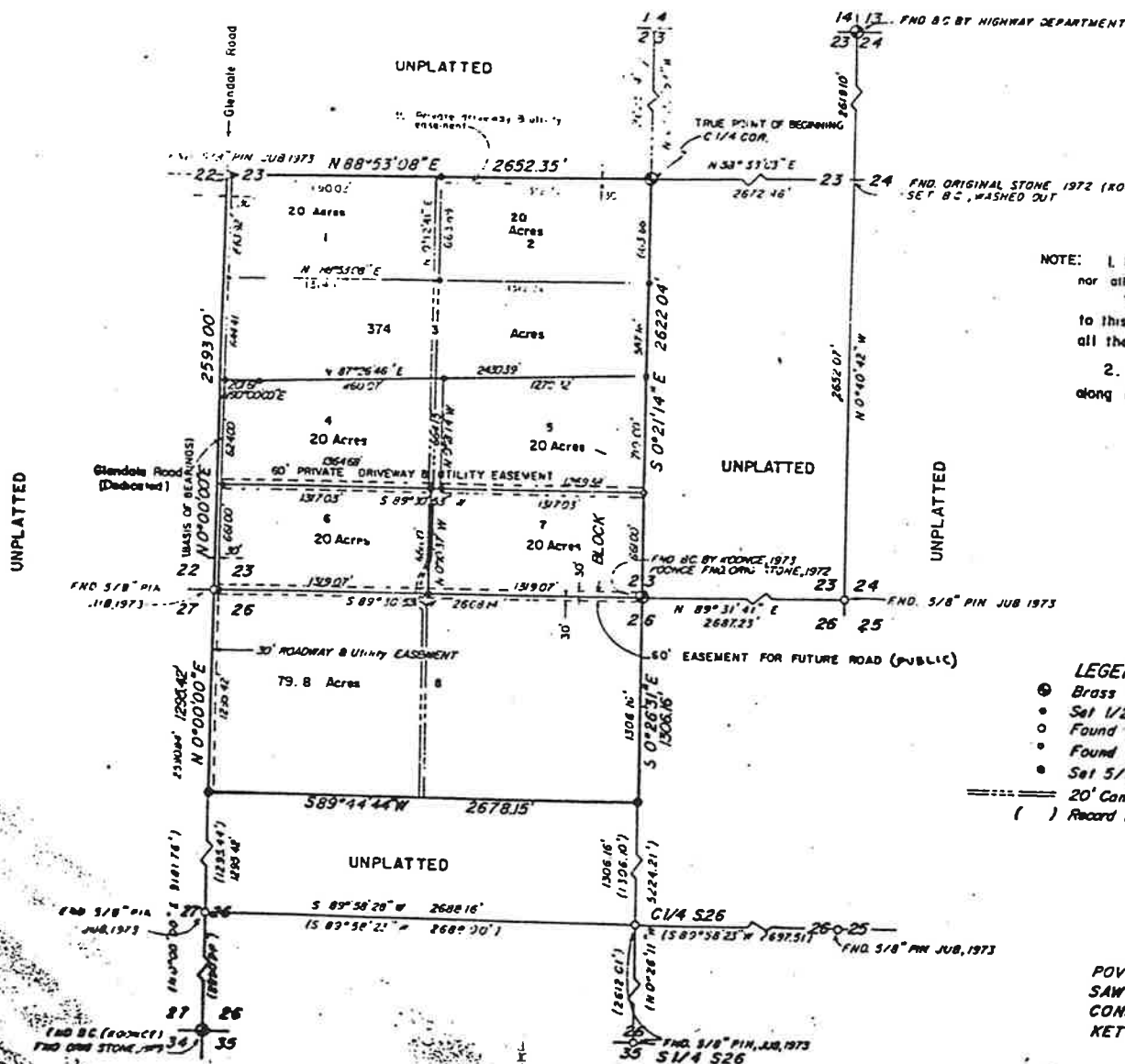
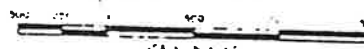
WITNESS my hand and official seal.

BRZ1. 1657/98




Dr. Johannes Häusler
als Substitut des öffentl. Notars
Dr. Gerhard Hammer
in Dornbirn, Vorarlberg

PLAT SHOWING POVERTY FLAT SUBDIVISION IN THE N 1/2 NW 1/4, SECTION 26, AND THE SW 1/4, SECTION 23, T.1N., R.8E., B.M., BLAINE COUNTY, IDAHO OCTOBER, 1979



NOTE: 1. Lot 3 may not be further subdivided nor allowed additional residential development. The deeded water rights now attached to this property shall be proportioned among all the lots on the basis of their size.

2. There hereby exists a 10' utility easement along all lot lines.

- LEGEND**
- Brass Cap
 - Set 1/2" Pin w/ yellow plastic cap
 - Found 5/8" Pin by JUB
 - Found 1/2" Pin by Southern Republic
 - Set 5/8" Pin w/ yellow plastic cap
 - ==== 20' Canal Maintenance Easement
 - () Record Data By JUB

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

POVERTY FLAT
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

RECEIVED
DEC 09 1979
Department of Water Resources
Southern Republic

PLAT SHOWING
POVERTY PLAT SUBDIVISION
IN THE N 1/2 NW 1/4, SECTION 26, AND THE SW 1/4, SECTION 23,
T1N., R8E., S8M., BLAINE COUNTY, IDAHO
OCTOBER, 1979

OCTOBER, 1979

COPY

RECEIVED

DEC 09 1997

**Department of Water Resources
Southern Region**

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

NOTE: 1. Lot 3 may not be further subdivided nor allowed additional residential development. The deeded water rights now attached to this property shall be proportioned among all the lots on the basis of their size.

