

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 37-20615
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RIGMOR GRABHER Phone: (208) 726-3916
PO BOX 507
SUN VALLEY ID 83353

ELMAR GRABHER Phone: (208) 726-3410
PO BOX 507
SUN VALLEY ID 83353

2. Date of Priority: 03/24/1883

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
03N	18E	20	SW NW	BLAINE	

5. Description of diverting works:

Hiawatha Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.19	

7. Total Quantity Appropriated is:
0.19 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
02N	18E	4	SW	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

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.

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: Decreed

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 37-20439

Date Received:

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RIGMOR GRABHER Phone: (208)726-3916
PO BOX 507
SUN VALLEY ID 83353

ELMAR GRABHER Phone: (208)726-3916
PO BOX 507
SUN VALLEY ID 83353

2. Date of Priority: 03/24/1883

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
03N	18E	20	SW NW	BLAINE	

5. Description of diverting works:

Hiawatha Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.28	

7. Total Quantity Appropriated is:

0.28 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
02N	18E	4	SW	SE	IRRIGATION	2
					Section Acres	2
02N	18E	9	NE	NE	IRRIGATION	0.6
			NW	NE	IRRIGATION	0.4
					Section Acres	1
					Total Acres	3

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:

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.

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:

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: **A37-00004C**
Date Received: 10/14/1988
Receipt No: X777777
Received By: Adm

AMENDED

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

AMENDED

1. Name: ELMAR GRABHER 208-726-3916
Address: PO BOX 507
SUN VALLEY ID 83353
AND/OR
Name: RIGMOR GRABHER 208-726-3916
Address: PO BOX 507
SUN VALLEY ID 83353
2. Date of Priority: MAR 24, 1883
3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	18E	19	NE	SE	NE		BLAINE
5. Description of diverting works:
VIA HIAWATHA CANAL (HEADGATE #22)
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
7. Total Quantity Appropriated is:
1.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	4	SW	SE		IRR	2.0
			SE	SE		IRR	7.0
					Section Acres		9.0
		9	NE	NE		IRR	1.0
			NW	NE		IRR	2.0
					Section Acres		3.0
					Total Acres		12.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
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

CIVIL CASE NUMBER: 39356

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

Ident Number A37-00004A
Date Received
Receipt Number

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

RECEIVED

APR 20 1992

Copy of this notice
to be filed in the
court records

1. Name of Claimant(s): Elmar Grabher &/or Rigmor Grabher
Phone: 1-208-726-3916
Mailing Address: P. O. Box 507
Sun Valley, ID 83353

2. Date of Priority: March 24, 1883

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
3N	18E	19	NE	SE	NE		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Hiawatha Headgate #22 to
Hiawatha Canal; flood irrigation.

COPY

MICROFILMED
MAR 01 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	1.1 cfs

7. Total Quantity Claimed: 1.1 cfs

8. Total consumptive use claimed is 30 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	4	SW	SE	I	2
2N	18E	4	SE	SE	I	7
2N	18E	9	NE	NE	I	1
2N	18E	9	NW	NE	I	2

Total number of irrigated acres: 12

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? None.

14. Remarks: Claimant has purchased a portion of Claim No. A37-00004A from Juanita Drexler and filed a Notice of Change of Ownership. This amended claim is for the portion purchased.

COPY

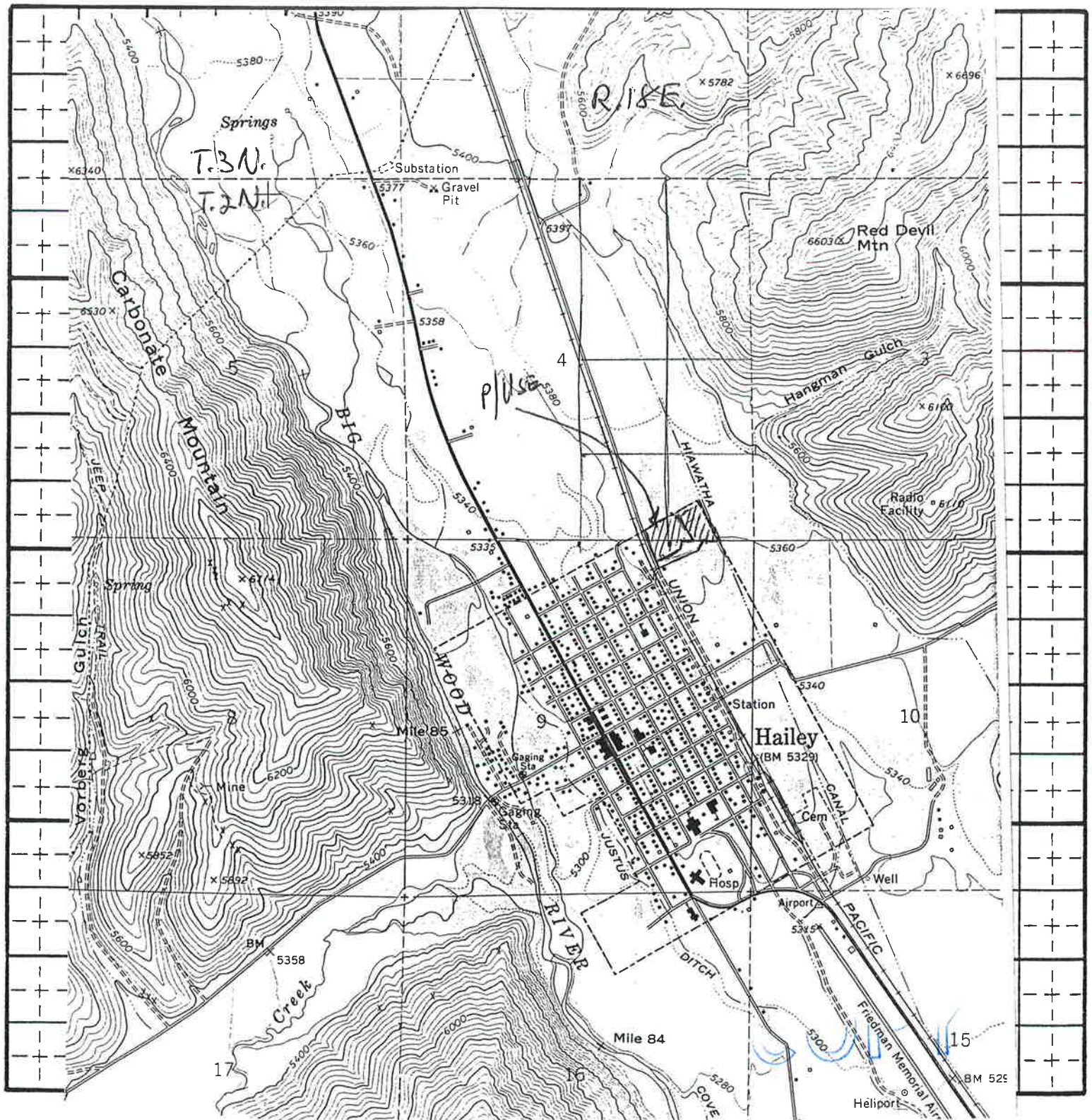
Last Name: Grabher
j\grabher\3700004A.clm

