

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective December 12, 2013, between the Idaho Water Resource Board ("**Board**"), and

Lessor: ASPEN KNOLL LTD PARTNERSHIP
DAVID E CONGER
MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340
(208) 726-3440

RECEIVED

APR 09 2014

Department of Water Resources

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2168B	0.23 CFS	NA	NA	9.1 AC
Combined Lease Totals:	0.23 CFS	NA	NA	9.1 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: May 1 to October 1

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2018.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

ASPEN KNOLL LTD PARTNERSHIP
DAVID E CONGER
MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

By 
Printed Name MARY JANE CONGER

Date APRIL 8, 2014
Title _____

By deceased
Printed Name DAVID E CONGER

Date _____
Title _____

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 04-10-2014

Lease approved by IDWR 

Date 04-10-2014

ATTACHMENT A
WATER RIGHT NO. 37-2168B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: ASPEN KNOLL LTD PARTNERSHIP
DAVID E CONGER
MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340
(208) 726-3440

Priority Date: 01/22/1910

Source: OREGON CREEK

Tributary to: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to	10/01	0.21 CFS	NA
STOCKWATER	05/15 to	10/01	0.02 CFS	NA
	Total:		0.23 CFS	NA

LOCATION OF POINT(S) OF DIVERSION:

OREGON CREEK NW¼NE¼SE¼ Sec. 9 Twp 05N Rge 17E BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION AND STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	10															9.1		9.1

Total Acres: 9.1

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into 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.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
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. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. The shapefile representing the historical place of use under this right is located in the NWSE rather than the recorded SWSE of Section 10, Township 5N, Range 17E in the Departments GIS database due to updated spatial layers reflecting more current surveys.

RECEIVED

Form 42-1761-1 04/13

DEC 12 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Receipt No. C098066
Fee Amount \$ 250.00
Date/by 12-12-13 JP
(For Department Use Only)

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

Name of Seller/Lessor Mary Jane Conger Phone _____
Mailing address P.O. Box 545, Ketchum, Idaho 83340 Email _____

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

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

Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-02168B</u>	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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

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

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

B. OWNERSHIP

- Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
- Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

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

~~Water is diverted into a pipe out of Oregon Gulch and then into a ditch system.~~

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

~~Water right 37-02168A (Flanigan) is also diverted out of Oregon Gulch through same pipe and ditch system.~~

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

Yes ☒ No ☐If yes, describe. 37-12862 (groundwater domestic well)

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

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

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

If yes, describe. _____

D. REQUIRED ITEMS

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

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

E. SALE/LEASE AGREEMENT

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

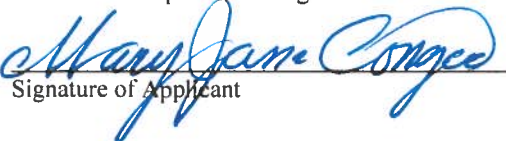
If lease, for a period from May 1, 2014 to May 1, 2018 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

~~current rental rate~~**I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.**

The owner/lessor acknowledges the following:

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



Signature of Applicant

MARY JANE CONGER

Printed Name and Title*

12-06-13

Date

Signature of Applicant

Printed Name and Title*

Date

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

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

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
MAR 19 2014

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

Department of Water Resources

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 37-2168B

	Designated Applicant	Applicant #2	Applicant #3
Name	MARY JANE CONGER	Aspen Knoll Limited Partnership	David Conger
Mailing Address	P.O. Box 545	2232 W. Bison Dr. Boise, ID 83703	
Phone Number	(208) 726-3440	(208) 426-8197	
Email Address	MARYJANE108@COX.NET	IMANIS@spudoctand.net	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	<i>Mary Jane Conger</i>	<i>By: Gabriel Panton</i>	

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

Idaho Department of Water Resources

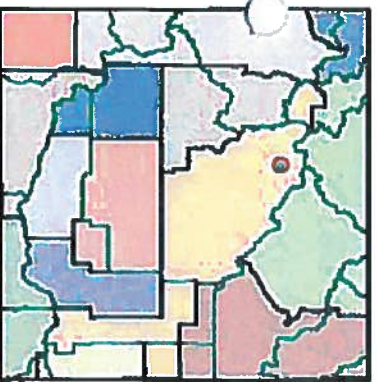


SRBA Recommendation:

37-2168B
(Irrigation)

