

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 37-20440
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RANNEY E DRAPER Phone: (949)499-2469
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

PRISCILLA A DRAPER Phone: (949)499-2469
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	18E	20	SW	NW		BLAINE	
04N	18E	30	SE	NE		BLAINE	

5. Description of diverting works:

HIAWATHA CANAL

COMSTOCK DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	04/15	10/31	0.09	
RECREATION	04/15	10/31	0.09	
AESTHETIC	04/15	10/31	0.09	

7. Total Quantity Appropriated is:
0.09 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
04N	18E	32	NW	NW	RECREATION	
			NW	NW	WILDLIFE	
			NW	NW	AESTHETIC	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right serves as mitigation for use of Big Wood River water diverted for Aesthetic, Recreation and Wildlife purposes under Permit 37-20441. The right holder shall retain ownership of Right 37-20440 and 0.02 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.07 cfs) shall be delivered with 37-20441 at the head of the Comstock ditch for losses associated with development of ponds under permit 37-20441.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 17, 2003

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: 37-20401 Grabher & Draper

Dear Jim:

I am writing in response to your 04-09-2003 letter regarding the water right referenced above. Approved Transfer 69282 split Right 37-20401 into Right 37-20439 in the name of Rigmor and Elmar Grabher and Right 37-20440 in the name of Ranney Draper.

Right 37-20440 has been removed from the Water Supply Bank and is subject to the conditions of the transfer approval. The right was not updated to include Priscilla A. Draper as a current owner. I will forward a copy of the ownership documentation that you provided to the Adjudication staff to update the ownership of the SRBA claim.

Right 37-20439 (part) is listed in the Water Supply Bank, reflecting the sale of an additional portion sold to Burdick that is associated with pending Transfer 69589. There is a link to view the Water Supply Bank information on our website www.idwr.state.id.us located under Idaho Water Resource Board, Water Supply Bank, "water rights currently available" or "Available Water Rights".

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Sr. Water Rights Agent

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

APR 11 2003

Department of Water Resources

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

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

April 9, 2003

Ms. Debbie Gibson
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

**Re: Water Right No. 37-20401-Elmar and Rigmor Grabher
Ranney and Priscilla Draper**

Dear Debbie:

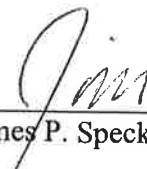
Enclosed you will find a copy of the Quitclaim Deed whereby Elmar and Rigmor Grabher have conveyed to Ranney and Priscilla Draper a portion of Water Right No. 37-20401 which is currently accepted into the Water Supply Bank. Approved Transfer No. 69282 has changed the use of the portion of the water right acquired by Mr. and Mrs. Draper to aesthetic, recreation and wildlife purposes. They will now proceed to construct their project and the use of this water right will be resumed upon completion of that project construction.

In the meantime, will the records of the Water Supply Bank be changed to reflect this conveyance and the terms and conditions of the approved Transfer? Is there anything further that Mr. and Mrs. Draper should do with respect to this water right between now and the time when they are able to put it to use in their completed project?

I look forward to hearing from you soon on this matter.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

Enclosure

cc: Ranney Draper (w/encl.)

Steve Fisher (w/encl.)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECEIVED

APR 11 2003

Department of Water Resources

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

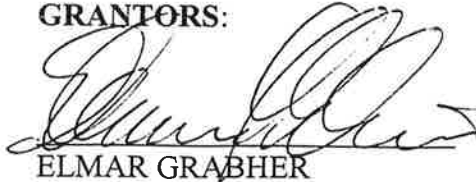
QUITCLAIM DEED

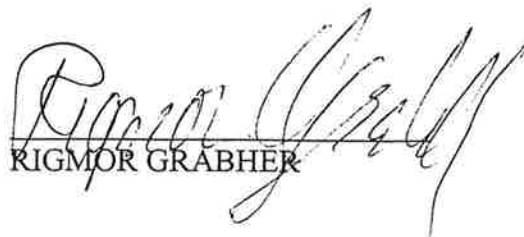
FOR VALUE RECEIVED, we, ELMAR GRABHER and RIGMOR GRABHER, husband and wife ("Grantors"), do hereby convey, release, remise and forever quitclaim to RANNEY E. DRAPER and PRISCILLA A. DRAPER, husband and wife (collectively "Grantees"), c/o Spring Creek Properties, 567 San Nicolas Drive, Suite 340, Newport Beach, California 92660-6513, all of our right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