Ident No. A37-00004A

MICROFILMED
MAR 01 1993

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

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name

GRABNER

Ident No.

A37-00004A

Copies: White-State, Yellow-Indian

MAR 01 1993

IDWR Water Right Number: 37-00004
Court: Lincoln County District Court
Case Number:

Plaintiff v. Defendant:

16. Signature(s)

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

ELMAR GRABHER

Date _____

RIGMOR GRABHER

Date _____

Subscribed and sworn before me this 8th day of April, 1992.

Residing at

Commission Expires

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature:

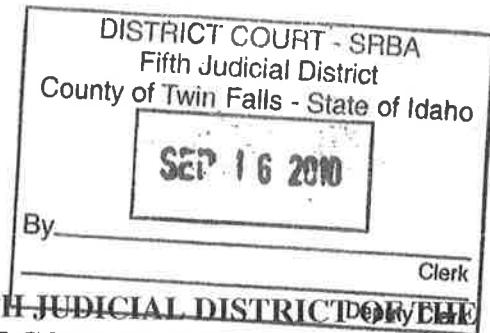
Date:

Ident No. A37-00004A

MICROFILMED

MAR 01 1993

COPY



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

In Re SRBA

Subcase No. 37-20615

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

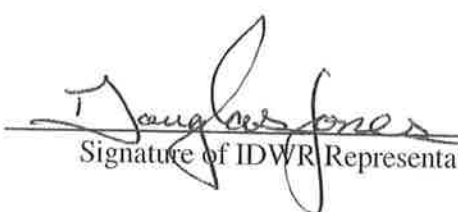
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

9/16/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Elmar Grabher
PO Box 507
Sun Valley ID 83353



Signature of person or attorney mailing the form

09/07/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20615
NAME AND ADDRESS: ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.190 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:
PURPOSE AND PERIOD OF USE: T03N R18E S20 SWNW Within BLAINE County

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S04 SWSE	2.00	
	2 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. Section 42-1412(6), Idaho Code.

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 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

RE: SRBA Claim(s) 37-20615

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures



RECEIVED
AUG 23 2010
DEPARTMENT OF
WATER RESOURCES

August 17, 2010

RECEIVED

SEP 03 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

AUG 31 2010

Department of Water Resources

IDWR Regional Office
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Gentlemen:

Please remove Rigmor Grabher as owner of water right number 37-20615 in Basin 37.
Mrs. Grabher passed away on August 14, 2009. The death certificate is enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Elmar Grabher', is written over a light blue circular stamp.

Elmar Grabher

EG:dlm

Enclosure: as stated above.

SCANNED
SEP - 1 2010

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed AUGUST 19, 2009

State File No. 2009-06681

DECEDENT - LEGAL NAME RIGMOR IRENE GRABHER			
SEX FEMALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 66 YEARS	DATE OF BIRTH OCTOBER 11, 1942
BIRTHPLACE ARVIDSJÄUR, SWEDEN		PLACE OF RESIDENCE KETCHUM, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (If wife, maiden name) ELMAR GRABHER	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME THOR SUNDSTROM			BIRTHPLACE SWEDEN
MOTHER - MAIDEN NAME GUTRON BRANDT			BIRTHPLACE SWEDEN
METHOD OF DISPOSITION CREMATION		FUNERAL SERVICE LICENSEE RUSSELL D. MIKEL	
NAME AND ADDRESS OF FUNERAL FACILITY WOOD RIVER CHAPEL, HAILEY, IDAHO			
DATE OF DEATH AUG. 14, 2009	TIME OF DEATH 5:50 A.M.	CITY, TOWN OR LOCATION OF DEATH KETCHUM, IDAHO	COUNTY OF DEATH BLAINE
CAUSE OF DEATH (underlying cause last) a. PANCREATIC CANCER			Approximate Interval Between Onset and Death 1 YEAR
b. DUE TO (or as a consequence of):			
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER DAN S. ZUCKERMAN, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			



This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

AUGUST 27, 2009

DATE ISSUED: _____

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith
JANE S. SMITH
STATE REGISTRAR

SCANNED

SEP - 1 2010



09/19/2006

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

RIGHT NUMBER: 37-20615

NAME AND ADDRESS: ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

RIGMOR GRABHER
PO BOX 507
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/15 10/31

QUANTITY

0.190 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S04 SWSE 2.00

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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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.