2. There hereby exists a 10' utility easement along all lot lines.

LEGEND

- Brass Cap
 - Set 1/2" Pin w/yellow plastic cap = 300
 - Found 5/8" Pin by JUB
 - Found 1/2" Pin by Southwestern Engineering
 - Set 5/8" Pin w/yellow plastic cap = 300
- =====
- 20' Canal Maintenance Easement
- () Record Data By JUB

POVERTY FLAT
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

COPY

DEC 09 1998

Dr. Johannes Häusler
als Substitut des öffentl. Notars
Dr. Gerhard Hammer
in Dornbirn, Vorarlberg

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00307B**
Date Received: 9/16/1988
Receipt No: S002221
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: ARTUR GRABHER 208-726-3916
Address: C/O ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353
AND/OR
Name: JOHANA GRABHER 208-726-3916
Address: C/O ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

2. Date of Priority: JUL 10, 1887

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	SW	SW			BLAINE

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	23	SW	SW		IRR	20.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00047B

14. Remarks:
10/19/98 TF; OWNERSHIP CHANGED FROM PEAK/STAVROS TO GRABHER PER
1409(6) AND WARRANTY DEEDS REC'D 6/5/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
 JUN 05 1998
 Idaho Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right Number(s) 37-0047B and 37-00307B
 Adjudication Claim Number(s) A37-00047B and A37-00307B

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acre outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Gary B. Peak and Bill A. Stavros
 Owner/Claimants 306 S. 2nd, Bellevue, ID 83313
4. New Owner/Claimant(s) Artur and Johana Grabher
 Name connector (check one): [] AND, [] OR, [X] AND/OR

- New Mailing Address c/o Elmar Grabher, PO Box
 City, State and ZIP Code PO Box 507, Sun Valley, ID 83353

- New Telephone Number (208) 726-3916

5. Date you acquired the property July 29, 1990

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New ARTUR & JOHANA GRABHER BY Date 6/2/98
 Owner/Claimant(s) THEIR ATTORNEY IN FACT Date _____
 (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 16677A

CORPORATION
WARRANTY DEED

BLAINE CO. REQUEST
OF: *Dead*
30 JUL 31 PM 4 32
MARY GREEN, CLERK
FEES \$ 3.00

RECEIVED

05 1998

322216

Department

Water Resource
Region

FOR VALUE RECEIVED,
Sun Valley Title Company

a corporation duly organized and existing under the laws of the State of Idaho, does hereby Grant, Bargain,
Sell and Convey unto

Artur Grabher and Johana Grabher, husband and wife

whose address is: St. Antonius STR38, 6800 Lustenau VLBG, Austria,

grantee, the following described real estate, situated in Blaine County, Idaho, to wit:

Lot 5. Poverty Flat Subdivision, Blaine County, Idaho, according to the official plat thereof recorded April 18,
1990, as Instrument No. 202835, records of Blaine County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the
Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee,
that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except
as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its Secretary.

Sun Valley Title Company, an Idaho corporation

Cassie Majerus
PRESIDENT

ATTEST:

SECRETARY

State of Idaho

County of Blaine

On 6-29-90 before me, the undersigned, a Notary Public in and for said State,
personally appeared CASSIE MAJERUS and personally
known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed the
within instrument as XX President and Secretary on behalf of Sun Valley Title Company,
the corporation therein named, and acknowledged to me that such corporation executed the within
instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

John A. Sedberry
Notary Public

Residing At Ketchum, Idaho
Commission Expires: 4-28-95



Order No. 15677

JUN 05 1998

WARRANTY DEED

Department of Water Resource
Southern Region

FOR VALUE RECEIVED

Gary Blake Peak and Judith A. Peak, husband and wife and Bill A. Stavros and Linda S. Stavros, husband and wife,

Hereinafter called grantor, hereby grants, bargains, sells and conveys unto

Sun Valley Title Company, an Idaho corporation

whose address is: P. O. Box 2535, Ketchum, ID 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to wit:

Lot 6, POVERTY FLAT SUBDIVISION, Blaine County, Idaho, according to the official plat thereof recorded April 18, 1990, as Instrument No. 202835, records of Blaine County, Idaho.

322215
BLAINE CO. REQUEST
OF: Sun Valley Title Co., Inc.
Dated: 90 JUL 31 PM 4 22
MARY GREEN, CLERK
FEES \$ 3.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 27, 1990

Gary B. Peak
Gary Blake Peak

Judith A. Peak
Judith A. Peak

Bill A. Stavros
Bill A. Stavros

Linda S. Stavros
Linda S. Stavros

State of Idaho

County of Blaine

On this July 2, 1990, before me, a notary public in and for said State, personally appeared Gary Blake Peak and Judith A. Peak and Bill S. Stavros and Linda S. Stavros known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she executed the same.

Notary Public

Residing at

Commission Expires

2-18-92

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00307B

Date Received: 9/06/1988

Receipt No: S002221

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY B. PEAK 208-788-3204
Address: 306 S. 2ND
BELLEVUE, ID 83313

AND

Name: BILL A. STAVROS 208-788-9642
Address: 306 S. 2ND
BELLEVUE, ID 83313

2. Date of Priority: JUL 10, 1887

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	18E	12	SW SW		BLAINE

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00307B

Page 1

Date: 02/02/89

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	23	SW SW		IRR	20.0
Section Acres						20.0
Total Acres						20.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00047B

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A37-00307BDate Received 9-6-88Receipt Number 5002221

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

SEP 6 1988

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Gary B. Peak (and) 208-788-3204
BILL A Starros Phone (208)-788-9642Mailing Address 3065, 2nd Bellevue, Idaho Zip 833132. Date of Priority (Only one (1) per claim) June 10/18873. Source of water supply (a) Big Wood River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1 N. Range 18 E Section 12,
1/4 of SW 1/4 of S.W. 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Headgate diverting
water into a ditch that runs the length
of the poverty Flats subdivisionMICROFILMED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 10-1 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 50 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	18E	23											20						20

Total number of acres irrigated 20

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
IDWR # 37-0047 25.2 inches October 31/1889 or None ()

