

WATER SUPPLY BANK LEASE CONTRACT No. 756

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: ELMAR GRABHER
PO BOX 91
SUN VALLEY, ID 83353

RECEIVED

FEB 20 2018

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on Monday, February 05, 2018.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-574	5/30/1894	WARM SPRINGS CREEK, tributary to BIG WOOD RIVER	5.00	7.0	2.0
Lease Totals			5.00	7.0	2.0

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2018 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT NO. 756

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

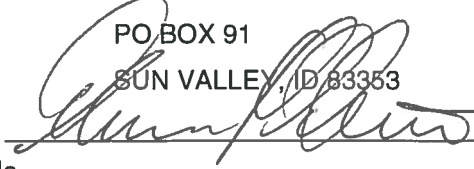


WATER SUPPLY BANK LEASE CONTRACT NO. 756

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ELMAR GRABHER

PO BOX 91
SUN VALLEY, ID 83353

By 
Title _____
Date 2/16/18

IDAHO WATER RESOURCE BOARD

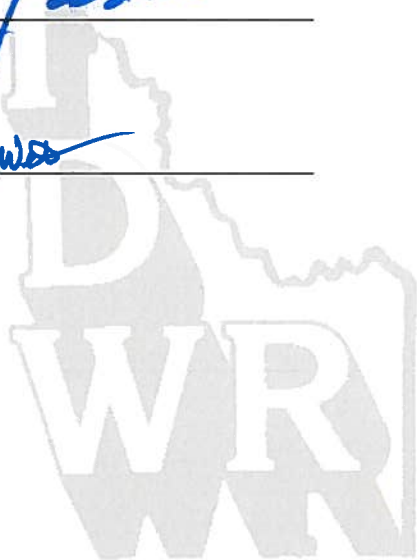
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 2/21/2018

Lease approved by IDWR 

Date 2-21-2018



Idaho Water Resource Board Water Supply Bank Lease Contract No. 756

37-574

Effective until December 31, 2022

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
FEB 05 2018
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Elmar Grabher Water Right No. 37-574
(Select one owner – see item 1A on the application) (One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes No

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MIMUMUM REQUIREMENT CHECKLIST		
All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i>		
Yes		
	<input checked="" type="checkbox"/>	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
	<input checked="" type="checkbox"/>	Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	<input checked="" type="checkbox"/>	Confirmation this form has been printed single sided , per requirement of the Water Supply Bank.
Attachment	N/A	Yes
1A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	<input type="checkbox"/>	<input checked="" type="checkbox"/> An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
1D	<input type="checkbox"/>	<input checked="" type="checkbox"/> Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	<input checked="" type="checkbox"/>	<input type="checkbox"/> Description of a water right portion offered to the Water Supply Bank.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
4A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Written consent from irrigation district or water delivery company.
4G	<input checked="" type="checkbox"/>	<input type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code .
Department Use Only		
Fee Amount \$	<u>250.00</u>	Received By: <u></u>
		Date Received: <u>2/5/2018</u>
		Receipt # <u>C104619</u>
W-9 received?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)
		Name on W-9: <u>Elmar Grabher</u>

1008

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Elmar Grabher
Mailing Address PO Box 91, Sun Valley, Idaho 83353
Street City State Zip Code
Email Address egrabher@mindspring.com Phone Number 208-720-1360

The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes No
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes No
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes No
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative James P. Speck Organization Speck & Aanestad. A Professional Corp.
Professional Title attorney Email Address jim@speckandaanestad.com
Mailing Address PO Box 987, Ketchum, Idaho 83340 Phone Number 208-726-4421

Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

The full water right is being offered to the Bank.

OR

A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes No
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
None exists

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes No

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes No

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. The place of use is now and has been served for many years by the City of Ketchum municipal water system

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. None.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes No

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. See Addendum

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. Yes No

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale or lease ?

If lease, specify the years when the use of water will be suspended: 2018 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

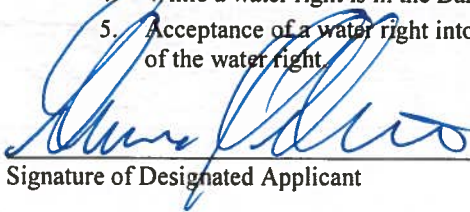
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.