Idaho Department of Water Resources

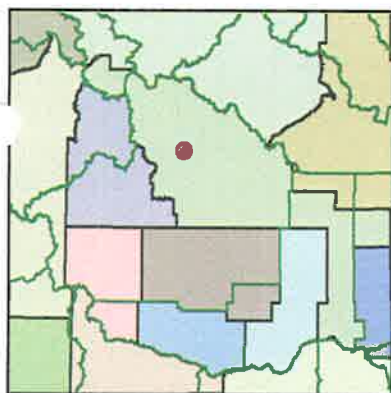
SRBA Recommendation:

37-20615

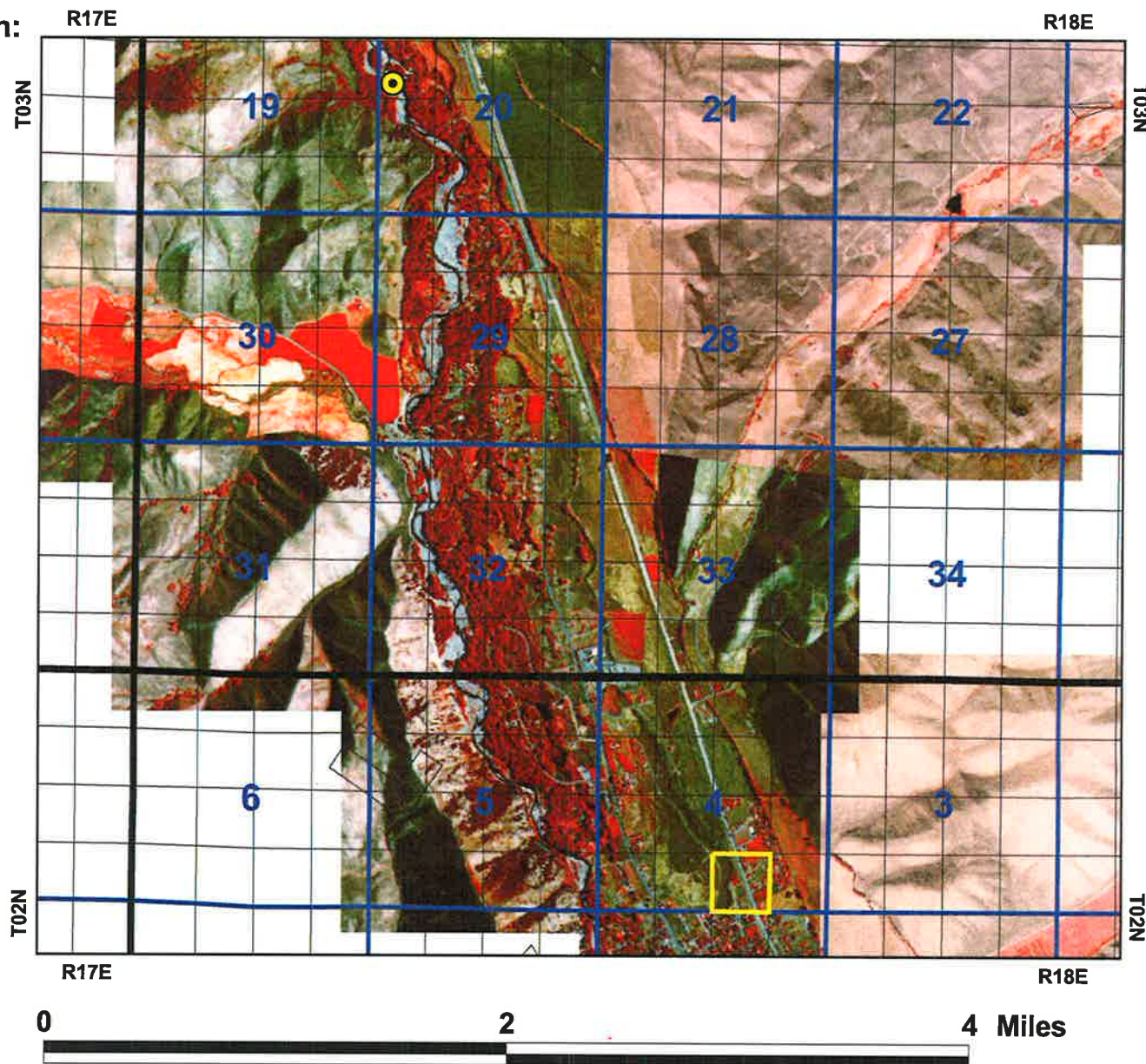
(Irrigation)