14. Remarks:

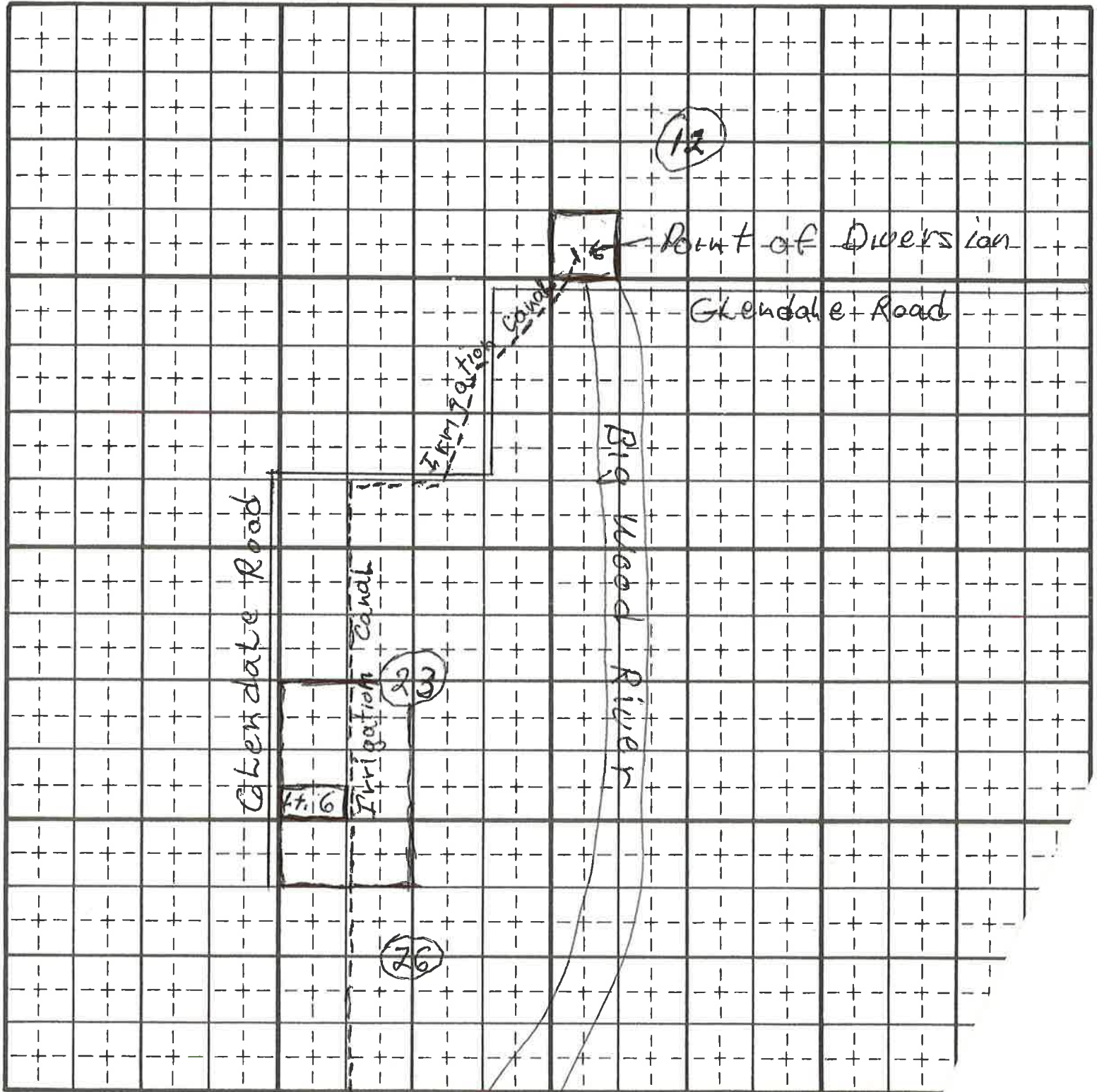
MICROFILMED
FEB 22 1993

Last Name Peak and Stavros Agent No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Lot 6 Poverty Flats Subdivision
S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sect. 23 1 N. 18 E.



Last Name PeaK & Stavros Ident No. _____

Copies: White-State, Yel

FEB 2

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 37-0307

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Mary B. Peak
Biel Stankos Linda Stavros

Date 8/26/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26th day of August 19 88

SEAL

Notary Public Cathy Zaccardi

Residing at Hailu St

My Commission Expires 1-10-93

Please Print Name ZACCARDI

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Peak and Stavros Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
FEB 22 1993

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

DEPARTMENT OF
WATER RESOURCES

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-307B

MATTHEW M GUYRE
332 GLENDALE RD
BELLEVUE ID 83313
Telephone Number: (208)788-6424

PAUL M GUYRE
332 GLENDALE RD
BELLEVUE ID 83313
Telephone Number: (208)788-6424

VERONICA S GUYRE
PO BOX 141
LYME NH 03768

RECEIVED

DEC 20 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/12/06

SIGNATURE:

Paul Guyre

Please print your name:

PAUL GUYRE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-307B

NAME AND ADDRESS: MATTHEW M GUYRE
332 GLENDALE RD
BELLEVUE ID 83313

PAUL M GUYRE
332 GLENDALE RD
BELLEVUE ID 83313

VERONICA S GUYRE
PO BOX 141
LYME NH 03768

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 07/10/1887

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.140 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S23 SWSW 20.00

20 ACRES TOTAL

This right is limited to the irrigation of 14 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 37-47B and 37-307B.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is located within Lot 6, Poverty Flat Subdivision.