Signature of Designated Applicant

Elmar Grabher

Printed Name

2/1/18

Date

Signature of Authorized Representative

Printed Name

Date

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

ADDENDUM TO
APPLICATION TO LEASE WATER RIGHT 37-574 TO
WATER SUPPLY BANK

Section 4.G. I.C 42-223(6) provides "(6) No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. Whether the water right owner has control over nonuse of water shall be determined on a case-by-case basis." The delivery system for this water right was destroyed many years ago by the subdivision and development into residential lots of the lands between the historic point of diversion on Warm Springs Creek and the place of use. The right was decreed in the SRBA so the relevant time period is 2010 to the present. Attached are aerial photos from 2010, 2013 and 2016 on which the decreed point of diversion and place of use have been noted. It can be seen that there has been and is now no physically practical or financially feasible way to obtain the necessary easements to locate a current delivery system for this water right. The Applicant does not have any control over this situation.

37-574 - 2010

Legend



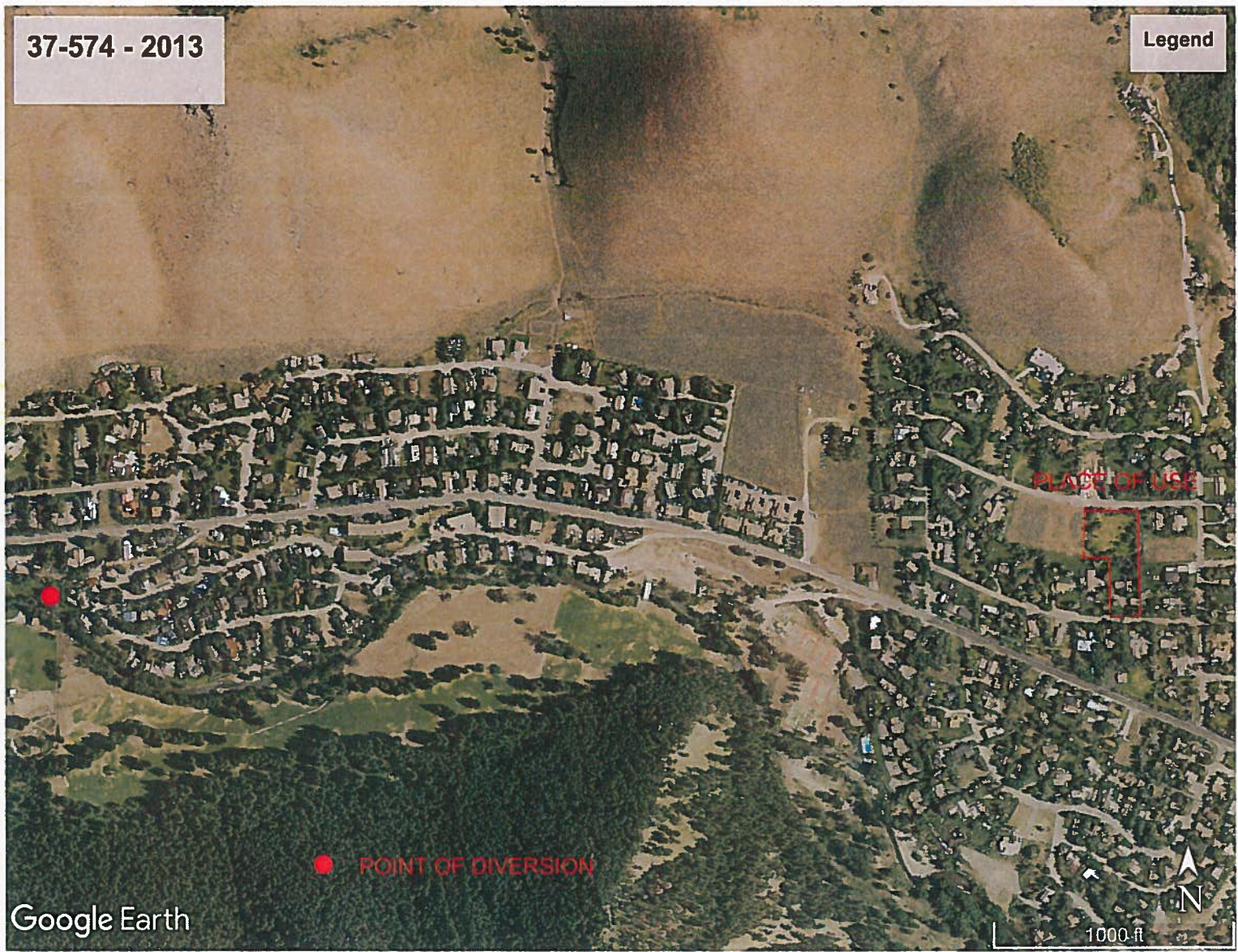
Google Earth

Image USDA Farm Service Agency

1000 ft

37-574 - 2013

Legend

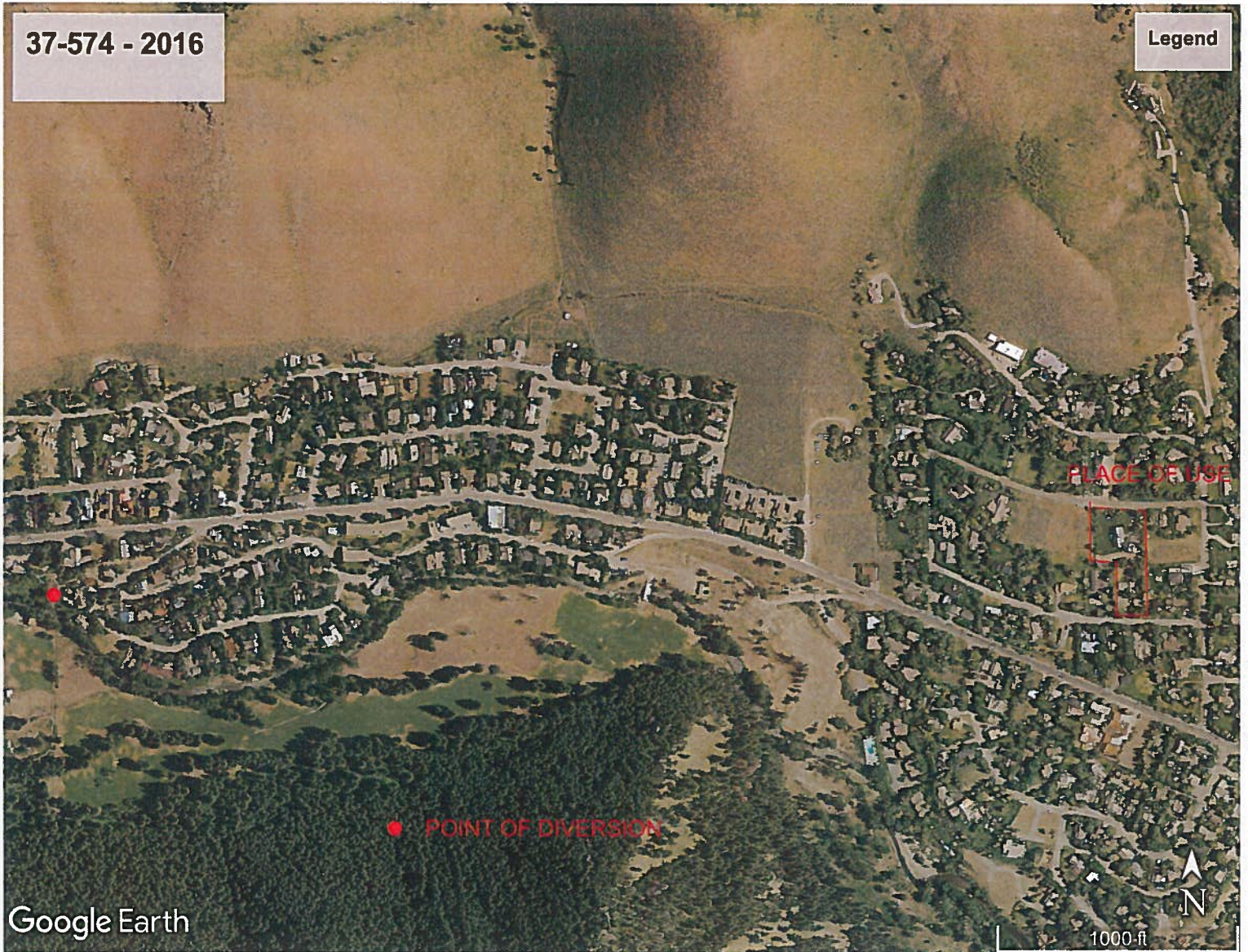


Google Earth

1000 ft

37-574 - 2016

Legend



Google Earth

1000 ft



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 21, 2018

ELMAR GRABHER
PO BOX 91
SUN VALLEY ID 83353

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-574

Dear Lessor:

