

WA
SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

NOV 08 2010

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

November 5, 2010

Ms. Monica Van Bussum
Idaho Department of Water Resources
Post Office Box 83720
322 E. Front St.
Boise, ID 83720-0098

Re: Mary Ellen Drashner and Kathryn Gardner
Application to Sell or Lease a Water Right to the Water Supply Bank – 37-22241

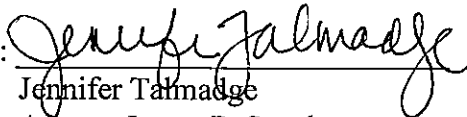
Dear Monica:

Enclosed you will find the original and one copy of the above-referenced Application to Lease a water right in Blaine County, Idaho. Please receipt-date stamp the copy and return it to our office in the postage-prepaid self-addressed envelope I have included for that purpose.

Please call me if you have any questions or need further information. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jennifer Talmadge
Asst. to James P. Speck

Enclosures

RECEIVED

NOV 08 2010

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWater Supply Bank No. _____
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Mary Ellen Drashner & Kathryn Allred Gardner Phone (208) 788-2568Mailing address P.O. Box 1200, Hailey, ID 83333 Email _____

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

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-22241</u>	_____	_____	_____ to _____
	_____	_____	_____ to _____
	_____	_____	_____ to _____
Total Amount: <u>All</u>			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

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

No system is currently in place and functioning.

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

None.

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

Yes ☐ No ☒

If yes, describe.

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.

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. SALE/LEASE AGREEMENT

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

If Lease, for a period from 1/1/2011 to 12/31/2015 (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 Idaho Water Resource Board. 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.

Mary Ellen Drashner
Signature of Applicant

Mary Ellen Drashner
Printed Name and Title*

11-3-10
Date

Signature of Applicant

Kathryn Allred Gardner
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

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None.

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

Yes ☐ No ☒

If yes, describe. _____

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4. While a right is in the bank, forfeiture provisions are stayed.
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Signature of Applicant

Mary Ellen Drashner

Printed Name and Title*

Date

Kathryn Allred Gardner
Signature of Applicant

Kathryn Allred Gardner

Printed Name and Title*

11-3-2010
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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22241

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 29 2010

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
MARY ELLEN DRASHNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: COLD SPRING GULCH TRIBUTARY: SINKS

QUANTITY: 1.00 AFY

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION: T04N R18E S30 NWNESE Within Blaine County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Aesthetic 01-01 TO 12-31 1.00 AFY
Aesthetic use for 12,000 square foot surface area by 3.6 ft
average depth pond.

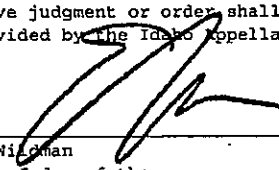
PLACE OF USE: Aesthetic Within Blaine County
T04N R18E S30 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wigham
Presiding Judge of the
Snake River Basin Adjudication