



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

January 6, 2017

BRITTA HUBBARD
45 APACHE
GUNNISON CO 81230

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 37-7059

Renter,

This letter is to inform you that your rental agreement(s) to rent the above listed water rights from the Water Supply Bank (Bank) expired at the end of 2016.

Once the rental agreement concludes, any diversion or use of water under the rental agreement will no longer be authorized and, if occurring, may be subject to an enforcement action.

If you wish to rent water in the future, please download a rental application from: <http://idwr.idaho.gov>. You may submit rental applications on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

If you have any questions about this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB' followed by a long horizontal stroke.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

MAR 03 2016

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **BRITTA HUBBARD**
PO BOX 1167
KETCHUM, ID 83340
(970)-445-8079

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Total Rented Acres
37-7059	3/11/1970	Ground Water	N/A	0.03 cfs	6.0 af	4.5 ac

Annual Combined Rental Totals 0.03 cfs 6.0 af 4.5* ac

*This rental authorizes the irrigation of 1.6 acres

Term of Rental: **This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2016.**

Rental Fee: **\$10.20**

The fee for rental of the above-described water is \$102.00. Because of a private agreement between the renter and the lessor, only the administrative fee for ten percent of the rental fee (\$10.20) shall be paid. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

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:

B. S. Hubbard
Signature of Renter

Britta S Hubbard
Printed Name and Title*

2/26/16
Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory 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 B. Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 3/3/2016

Rental Approved by IDWR

Chay West

Date 3-3-2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	Lot 3 (NE¼SE¼)	Sec. 11	Twp 04N	Rge 17E	BLAINE County
GROUND WATER	NW¼SW¼	Sec. 12	Twp 04N	Rge 17E	BLAINE County

BENEFICIAL USE

IRRIGATION and STOCKWATER

SEASON OF USE

04/15 TO 10/31 IRRIGATION

01/01 TO 12/31 STOCKWATER

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	17E	11													0.2				0.2
															L3				
4N	17E	12									0.9	0.5							1.4

Total Acres: 1.6

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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 does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

11. This rental agreement does not authorize the construction of a well.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement 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.

Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2016

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 Place of Use

⬜ Authorized Rental Place of Use

⬜ Townships

⬜ PLS Sections

⬜ Quarter Quarters



0 0.25 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 28 2015

DEPARTMENT OF
WATER RESOURCESApplicant Name: Britta Hubbard

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Britta Hubbard

Mailing Address PO Box 1167 Ketchum, ID 83340

Street

City

State

Zip Code

Email Address _____

Phone Number 970-445-8079

- 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:

Irrigation use.

- 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)
0.03 CFS	5.8 AF	0.03 CFS	5.8 AF	4.5 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?	
4/15/16	7/1/16	☒ 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
West Well	Ground Water	37-7059, 37-7104
East Well	Ground Water	37-7059, 37-7105

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 4.5 (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	0.03	5.8	4.5		0.03	5.8	4.5
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	0.03	5.8	4.5
						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 4.5 acres for the irrigation of 1.6 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 WSB rental approval.

- 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

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]
Signature of Applicant

Britta S Hubbard
Printed Name of Applicant

12/16/15
Date

* Sec LPA
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 125 250 500 Feet

SCHERTHANNER LLC
WATER BANK RENTAL 2016
NAIP 2013 AERIAL

- Legend**
- Points of Diversion
 - Domestic Use
 - Rental Area 1.55 Ac.
 - Twinship
 - Sections
 - Landsc

RECEIVED

DEC 28 2015

DEPARTMENT OF
WATER RESOURCES

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

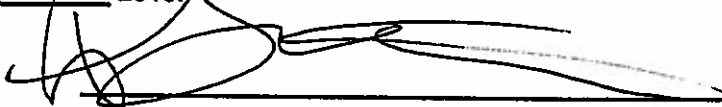
I, Peter Schemthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water Resources Board for the following water right transactions:

All portions of all water right lease and or rental applications and or accompanying agreements pertaining to water right 37-7059.

In Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and agreements above-mentioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will be valid during the duration of the above referenced applications and or agreements.

Dated this 18 day of MARCH 2015.



Signature

State of Idaho)
County of _____) ss.