0.09 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-20440 for aesthetic, recreation and wildlife purposes created by approved Transfer No. 69282 (formerly a portion of Water Right No. 37-20401 (previously numbered 37-00004) used for the irrigation of one (1) acre within the NW1/4 NE/14, S.9, T.2N., R.18E., B.M., Blaine County, Idaho).

DATED this 7 day of April, 2003.

GRANTORS:


ELMAR GRABHER


RIGMOR GRABHER

STATE OF IDAHO)
) ss.
County of Blaine)

On this 7th day of April, 2003, before me, the undersigned, a notary public in and for said state, personally appeared ELMAR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Jean A. Latham
Notary Public for Idaho
Residing at: Blaine Co
Comm. Expires: 1-28-07

STATE OF IDAHO)
) ss.
County of Blaine)

On this 7th day of April, 2003, before me, the undersigned, a notary public in and for said state, personally appeared RIGMOR GRABHER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Jean A. Latham
Notary Public for Idaho
Residing at: Blaine Co
Comm. Expires: 1-25-07

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
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CIVIL CASE NUMBER: 39576

Ident. Number 37-20440
Date Received:
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RANNEY E DRAPER Phone: (949)499-2469
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SW NW	BLAINE	
04N	18E	30	SE NE	BLAINE	

5. Description of diverting works:

HIAWATHA CANAL
COMSTOCK DITCH

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Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	04/15	10/31	0.09	
RECREATION	04/15	10/31	0.09	
AESTHETIC	04/15	10/31	0.09	

7. Total Quantity Appropriated is:
0.09 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
04N	18E	32	NW	NW	RECREATION	
			NW	NW	WILDLIFE	
			NW	NW	AESTHETIC	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right serves as mitigation for use of Big Wood River water diverted for Aesthetic, Recreation and Wildlife purposes under Permit 37-20441. The right holder shall retain ownership of Right 37-20440 and 0.02 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.07 cfs) shall be delivered with 37-20441 at the head of the Comstock ditch for losses associated with development of ponds under permit 37-20441.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim:

09/18/2006

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

RIGHT NUMBER: 37-20440

NAME AND ADDRESS: PRISCILLA A DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	04/15 10/31	0.090 CFS
WILDLIFE	04/15 10/31	0.090 CFS
AESTHETIC	04/15 10/31	0.090 CFS

PLACE OF USE:

WILDLIFE Within BLAINE County

T04N R18E S32 NWNW

RECREATION Within BLAINE County

T04N R18E S32 NWNW

AESTHETIC Within BLAINE County

T04N R18E S32 NWNW

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

This right serves as mitigation for use of Big Wood River water diverted for Aesthetic, Recreation and Wildlife purposes under Permit 37-20441. The right holder shall retain ownership of Right 37-20440 and 0.02 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.07 cfs) shall be delivered with 37-20441 at the head of the Comstock ditch for losses associated with development of ponds under permit 37-20441.

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.

09/18/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right may be affected by an agreement between the protestant and the right holder.