Legend

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

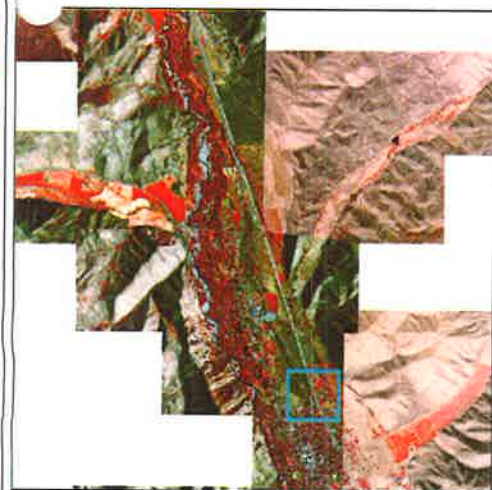


Blaine County
IDWR Basin 37



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

37-20615





Idaho Department of Water Resources

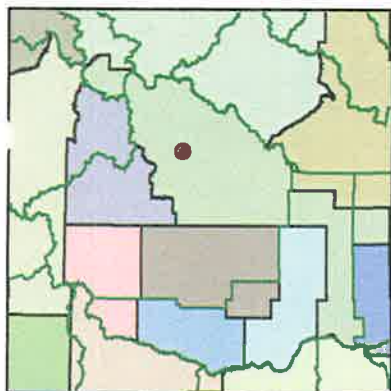
SRBA Recommendation:

37-20615

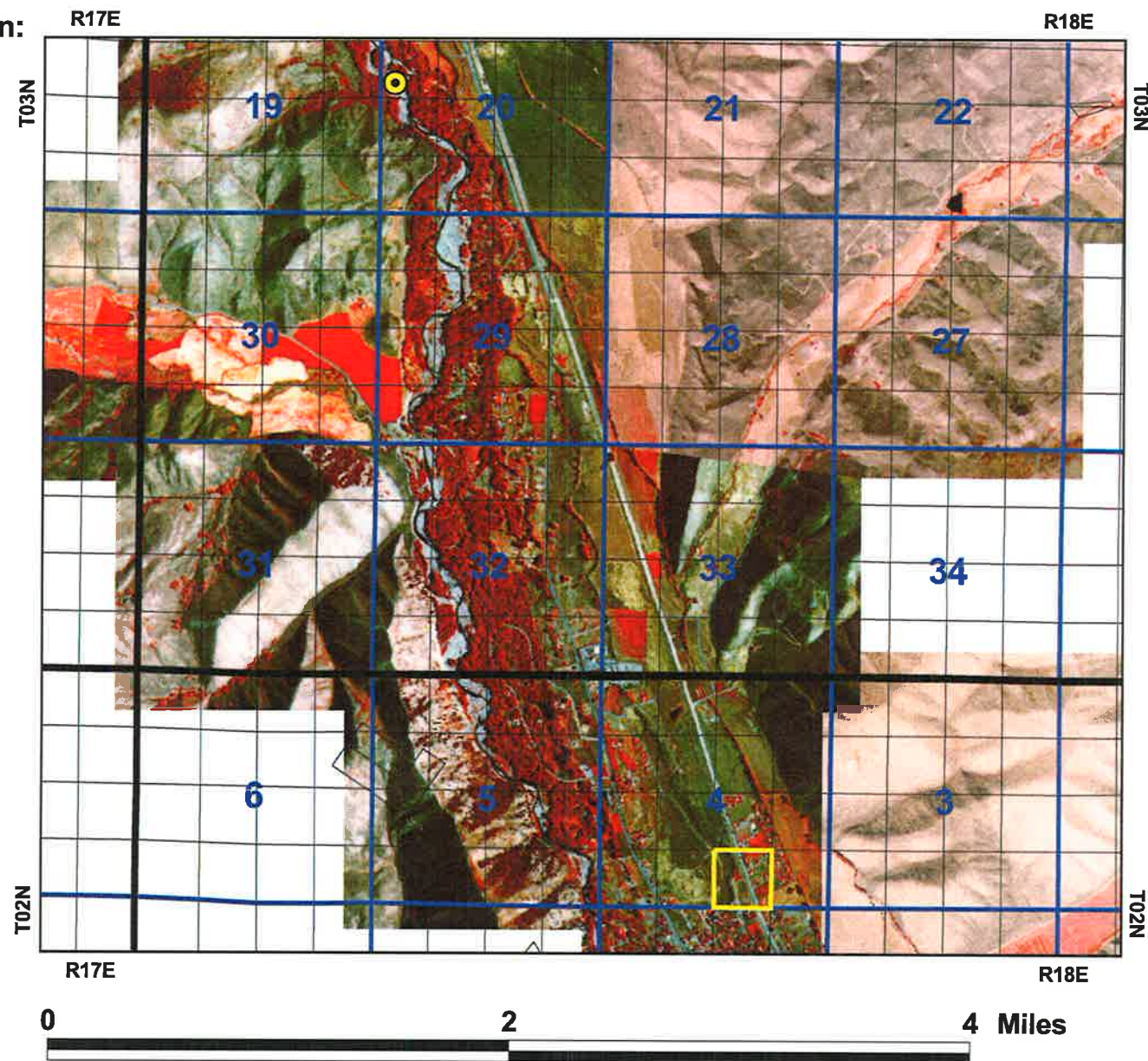
(Irrigation)