Legend

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

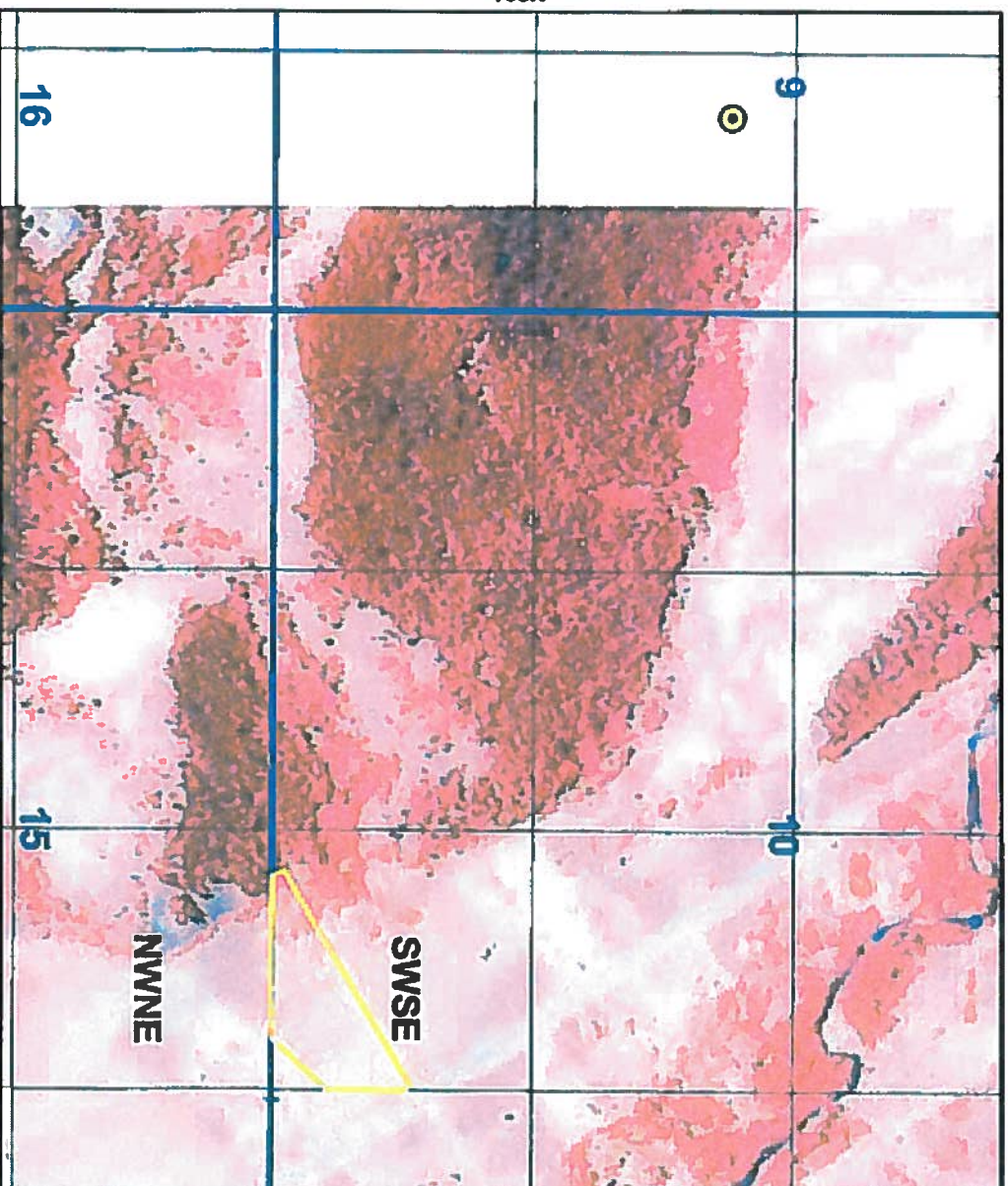


Blaine County
IDWR Basin 37



T05N

R17E



Prepared by D. Smith
On Wednesday, January 10, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 2, 2014

MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 37-2168B

Dear Lessor:

The Department of Water Resources has requested a deposit in the amount of **\$183.60** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank managed by the Idaho Water Resource Board. Payment for the rental of your water rights is represented by a single rental agreement as follows:

Receipt No.	Amount	Volume	Renter	Rate/Acre
C098935	\$ 204.00	12 AF	Chris Flanigan	\$17.00

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03* return for the rental is ninety percent (90%) of the gross amount received at the rate per acre described above.

If you have questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay Webster', followed by a horizontal line.

