

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1808

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

LESSOR: CONGER FAMILY TRUST
2238 W BISON DR
BOISE, ID 83703-4286

RECEIVED

APR 26 2024

RECITALS

DEPT. OF WATER RESOURCES

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 and received by the Department on October 12, 2023.
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

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-2168B	1/22/1910	OREGON CREEK, tributary to BIG WOOD RIVER	0.09	Not Stated	3.6
Lease Totals			0.09	Not Stated	3.6

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-2168B	0.08	12.6	3.6	0.03	3.6
Rentable Limit Totals	0.08	12.6	3.6	0.03	3.6

The water right elements shown in the table above account for a standard diversion volume of 3.5 af/a/ac for the 3.6 acres leased to the Bank. Stockwater is not rentable under this lease due to the combined 13,000 gpd limit with 37-23307

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

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1808

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
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. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

LESSOR: CONGER FAMILY TRUST
2238 W BISON DR
BOISE, ID 83703-4286

By Lynadee Kathryn Marion
Title SUCCESSOR TRUSTEE
Date 4/22/24

IDAHO WATER RESOURCE BOARD

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 4/29/24

Lease approved by IDWR [Signature]

Date 4/29/24

STATE OF IDAHO
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ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2168B

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

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2168B	IRRIGATION	05/01	to	10/01	0.08 cfs	12.6 AF
	STOCKWATER				0.01 cfs	Not Stated
Totals:					0.08 cfs	12.6 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	10															3.6		3.6

Total Acres: 3.6

PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

Twp	Rng	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															X		

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, or the lease term expires. A right may be released from the bank upon request, 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 pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

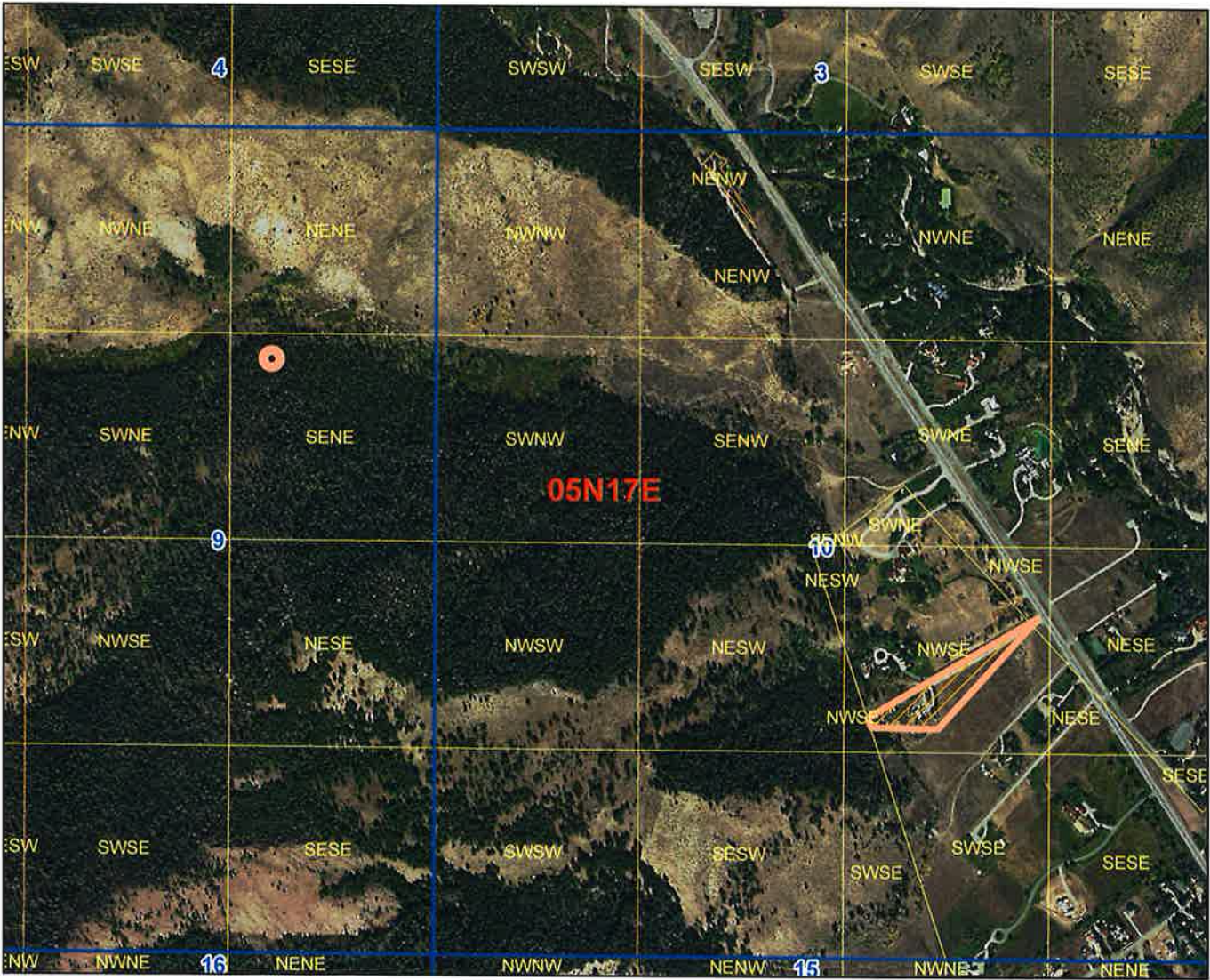
WATER SUPPLY BANK LEASE CONTRACT No. 1808