Legend

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

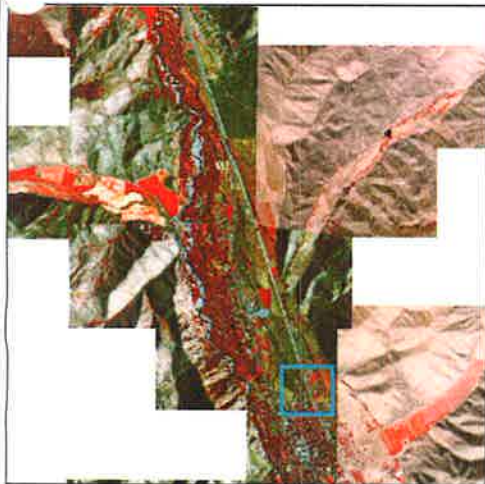
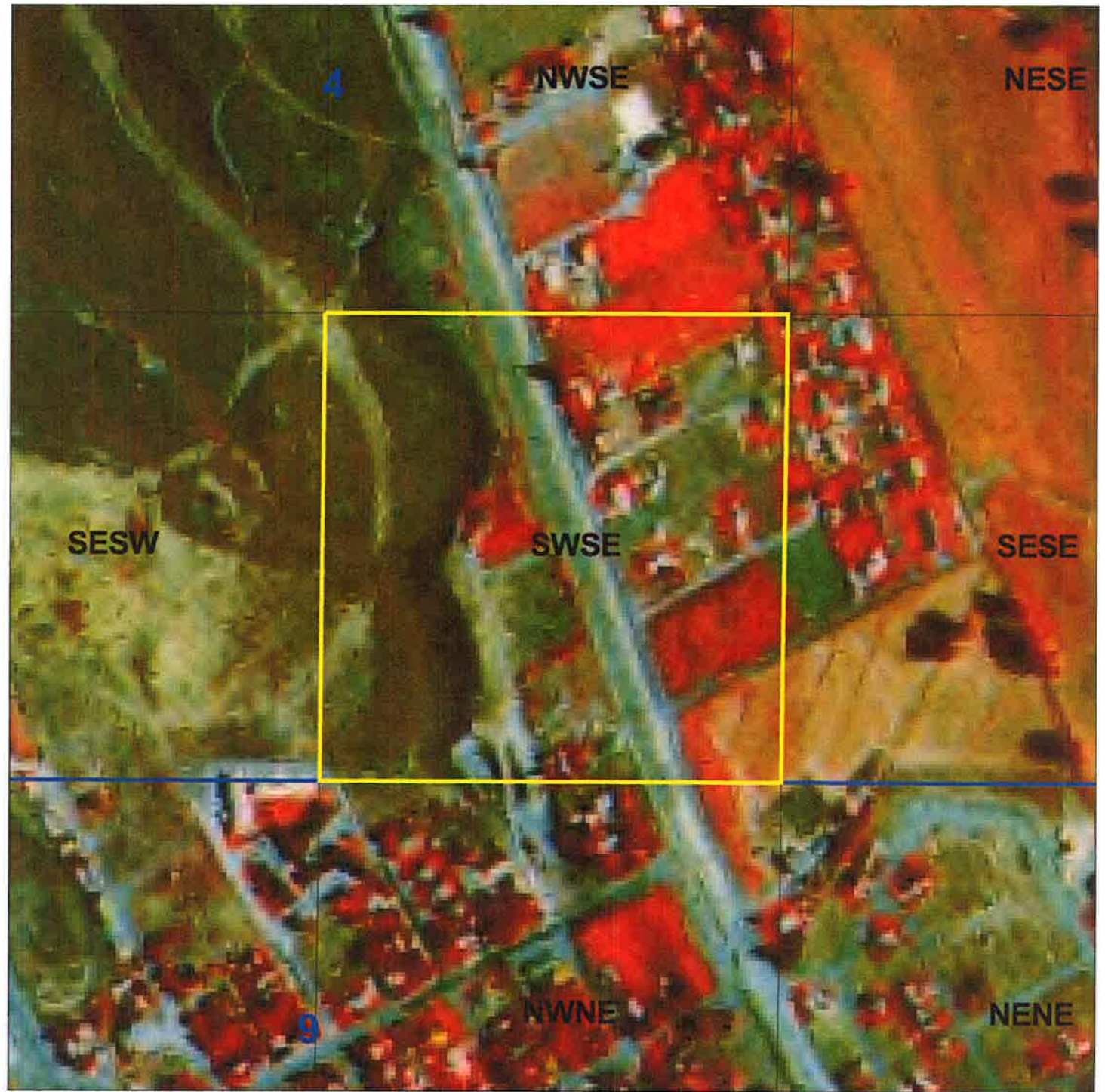


Blaine County
IDWR Basin 37



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

37-20615



31-4C

E

F

Cross Creek Trust

T68525

G

H

McClung

T68560

J

K

Willard

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T69165

O'Gara 20402.
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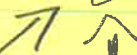
20401.37

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20439. 20440.

.28

.09



transfer

Burdick

4

T68589 (1/14/02)

20615

20616

pending

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69589

This is to certify that: HENRY BURDICK And
JANNE BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340
(208)726-4421

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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20439	AJC/	03/24/1883	0.28 cfs	N/A	N/A	3.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

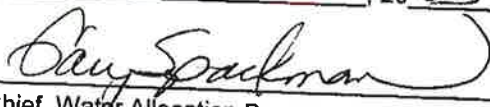
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20439	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20439	37-20616	0.05 cfs	N/A	N/A	1.0	37-20615	0.19 cfs	N/A	N/A	2.0
COMBINED										
TOTALS		0.05 cfs	N/A	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20615
As Modified by Transfer No. 69589

In accordance with the approval of Transfer No. 69589, Water Right No. 37-20615 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

BENEFICIAL USE
IRRIGATION

From 04/15 to **To** 10/31

Diversion Rate
0.19 CFS
0.19 CFS

Volume

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
02N	18E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
																			2.0

Total Acres: 2

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 20th day of September, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20616
As Modified by Transfer No. 69589

In accordance with the approval of Transfer No. 69589, Water Right No. 37-20616 is now described as follows.

