

MEMORANDUM

To: File 37-20615

From: Cynthia Bridge Clark

Date: September 23, 2003

Re: Water Supply Bank Lease

SCANNED
DEC 10 2003

A portion of water right **37-20401** was leased to the bank on April 9, 2002 for an "indefinite" term. The leased portion of the right was renumbered to **37-20439** in a split by transfer 69282. The lease portion of the right was again renumbered to **37-20615** in a subsequent split under transfer 69589 (see attached lease acceptance letter dated April 9, 2002, and application cover letter dated April 8 2002 by James Speck).

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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

April 9, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Jim Speck
SPECK & AANESTAD
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO. 37-20401 TO THE
WATER SUPPLY BANK**

Dear Mr. Speck:

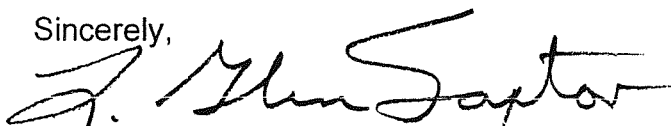
The department has reviewed the above referenced application that you submitted to the Water Supply Bank ("bank") on behalf of Elmar and/or Rigmor Grabher. Please consider that the water right offered for lease (0.19 cfs for the irrigation of 2 acres) is accepted into the bank.

Several items to keep in mind in connection with the lease of the right to the bank are as follows:

1. There is no rental payment to the owner if the right or part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not confirm the validity of the right or any elements of the water right.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Allen Merritt
37-20401

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MAR 17 2003

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OCT 20 2003

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Department of Water Resources

Form No. 42-1761
3-92

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Elmar Grabher and/or Rigmor Grabher Phone (208) 726-3916

Post office address Post Office Box 507, Sun Valley, ID 83353

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 37-20401 Decreed to William G. Abbott
(Name)
in case of S.C. Frost et al. vs Alturus Water Company et al.
dated 12/13/1909 in District Court county of Lincoln
(Name of court)

b. License No. _____ Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Big Wood River tributary to Malad River

3. Date of priority March 24, 1883

4. Water is used for the following purposes:

amount 0.37 cfs for irrigation purposes from April 1 to November 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 0.37 cubic feet per second
&/or
b. _____ acre feet per annum

6. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20

Township 3 N. Range 18 E., B.M. in Blaine County

Additional points of diversion, if any _____

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APR 23 2002

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	4															2		2
2N	18E	9	0.6	1.4															2

Total number of acres to be irrigated 4

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. 0.19 cubic feet per second

&/or

b. _____ acre feet per annum

2. Point of diversion SW ¼ NW ¼, Section 20 Township 3 N

Range 18 E., B.M., Blaine County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	18E	4															2		2

Total number of acres to be irrigated 2

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2
APR 23 2002

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Water right acquired with land that has been subdivided and annexed into City of
Lailey, Idaho. The current place of use is no longer suitable for agricultural irrigation.
Applicant retained ownership of the water right when the residential lots were sold. Copies of
the Warranty Deed by which Grabbers acquired the property and water right is attached hereto as
Exhibit A-1 & A-2.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

An extension of time to avoid forfeiture was granted in April, 1998 requiring
that use of the water right resume prior to April 1, 2003. A copy of this approval
is attached hereto as Exhibit B.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Attached hereto as Exhibit C is a graph depicting the dates this right was cut
for priority during the period of 1945 through 1989.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

No other water rights are appurtenant to the current place of use, which will
no longer be irrigated except for use of municipal water on the small residential
subdivision lots at less than one-half acre per lot.

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

See Exhibit D attached hereto.

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This is a detailed topographic map of the Hailey, Idaho area. The map features contour lines indicating elevation, with major peaks like Carbonate Mountain and Red D. Mtn. labeled. Key geographical features include Osborn Gulch, Carbonate Mountain, and the town of Hailey. The map also shows various roads, including Highway 93, and landmarks such as the Substation, Gravel Pit, and Mine. The map is divided into sections by a grid, with section numbers 32, 33, 4, and 9 visible. The town of Hailey is located in the bottom right corner, with a grid of streets and a station marked. The map includes a scale bar and a north arrow.

MICROFILMED 4

APR 23 2002

9. **Remarks** Applicant has sold or is under contract to sell the remaining portions
of their original water right as described in the Application for Extension of
Time to Avoid Forfeiture and desires to protect the remaining portion from
forfeiture until such time as it is sold.

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

XX For lease for period from indefinite to _____
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

The going rate

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

XX Acceptable _____ Not Acceptable

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 the sale or lease of this right to the Idaho Water Resource Board.

4/15/02
(Date)

[Signature]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4-9-02 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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APR 23 2002



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

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

February 27, 2013

ELMER GRABHER
PO BOX 507
SUN VALLEY ID 83353

RE: Water Supply Bank Lease for 37-20615

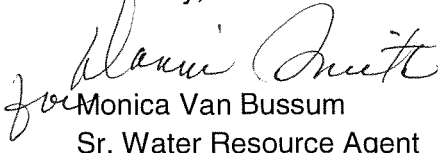
Dear Lessor:

This letter is to update you on the status of your water right, 37-20615. This water right was leased into the Water Supply Bank on April 9, 2002. **All of your water right is considered leased into the Bank, and should remain unused, until you release it from the Bank.**

If you wish to leave your water right leased to the Bank, and unused, you do not need to do anything. To release your water right from the Bank, go to the Department's website at www.idwr.idaho.gov, go to the Water Right Forms page and, underneath the Water Supply Bank section, download the Request to Release or Lease Term Extension form. Then complete the form and mail it to me at the address above. Please be aware your right(s) may not be available for immediate release.

Again, your water right is considered leased to the Bank, and should remain unused, until you release it. Please contact me at (208) 287-4907 or Monica.vanbussum@idwr.idaho.gov if you have any further questions.

Sincerely,


Monica Van Bussum
Sr. Water Resource Agent

C: Allen Merritt – IDWR Southern Regional Manager
Kevin Lakey – WD37 Watermaster