Idaho Department of Water Resources

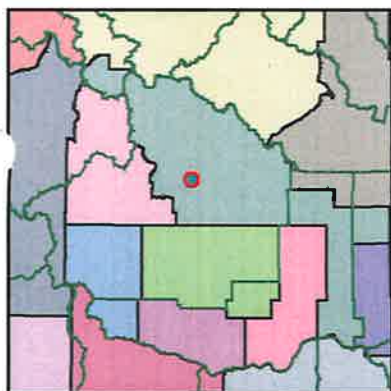
SRBA Recommendation:

37-307B

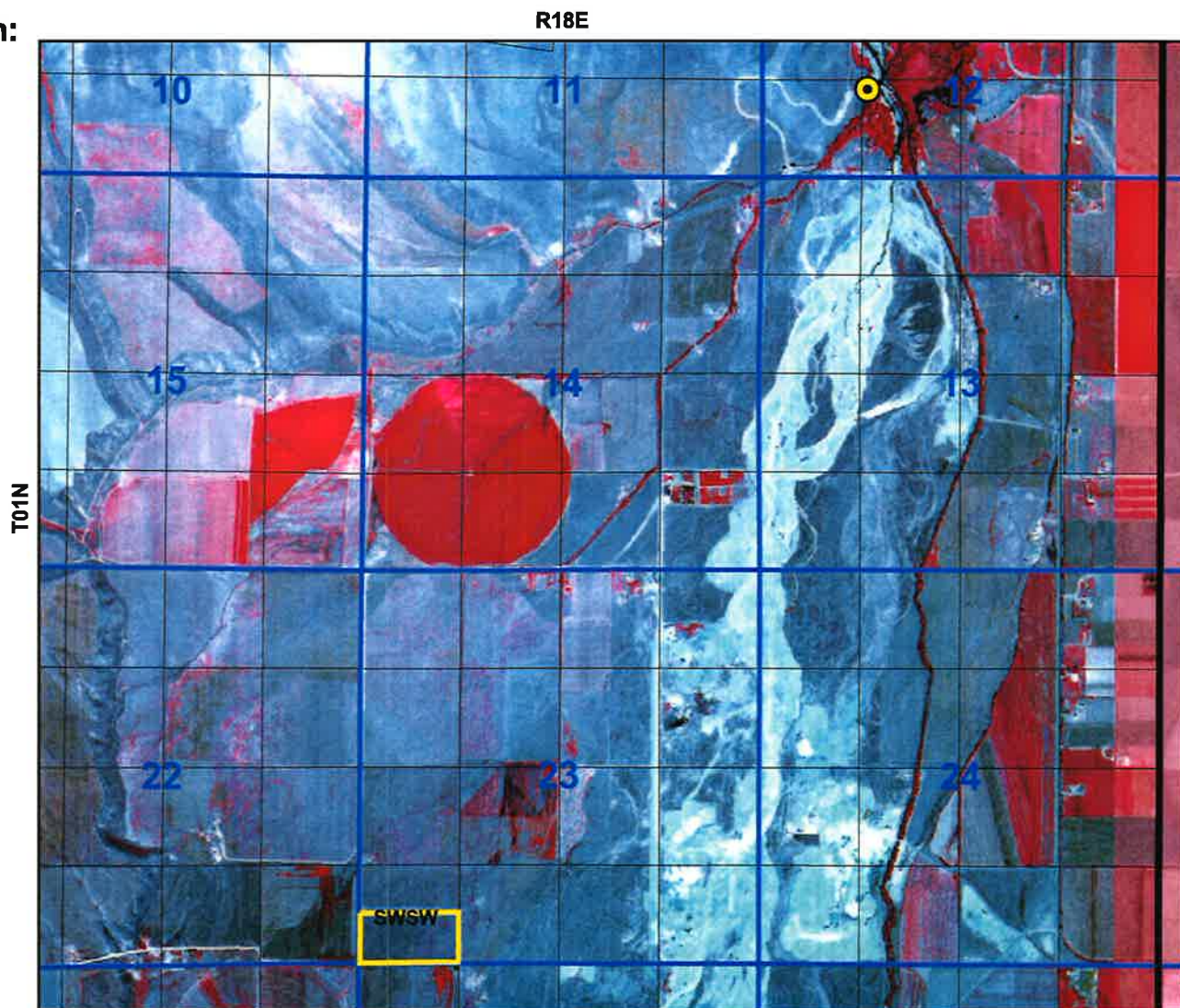
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

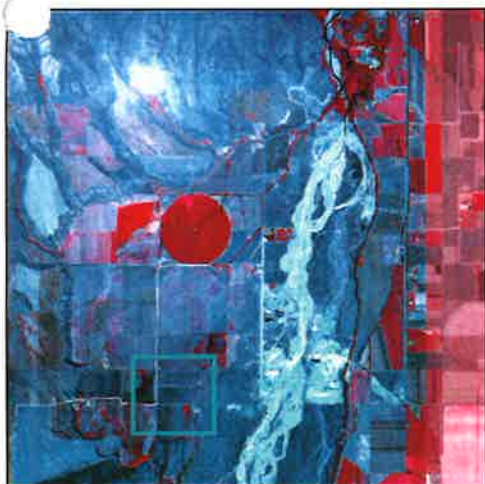
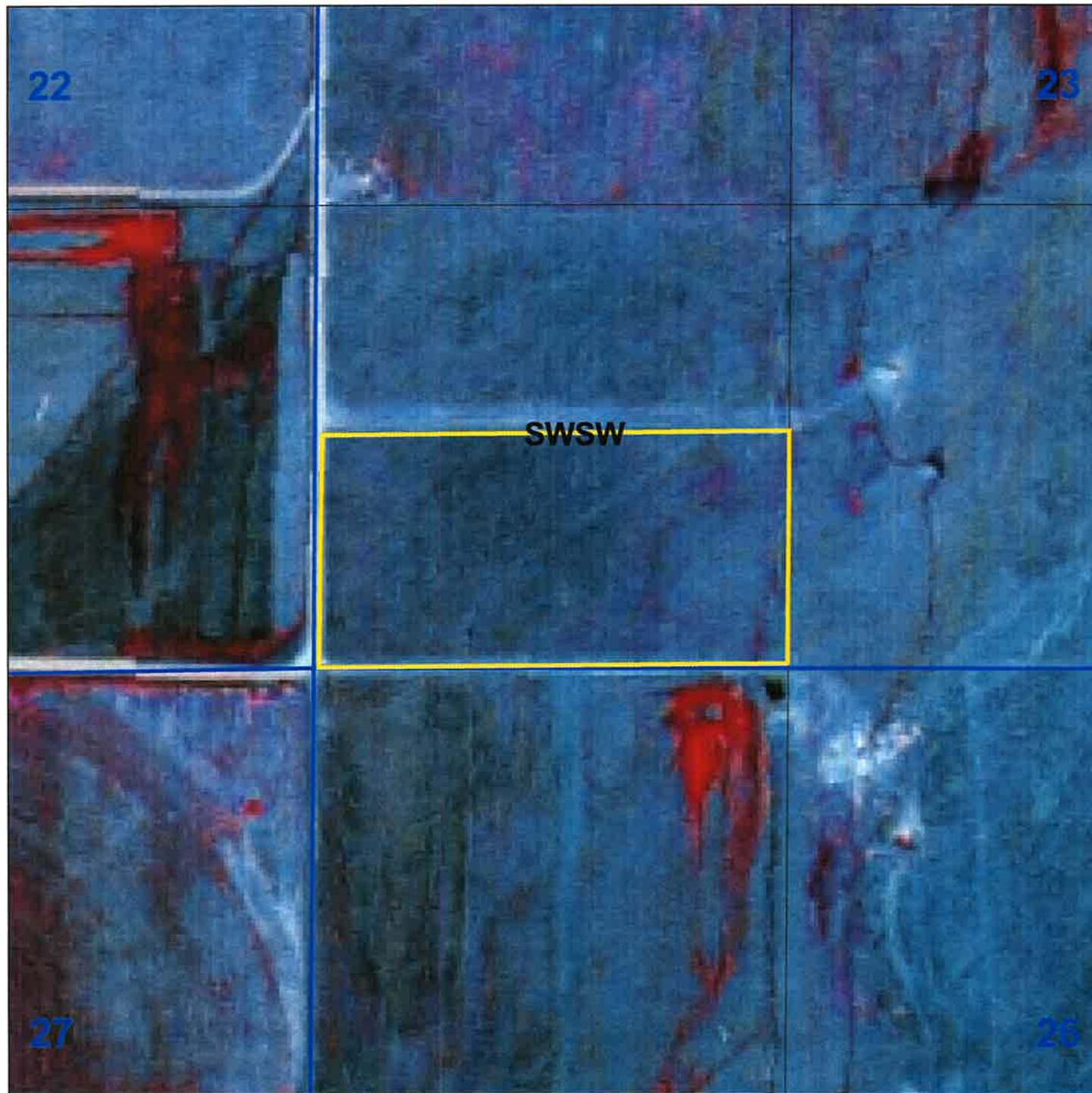


Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Thursday, November 16, 2006
1987/88 Aerial Photography

37-307B



MEMORANDUM

TO: SRBA Claim Files Based on Portions of Rights 37-0047 & 37-0307

FROM: Corey Skinner

DATE: November 14, 2006

SUBJECT: SRBA Review & Recommendation(s)

Numerous SRBA claims have been filed based on portions of rights 37-0047 and 37-0307. Review of records indicates that various lot owners within the Poverty Flats Subdivision have filed these claims. Review of IDWR water right records indicates that right 37-0047 was decreed for 6.0 cfs for the irrigation of five 40-acre tracts that are now portions of Poverty Flats Subdivision, in particular, the Southwest $\frac{1}{4}$ of Section 23 (T01N, R18E) and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26 (T01N, R18E). Review of IDWR water right records indicates that right 37-0307 was decreed for 1.6 cfs for the irrigation of four 40-acre tracts that are located to the west of Poverty Flats Subdivision, in particular, the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22 (T01N, R18E), the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27 (T01N, R18E). Further review of IDWR records indicates that these two particular decreed rights did not historically overlap any other rights on their historical places of use. Therefore, there does not seem to be any problem with assuming that these rights were moved via unrecorded transfer(s) to the claimed place(s) of use now consisting of the Poverty Flats Subdivision.

The SRBA review consisted of determining the historically irrigated land on the property now consisting of the Poverty Flats Subdivision. Examination of various years of aerial photos helped to determine an approximate shape outlining the historically irrigated land. This shape (outlined in yellow) is shown on page 4 of this memo showing various years of aerial photos. The shape consists of approximately 199 acres of land. Note that the shape includes some land, in particular Lot 5 (owned by Ken Smith) and Lot 8C (owned by Fredrick Brown) that do not currently (as of this date) have SRBA claims filed by the property owners for their irrigation use. Water master records indicate that both of these properties &/or owners, Lot 5 (owned by Ken Smith) and Lot 8C (owned by Fredrick Brown), have been delivered water. The owners of these properties have been contacted in an effort to try and solicit SRBA claim filings for their water use.