Right Holder: JANNE BURDICK And
HENRY BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER
GROUND WATER

Tributary: MALAD RIVER
BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.05 CFS	
			0.05 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

GROUND WATER NESESE Sec. 7 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
03N 18E 7	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.0
					1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.
2. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and 0.02 cfs of surface water is actually diverted into the Hiawatha Canal for mitigation purposes.
3. 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, Big Wood River.
4. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 37-20616
As Modified by Transfer No. 69589

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 20th day of September, 20 03


Chief, Water Allocation Bureau

MEMO

FROM: Allen Merritt

DATE: February 4, 2002

TO: Transfer File No. 69589

In the name of: Henry Burdick

Water Right(s): 37-00004J split into 37-20615 and 37-20616 (Burdick portion)

SUBJECT: **Review and Recommendation**

This transfer is one of several where Grabher is selling ***off portions the remaining portions of his water right 37-00004J. The applicant has purchased 0.092 cfs or enough for irrigation of 1 acre. The applicant proposed to transfer the water to an existing well on the Burdick property described as Lot 1 of Glenn-Dale Acres subdivision in the SESE S7, T03N, R18E and use the water to irrigate a portion of tax lot 3369 which is located adjacent to the north in the NESE S7. As mitigation for use of ground water it is proposed that a portion of the right be left in the Hiawatha Canal to mitigate historical conveyance loss and the remainder be left in the Big Wood River to mitigate impact of pumping of the well on the Big Wood River.

The applicant was requested to provide a hydrologic analysis. It has been completed by Brockway Engineering and is included in the file. This analysis should be reviewed by Hydrology Section and the Administration. Brockway's analysis indicates the ground water and surface water are connected with and estimates the lag time between pumping and impact to river.

Do to issues about conveyance loss in the Hiawatha canal which have surfaced for other transfers I conducted an evaluation which is summarized in a letter to parties dated 2/12/2001 found in previous transfer files. My review of T5734 which is similar to this proposal found that at least 0.018 cfs of the right should be retained in the Hiawatha canal for mitigation to the other users for allowing one acres of the Grabher water to be moved out of the canal. This is similar to this proposal.

The transfer was processed without protest.

Jim Stanton has done some GIS work on this transfer.

***Note that currently 3 transfers including this one are being processed for splitting up the 37-4J. Photos of Grabher property and the original Stanton analysis is found in T5877 file. In a memo prepared by Jim Stanton dated 10/20/2000 he describes his original field review of the Grabher property; also in a memo dated 11/21/01 found in this file he describes the pending transfers and issues surrounding acres being dried up.

Grabher's original 37-00004C for 1.10 cfs for irrigation of 12 acres.

T66101 for 0.092 cfs for 1 acre 37-00004F (Approved)
T68525 for 0.184 cfs for 2 acre 37-00004H (Approved)
T68560 for 0.183 cfs for 2 acre 37-00004K (Approved)
T69165 for 0.280 cfs for 3 acre 37-20402 (Pending in SO)

37-00004J 5# 69589

Sent to 50
2/5/2002

T69282 for 0.092 cfs for 1 acre 37-20440 (Protested – in Region)
T69589 for 0.092 cfs for 1 acre 37-20616 (This application)

Grabher's remaining portion not yet transferred is approximately 0.19 cfs on 2 acres.

Recommendation

I recommend that this transfer be approved subject to review of Hydrology Section and Administration with the following conditions:

WATER RIGHT NO. 37 20616

- GEN The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.
- GEN The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.
- GEN Surface water from the Big Wood River shall continue to be diverted at a rate of 0.02 cfs into the Hiawatha Canal for conveyance losses, and 0.07 cfs shall remain in the Big Wood River to mitigate use of 0.03 cfs of ground water.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
- R43 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.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 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.
- T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device and control works at the point of rediversion from ground water.
- W51 The right holder shall accomplish the change authorized by this approval within 1 years.
- W53 Diversion of ground water is limited to those times water is available for diversion from the Big Wood River under 03/24/1883 priority and 0.02 cfs is actually diverted from the Big Wood River into the Hiawatha Canal for mitigation purposes and 0.07 cfs is kept undiverted in the Big Wood River for mitigation for allowing 0.03 cfs to be diverted from

ground water.

Note that the unchanged portion under 37-20615 has not been modified and is incorrect. The actual unchanged portion depends on the outcome of other transfers.

Order No. 17922

WARRANTY DEED

FOR VALUE RECEIVED

Intervivos Trust, Trust of Juanita C. Drexler

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

Elmar Grabher and Rigmor Grabher, husband and wife

GRANTEE(s) whose address is: P. O. Box 756, Ketchum, ID 83340

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

TOWNSHIP 2 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 4: A tract of land lying in the SE1/4 SE1/4 more particularly described as follows:

COMMENCING at the Southeast Section Corner of Section 4, Township 2 North, Range 18 East, Boise Meridian in Blaine County, Idaho; thence N. 89°42'43" W., 866.81 parallel with the South section line of Section 4 to the REAL POINT OF BEGINNING; thence S. 89°42'43" E., 424.36 to the center line of Hlawatha Canal; thence N. 23°25'46" W., 683.17 to a point parallel with the Northwesterly corporate limits, City of Halley; thence S. 60°59'18" W., 437.22 parallel with the Northwesterly corporate limits, City of Halley; thence S. 29°00'42" E., 471.70 to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION of 6th Avenue, 7th Avenue, Myrtle Street and Alleys of the City of Halley lying within Parcels I and II.