Clay Webster
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 10, 2014

MARY JANE CONGER
ASPEN KNOLL LTD PARTNERSHIP
PO BOX 545
KETCHUM ID 83340

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-2168B

Dear Lessor:

Water Right 37-2168B was leased into the Water Supply Bank on December 12, 2013 in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

The right will automatically be released from the Bank on **December 31, 2018**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

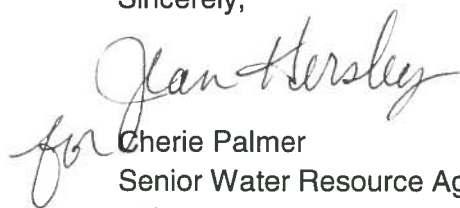
Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

The Department removed David Conger as current owner of the water right per your request. We made a copy of the certificate you sent and are returning what looks like the original. Thank you.

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,


for Cherie Palmer

Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

Water Right Proof Report

c: Haemmerle & Haemmerle

Allen Merritt- IDWR Southern Regional Manager

Kevin Lakey- Water District No. 37

April 8, 2014

Department of Water Resources
Attn: Cherie Palmer
322 East Front Street
P.O.Box 83720
Boise, Idaho 83720-0098

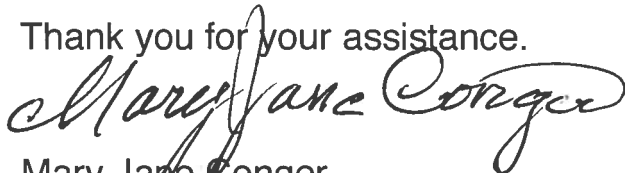
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APR 09 2014
DEPARTMENT OF
WATER RESOURCES

Dear Cherie Palmer,

I just received papers from the Department of Water Resources to sign regarding APPLICATION(S) TO LEASE WATER RIGHTS 37-2168B TO THE WATER SUPPLY BANK.

As per your instructions, please find enclosed the Certificate of Death of my late husband, David Conger, along with the two signed papers with my signature.

Thank you for your assistance.


Mary Jane Conger

CERTIFICATION OF VITAL RECORD

OREGON DEPARTMENT OF HUMAN SERVICES CENTER FOR HEALTH STATISTICS CERTIFICATE OF DEATH

H84494

I.D. TAG NO.

STATE FILE NUMBER

142792

1. Legal Name First: David Middle: Elman Last: Conger			2. Death Date December 15, 2008	
3. Sex Male	4. Age 91 years	5. Social Security Number		6. County of Death Jackson
7. Birthdate May 05, 1917	8. Birthplace Bristow, Iowa		9. Decedent's Education Bachelor's degree	
10. Was Decedent of Hispanic Origin? No		11. Decedent's Race(s) White		12. Was Decedent Ever in U.S. Armed Forces? Yes
13. Residence: Number and Street 13552 State Highway #75			14. City/Town Ketchum	
15. Residence County Blaine	16. State or Foreign Country Idaho	17. Zip Code + 4 83340		18. Inside City Limits? No
19. Marital Status at Time of Death Married		20. Spouse's Name Prior to First Marriage Mary Jane Griffith		
21. Usual Occupation Sales		22. Kind of Business/Industry Forestry		
23. Father's Name Clayton Conger		24. Mother's Name Prior to First Marriage Mona Arnold		
25. Informant's Name Mary Jane Conger		26. Telephone Number Not Available	27. Relationship to Decedent Spouse	28. Mailing Address 13552 State Highway #75, Ketchum, ID 83340
29. Place of Death Other - Son's Home		30. Facility Name		
31. Location of Death 220 Jackson Creek Drive		32. City/Town or Location of Death Jacksonville		33. State Oregon
35. Method of Disposition Cremation		36. Place of Disposition Siskiyou Memorial Park Crematory		37. Location Medford, Oregon
38. Name and Complete Address of Funeral Facility Peri Funeral Home 2100 Siskiyou Blvd, Medford, Oregon 97504				
39. Date of Disposition TBD		40. Funeral Director's Signature Russ K. Hill		41. OR License Number CO-3592
42. Registrar's Signature Selia Cohen		43. Date Received DEC 17 2008		44. Local File Number
45. Amendment				
46. Was case referred to Medical Examiner? ☐ Yes ☒ No		47. Autopsy? ☐ Yes ☒ No		48. Were autopsy findings available to complete the cause of death? ☐ Yes ☒ No
49. Time of Death 3:20 am				
CAUSE OF DEATH				
50. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT ENTER TERMINAL EVENTS such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.				Approximate Interval: Onset to Death
Final disease or condition resulting in death→		IMMEDIATE CAUSE ↓		
a. <i>Non-small cell lung cancer metastatic</i>		Due to (or as a consequence of) ↓		
b. <i>Non-small cell lung cancer metastatic</i>		Due to (or as a consequence of) ↓		
c. <i>Non-small cell lung cancer metastatic</i>		Due to (or as a consequence of) ↓		
d. <i>Non-small cell lung cancer metastatic</i>		Due to (or as a consequence of) ↓		
51. Other significant conditions contributing to death, but not resulting in the underlying cause given above:				
52. Manner of Death ☒ Natural ☐ Homicide ☐ Accident ☐ Undetermined ☐ Suicide ☐ Pending		53. If Female ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Pregnant at time of death ☐ Unknown if pregnant within the past year ☐ Not pregnant, but pregnant within 42 days before death		54. Did tobacco use contribute to death? ☐ Yes ☐ Probably ☒ No ☐ Unknown
55. Date of Injury (MM/DD/YYYY)	56. Time of Injury	57. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)		58. Injury at Work? ☐ Yes ☐ No ☐ Unknown
59. Location of Injury (Number & Street or RFD No., City/Town, State, Zip + 4)				
60. Describe how injury occurred				61. If transportation injury, specify. ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify)
62. Name and Address of Certifier (Number & Street or RFD No., City/Town, State, Zip + 4) Michael Rudisile, MD 870 S. Front St., Central Point, Oregon 97502				
63. Name and Title of Attending Physician (If Other than Certifier)				
64. Title of Certifier Medical Doctor		65. License Number MD27199		66. Date Signed (MM/DD/YYYY) Dec 17 2008
67. Medical Certifier - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		68. Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		
69. Amendment				

