



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 2, 2014

HAEMMERLE & HAEMMERLE
PO BOX 1800
HAILEY ID 83333

RE: APPLICATION TO LEASE WATER RIGHT NO(S). 37-574 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") received an application to lease the above mentioned water right to the Water Supply Bank ("Bank") on December 17, 2013. On several occasions, correspondence was sent requesting that ownership of the water right be updated. The Department needs a copy of the death certificate of Josef Koenig to update the ownership.

This letter is notice that the attached application(s) to lease water to the Bank are **returned**. If you would like to resubmit the application with the requested information within 30 days, the Department will process the application without an additional filing fee.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,


for Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease Application(s)

c: Elmer Grabher

RECEIVED

Form 42-1761-1 04/13

DEC 17 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Receipt No. 1098076
Fee Amount \$ 250.00
Date/by 12-17-13 id
(For Department Use Only)

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

Name of Seller/Lessor Elmar Grabher Phone 726-1360
Mailing address P.O. Box 91, Sun Valley, Idaho 83353 Email _____

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

If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-00574</u>	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

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

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

B. OWNERSHIP

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

C. GENERAL INFORMATION

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

provided by ditch from Warm Springs Creek

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

37-11537

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

Yes ☒ No ☐If yes, describe. City of Ketchum Municipal system and private well

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

Yes ☐ No ☒If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Water right was decreed on September 24, 2010

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

If yes, describe. _____

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

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

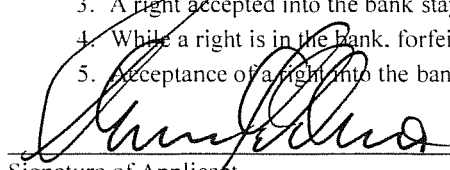
If lease, for a period from 4/15/2014 to 4/15/2019 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the 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 right for sale or lease to the Idaho Water Resource Board.**

The owner/lessor acknowledges the following:

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


Signature of ApplicantElmar Grabher
Printed Name and Title*12/13/13
Date_____
Signature of Applicant_____
Printed Name and Title*_____
Date

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

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



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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 2, 2014

HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: Water Supply Lease Application for Elmar Grabher Water Right No. 37-574

Dear Mr. Haemmerle,

The above mentioned Water Supply Bank lease application was received by the Department in on December 17, 2013 and it has been held since March, 2014. The Department will authorize 0.7 acres to be leased to the Bank. The problem is the owners of the water right, Elmar Grabher and Josef Koenig, who is deceased, need to sign the application and designate an authorized signer. You were in the process of trying to get the ownership details worked out.

Do you want the Department to continue to hold the application or would your client like to withdraw the application and file at a later date when the ownership details have been resolved?

Please let us know within 30 days or we will deny the application and return it unprocessed. If you have any questions, please contact me at (208) 287-4942 or Pam Skaggs at (208) 287-4915.

Sincerely,

Jean Hersley
Technical Records Specialist II

c: Elmar Grabher



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 5, 2014

ELMAR GRABHER
PO BOX 911
SUN VALLEY ID 83353

RESPONSE DEADLINE

MARCH 20, 2014

RE: Application to Sell or Lease a Water Right to the Water Supply Bank 37-574

Dear Applicant:

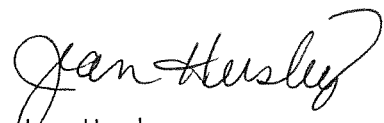
On December 17, 2014, the Department of Water Resources received an Application to Sell or Lease a Water Right to the Water Supply Bank. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

According to tax lot information, you do not own the northern property appurtenant to this water right. The current owners are listed as William and Mary Ann Snyder co-trustees. I have enclosed a map for your benefit. I will need documentation that the water right was or was not withheld in the sale of the property. If the water right was withheld, the Department will continue processing your application was submitted. If the water right was part of the sale, the Department can only authorize 0.7 acres, the size of your parcel, to lease to the Bank.

I have also enclosed an Attachment 1A to authorize you to submit the application on behalf of the other owner.

Please provide the required information within 14 days. If sufficient information is not received within 14 days, your application will be returned to you unprocessed. If you have any questions, please contact me at (208) 287-4942. Thank you.

Sincerely,


Jean Hersley
Technical Records Specialist II

Enclosures

c: Haemmerle & Haemmerle PLLC

Send letter
Agrees with .7 acre
on Grabber lot.
- Other owner approval.
Josef Koenig-deceased
working on this —

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

RECEIVED

December 13, 2013

DEC 17 2013

DEPARTMENT OF
WATER RESOURCES

Idaho Dept. of Water Resources
c/o Water Bank
P.O. Box 83720
Boise, ID 83720-0098

Re: Request to Water Bank 37-00574

To Whom It May Concern:

Please find enclosed my client's Application to Lease Water to Water Bank, for water right 37-00574. I have also enclosed the fee of \$250.00 for placing the right in the Water Bank. Please confirm receipt of this Application.

If you require any further information, please advise.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client