Together with any and all water rights appurtenant thereto, including but not limited to 1.1 cfs of Water Right No. 37-00004 with a priority date of March 24, 1883.

Subject To: Taxes, easements, restrictions and encumbrances of record.

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: April 8, 1992

Juanita C. Drexler
Juanita C. Drexler, Trustee

BLAINE CO. REQUEST
OF Sawtooth Title Co., Inc.

1992 APR -8 P 4: 01

3396271

MARY GREEN, CLERK

FEES \$300 MP Deed

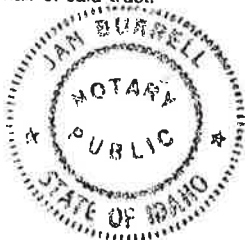
State of Idaho

County of Blaine

On this April 8, 1992, before me, a notary public in and for said State, personally appeared Juanita C. Drexler personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as trustee of the Intervivos Trust, Trust of Juanita C. Drexler, and acknowledged to me that he/she/they executed the same on behalf of said trust.

WITNESS my hand and official seal.

Jan L. Burrall
Notary Public
Residing at Halley
Commission Expires: 2-18-98



J:\escrow\forma\wd

Adm 1/6/00

MICROFILMED

MAR 01 1993

M E M O T O F I L E

FROM: Georgia Satterlee
DATE: 10 September 1997
RE: Application for Extension of Time
Avoid Forfeiture of 37-00004C

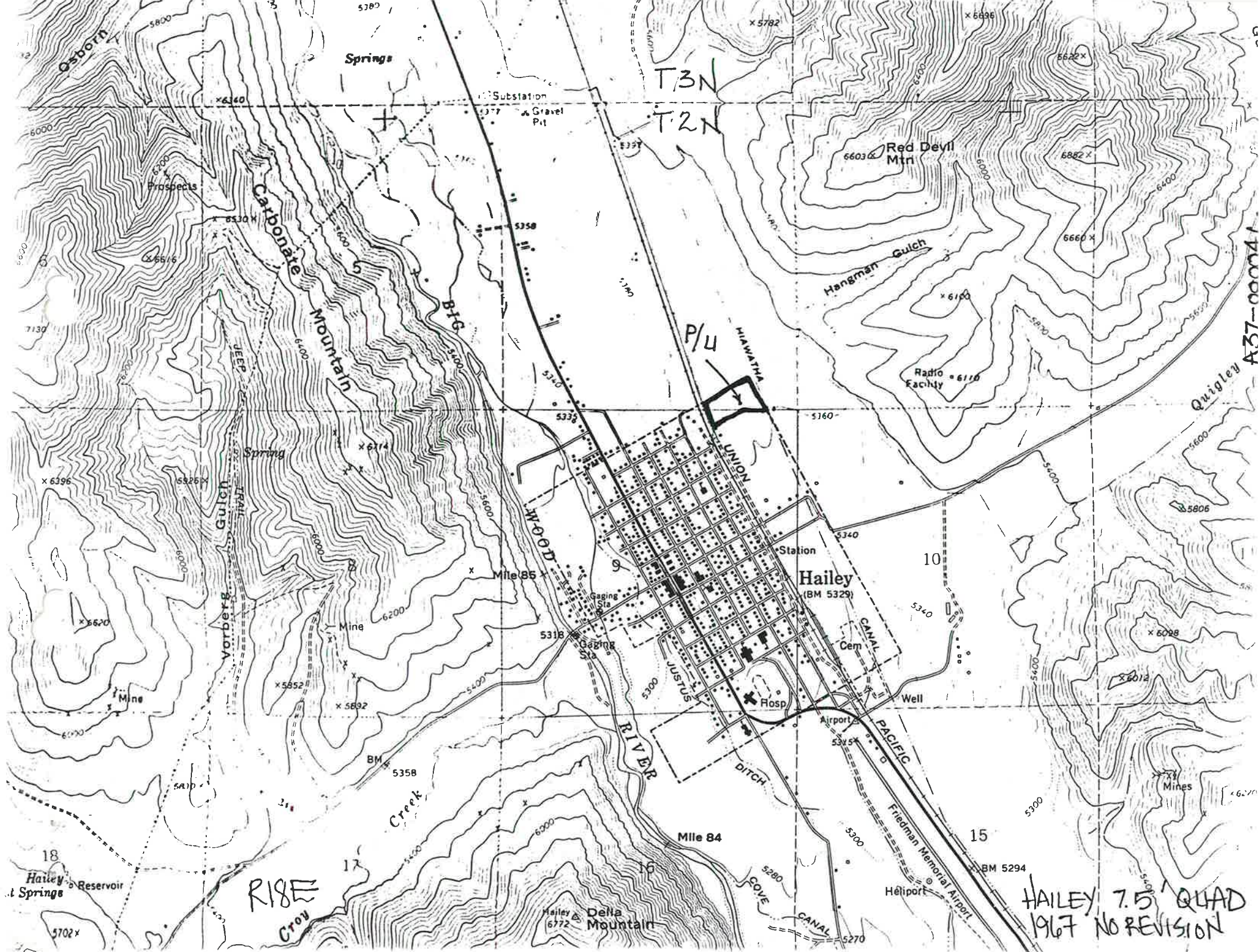
The application is for an extension of time to avoid forfeiture of the decreed right, 37-00004 (A37-00004C). The original right split into A and B, with a claimed rate of 2.10 cfs for irrigation. The adjudication claims B, C, and D have an accumulated rate of 2.10 cfs for irrigation of 81 acres. The Grabher's adjudication claim A37-00004C has a rate of 1.10 cfs for 12 irrigated acres.