Idaho Department of Water Resources

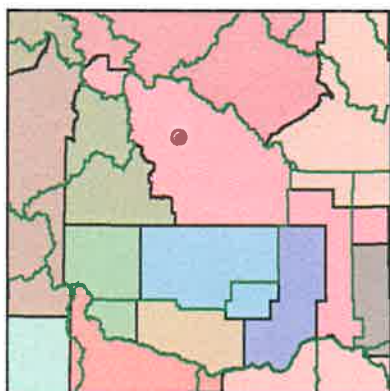
SRBA Recommendation:

37-20440

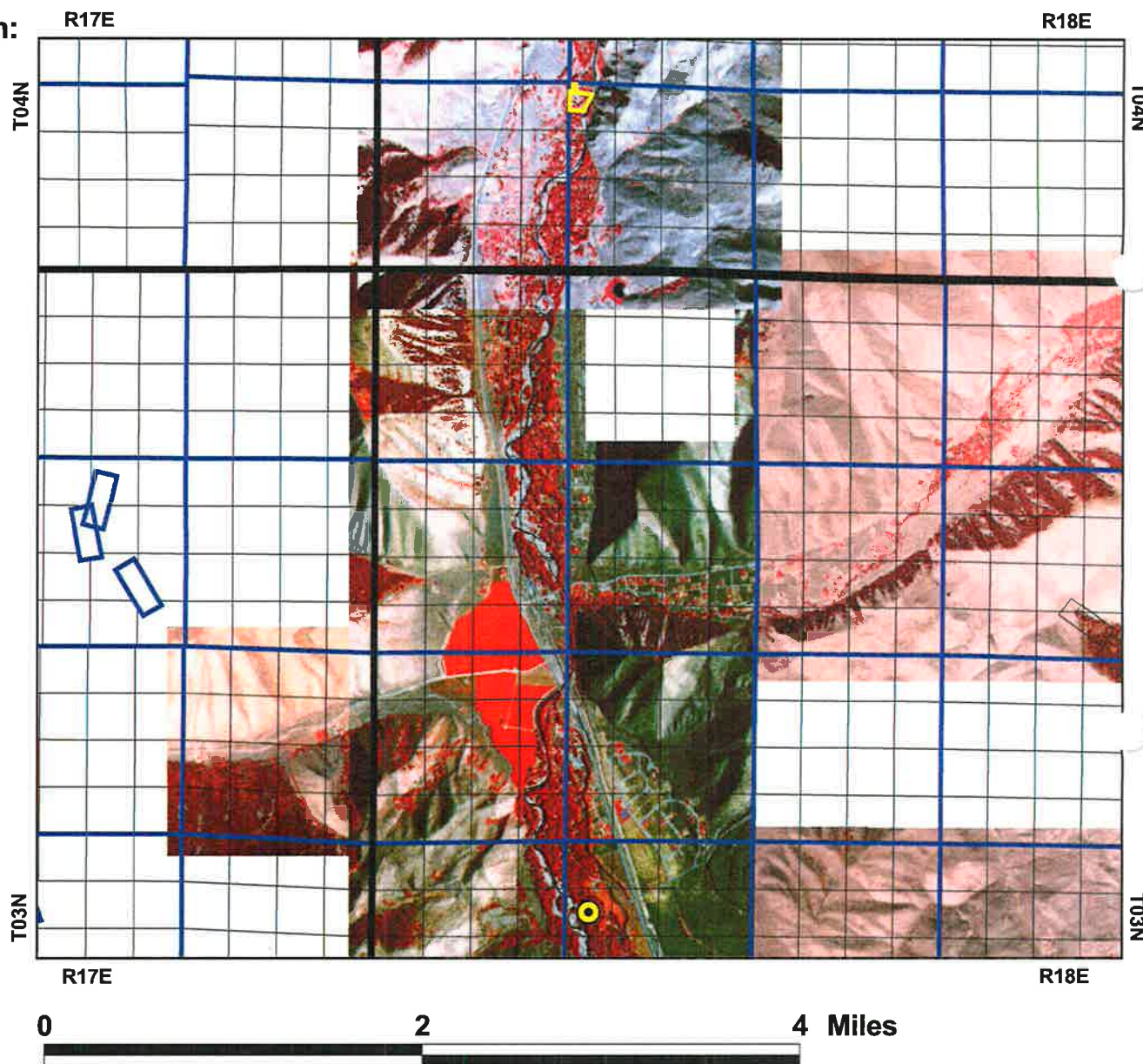
(Wildlife)