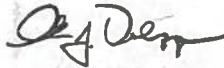
12-17-2008/192

THIS IS A TRUE AND EXACT REPRODUCTION OF THE DOCUMENT OFFICIALLY REGISTERED AT THE OFFICE OF THE JACKSON COUNTY REGISTRAR.

DEC 17 2008

DATE ISSUED:

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER


 MARK J. ORNDOFF
 COUNTY REGISTRAR
 JACKSON COUNTY, OREGON





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 31, 2014

ASPEN KNOLL LTD PARTNERSHIP
DAVID E CONGER
MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-2168B TO THE WATER SUPPLY BANK

****TIME SENSITIVE RESPONSE REQUIRED***

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

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

Enclosure: Proposed Lease Contracts

c. Haemmerle & Haemmerle, PLLC

MEMORANDUM

To: Water Right No(s). 37-2168B
From: Jean Hersley
Date: March 19, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: We received this application on December 12, 2013. The entire right has been offered to be leased to the Bank. 9.1 acres of irrigation and stockwater. End date listed on application was May 1, 2018. After speaking with the attorney, Haemmerle, the ending date was adjusted to give the applicant the full 5 years. December 31, 2018 is the ending date of this lease.

AUTHORITY TO FILE: Mary Jane Conger signed the application. She is the designated applicant.

WATER RIGHT VALIDITY: This water right was decreed in 2010 in the SRBA in the SWSE of T05N, R17E Section 10 but is now located in the NWSE of the same Township, Range and Section due to a new survey by BLM that moved the lines approximately ½ mile south.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 37. Both the Southern Region Manager and the watermaster for Water District #37 were contacted and had no concerns about this lease.

Hersley, Jean

From: Merritt, Allen
Sent: Tuesday, March 25, 2014 3:57 PM
To: Hersley, Jean
Subject: RE: Another WSB Lease Application 37-2168B

Shape of right appears to be on two different taxlot parcels. The two taxlots have have different ownership but are sent to the same address.

From: Hersley, Jean
Sent: Tuesday, March 25, 2014 1:35 PM
To: Kevin Lakey; Merritt, Allen
Subject: Another WSB Lease Application 37-2168B

The water right holder wishes to lease the entire right to the bank. Attached is the review memo. Comments or concerns are needed. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

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

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

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

March 13, 2014

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

RECEIVED
MAR 19 2014
DEPARTMENT OF
WATER RESOURCES

Re: Application to Bank Water (37-2168B)

Dear Ms. Hersley:

Pursuant to your dated March 5, 2014, to Ms. Conger, please find enclosed Attachment 1A. The Attachment is signed by Ms. Conger, as the original applicant, and by Lynndee Marin, General Partner, for the other owner of the right, Aspen Knoll Limited Partnership. I have enclosed the latest Secretary of State filings for Aspen Knoll evidencing the fact that Ms. Marin is the General Partner. Under Idaho Code Section 53-3-301, each partner is an agent of the partnership and may act on behalf of the partnership.