On this _____ Day of _____, 2015, before me, a Notary Public in and for said County and State, personally appeared _____, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
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See Attached Acknowledgment
Notary Public
In and for said State and County

My Commission Expires

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

 County of Alameda)

 On 3-18-15 before me, Richard Craig, Notary Public

Date

Here Insert Name and Title of the Officer

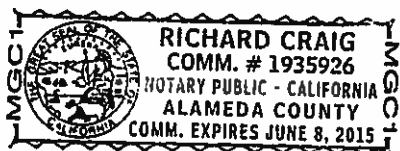
 personally appeared Peter Schernthanner

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


 Signature Richard Craig
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

 Title or Type of Document: Limited Power of Attorney Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RECEIVED

DEC 28 2015

DEPARTMENT OF
WATER RESOURCES

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

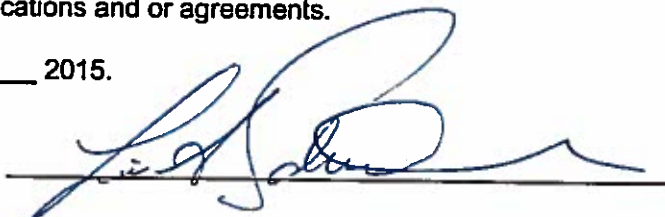
I, Liesl A. Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water Resources Board for the following water right transactions:

All portions of all water right lease and or rental applications and or accompanying agreements pertaining to water right 37-7059.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and agreements above-mentioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will be valid during the duration of the above referenced applications and or agreements.

Dated this 31 day of March 2015.


Signature

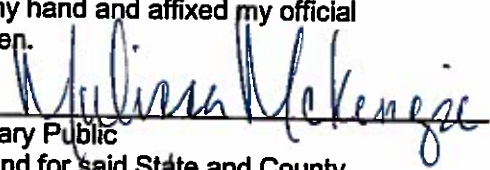
State of Idaho)
County of Blaine) ss.

On this 31st Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Liesl Schernthanner, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
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Notary Public
In and for said State and County

10/29/2018
My Commission Expires

DEC 28 2015

DEPARTMENT OF
WATER RESOURCES

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Heidi E. Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water Resources Board for the following water right transactions:

All portions of all water right lease and or rental applications and or accompanying agreements pertaining to water right 37-7059.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and agreements above-mentioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will be valid during the duration of the above referenced applications and or agreements.

Dated this 23 day of March 2015.

Heidi Schernthanner

Signature

State of Idaho

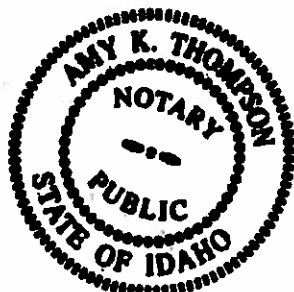
County of Blaine

ss.

On this 23 Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Heidi Schernthanner, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



Amy K. Thompson

Notary Public

In and for said State and County

May 7 2019

My Commission Expires

DEC 28 2015

DEPARTMENT OF
WATER RESOURCESLIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

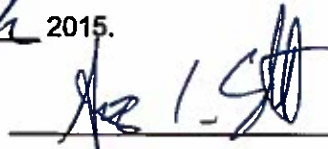
I, Andreas Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water Resources Board for the following water right transactions:

All portions of all water right lease and or rental applications and or accompanying agreements pertaining to water right 37-7059.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and agreements above-mentioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will be valid during the duration of the above referenced applications and or agreements.

Dated this 20 day of March 2015.



Signature

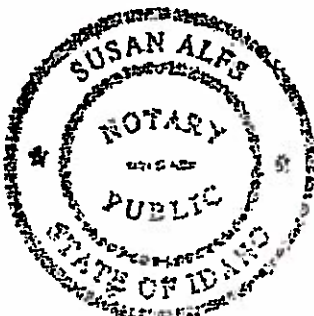
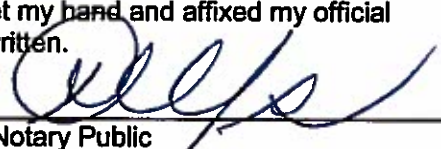
State of Idaho

County of Blaine

ss.

On this 20 Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Andreas Schernthanner known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
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A
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 Notary Public

In and for said State and County

12/15/2019

My Commission Expires

RECEIVED
DEC 28 2015
DEPARTMENT OF
WATER RESOURCES

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Monika Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water Resources Board for the following water right transactions:

All portions of all water right lease and or rental applications and or accompanying agreements pertaining to water right 37-7059.

In Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and agreements above-mentioned. Further, I hereby declare that each and every application, agreement, receipt, or payment which shall be by my said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will be valid during the duration of the above referenced applications and or agreements.

Dated this 25 day of March 2015.