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, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
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. Use of water under this right may 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.
14. The quantity of water under this right and right 37-23307 for stockwater use shall not exceed 13,000 gallons per day

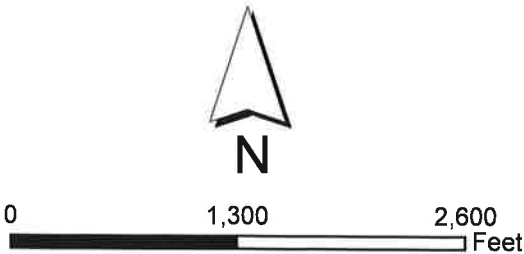
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1808

37-2168B
Effective until December 31, 2025

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- ▨ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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DEC 04 2023

Department of Water Resources

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant CONGER FAMILY TRUST
(Select one owner – see item 1A on the application)Water Right No. 37-2168 B
(One water right per application)

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

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☐ ☒ Notice of Change in Water Right Ownership form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250.00Received By: AJVDate Received: 10/10/2023 Receipt # C117154W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: CONGER FAMILY TRUST

2774

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant CONGER FAMILY TRUST

Mailing Address 2238 W. BISON DR BOISE ID 83703
Street City State Zip Code

Email Address lynndee.marin@gmail.com Phone Number 208-949-4137

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative LYNDEE K. MARIN Organization _____

Professional Title TRUSTEE Email Address lynndee.marin@gmail.com

Mailing Address 2238 W. BISON DR. BOISE, ID 83703 Phone Number 208-949-4137

☒ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
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APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. 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 authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

WATER IS DIVERTED INTO A PIPE OUT OF CREGON GULCH, THE PIPED TO THE PROPERTY OWNED BY THE CONGER FAMILY TRUST.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. _____

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. _____

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2024 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)

- B. 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 water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Conger Family Trust
Signature of Designated Applicant

CONGER FAMILY TRUST
Printed Name

11-6-2023
Date

Lynndee Kathryn Marin Trustee
Signature of Authorized Representative

LYNNDÉE KATHRYN MARIN TRUSTEE
Printed Name

11-6-2023
Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign 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.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 37-2168B

	Designated Applicant	Applicant #2	Applicant #3
Name	CENGER FAMILY TRUST		
Mailing Address	2238 W. BISON DR. BOISE, ID 83703		
Phone Number	208-949-4137		
Email Address	lynndee.marine@gmail.com		
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>Lynndee Kathryn Marine</i> TRUSTEE		

	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			

RECEIVED

DEC 04 2023

Department of Water Resources

CONGER FAMILY TRUST

THIS TRUST AGREEMENT IS MADE AND EXECUTED this 26th day of June, 1995, by and between DAVID E. CONGER and MARY JANE CONGER, husband and wife, of Ketchum, Blaine County, Idaho, hereinafter collectively referred to as the "Grantors", and each singly as a "Grantor", and DAVID E. CONGER and MARY JANE CONGER, husband and wife, of Ketchum, Blaine County, Idaho, hereinafter referred to as the "Trustee".

W I T N E S S E T H:

WHEREAS, the Grantors desire to create a trust effective this date and the Trustee agrees to act as Trustee thereof;

NOW, THEREFORE, the Grantors and Trustee agree as follows:

ARTICLE I

Section 1.01. Trust Name.