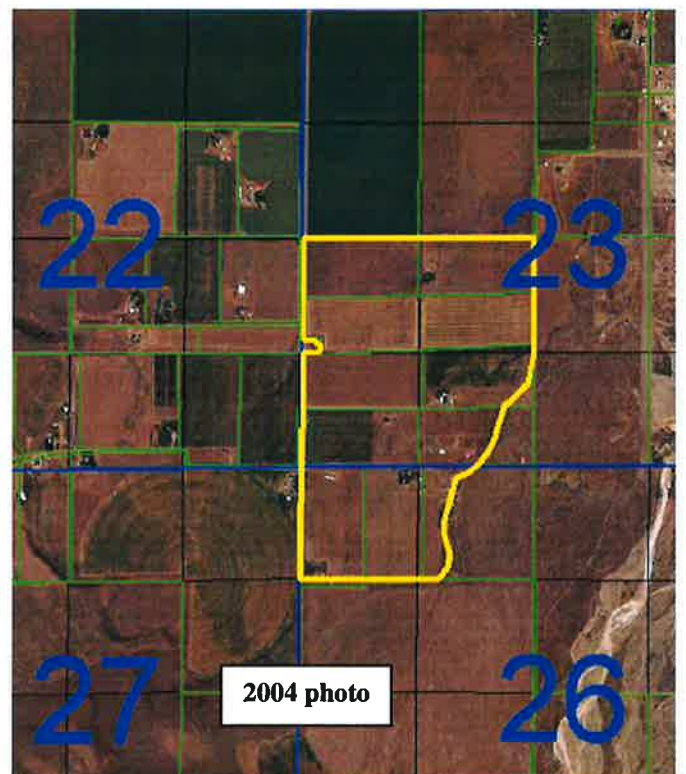
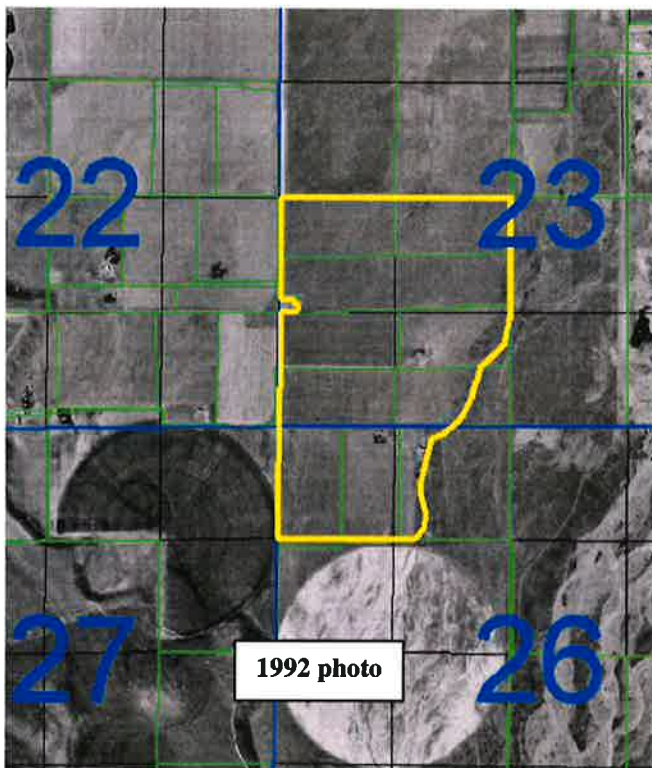
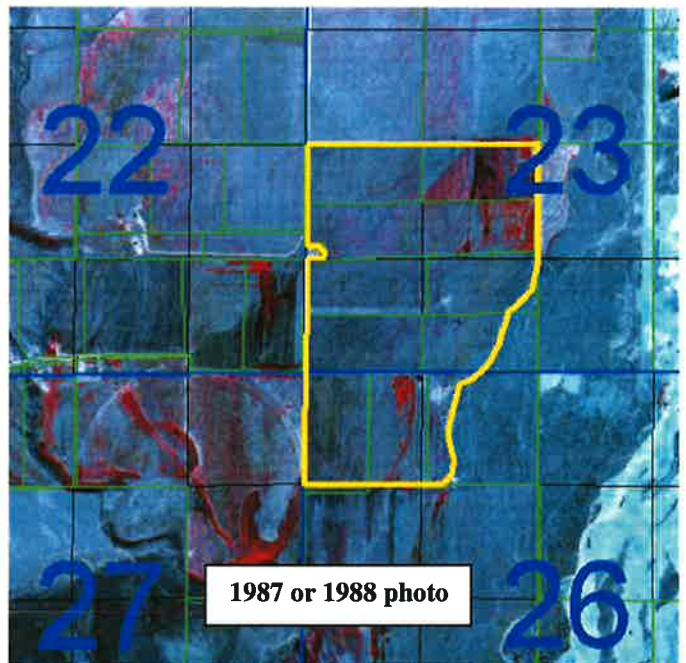
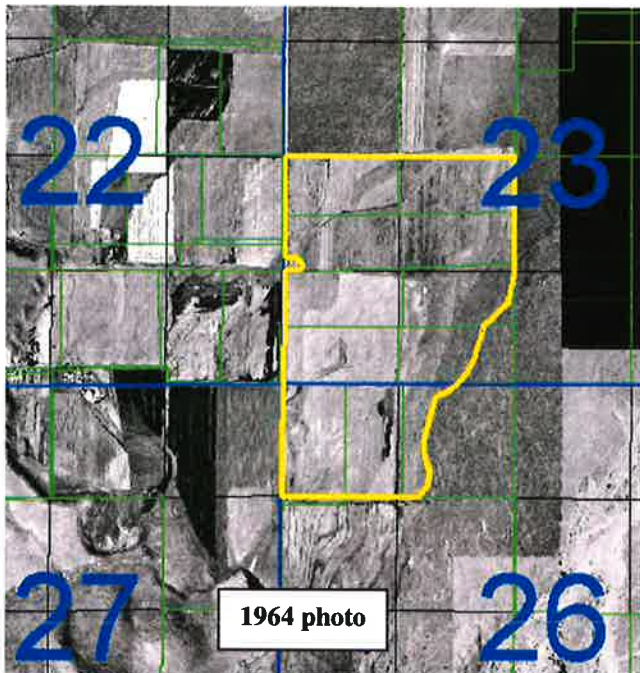
Because the historically irrigated ground consists of approximately 199 acres there is a slight problem because the originally decreed place of use for right 37-0307 only consisted of four 40-acre tracts, at most 160 acres. Note that the approximately 199 acres matches very closely with the originally decreed place of use for right 37-0047, five 40-acre tracts, or potentially 200 acres. For the claims based upon right 37-0307, a set of allowable irrigated acres per claim was established by proportionately distributing the at most 160 acres amongst the claims within the historically irrigated 199 acres based on the amounts of water for each individual claimant as recorded in water master records. For example, original decree was for 1.6 cfs for 160 acres or 0.01cfs/acre so if watermaster records show delivery of 0.14 cfs then a 14-acre limit is recommended. The following table summarizes the individual recommendations for the claims currently filed, and that need to be filed, based on rights 37-0047 and 37-0307....