Legend

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

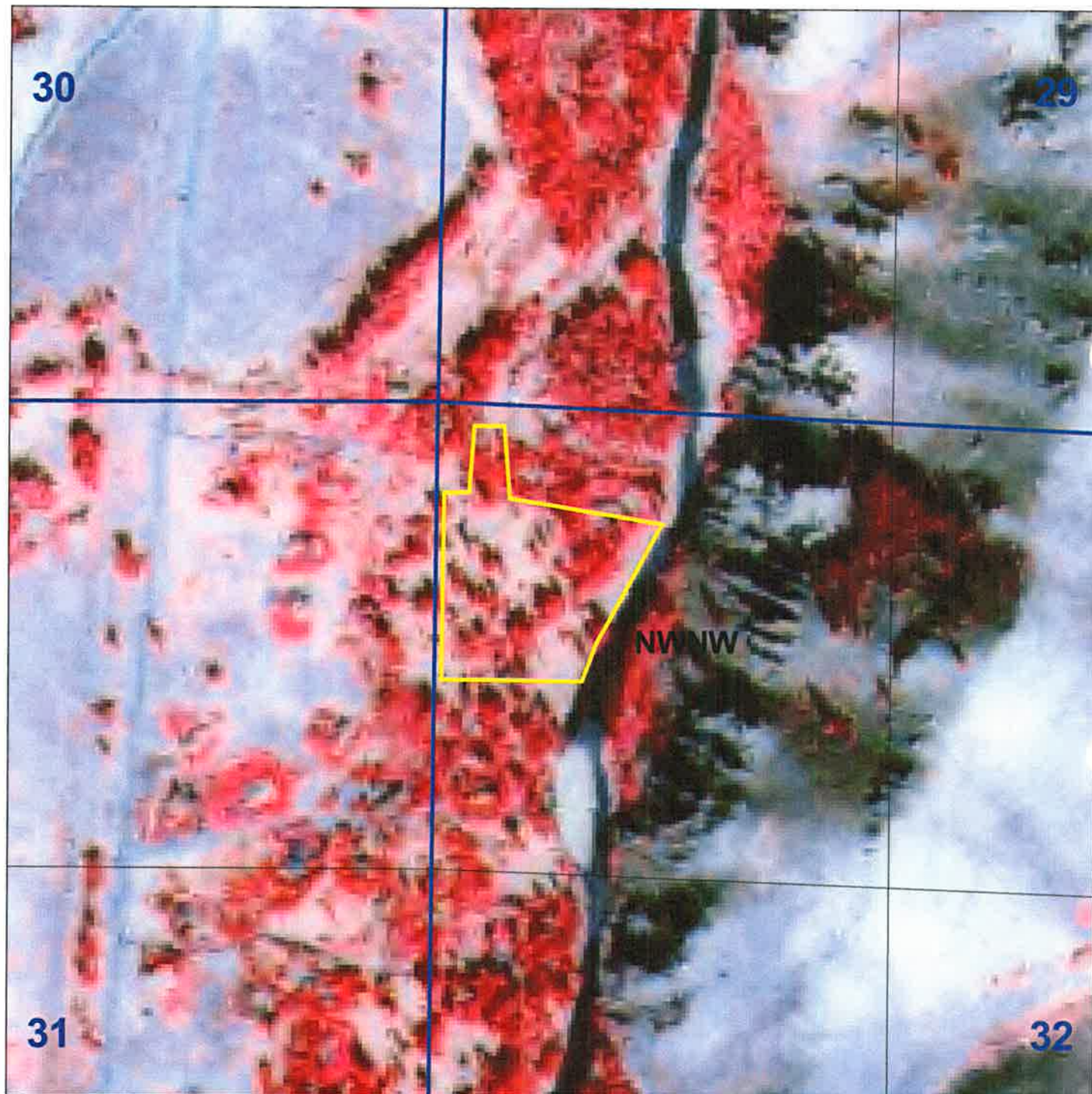


Blaine County
IDWR Basin 37