This trust shall be known as the "CONGER FAMILY TRUST" and is referred to herein as the "Trust".

Section 1.02. Trust Property.

The Grantors hereby transfer, convey, and deliver to the Trust the property set forth on Schedule A which is attached hereto and by reference made a part hereof. All the property transferred and delivered to the Trust shall, upon written acceptance thereof by the Trust, constitute the trust estate and shall be held, managed and distributed as hereinafter provided.

Section 6.03. Headings.

The section and paragraph headings are for convenience only, are not a part of this CONGER FAMILY TRUST, and shall not be used in interpreting of construing this CONGER FAMILY TRUST.

IN WITNESS WHEREOF, The parties hereto have executed this CONGER FAMILY TRUST the day and year first above written.

GRANTORS:



DAVID E. CONGER



MARY JANE CONGER

TRUSTEE:



DAVID E. CONGER

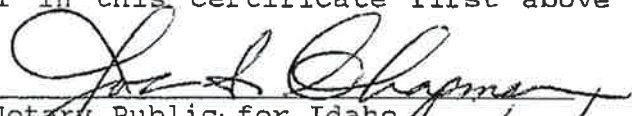


MARY JANE CONGER

STATE OF IDAHO)
 : ss.
County of Blaine)

On this 26 day of June, 1995, before me, a Notary Public in and for said State, personally appeared DAVID E. CONGER and MARY JANE CONGER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

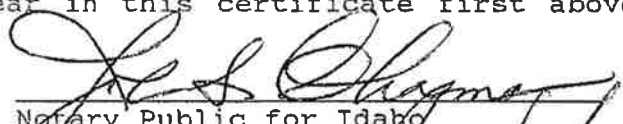
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Hailey, Idaho
My Commission Expires: 2/15/97

STATE OF IDAHO)
 : ss.
County of Blaine)

On this 26 day of June, 1995, before me, a Notary Public in and for said State, personally appeared DAVID E. CONGER and MARY JANE CONGER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.


Notary Public for Idaho
Residing at Hailey, Idaho
My Commission Expires: 2/15/97

SECOND AMENDMENT TO THE CONGER FAMILY TRUST

Mary Jane Conger, the surviving Grantor and sole Trustee of the Conger Family Trust ("Trust") established pursuant to the Trust Agreement dated June 26, 1995, as amended December 29, 2004 ("Trust Agreement"), pursuant to Section 6.01 of the Trust Agreement in which the Grantor retained the power to amend the Trust Agreement, hereby amends the Trust Agreement as provided below.

1. Subsection B Section 5.04 of the Trust Agreement is deleted in its entirety and restated as follows:

B. Designation of Successor Trustees. If Mary Jane Conger is or becomes unable or unwilling to serve as Trustee, then Lynndee Kathryn Marin shall serve as the Trustee hereunder. If Lynndee Kathryn Marin is or becomes unable or unwilling to serve as Trustee, then James David Marin and shall serve as the Trustee hereunder.

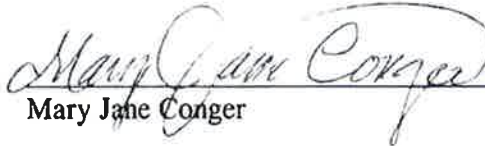
2. All provisions of the Trust that are not modified by the foregoing provisions of this Amendment shall remain in effect and are hereby reaffirmed by Mary Jane Conger in their entirety.

Dated this 14th day of February, 2019.

Grantor:


Mary Jane Conger

Trustee:

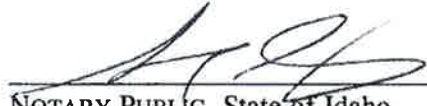

Mary Jane Conger

STATE OF IDAHO)
 ss.
COUNTY OF ADA)

On this 14th day of February, 2019, before me, personally appeared Mary Jane Conger, Grantor and Trustee, personally known to or identified to me to be the person whose name is subscribed to the foregoing Second Amendment to the Conger Family Trust, as the Grantor and Trustee having acknowledged that she executed the same.