Page 2
 37-47 & 37-307 SRBA Claim Review Memo
 November 14, 2006

Lot #	Claimant / Lot Owner	Claim #	Claimed Rate	Claimed POU	Water Master Rate	Rec. Rate	Rec. POU	Notes
1	Walbert	37-47E	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
1	Walbert	37-307E	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
2	Elisson	37-47A	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
2	Elisson	37-307A	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
3	South 36	37-11723	0.96 cfs	37.4 acres	0.96 cfs	0.96 cfs	36.4 acres	Claim based on 37-47. One acre home site (owned by Beck) not included in recommended POU
3	South 36	37-11721	0.24 cfs	37.4 acres	0.24 cfs	0.24 cfs	24 acres within 36.4 acre PPU	Claim based on 37-307. One acre home site (owned by Beck) not included in recommended POU
4	Toothman or Zenoniani	37-21803	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Claim based on part of 37-47
4	Toothman or Zenoniani				0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	No Claim Filed as of 11/14/06 on 37-307
5	Smith				0.50 cfs	0.50 cfs	19 acres	No Claim Filed as of 11/14/06 on 37-47
5	Smith				0.14 cfs	0.14 cfs	14 acres within 19 acre PPU	No Claim Filed as of 11/14/06 on 37-307
6	Guyre	37-47B	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
6	Guyre	37-307B	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
7	Murphy	37-47C	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	14 acres	6.0 acres on east end of property not historically irrigated
7	Murphy	37-307C	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres	6.0 acres on east end of property not historically irrigated
8A	Brunetto	37-47D	0.50 cfs	22 acres	0.50 cfs	0.50 cfs	21 acres	Plat shows lot at 21.37 acres
8A	Brunetto	37-307D	0.14 cfs	22 acres	0.14 cfs	0.14 cfs	14 acres within 21 acre PPU	Plat shows lot at 21.37 acres
8B	Wynn	37-47F	1.01 cfs	19 acres	0.50 cfs	0.50 cfs	19 acres	Recommended Rate Based on Water Master Records
8B	Wynn	37-307F	0.27 cfs	19 acres	0.14 cfs	0.14 cfs	14 acres within 19 acre PPPU	Recommended Rate Based on Water Master Records
8C	Brown				1.01 cfs	1.01 cfs	9 acres	No Claim Filed as of 11/14/06 on 37-47
8C	Brown				0.27 cfs	0.24 cfs	9 acres	No Claim Filed as of 11/14/06 on 37-307. Rate adjusted to match original decree total (1.6 cfs)

Note that the total recommended amounts for the claimed portions of right 37-47 total 5.97 cfs for the irrigation of 198.4 acres, compared to the original decreed amount of 6.0 cfs for the irrigation of five 40-acre tracts, and compared to the total water master record of 5.97 cfs. Also note that the total recommended amounts for the claimed portions of right 37-307 total 1.60 cfs for the irrigation of 145 acres, compared to the original decreed amount of 1.60 cfs for the irrigation of four 40-acre tracts, and compared to the total water master record of 1.63 cfs. *It should be noted that these totals include proposed recommendations for claims that have not yet been filed as of this date (Toothman or Zenoniani portion of 37-307 for Lot # 4, Smith portions of 37-47 and 37-307 for Lot #5, and Brown portions of 37-47 and 37-307 for Lot #8C.* Also in order to insure that no more than 1.6 cfs will be recommended for the portions of right 37-307, the proposed recommendation for the Brown portion of right 37-307 is 0.24 cfs (water master records show 0.27 cfs). This particular recommendation was selected to be reduced since it has the highest duty of water (rate per acre), when compared to the original decree, and other claimed portions based on the original decree.

**Various Years of Aerial Views of Historical Place of Use
(Approximately 199 acres Outlined in Yellow)**



ROAD

GLENDALE

300

304

1 2
3

316

4 5

324

328

332

336

22 23
27 26

6 7

340

344

348

8A 8B

8C

POVERTY FLAT SUBDIVISIO

SECS. 23 & 26,

FND 5/8" PIN JUN 1973

N 88°53'08"E

52.35'

22 23

1310.02'

1312.32'

30'

20 Acres

20 Acres
2 CAMERON

N 88°53'08"E

1314.12'

1312.32'

863.85'

2593.00'

374
30.1

Acres

N 87°26'46"E

2430.39'

1270.32'

20.15'

1160.07'

20 Acres

20 Acres

60' PRIVATE DRIVEWAY & UTILITY EASEMENT

1317.03'

S 89°30'53" W

1317.03'

20 Acres

20 Acres

BLOCK

Glendale Road
(Dedicated)

IBASIS OF BEARINGS)

N 0°00'00"E

22

23

FND 5/8" PIN
JUN 1973

27

26

1319.07'

S 89°30'53" W

1319.07'

30' ROADWAY & UTILITY EASEMENT

WYNN

8-A

8-B

8-C

21.37 Acres

20.47 Acres

37.99 Acres

N 0°00'00"E

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

1295.42'

S 89°44'44" W

2678.15'

UNPLATTED

S 89°58'28" W 2688.16'

(S 89°58'23" W 2688.00')

MICROFILMED
FEB 22 1993

1306.16'

(1306.10')

5224.21'

C1/4

(S 8

FND 5/8" PIN
JUN 1973

27

26

0°00'00" E 5181.76'

90.88'

12.01'

0°26'11" W



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**

September 24, 1999

JUDY DOWNHILL
PO BOX 112
BELLEVUE ID 83313

RE: OWNERSHIP CHANGE, ADDRESS CHANGE FOR ADJUDICATION
CLAIMS A37-00047B, A37-00307B

Claimant(s):

Pursuant to the change in ownership request that has been submitted to the department, we have changed the record of current ownership and address of the above referenced claim(s) to you. Please find the enclosed copies of the computer record of the claims, noting the change in claimant. Review these records and if there is an error, or if you have any questions, please contact this office.

Sincerely,

Cheryl E. Timm
SRBA Records Clerk

Enclosure

CT:ct



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

COPY

December 10, 1998

RECEIVED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEC 16 1998

JUDY E DOWNHILL
PO BOX 4785
KETCHUM ID 83340

Department of Water Resources
Southern Region

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-00047B, A37-00307B

Dear Ms. Downhill:

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without your signature under item 7 on the ownership change form.