If there is anything else you need, please do not hesitate to call. Please send all documents to my Office. Thank you.

Sincerely,

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



Fritz X. Haemmerle

FXH: fxh
cc: client

No. L 3362	Due no later than Feb 28, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ASPEN KNOLL LIMITED PARTNERSHIP LYNNDÉE K MARIN 2238 W BISON DR BOISE ID 83703		LYNDEE MARIN 2238 W BISON DR BOISE ID 83703			
			3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	LYNNDÉE K MARIN	2238 W BISON DRIVE	BOISE	ID	USA	83703
5. Organized Under the Laws of: ID L 3362		6. Annual Report must be signed.* Signature: Lynndee Kathryn Marin Name (type or print): Lynndee Kathryn Marin Date: 12/17/2013 Title: General Partner				
Processed 12/17/2013		* Electronically provided signatures are accepted as original signatures.				



AMENDMENT TO CERTIFICATE FILED EFFECTIVE OR REGISTRATION OF LIMITED PARTNERSHIP

(instructions on back of application)

2012 SEP 17 PM 3:32

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership is:

Aspen Knoll Limited Partnership

If the Limited Partnership has been administratively dissolved and the name is no longer available for use, #3a below must include an amendment of name.

2. The date of which its certificate or registration of limited partnership was filed with the Idaho

Secretary of State was February 20, 1997 and its domestic state is: Idaho

3. The certificate of limited partnership is amended as follows: [check appropriate box(es)]

- ☐ a. The name of the limited partnership is amended to read:

- ☒ b. The name of each withdrawing general partner is:

Mary Jane Conger

- ☒ c. The name and business address of each new general partner is: (if more space is needed, continue in block g)

Lynndee Marin

2238 W. Bison Drive, Boise, Idaho 83703

- ☐ d. The statement that this limited liability limited partnership is hereby deleted.

- ☒ e. This limited partnership [☐ is] [☒ is not] a limited liability limited partnership.

- ☐ f. The business of the limited partnership is continued following an event of withdrawal of a general partner.

- ☐ g. Other amendments (optional):

Signature of all general partners:

Signature Mary Jane Conger

Typed Name Mary Jane Conger, resigning GP

Signature Lynndee Katherine Marin

Typed Name Lynndee Marin, new GP

Signature _____

Typed Name _____

Secretary of State use only

g:\opform\slp form\amend lp.pmd
Revised 11/2006

Web Form

IDAHO SECRETARY OF STATE
09/17/2012 05:00
CK: 5878 CT: 44531 BN: 1348173
1 @ 38.00 = 38.00 LP AMEND # 2

L3362



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

RESPONSE DEADLINE

MARCH 20, 2014

March 5, 2014

MARY JANE CONGER
PO BOX 545
KETCHUM ID 83340

RE: Application to Sell or Lease a Water Right to the Water Supply Bank 37-2168B

Dear Applicant:

On December 12, 2013, the Department of Water Resources (Department) received an Application to Sell or Lease a Water Right to the Water Supply Bank from you.

Before the Department can process this application, we need to know if you are the designated applicant on behalf of all the water right owners. I have enclosed Attachment 1A for you and the other owners to sign to authorize you to file the application on their behalf. If the other owners do not stipulate to this, we need signatures from the other owners on the application and a Form W9 for payment purposes should this water right be rented from the Bank.

Please respond within 14 days of this letter with the necessary information. If the Department does not hear from you, we will return your application unprocessed.

If you have any questions, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures

c: Haemmerle & Haemmerle PLLC

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

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

RECEIVED

DEC 12 2013

**DEPARTMENT OF
WATER RESOURCES**
400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

December 6, 2013

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

Re: Request to Water Bank 37-02168B

To Whom It May Concern:

Please find enclosed my client's Application to Lease Water to Water Bank, for water right 37-021168B. I have also enclosed the fee of \$250.00 for placing the right in the Water Bank. Please confirm receipt of this Application.

If you require any further information, please advise.

Sincerely,

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



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: clients

Hersley, Jean

From: Kevin Lakey [watermanager@cableone.net]
Sent: Tuesday, March 25, 2014 3:10 PM
To: Hersley, Jean
Subject: RE: Another WSB Lease Application 37-2168B

I have no concerns with this application.

Kevin Lakey
Water District 37

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Tuesday, March 25, 2014 1:35 PM
To: Kevin Lakey; Merritt, Allen
Subject: Another WSB Lease Application 37-2168B

The water right holder wishes to lease the entire right to the bank. Attached is the review memo. Comments or concerns are needed. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942