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APR 14 2017

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

April 14, 2017

Mr. Shelley Keen
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Water Right Applications 01-07142 and 01-10609

Dear Mr. Keen,

Please find attached eight Memorandums of Intent ("MOIs") between the Idaho Water Resource Board ("IWRB") and various canal companies/ irrigation entities. The purpose of the MOIs are to demonstrate, for purposes of permitting the IWRB's water right applications 01-07142 and 01-10609, that the IWRB has permission from the entities to use their canal systems as the places of use and points of diversion for water right applications 01-07142 and 01-10609. The IWRB requests that these Memorandums of Intent be placed in the backfiles for water rights 01-07142 and 01-10609. Originals will be held in the IWRB files and in the files of each entity.

COPY

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Vonde".

ANN VONDE

Deputy Attorney General

AV/mb
Attachments(8)
cc: Travis Thompson
Kent Fletcher
C. Thomas Arkoosh

MEMORANDUM OF INTENT

DOCUMENTING THE NORTH SIDE CANAL COMPANY'S GRANT OF PERMISSION TO THE IDAHO WATER RESOURCE BOARD TO USE THE CANAL SYSTEM AS THE POINT OF DIVERSION AND PLACE OF USE FOR WATER RIGHT PERMIT 01-07142

THIS MEMORANDUM is made and entered into this 3 day of April, 2016, by and between the IDAHO WATER RESOURCE BOARD ("IWRB") and the NORTH SIDE CANAL COMPANY ("NSCC").

RECITALS

- A. IWRB is seeking water right permit 01-07142 for the purpose of managed aquifer recharge to assist with stabilizing the Eastern Snake Plain Aquifer.
- B. NSCC operates and maintains an extensive canal system with points of diversion on the Snake River near Milner Dam.
- C. The place of use and points of diversion for water right permit 01-07142 are within the canal system operated by NSCC.
- D. The IWRB seeks to convey water to be appropriated under water right 01-07142 through the NSCC canal system as part of the IWRB's managed recharge program.

COVENANTS

- 1. NSCC hereby gives the IWRB permission to use the NSCC canal system as the place of use and point of diversion for purposes of the permitting of water right 01-07142.
- 2. Nothing herein is a guaranty of the delivery of any amount of water under the IWRB's water right 01-07142 through the NSCC canal system.
- 3. An executed Water Conveyance Contract between the IWRB and NSCC is a condition for any delivery of water through the NSCC canal system for managed aquifer recharge efforts pursuant to water right 01-7142.
- 4. The initial term of this contract shall be one (1) year from the date of signing and shall be extended automatically each year under the terms and conditions laid out herein. Either party may terminate this Agreement for any reason by providing written notice to the other 30 days before the end of the term.

5. Nothing in this Agreement shall be construed to give IWRB any rights to the NSCC canal system. IWRB expressly acknowledges that the use of any water under water right 01-07142 in the NSCC canal system is pursuant to the revocable permission authorized through this Agreement and an executed Water Conveyance Contract.

DATED this 14 day of October, 2016.

NORTH SIDE CANAL COMPANY

John Beukers
By: John Beukers
Its: Chairman

DATED this 3 day of April, 2016.

IDAHO WATER RESOURCE BOARD



By: Roger Chase

Its: Chairman of the Board