Enclosed is your original ownership change form. Please sign where highlighted and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



December 2, 1998

RECEIVED

DEC 16 1998

Department of Water Resources
Southern Region

RECEIVED

DEC 09 1998

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301-6105

Re: Order No. 25082

Lot 6 - Poverty Flat Subdivision
Downhill/Grabher

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> X </u>	Notice of Change of Water Right Ownership.
<u> X </u>	Warranty Deed/Grant Deed.
<u> X </u>	Copy of Plat of the Property.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Lori Ellis
Escrow Assistant

le

Attachment(s)



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

6/26/99

JUDY DOWNHILL
PO BOX 112
BELLEVUE ID 83313

RE: Address change

Dear Ms Downhill,

As per our phone conversation yesterday I am forwarding an address change form for you to complete. We have finished the ownership change and were on the verge of mailing copies to you. I would like to hold off sending them until the address update is completed.

Please complete the form, being sure to sign it, and mail it back. We'll complete the update and send the information as soon as possible. Thank you for your attention to this and look forward to receiving the form soon.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

enc



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

December 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUDY E DOWNHILL
PO BOX 4785
KETCHUM ID 83340

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM A37-00047B, A37-00307B

Dear Ms. Downhill:

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without your signature under item 7 on the ownership change form.

Enclosed is your original ownership change form. Please sign where highlighted and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



RECEIVED

DEC 09 1998

Department of Water Resources
Southern Region

December 2, 1998

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301-6105

Re: Order No. 25082

Lot 6 - Poverty Flat Subdivision
Downhill/Grabher

Dear Ladies and Gentlemen:

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<u> X </u>	Warranty Deed/Grant Deed.
<u> X </u>	Copy of Plat of the Property.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Lori Ellis
Escrow Assistant

le

Attachment(s)



COPY

RECEIVED

DEC 09 1998

Department of Water Resources
Southern Region

December 2, 1998

RECEIVED

DEC 16 1998

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301-6105

Re: Order No. 25082

Lot 6 - Poverty Flat Subdivision
Downhill/Grabher

Dear Ladies and Gentlemen:

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<u> x </u>	Notice of Change of Water Right Ownership.
<u> x </u>	Warranty Deed/Grant Deed.
<u> x </u>	Copy of Plat of the Property.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Lori Ellis
Escrow Assistant

le

Attachment(s)

Memorandum

To: CLAIMS A37-00047B, A37-00307B, A37-00307C

CC: ABOVE REFERENCED CLAIMS

From: CHERYL TIMM

Date: 08/23/99

Re: OWNERSHIP CHANGES

WARRANTY DEEDS

Mary Baldwin requested copies of all owner changes to the above referenced files. Apparently, Norma Peterson is the original requester.

Reason: There is a question as to the accuracy of the Warranty Deeds. I did check against the claims and they appear accurate as to legal description of the corresponding claims.

I copied said Warranty Deeds and Ownership Change forms all the way back to original claimant and gave the copies to Mary.



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

October 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ARTUR GRABHER
JOHANA GRABHER
C/O ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

RE: SRBA Claim(s) A37-00047B, A37-00307B

Dear Mr. Grabher:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to your brother and his wife. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

cc: James P. Speck

RECEIVED

JUN 05 1998

Department of Water Resources
Bozeman, Montana

GENERAL POWER OF ATTORNEY

We, Artur and Johanna Grabher, of Lustenau, AUSTRIA, hereby designate and appoint Elmar Grabher, of Blaine County, Idaho, as our attorney in fact and agent (herein called the "Agent") to act in our name and for our benefit.

We grant to the Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that the Agent shall lawfully do or cause to be done by virtue of this Power of Attorney and the powers herein granted.

Dornbirn, am 25.3.1996

Artur Grabher

Artur Grabher
26.4.1941

Johanna Grabher

Johanna Grabher
Geb. Staller
27.9.1940

Beurkundungsregister Zahl 469/1996

Die Echtheit der vorseitigen Unterschriften von: -----

- 1) Artur G r a b h e r (26.4.1941 - sechszwanzigster
April neunzehnhunderteinundvierzig), Kaufmann,
A-6890 Lustenau, St.-Antonius-Straße 38; -----
- 2) Johanna G r a b h e r - Haller (27.9.1948 - siebenund-
zwanzigster September neunzehnhundertachtundvierzig),
Hausfrau, ebendort wohnhaft -----

wird hiemit beurkundet. -----

Dornbirn, am fünfundzwanzigsten März neunzehnhundertsechszund-
neunzig (25.3.1996). -----



[Handwritten signatures]

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

June 4, 1998

RECEIVED

JUN 05 1998

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

Re: Notice of Change of Water Right Ownership - Artur and Johana Grabher

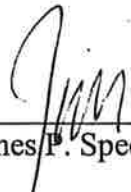
Dear Allen:

Enclosed you will find a Notice of Change of Water Right Ownership for Artur and Johana Grabher together with copies of the Warranty Deeds transferring title to the appurtenant real property from Peak and Stavros to the Grabhers. I have also included a copy of the general power of attorney for Elmar Grabher who is Artur's brother. Please call me if you have any questions about the change of ownership. If not, kindly send me copies of the computer print outs showing the change of ownership for the SRBA claims.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: Elmar Grabher, w/encl.

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Peak/Sr. JrosCLAIM IDENT. NO. A37-00307BDATE RECEIVED 9-6-88CK # 5002221AMOUNT \$ \$120

YES

NO

1. Is the name and address complete with zip code? X2. Is a priority date entered? X

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Devel

USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? X(b) Is a tributary to entered? (if required) X N/A4. Is the legal description of the p.d. sufficient? X5. Is there a description of the diverting works? X6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. XIs the period of use included? XIs a quantity claimed for each use? X7. Is a total quantity claimed entered? X8. If required is a consumptive use entered? X N/AIs the consumptive use correct? X N/A9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. na10. Is (are) the place(s) of use entered? X11. Is (are) the county(ies) entered? X12. Is the ownership of p.u. checked? X13. Are other water rights listed or "none" checked? X14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) X N/A15. Is the basis of the claim checked? X16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) XHas the claim been signed, sealed, and dated by a notary? XIs the fee enclosed correct? XIf this claim is based on an existing water right, has the identification number been entered? X N/AShould this claim be receipted and data entered? XClaim checked by: rlt

Comments:

FEB 22 1993