

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

RECEIVED

JUL 07 2015

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: BRITTA HUBBARD
PO BOX 1167
KETCHUM ID 83370
(208) 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		0.03 cfs	5.9 af	4.5 ac
Rental Totals				0.03 cfs	5.9 af	4.5* ac

*This rental authorizes the irrigation of 1.6 acres.

Term of Rental: June 22, 2015 to December 31, 2015
Rental Fee: \$10.03

The fee for rental of the above-described water is \$100.30 however the renter is the lessor so only the administrative fee for ten percent of the rental fee (\$10.03) 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:



Signature of Renter

Britta Hubbard

Printed Name and Title*

7/2/15

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


BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

July 8, 2015

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

SEASON OF USE

06/15 TO 10/31

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. This rental agreement does not authorize the construction of a well.
11. 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.

12. Use of water under this agreement will be regulated by a water master 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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 29 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Britta HubbardIs this application being submitted with a lease application as a lease/rental package? Yes ☒ No ☐

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.**

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a need to rent water for irrigation at 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

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. North 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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**.
Irrigation use.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
0.03 CFS	5.8 AF	0.03 CFS	5.8 AF	4.5 AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
4/15/15	4/15/15	1 Year	☐ Yes, approve rental for all remaining future years.	☐ No, return rental request if first year is unapprovable.

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

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Ground Water	4N	17E	11		NE	SE	Blaine	37-7059
Ground Water	4N	17E	12		NW	SW	Blaine	37-7059

The entry in this grid must match the map from Item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
 If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.
- F. Do any POD(s) identified in Question 3D 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.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
 If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

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
4N	17E	12									0.9	0.5							1.4
The entry in this grid must match the map from Item 2 on the application.																			
																			Total Acres (for irrigation)
																			1.6

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
 If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
 Buried mainlines deliver water to POU and distribute water over POU via pressurized sprinklers.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Un-used portions of 37-7059 are to be leased to the WSB (see accompanying application), and applicant seeks to rent back a portion of 37-7059 for irrigation use.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)	Rate (CFS)	Vol. (AF)	Acres (AC)
37-7059	Irrigation	Ground Water	0.20	36.4	28.0	2015	2015	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 that have been leased to the Water Supply Bank								TOTAL	0.03 CFS	5.8 AF
										4.5 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:**

37-7059 authorizes 0.20 cfs on 28.0 acres, or a flow rate of 3.2 gallons per minute per acre. In order to reach 0.02 cfs or 9gpm per acre, applicant needs to rent 2.8 times the acreage to attain desired flow rate.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C.

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:

- 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: _____

- 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.

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.



Signature of Applicant

Britta S Hubbard

Printed Name of Applicant

4/8/2015

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 100 200 400 Feet

SCHERTHANNER LLC
WATER BANK RENTAL 2015
NAIP 2013 AERIAL

- Legend**
- Points of Diversion
 - Domestic Use
 - Rental Area 1.55 Ac.
 - twtnshp
 - Sections
 - ladesc

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Peter 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 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.

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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

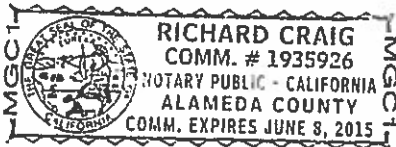
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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 [Signature]
 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: _____

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

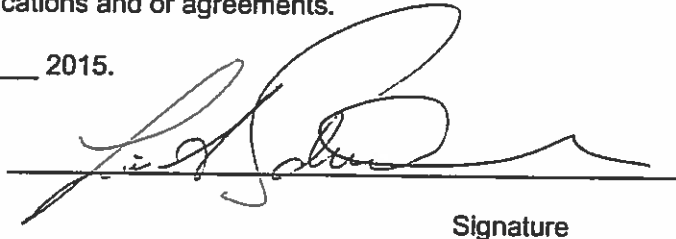
I, Liesl A. Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho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

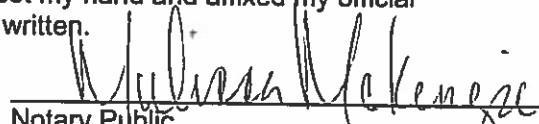
State of Idaho)
County of Blaine) ss.

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

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Heidi E. Scherthanner, 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 Scherthanner

Signature

State of Idaho)

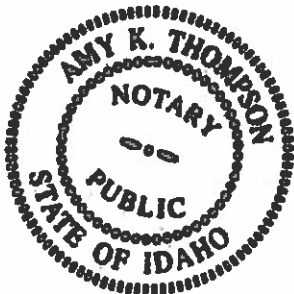
County of Blaine)

ss.

On this 23 Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Heidi Scherthanner, 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.

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Amy K Thompson

Notary Public

In and for said State and County

May 7 2019
My Commission Expires

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Andreas Scherthanner, 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]

Signature

State of Idaho)

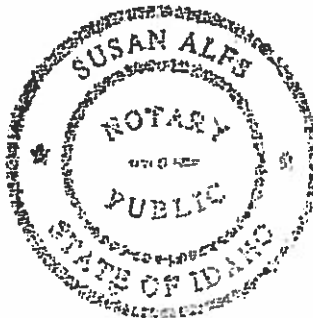
County of Blaine)

ss.