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





NOTARY PUBLIC, State of Idaho
Residing at Nampa, Idaho
Commission expires: November 13, 2019



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 29, 2024

CONGER FAMILY TRUST
2238 W BISON DR
BOISE, ID 83703-4286

**RE: WATER SUPPLY BANK LEASE CONTRACT 1808
FOR WATER RIGHT 37-2168B**

Dear Lessor:

Water right **37-2168B** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2024** unless the rights are released earlier by the Water Resource Board (Board). To release the water rights 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 on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,
Signature

Catalina Beck

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office
Water District No 37



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 18, 2024

CONGER FAMILY TRUST
2238 W BISON DR
BOISE, ID 83703-4286

**RE: APPLICATION TO LEASE WATER RIGHTS 37-2168B TO THE WATER SUPPLY BANK
CONTRACT 1808**

******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 ALL 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 right will automatically be released from the Bank on **December 31, 2025** unless the right is 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 right may not be available for immediate release if it has 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 this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATION # 2774

To: Water Right(s) 37-2168B

From: Catalina Beck Technical Records Specialist I

Date: January 22, 2024

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

PURPOSE/NARRATIVE: Conger Family Trust submitted application (2774) on December 04, 2023. The proposed lease is the full water right (3.6 acres,.09 cfs) for 2 years starting in January 2024 through December 31, 2025. The entire right has been offered to the Water Supply Bank for irrigation and stock water use. The point of diversion is shared with 37-23307 and is diverted into a pipe out of the Oregon Gulch to the Conger Family Trust property. The previous lease had a portion of the water right split off into 37-23307 for 9.1 acres and 3.6 acres remain after the split.

As one of the conditions, the stockwater use is limited to 13,000 gallons per day when combined with 37-23307. Since 37-23307 is not leased alongside this right the stock water use is not rentable.

AUTHORITY TO FILE: The application was signed by Conger Family Trust who is the sole owner of the water right. An amendment to the trust was designated the succeeding trustee if Mary Jane Conger passes. Ms. Conger has since passed so Ms. Lyndee Marin has authority to file the application on behalf of the trust and is the authorized representative. No concerns with authority to file.

WATER RIGHT VALIDITY: The water right decreed in 2010. The entire water right was leased into the bank from 2014 to present. Only four irrigation season have passed since the decree was issued where the water right was not in the bank. There are no concerns with validity of the water right offered to the Water Supply Bank.

INJURY TO OTHER WATER RIGHTS: There is no apparent injury through the lease of this water right to other water right holders.

ENLARGEMENT OF USE: No enlargement is evident though the lease. There are no overlapping irrigation water rights at the lease place of use so no concerns with enlargement or combined use limits.

LOCAL PUBLIC INTEREST: Review staff have 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 lease portion of diversion is subject to Water District No.37. The watermaster and Southern Regional office were contacted for comments or concerns.

Kienholz, Mackenzie

From: Lynndee Marin <lynndee.marin@gmail.com>
Sent: Monday, December 4, 2023 2:27 PM
To: Kienholz, Mackenzie
Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you so much for your assistance and patience in getting this taken care of.

Lynndee

On Mon, Dec 4, 2023 at 2:22 PM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Lyndee,

This is the document we need. I believe this is enough to note that the application is ready for review. If the agent who reviews your application has any questions, they will contact you directly. I will make a note that I worked with you though in case they have any questions I can answer. Thank you for your help and patience in getting this sorted out.

Best,

Mackenzie

From: Lynndee Marin <lynndee.marin@gmail.com>
Sent: Monday, December 4, 2023 2:09 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

McKenzie,

Enclosed is the document I think you need, Certification of Trust. Did you also receive the Quit Claim Deed?

I believe the attorney sent a copy of that document. Let me know if this is what you were asking for.

Lynndee

On Mon, Dec 4, 2023 at 12:00 PM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Lyndee,

Received, thank you. Did you also have a copy of the certificate of trust? We will need that to process the application. I will look over the application again to see if there is any other information needed.

Thank you,

Mackenzie

From: Lynndee Marin <lynndee.marin@gmail.com>

Sent: Monday, December 4, 2023 11:48 AM

To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; IDWR File <file@idwr.idaho.gov>

Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

McKenzie,

Here is the application I had sent previously. Please let me know that you have received it.

Thanks,

Lynndee

On Mon, Dec 4, 2023 at 11:16 AM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Hi Lyndee,

I am not sure what happened then. If you could send another copy to the address below or a scanned copy to file@idwr.idaho.gov it would be much appreciated.