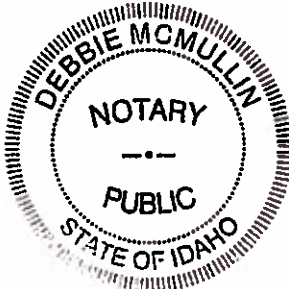
Signature

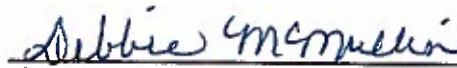
State of Idaho)
County of Blaine) ss.

On this 26th Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Monika Schernthanner, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L





Notary Public
In and for said State and County
12/17/2016

My Commission Expires



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

March 4, 2016

BRITTA HUBBARD
PO BOX 1167
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 **\$10.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 6.0 acre-feet of water for stockwater use and irrigation of 1.6 acres during 2016. 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

 Sandra Thiel
Sr. Water Resource Agent

Enclosures: Receipt No. C101578
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering



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.J.L. "BUTCH" OTTER
Governor

February 22, 2015

GARY SPACKMAN
Director

BRITTA HUBBARD
PO BOX 1167
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 **\$102.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 6.0 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$10.20.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$10.20 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

So Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering

MEMORANDUM

To: Water Rights: 37-7059

From: Sandra Thiel

Date: February 5, 2016

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On December 28, 2015 Zach Latham of Brockway Engineers submitted a lease/rental package on behalf of Britta Hubbard and her siblings. Ms. Hubbard has limited power of attorney to represent the Hubbard/Schernthanner family the lease and rental of right 37-7059. They leased right 37-7059 into the Bank and are renting a portion of the right for the 2016 season.

Right 37-7059 authorizes a rate of 0.2 cfs for the irrigation of 28 acres and 0.02 cfs for stock water. The rate per acre is 0.006 cfs. Ms. Hubbard et. al. intend to rent water for 4.5 acres to irrigate 1.6 acres. This will give them 0.02 cfs per acre. The rental will also include the stockwater rate and volume.

AUTHORITY TO FILE: Limited power of attorney has been provided with the rental application, to support Ms. Hubbard in representing all co-owners of the property. There are no concerns about Ms. Hubbard's authority to file this rental application.

WATER RIGHT VALIDITY: This right was decreed in the SRBA on 9/24/2010. It was accepted into the Bank in 2015 and again for the 2016 season. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: The rental place of use is partially within the authorized lease place of use or adjacent to that land. The points of diversion will remain the same. No concerns about injury to other water users.

ENLARGEMENT OF USE: Renter requires a standard flow of 0.02 cfs/AC for their purposes and is renting 2.8 times the flow rate in order to rent a flow rate sufficient for their purposes. No enlargement of the water right will occur through the rental.

LOCAL PUBLIC INTEREST: No information indicates this rental is contrary to the local public interest

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The standard duty of water (0.02 cfs/AC) is being rented, which is consistent with standard beneficial use and the conservation of water resources.

DEPARTMENT STAFF OR WATERMASTER COMMENTS

● Lease and Rental Point of Diversion

■ Rental Place of Use

□ Lease Place of Use





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 28 2015

DEPARTMENT OF
WATER RESOURCES

December 23rd, 2015

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

Re: Water Supply Bank Lease and Rental Package; 37-7059.

Dear Clay,

On behalf of Peter, Andreas, Heidi, Liesl and Monika Schernthanner, and Britta Hubbard, Brockway Engineering is submitting a water supply bank lease application to lease 4.5 acres ground water right 37-7059 to the WSB through the end of 2016. Additionally, Brockway Engineering is submitting a rental application which proposes to rent 4.5 acres of 37-7059 for the 2016 irrigation season on behalf of the owners of the water right.

Water right 37-7059 has a licensed discharge rate of 0.20 cfs for the irrigation of 28.0 acres (3.2 gallons per minute per acre). The applicant is proposing to rent 2.8 times the acreage needed in order to receive the IDWR standard application rate of 9 gpm per acre or 0.02 cfs per acre and irrigate 1.6 acres. Limited powers of attorney documents have been enclosed which allow Britta Hubbard to sign the lease and rental applications on behalf of the other owners of 37-7059.

Also attached is a check in the amount of \$250.00 dollars to cover the cost of the lease fee for 37-7059. Please copy our office on all correspondence regarding these water supply bank lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Shirley Daniels on behalf of
Zach Latham, M.S., Hydrologist

Enclosures: (1) WSB Lease Application and Map; 37-7059
(1) WSB Rental Application and Map; 37-7059
(5) Limited Power of Attorneys

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

(1) Brockway Engineering Check # 13076

Cc: Britta Hubbard
Fritz Haemmerle