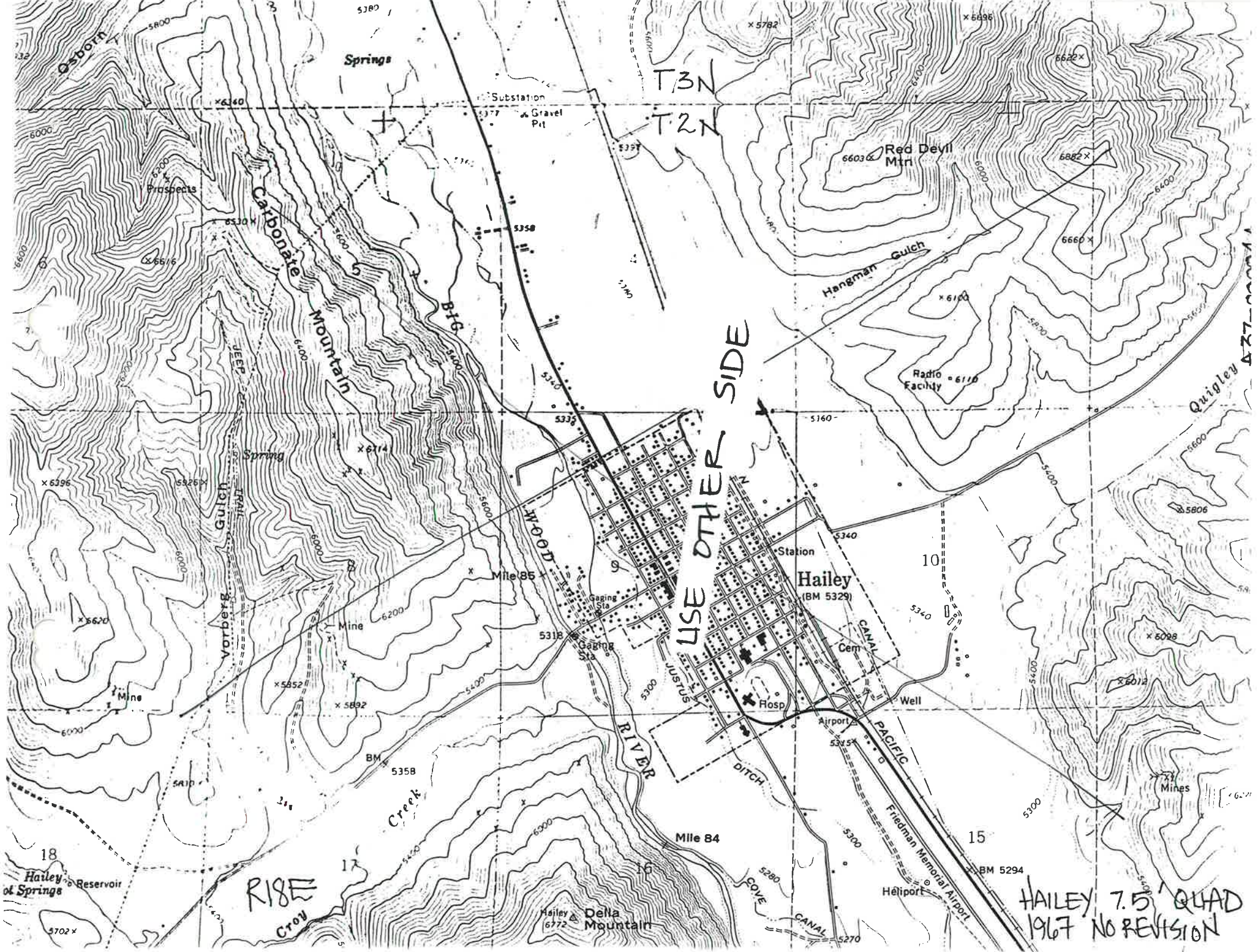
On 04 September 1997 I went to the Blaine County Assessors Office to find out the status of the property owned by Elmar and Rigmor Grabher. According to the assessors office, the Grabher's own Lots 1-2 (1.3 ac) in Block 2, and Lots 2-5 (1.7 ac), Lot 11 (0.6 ac) all in Block 4, in the Dove Meadows Subdivision (see plat). All the other lots in the Dove Meadows Subdivision have been sold.

The place of use described in A37-00004C is 9.0 acres in the SE $\frac{1}{4}$ of Section 4 and 3.0 acres in the NE $\frac{1}{4}$ of Section 9, both sections in T02N, R18E. Including the roads, the subdivision encompasses about 12 acres. The total acreage of the lots owned by the Grabher's is approximately 3.5 acres.

Norma Peterson at the Watermaster Office for District 37 & 37M reported the subject property last received delivery of water in 1994.

In conclusion, prior to approving the request for extension, I wonder the advantages of getting some issues clarified. For example, the rate of the Grabher claim is 1.10 cfs, originally irrigating 12 acres. The file did not contain any evidence to substantiate the 4.58"/acre. Should the Grabher's provide this information prior to approval. Also, the Grabner's sold a majority of the original 12 acres. Should the claim be amended to reflect these changes?





T3N
T2N

USE OTHER SIDE

RISE
CROSS

HAILEY 7.5' QUAD
1967 NO REVISION

A Plat Showing

August, 1993



A37-00004C

1/1



Grabher 4 Sept 1997
Satterlee, GL
37-00004C