Water right **37-574** was leased into the Water Supply Bank (Bank) as of February 5, 2018, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2022**, unless the right is released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,


For Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Kevin Lakey - Water District 37
James Speck - Speck & Aanestad



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 15, 2018

ELMAR GRABHER
PO BOX 91
SUN VALLEY ID 83353

RE: APPLICATION TO LEASE WATER RIGHT 37-574 TO THE WATER SUPPLY BANK

****TIME SENSITIVE RESPONSE REQUIRED****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on December 31, 2022, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says: "While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

[Handwritten signature]
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C104619

c: James Speck – Speck & Aanestad

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Elmar Grabher

Memo Date: 2/7/18

Water Right Number(s): 37-574

Reviewers Name: Rachael Smith

Quick Tools

Decreed Year	No F... e Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	Check box		COMMENTS/CONCERNS:
1	<input checked="" type="checkbox"/>		
Fill out WSB Data Entry Checklist for Leases (Front of File)			
2	<input type="checkbox"/>		
Reason for lease of water rights (Brief description of lease proposal in narrative)			
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input checked="" type="checkbox"/>		
3	<input type="checkbox"/>		
Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
	<input type="checkbox"/>	Yes	No
4	<input checked="" type="checkbox"/>		
Rentable? (If no explain in comments or narrative)			
5	<input type="checkbox"/>		
Authority to file			
	<input checked="" type="checkbox"/>		Applicant Elmar Grabher is the current owner
	<input type="checkbox"/>		NA
	<input type="checkbox"/>		NA
6	<input type="checkbox"/>		
Water Right validity			
	<input type="checkbox"/>		Decreed in 2010
	<input type="checkbox"/>		See comments
	<input type="checkbox"/>		No
7	<input type="checkbox"/>		
Injury to other water rights			
	<input type="checkbox"/>		NA
	<input type="checkbox"/>		%
	<input type="checkbox"/>		
8	<input type="checkbox"/>		
Enlargement concerns			
	<input checked="" type="checkbox"/>		
	<input checked="" type="checkbox"/>		Right has no combined limits
	<input checked="" type="checkbox"/>		POU overlap exists with City of Ketchum Municipal Water
	<input type="checkbox"/>	Yes	No
	<input checked="" type="checkbox"/>		
	<input checked="" type="checkbox"/>		City of Ketchum Municip. Water
9	<input type="checkbox"/>		
Local Public Interest			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10	<input checked="" type="checkbox"/>		
Have you contacted regional office and watermaster for comment/concerns?			
	<input checked="" type="checkbox"/>		Southern
11	<input type="checkbox"/>		
Area Headgate requirement (write in Comments)			
	<input type="checkbox"/>		3.5 ac-f/yr/ac
12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is water right involved in any other department action? Pull file and check database			
() Ownership Change () Transfer () Mitigation () Other - Explain in comments			
13	Narrative:		
<p>An application to lease water right 37-574 to the WSB was received on February 5, 2018. Elmar Grabher is the owner of the water right and the applicant. The right was decreed in 2010 and has not had beneficial use since that time; however, information was submitted with the application explaining that the delivery system for the water right was destroyed by the subdivision and development of residential lots between the POD and POU and that there has been no physically practical or financially feasible way to obtain the necessary easements to locate a current delivery system for the water right. The right is not currently subject to forfeiture due to this defense.</p> <p>The POU will continue to receive water from the City of Ketchum Municipal Water. The water right being leased to the WSB has never been used with the municipal water right. No other POU overlaps were found and no POD overlaps were evident. The right has no combined limits.</p> <p>The water right is located within Water District 37. The Southern Regional IDWR office did not have any comments or concerns. The watermaster did not provide any comments.</p>			

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

FEB 05 2018

DEPARTMENT OF
WATER RESOURCES

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

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

February 1, 2018

Mr. Clay Webster
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

**RE: Elmar Grabher - Application to Lease Water Right
Water Right No. 37-574**

Dear Clay:


Enclosed for processing you will find the *original* and one (1) copy of the above-referenced Application to Sell or Lease a Water Right to the Water Supply Bank along with my firm's check in the amount of \$250.00 for the required filing fee. Please process and receipt date-stamp the copy and return it to me in the enclosed self-addressed, postage-paid envelope.