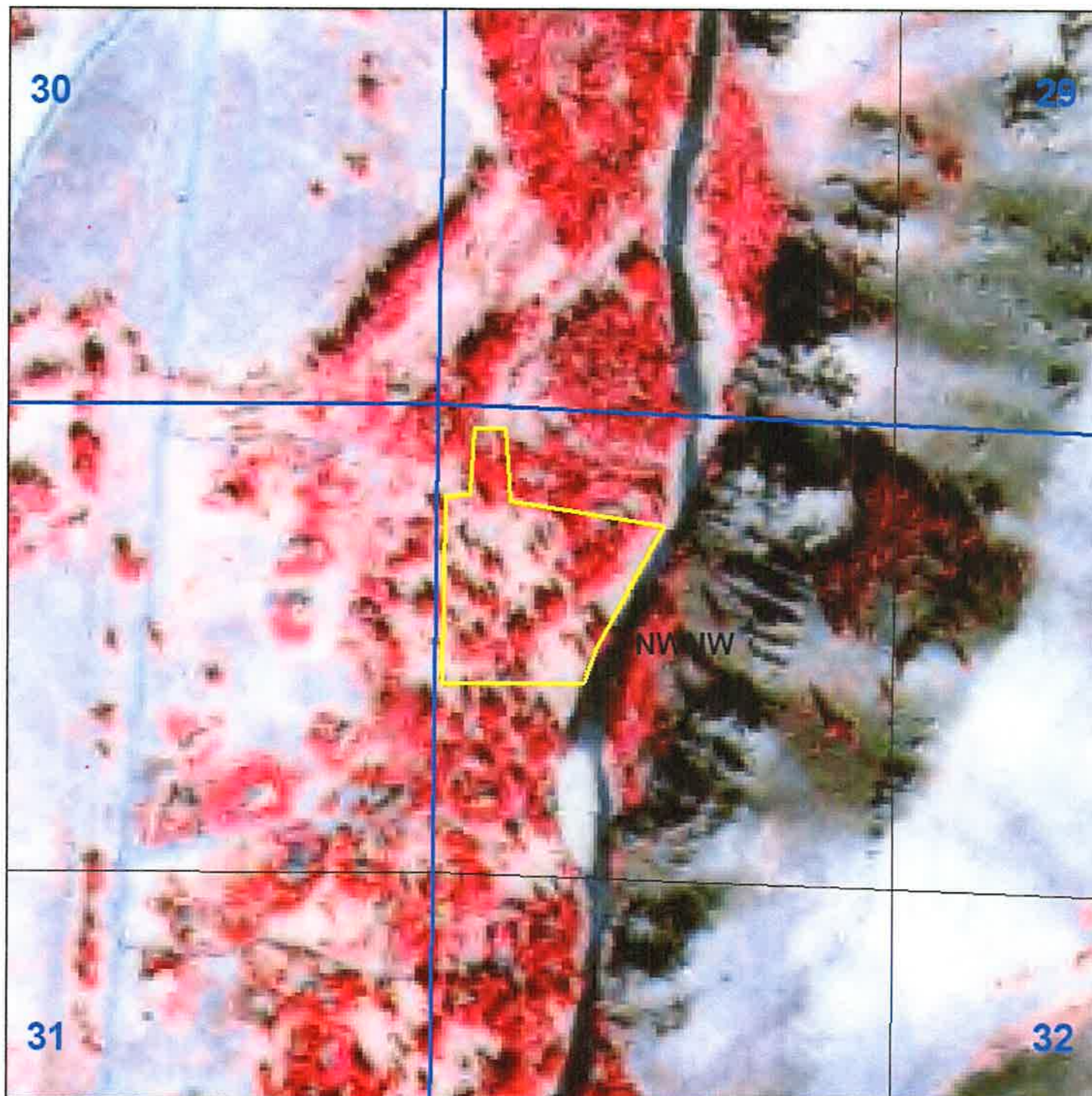


Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

37-20440



37-20440





Idaho Department of Water Resources

