

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 147

This is to certify that:

ERIC M YOUNGER
PO BOX 10117
KETCHUM, ID 83340

RECEIVED

MAY 15 2017

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-7059	3/11/1970	GROUND WATER	0.05	9.1	7.0	0.007	1.30
Rental Totals			0.05	9.1	7.0	0.007	1.30

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017.

Annual Rental Fee:

2017: \$154.70

The full fee for the rental of the above-described right(s) is \$154.70 for 2017. The rental fee includes an administrative fee of \$15.47 for 2017.

Total Water Use Authorized Under Rental Agreement No. 147

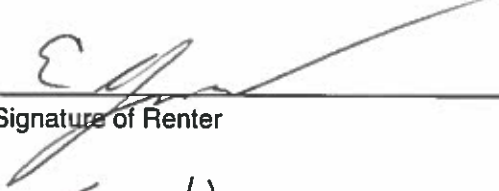
Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.05	9.1	2.5	0.02	3.5
Total	0.05	9.1	2.5	0.02	3.5

*** The authorized water usage reflects a reduction from the water right elements rented to account for consolidation of the rate**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 147

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 5/10/17
Signature of Renter Date

Eric Younger _____
Printed Name Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 5/16/2017
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 5-16-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 147

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4(NWNW) Sec. 05, Twp 03N , Rge 18E , BLAINE County

Beneficial Use
IRRIGATION

Diversion Rate
0.05 CFS

Volume
9.10 AF

BENEFICIAL USE & SEASON OF USE

Water Right No. **From** **To**
37-7059 4/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	5						2.5											2.5
									L4										

Total Acres: 2.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This rental agreement does not authorize the construction of a well.
9. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. 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.
13. This rental when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate.
14. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
15. 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.



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 147

Effective until December 31, 2017

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



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



0  0.05 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Eric M. Younger

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

	Yes	
	☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	☒	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒ Detailed information on a proposed use of rental water
3F	☐	☒ Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐ Water modeling to account for the impacts of the rental request
3J	☒	☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☐	☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☒	☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

37-7059

6/25

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Eric M. Younger

Mailing Address PO Box 10117 Ketchum, ID 83340

Street

City

State

Zip Code

Email Address _____

Phone Number 925-451-6713

- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Zach Latham

Professional Title Hydrologist

Organization Brockway Engineering PLLC

Relationship to Applicant Consultant

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301

Email Address zach.latham@brockwayeng.com

Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
Proposed rental is for irrigation use at applicant's property.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.05 CFS	9.1 AF	0.05 CFS	9.1 AF	7.0 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/17	8/1/17	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Water is conveyed to rental POU through buried pressurized irrigation system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Domestic Well	Ground Water	None.

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 7.0 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

N/A.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

No other irrigation water rights are appurtenant to the proposed rental POU.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-7059	Irrigation	0.05	9.1	7.0		0.05	9.1	7.0
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.05	9.1	7.0
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

Applicant seeks to rent back 7.0 acres for the irrigation of 2.5 acres of physical land. Low diversion rate associated with 37-7059 necessitates rental of additional acres in order to divert and apply 0.02 cfs per acre.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

N/A.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
See previous 2015 and 2016 WSB rental approvals.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

N/A.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

N/A.

- D. Additional Information

Both the to and from wells are in the Ketchum zone, application is approvable as submitted based on 2015 and 2016 approvals for the same portion of 37-7059.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

Eric Wanger
Printed Name of Applicant

2/21/17
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

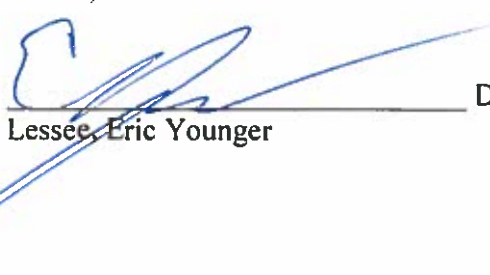
**IDAHO WATER RESOURCE BOARD
WATER SUPPLY BANK CONTRACT OF AGREEMENT**

To Whom It May Concern,

Pater Schernthanner, Liesl Schernthanner, Heidi Schernthanner, Monika Schernthanner, Britta Hubbard and Andreas Schernthanner ("Schernthanner") have entered into an agreement to lease a portion of ground water irrigation water right 37-7059 to Eric Younger ("Younger") for use at the Younger property. The contract authorizes Younger to rent a portion of 37-7059 from Schernthanner for 1 year, starting at the beginning of the irrigation season of 2017 and ending at the end of the 2017 irrigation season. The portion proposed to be leased by Schernthanner to Younger for rental and use at the Younger property is identified on the accompanying rental application.