I set out in the Addendum the reasons we believe the non-use of this water right since it was decreed in September, 2010 results from circumstances over which Mr. Grabher does not have any control. Please let me know if you have questions or require additional information from Mr. Grabher to support this Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Mr. Elmar Grabher w/ copy of Application

Webster, Clay

From: Webster, Clay
Sent: Wednesday, January 31, 2018 8:01 AM
To: 'James Speck'
Cc: Buyer, Remington; Elmar Grabher (elmargrabher@gmail.com)
Subject: RE: RE: Grabher

Jim,

The department cannot evaluate the application before we have it in front of us. Please submit the application and reference the section of Idaho Code 42-223 that you believe cover this defense to forfeiture. The department can then evaluate the application and make a decision. Thanks

Clay

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, January 30, 2018 1:56 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Elmar Grabher (elmargrabher@gmail.com) <elmargrabher@gmail.com>
Subject: RE: RE: Grabher

Clay,

As you can tell from the attached map depicting the POD & POU for this water right, it is now and has been since the right was decreed physically impossible to deliver the water from the Creek to the POU. The expense of obtaining the necessary easements and burying the pipeline to replace the open ditch that was there before the residential development occurred would be prohibitive. Due to these problems the right has not been put to beneficial use since the date of the decree. Is this sufficient information to proceed?

Jim

-----Original Message-----

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Tuesday, January 30, 2018 12:08 PM
To: James Speck
Cc: Buyer, Remington
Subject: RE: RE: Grabher

Jim,

The thing to keep in mind is the timing of the lease application. We will have to evaluate the lease application. We will want to verify use within the last 5 years to make sure the right is still valid. If this water right has not been put to beneficial use since the decree (2010), we will not accept it into the bank at this time without him providing evidence of a protection from forfeiture.

Sincerely,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Tuesday, January 30, 2018 10:51 AM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Cc: Field, Christine <Christine.Field@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Subject: RE: RE: Grabher/Water Right 37-574

Clay,

For some reason this slipped through the cracks while we were completing and filing the WSB Lease Application for Elmar's Big Wood River Water Right. We would like to file the Application for this right now for 2018 through 2022. Please let me know as soon as you can if that's acceptable and we will get the Application to you right away. Thank you.

Jim

-----Original Message-----

From: James Speck

Sent: Monday, July 03, 2017 4:18 PM

To: 'Webster, Clay'

Cc: Field, Christine; Buyer, Remington

Clay,

Thanks very much for getting this done so quickly. We will try to get the lease application to you by the end of the week.

Jim

-----Original Message-----

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]

Sent: Monday, July 3, 2017 4:05 PM

To: James Speck

Cc: Field, Christine; Buyer, Remington

Subject: FW: Grabher/Water Right 37-574

Jim,

We have used the document provided to remove Mr. Koenig from the water right. I have attached an updated proof report for your records. This will allow Mr. Grabher to apply to lease the water right to the Bank. Have a great Independence Day!

Sincerely,

Clay Webster

Water Resource Agent Sr.

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: Field, Christine
Sent: Monday, July 03, 2017 3:07 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: FW: Grabher/Water Right 37-574

Clay,

Can you answer Mr. Speck's question on ownership change and re-filing of the lease application for Mr. Grabher?

I was not involved in either Ownership Change or the re-file of the lease.

I can certainly reply to Mr. Speck once I have the right answers for him.

It appears, all is in order, thou I would like confirmation from either your or Remington before I reply.