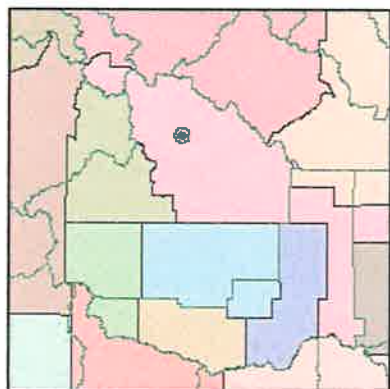
SRBA Recommendation:

37-20440

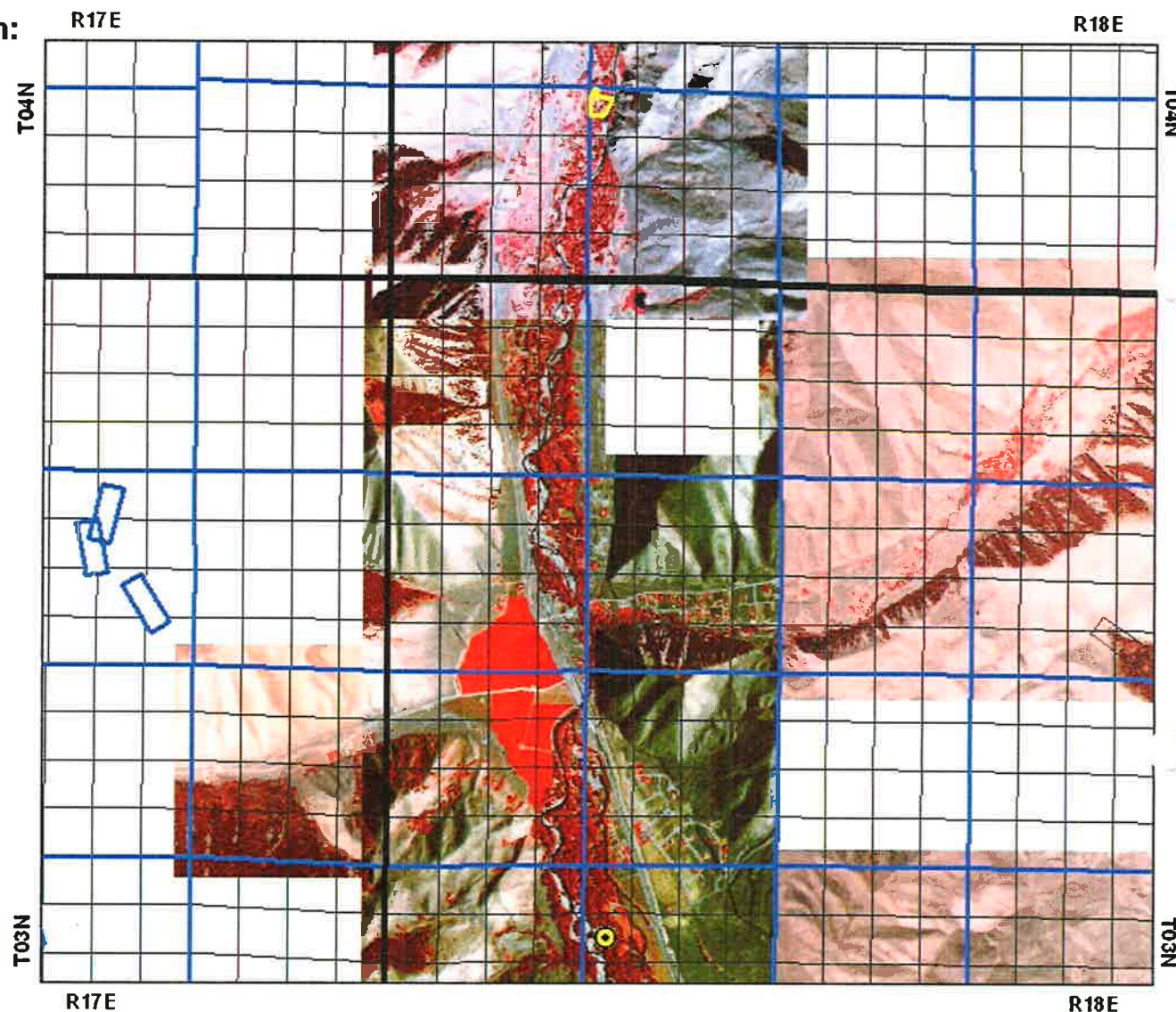
(Wildlife)