The Water Supply Bank rental payment of the 90% associated with the yearly rental fee for water right 37-7059 will be paid in full to Schernthanner by Younger upon approval of the attached rental application. Therefore, no additional fees are required by Schernthanner from the State of Idaho for 2017 for use and rental of the portion of 37-7059 identified in the rental application. Schernthanner does not seek to receive any further payment from Younger nor the State of Idaho through the aforementioned Water Supply Bank lease.

_____ Dated this _____ day of _____ 20____
Lessor, Britta Hubbard

 _____ Dated this 2 day of 2 2017
Lessee, Eric Younger

WATER RIGHTS LEASE AGREEMENT

WHEREAS, Pater Schernthanner, Liesl Schernthanner, Heidi Schernthanner, Monika Schernthanner, Britta Hubbard and Andreas Schernthanner (hereinafter "Lessor" or "Schernthanner") have entered into a Lease Agreement ("Agreement") to lease a portion of water right 37-7059 to Eric Younger (hereinafter "Lessee" or "Younger") for use at the Younger property at 102 Camas Rd., Hailey, ID:

WHEREAS, Schernthanner owns water right 37-7059;

WHEREAS, Schernthanner has leased 37-7059 into the Idaho Water Resource Board's Water Bank; and

WHEREAS, Younger desires to rent a portion of 37-7059, as described in the Application to Rent Water, attached hereto as Exhibit 1; now therefore

THE PARTIES AGREE AS FOLLOWS:

- 1) Recitals. The recitals are incorporated herein to this Agreement.
- 2) Leased Property. Lessor agrees to lease to Lessee that portion of water right 37-7059 as set forth in the associated Idaho Water Resource Board Water Supply Bank Rental Application Form filed by the Lessee.
- 3) Term. The term of this Lease shall be for a term commencing upon approval of a separate agreement between the Lessor and the Lessee, filed with the Idaho Water Resource Board Water Supply Bank, and shall terminate on December 31, 2017.
- 4) Rent. For the use of the leased water rights Lessee shall pay to lessor rent in the amount of Seven Thousand Two Hundred Dollars (\$7,250.00) per year. Payment shall be due in full fifteen (15) days after approval by the State of Idaho and every subsequent approval.
- 5) Payment of Administrative Fees: Lessor shall pay all Water Bank transfer and administration fees. Lessee & Lessor shall split all costs for filing and processing of the Application.
- 6) Non-Use by Lessor. Lessor covenants that it will not divert or utilize the leased water right during the term of this lease.
- 7) Use by Lessee. During the term of this Lease, Lessee will not divert or utilize the leased water except as authorized by the State of Idaho.
- 8) Indemnification of Lessee. Lessor agrees to indemnify and hold harmless Lessee, its officers, agents and employees, from and against any and all claims, demands, losses, damages, causes of action, suits, and liabilities of every kind for injury to or death of a person, or for loss of or damage to any property resulting from any act or omission of Lessor, its employees agents or contractors, relating to or arising out of this Lease Agreement.
- 9) Breach. In the event either party breaches this Lease and such defaults are not cured within thirty (30) days after receipt of written notice thereof, the non-breaching party, at the option, may elect any or all of the following cumulative remedies:
 - (1) To Terminate this Lease Agreement;
 - (2) To seek specific performance of this Lease Agreement;
 - (3) To recover any damages arising out of the breach;
 - (4) To pursue any and all other remedies under Idaho law by reason of such breach.
- 10) Assignment. This Agreement may not be assigned by Lessee without the expressed written consent of Lessor.

- 11) Choice of Law. The terms and provisions of this Agreement shall be construed in accordance with the laws of the State of Idaho. Jurisdiction and venue for any litigation shall be in the District Court of the State of Idaho in Blaine County.
- 12) Attorney Fees. In the event of any litigation over this Lease the prevailing party shall be entitled to recover reasonable attorney fees and costs.
- 13) Binding Effect. This Agreement shall be binding upon the respective heirs, successors and assigns of the parties.
- 14) Entire Agreement. This Agreement constitutes the entire understanding of the parties. All prior negotiations are deemed merged herein. This Agreement may only be modified by a written instrument signed by the parties, their respective heirs, successors and assigns.