Christine

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, July 03, 2017 3:00 PM
To: Field, Christine <Christine.Field@idwr.idaho.gov>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Grabher/Water Right 37-574

Christine,

I represent Elmar Grabher. Attached are copies of a July 2, 2014 letter from Cherie Palmer regarding a prior application to lease this water right to the Bank and a copy of the then requested death certificate of the former co-owner of the right, Joseph Koenig. Is this sufficient to now update the water right ownership and allow Mr. Grabher to re-file the lease application for the right? Thanks.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

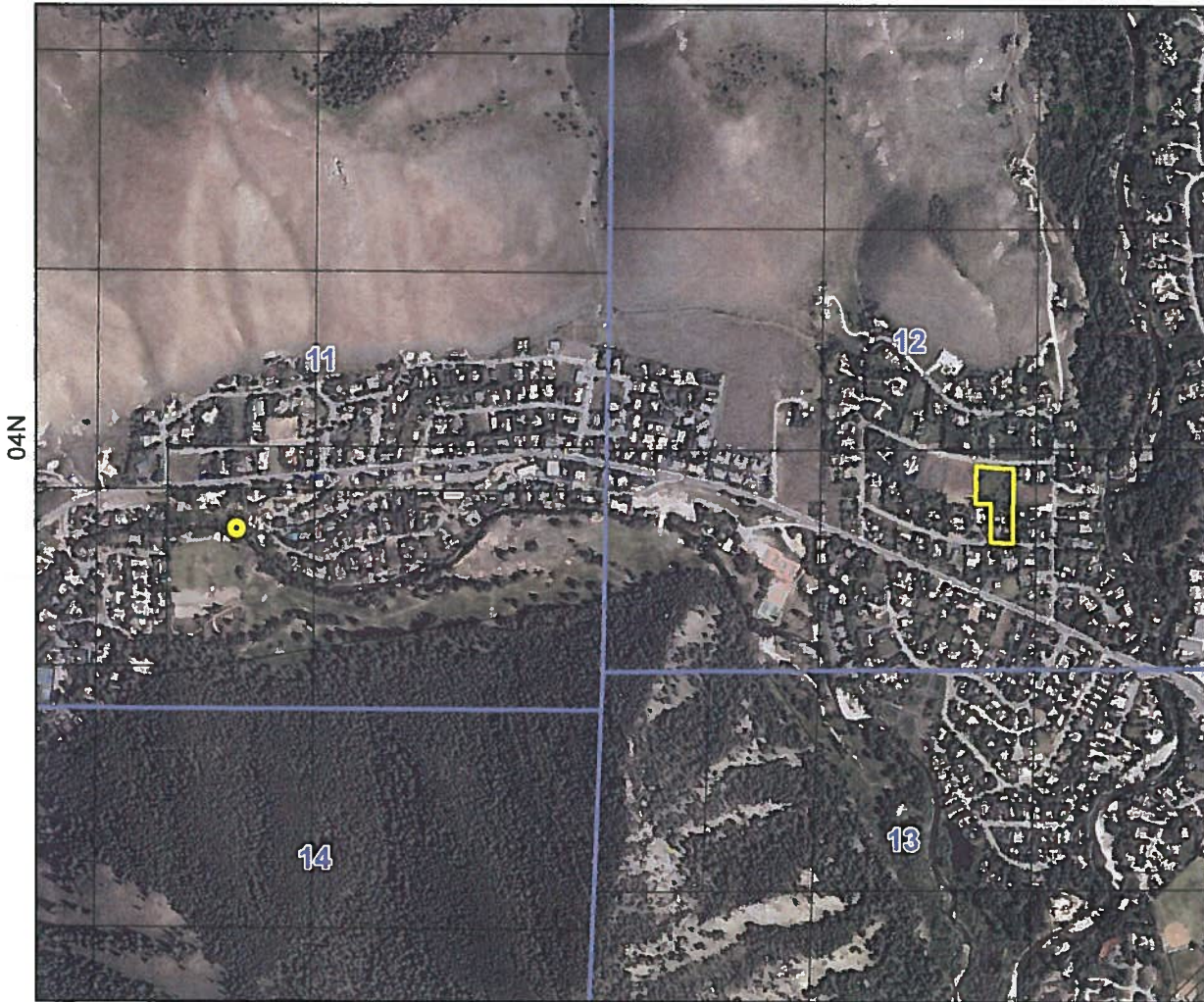
State of Idaho
Department of Water Resources






Water Right 37-574

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

17E



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