Legend

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



Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69282

This is to certify that: RANNEY DRAPER
 567 SAN NICHOLAS DR.
 SUITE 340
 NEWPORT BEACH CA 92660-6513
 (949)499-2469

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
37-20401	AJC/Decreed	03/24/1883	0.37 cfs	14 af	4.0		BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20401	YES	NO	YES	YES	NO	YES

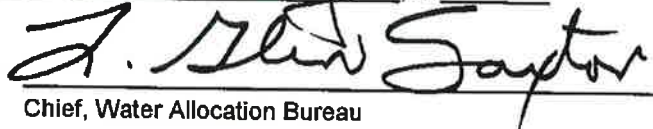
Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20401	37-20440	0.09 cfs	N/A	N/A	N/A	37-20439	0.28 cfs	N/A	N/A	3.0
TOTALS		0.09 cfs	N/A	N/A	N/A		0.28 cfs	N/A	N/A	3.0

Detailed Water Right Description(s) attached

Dated this 14th day of

February, 2003


 Chief, Water Allocation Bureau

MICROFILMED

MAR 7 9 2003

WATER RIGHT NO. 37-20439
As Modified by Transfer No. 69282

In accordance with the approval of Transfer No. 69282, Water Right No. 37-20439 is now described as follows.

Right Holder: RIGMOR GRABHER AND ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.28 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 4															2.0		2.0
02N 18E 9	.6		.4														1.0

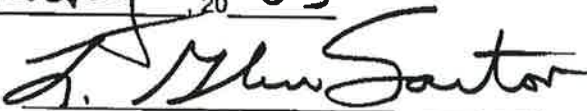
Total Acres: 3

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of February, 2003



Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 37-20440
As Modified by Transfer No. 69282

In accordance with the approval of Transfer No. 69282, Water Right No. 37-20440 is now described as follows.

Right Holder: RANNEY DRAPER
 567 SAN NICHOLAS DR.
 SUITE 340
 NEWPORT BEACH CA 92660-6513

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	04/15 to	10/31	0.09 CFS	
WILDLIFE	04/15 to	10/31	0.09 CFS	
AESTHETIC	04/15 to	10/31	0.09 CFS	
TOTAL			0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SWNW	Sec. 20	Twp 03N Rge 18E	BLAINE County
BIG WOOD RIVER	SENE	Sec. 30	Twp 04N Rge 18E	BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 18E 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 18E 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 18E 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

MICROFILMED

MAR 26 2003

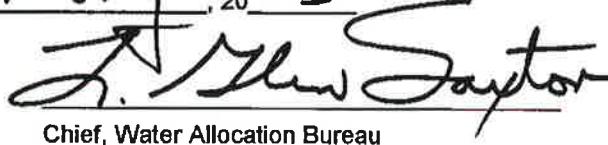
WATER RIGHT NO. 37-20440
As Modified by Transfer No. 69282

CONDITIONS OF APPROVAL

1. This right serves as mitigation for use of Big Wood River water diverted for Aesthetic, Recreation and Wildlife purposes under Permit 37-20441. The right holder shall retain ownership of Right 37-20440 and 0.02 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain un-diverted from the canal to prevent injury to canal users; the remainder of the right (0.07 cfs) shall be delivered with 37-20441 at the head of the Comstock ditch for losses associated with development of ponds under permit 37-20441.
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3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 20 2003