LESSEE:

BY: 

ERIC YOUNGER

DATE: 2/2/17

LESSOR:

BY: _____

BRITTA S. HUBBARD

DATE: _____



0 50 100 200
Feet

ERIC YOUNGER
WATER BANK RENTAL 2017
NAIP 2015 AERIAL
ATTACHMENT #2

- POD
- WSB Rental
- Younger Parcel



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

May 16, 2017

ERIC M YOUNGER
PO BOX 10117
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059**

Dear Renter:

Please find enclosed a receipt in the amount of **\$154.70** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 9.1 acre-feet of water for irrigation of 2.5 acres during 2017. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$139.23 of the rental fee will be paid to the lessor(s) and 10% or \$15.47 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

801 Water Supply Bank

Enclosures: Receipt No. C103547
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering
Galena GWD



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

May 3, 2017

ERIC M YOUNGER
PO BOX 10117
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$154.70 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 9.1 acre-feet.

Please send a check for \$154.70 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$139.23 of the rental fee will be paid to the lessor(s) and 10% or \$15.47 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


For Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham - Brockway Engineering

Edl, Michele

From: Eric Younger <ericmylesyounger@gmail.com>
Sent: Thursday, April 13, 2017 3:41 PM
To: Edl, Michele
Subject: Documentation for Eric Younger
Attachments: EPSON007.JPG

Hello Michele,

Our lawyer thought that the attached document would work best for your records.

Please let me know if you need anything else.

Regards,
Eric Younger

--

Eric Younger
CEO, FCDE
ericmylesyounger@gmail.com



Virus-free. www.avq.com

SIGNATURE AUTHORITY

For

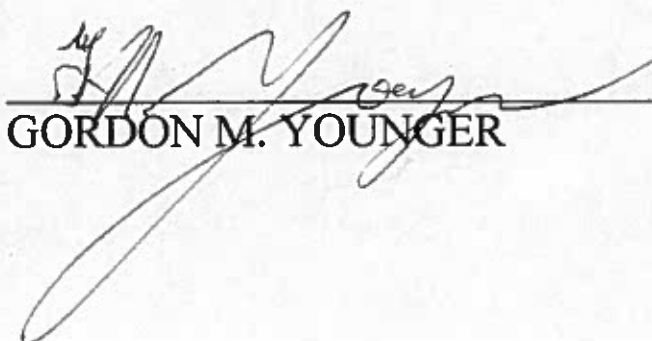
Water Supply Bank Rental Application (IDWR)

I, GORDON M. YOUNGER, am the owner of the house and land at 102 Camas Road, in Gimlet Terrace, Ketchum, Id. 83340 (the "Property").

I hereby authorize my son, ERIC M. YOUNGER, to take any and all actions, and sign any and all papers and documents, as may be necessary and appropriate to complete annual Water Supply Bank Rental Applications and Agreements with the Idaho Department of Water Resources (IDWR), pertaining to the Property and Schernthanner Water Right No. 37-7059 and/or any other Schernthanner water rights that may be applicable.

This Authorization is self-executing.

Date this ___13___ day of April, 2017.


GORDON M. YOUNGER

Edl, Michele

From: Skinner, Corey
Sent: Tuesday, April 11, 2017 3:14 PM
To: Edl, Michele
Subject: RE: lease of 37-7059 and 6 rentals

I have no concerns with the package.

From: Edl, Michele
Sent: Tuesday, April 11, 2017 12:05 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: FW: lease of 37-7059 and 6 rentals

I am hoping to get responses from you relatively soon, but I haven't been fair. I haven't provided you with enough information to make timely determination. I have attached an additional map which shows the overall picture of this lease-rental for 2017. I am attempting to simplify processing. The Bank will process 1 lease and 6 rentals instead of 6 leases and 6 rentals.

I have the lease in for editorial review as I type. And I have posed a few more questions to Zach Latham, who is consultant for the group. I expect to get answers back soon. I have also attached my current memo which covers the combined rentals.

Please let me know if you have concerns or are opposed to these leases and rentals.

Michele Edl
287-4946

From: Edl, Michele
Sent: Friday, April 07, 2017 12:39 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: lease of 37-7059 and 6 rentals

Corey Skinner and Kevin Lakey,

I have completed my review of the applications to lease and rent WR 37-7059. The leased right has both a thin rate and a thin volume so the rentals are concentrating the elements of each slice of the right. The parties and rights involved are the same as we approved last year. They were packaged differently this year to make them lease-rental pairs. We are limited to one year approvals in Basin 37 so I would expect to see this group again next year.

They are: Hubbard-Schernthanner (a self-serve lease-rental); Erick Younger (renter), Ralph Forgeon (renter), Jean Smith (renter), Patrick & Diane Colee (renter) and finally the Otis-Booth Residence Trust (renter). All of the rentals are for ~double the acre & volume than will actually be used. In addition to the concentrated acre, Otis-Booth trust will rent and not use one acres-worth of water; mitigation by non-use for depletion to the Big Wood River.