On this 20 Day of March, 2015, before me, a Notary Public in and for said County and State, personally appeared Andreas Scherthanner 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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L



[Signature]
Notary Public
In and for said State and County

12/15/2019

My Commission Expires

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

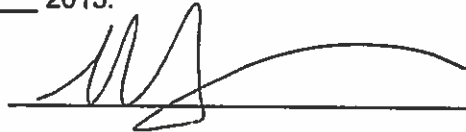
I, Monika Schernthanner, hereby nominate and appoint Britta Hubbard as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right lease and rental applications before the Idaho Department of Water Resources and or the Idaho Water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

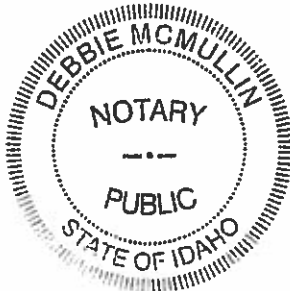
County of Blaine

)
)
) 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



Debbie McMullin
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

July 9, 2015

CARY SPACKMAN

Director

BRITTA HUBBARD

PO BOX 1167

KETCHUM ID 83370-1167

**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 \$10.03 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 5.9 acre-feet of water for irrigation of 1.6 acres during 2015. 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) 287-4918.

Sincerely,

Remington Buyer

WSB Program Coordinator

Enclosure(s): Receipt No. C100733
Rental Agreement (copy)

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



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 24, 2015

BRITTA HUBBARD
PO BOX 1167
KETCHUM ID 83370-1167

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 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 **\$100.30** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 5.9 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$10.03.**

Please send a check for \$10.03 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) 287-4918.

Sincerely,

fol - Remington Buyer
WSB Program Coordinator

Enclosure(s)

c: IDWR Front Desk
Zach Latham - Brockway Engineering PLLC

MEMORANDUM

To: Water Rights: 37-7059
From: Remington Buyer
Date: June 22, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

Rental applicant is Britta Hubbard. Ms. Hubbard is a partial grantee of real property that did belong to Andreas Schernthanner, recently deceased. Mr. Schernthanner owned property northwest of Ketchum to which water right 37-7059 was appurtenant. The fellow partial inheritors of the late Mr. Schernthanner's estate have granted Ms. Hubbard limited power of attorney to represent them in the lease and rental of water right 37-7059 through the Water Supply Bank. Water right 37-7059 was recently leased to the Bank and a portion of it is now being rented back by Ms. Hubbard, in order to irrigate acreage on lands now previously held in the name of Andreas Schernthanner, but now owned by the inheritors.

AUTHORITY TO FILE: Limited power of attorney have been provided with the rental application, to support Ms. Hubbard in representing all co-owners of the property/water right. No concerns about Ms. Hubbard's authority to file this rental application.

WATER RIGHT VALIDITY: The water right is leased to the Bank and available for rental.

INJURY TO OTHER WATER RIGHTS: The lands upon which rental water will be used are partially within the authorized place of use of the original, leased water right, as well as on lands that are adjacent to the authorized POU. The points of diversion will remain the same through this rental, meaning that the rental usage will conform to the original water usage. 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 2.86 times the base 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: The Water District 37 Watermaster and IDWR Southern Region staff did not have concerns with this rental.

Webster, Clay

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Thursday, May 07, 2015 5:09 PM
To: Palmer, Cherie
Cc: Webster, Clay
Subject: Schernthanner Lease/Rental App Package 37-7059

Cherie-

Per our conversation this afternoon regarding the Schernthanner Lease of 37-7059 and accompanying rentals on behalf of the Schernthanners, Eric Younger, The Otis Booth Residence Trust and Jean H. Smith, the proposed start date for all rentals would be approximately May 21st, the latest possible start date would be approximately July 1st. In other words, each rental applicant requests to have IDWR process each application, regardless of the dates listed on each individual application as I am anticipating IDWR completing each rental request before July 1st. The complicated nature of the lease/rental package required a greater amount of time to put together than was originally anticipated and therefore the dates on each application (question 3C.) should be superseded by this email.

Thank you for your willingness to accept this email and hold the afore mentioned applications for continued processing. I look forward to answering any questions you may have regarding these applications.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 5, 2015

BRITTA HUBBARD
PO BOX 1167
KETCHUM ID 83340-1167

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) to irrigate 1.6 acres. Filing a Bank rental application does not automatically result in approval. Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties.

Because your application was received near the beginning of the irrigation season, which is now well underway, it is unlikely the Department will be able to process your application in time for approval in 2015 unless you have proposed a start date late in the year. If your application was for 2015 only and the latest possible start date on your application has passed, the application will be returned to you. If your application requests a rental for more than one year, the rental application may be retained by the Department and evaluated for 2016.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Additional information about the Bank may be found on the Department's website at http://idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

FCL-

Clay Webster
Water Resource Agent
WSB Process Point of Contact

C: Zach Latham – Brockway Engineering PLLC