Idaho Department of Water Resources

ATTN Mackenzie Kienholz

PO Box 83720

Boise, ID 83720-0098

Thank you,

Mackenzie

From: Lynndee Marin <lynndee.marin@gmail.com>

Sent: Monday, December 4, 2023 10:07 AM

To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning, McKenzie,

Yes I did send the documentation on or around November 6th. I was wondering if you had received it as I hadn't heard from you. I do have my copy of it. I sent it to the address on the form. Do you need me to send it again? Please let me know how to proceed.

Thank you,

Lynndee

On Mon, Dec 4, 2023 at 9:50 AM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Good morning, Lyndee,

Did you get a chance to submit the updated copy of your Water Supply Bank lease application for water right 37-2168B, which is now in the name of Conger Family Trust? I have not seen the documents come in and want to make sure it wasn't lost in the mail or anything like that.

Thank you,

Mackenzie

From: Lynndee Marin <lynndee.marin@gmail.com>

Sent: Monday, November 6, 2023 8:41 AM

To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mackenzie,

Do you need the entire trust or will a Certification of trust be adequate?

Lynndee Marin

On Mon, Nov 6, 2023 at 8:33 AM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Good morning, Lyndee,

It would be best if you could submit another copy of your Water Supply Bank application with the new lessor name (Conger Family Trust) as well as an updated W9. Also, because the right is now in the name of a trust, please supply either a copy of the trust documents outlining your authority to sign on behalf of the trust, and/or provide a copy of the Water Supply Bank Lease Application Attachment 1A signed by all trustees. I am attaching copies of the application you submitted under Aspen Knoll Limited Partnership as well as a blank application for your convenience. As you have already paid the filing fee, you can mail the documents to our office or submit them electronically to file@idwr.idaho.gov. If you have any questions, please feel free to call or email me.

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

From: Lynndee Marin <lynndee.marin@gmail.com>

Sent: Monday, November 6, 2023 8:00 AM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>

Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jean,

Thank you for your help.

Lynndee Marin

On Mon, Nov 6, 2023 at 7:41 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

I let Mackenzie know the ownership had changed. I am copying both her and Mary regarding your lease.



Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Lynndee Marin <lynndee.marin@gmail.com>
Sent: Sunday, November 5, 2023 9:33 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jean,

I received the documents from the IDWR yesterday in regards to the change of ownership into the Conger Family Trust. It sounds as though everything is in order as far as that goes. I had filed papers with the Water Bank under prior ownership with payment and an incorrect Tax ID number on the W9. The application should be in the name of Conger Family Trust with a different (W9)Tax ID. What do I need to do to correct that issue? Should I call Mary in the water Bank? I would appreciate your advice and direction. Water Right Ownership 37-2168B

Thank you,

Lynndee Marin

On Wed, Oct 18, 2023 at 3:27 PM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

I'm sorry. Those deeds will not work. Those deeds are dated 1997. The water right was decreed in 2010 to Aspen Knoll. The Department will need a conveyance document quitclaiming the water right from Aspen Knoll to the Conger Family Trust, if that is the name you want on the water right. It appears the land is in the name of the David E Conger and Mary Jane Conger Trust.



Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Hersley, Jean
Sent: Wednesday, October 18, 2023 3:23 PM
To: Lynndee Marin <lynndee.marin@gmail.com>
Subject: RE: Notice of Change in Water Right Ownership 37-2168B

These deeds will work if you want to put the water rights in the name of David E Conger and Mary Jane Conger Trust. Let me know.



Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Lynndee Marin <lynndee.marin@gmail.com>
Sent: Wednesday, October 18, 2023 2:21 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Notice of Change in Water Right Ownership 37-2168B

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jean,

Per our conversation do these deeds clarify things? Please let me know how to move forward.

Lynndee Marin

On Wed, Oct 18, 2023 at 1:05 PM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

See attached letter. Please let me know if you have any questions. Thank you.



Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 01, 2023

CONGER FAMILY TRUST
2238 W BISON DR
BOISE ID 83703-4286

Re: Change in Ownership for Water Right No(s): 37-2168B

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 37
Water Supply Bank



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 12, 2023

ASPEN KNOLL LTD PARTNERSHIP
2238 W BISON DR
BOISE ID 83703-4286

Re: Change in Ownership for Water Right No(s): 37-2168B

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Jean Hersley", is written over a horizontal line.

Jean Hersley
Technical Records Specialist 2

Enclosure(s)