Domestic water rights 37-7104 and 37-7105 partially overlap and will continue to be diverted from the two wells which may also serve as the source wells for the leased right 37-7059. The WSB team considers the domestic overlaps as not having a significant impact on the irrigation right. Our reasoning is that because the irrigation right is so thin and because we are expecting the renters to concentrate and buy proportionally high volume to get the rate they want, the additional slivers of the overlap are in the margin of round off.

The actual well locations are a point of discussion this year because Brockway Engineering has not provided consistent locations for the wells and apparently there is also a GCDB correction in the area which is giving us trouble. I will be placing the two lease wells where Zach Latham said they were this year.

I have attached a map which attempts to illustrate the lease pod and how it is divided. The Hubbard-Schernthanner rental overlaps portions of the lease but the other rentals are all over the valley and so are difficult to see on a scale that broad. Each rental will have a map of that POU & POD and I can provide them if you wish.

The Otis-Booth Residence Trust rental pod is in the River zone. The lease wells and the other rental wells-pods are in the Ketchum zone. We used AWAS to model last year and Brockway has provided last year's modeling and mitigation amount as the support documents for approval of this year's Otis Booth rental.

But let's start with the lease-rental for Hubbard-Schernthanner. Please let me know if you have concerns.

Then let me know what more information you need for the other rentals.

Thank you

Michele Edk

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17.20/AF	Rental Amounts	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20.20(18-2022)
					Rate / Acres			
37-7039	72.6	\$1,110.78	\$123.42	\$1,234.20	0	\$1,306.80	\$145.20	\$1,452.00
Younger	9.1	\$139.23	\$15.47	\$154.70	0.05	\$163.80	\$18.20	\$182.00
		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
Total	9.1	\$ 139.23	\$ 15.47	\$ 154.70	0.05	\$1470.60	\$163.40	\$1,634.00
calculated by Michele Edl								
37-7039	rate	volume	acre	sf/ac	cf/ac	trimester vol		
decreed	0.2	36.6	28	1.31	0.007			
leased	0.2	36.6	28	1.31	0.007	HG = 3.5 in this location		
available	0.2	36.4	28	1.30	0.007			
self active Hubbard rental	0.03	5.80	4.50	1.29	0.007			
Hubbard actual	0.03	5.80	1.60	3.63	0.019	concentrated		
remaining	0.17	30.60	23.50					
Younger rental	0.05	9.10	7.00	1.30	0.007			
Younger actual	0.05	9.10	2.50	3.64	0.020	concentrated		
remaining	0.12	21.50	16.50					
Foregone rental	0.02	4.00	3.10	1.29	0.006			
Foregone actual	0.02	4.00	1.10	3.64	0.018	concentrated		
remaining	0.10	17.50	13.40					
Smith rental	0.04	6.90	5.30	1.30	0.008			
Smith actual	0.04	6.90	2.00	3.45	0.020	concentrated		
remaining	0.06	10.60	8.10					
Colee rental	0.01	1.80	1.40	1.29	0.007			
Colee actual	0.01	1.80	0.50	3.60	0.020	concentrated		
remaining	0.05	8.80	6.70					
Ots Booth request	0.04	7.30	5.60	1.30	0.007			
Ots Booth actual	0.04	7.30	2.00	3.65	0.020	concentrated	+1 ac mitigation	
remaining	0.01	1.50	1.10					
total rented to date	0.19	34.90	26.90					



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCES

February 22nd, 2017

Mr. Clay Webster
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Companion Water Supply Bank Lease and Rental; Portion of 37-7059.

Clay,

On behalf of Mr. Eric Younger, Brockway Engineering is submitting a companion Water Supply Bank lease/rental package which proposes to lease 7.0 acres of 37-7059 to Mr. Younger, and to allow Mr. Younger to rent back the same acreage for the irrigation of 2.5 acres using 9 gpm per acre from an existing well at the Younger residence south of Ketchum, ID. Mr. Younger's well is in the Ketchum zone as are the wells associated with 37-7059; therefore no supplemental impact analysis was performed in conjunction with this rental application. This 2017 irrigation season lease and rental request is identical to the 2015 and 2016 lease and rental requests that were previously approved by IDWR.

Also enclosed is a check for \$250.00 to cover the cost of the lease application. Please copy our office on all correspondence regarding these companion water supply bank lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to give me a call.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Regards,

Shirle Daniels on behalf of

Zach Latham, M.S., Hydrologist

Enc: (1) Schernthanner Lease Application and Map.
(1) Younger Rental Application and Map.
(1) Brockway Engineering Check # 13858

Cc: Mr. Eric Younger
Britta Hubbard

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506