

WATER SUPPLY BANK LEASE CONTRACT

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

Lessor: CANYON DITCH COMPANY
PO BOX 1437
CALDWELL ID 83606-1437
208-459-6363

RECEIVED

OCT 06 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>Total Leased Acres</u>
63-138E	0.06 CFS	Not Stated	100.0 AC
63-233E	1.50 CFS	Not Stated	100.0 AC
63-252	0.69 CFS	Not Stated	100.0 AC
63-369	1.25 CFS	Not Stated	100.0 AC
Combined Lease Totals:	3.50 CFS	Not Stated	100.0 AC

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

Authorized Period of Use under Lease: March 1 to November 15

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.

SUPPORT DATA

IN FILE # 63-138E

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

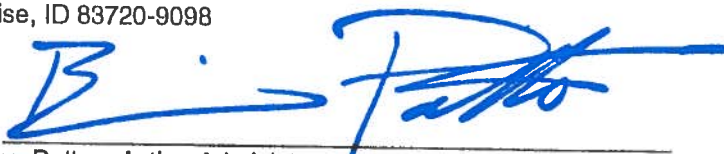
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

CANYON DITCH COMPANY
PO BOX 1437
CALDWELL ID 83606-1437

By 
Printed Name Gary Bowen

Date 10-3-2014
Title President

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 October 1, 2014

Lease approved by IDWR 

Date 10/1/2014

ATTACHMENT A
WATER RIGHT NO. 63-138E
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CANYON DITCH COMPANY
PO BOX 1437
CALDWELL ID 83606-1437
208-459-6363

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary to: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.06 CFS
Total:			0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15 Twp 04N Rge 03W CANYON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	9												30.0					30.0
04N	03W	16			40.0	30.0													70.0

Total Acres: 100.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
63-138E, 63-233E, 63-252 and 63-369	3.50 CFS	Not Stated	100.0 AC

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. Whenever it becomes necessary for the water master to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced by 60 percent of their decreed quantities.
13. The unleased portion of this right when combined with water rights 63-233E, 63-252 and 63-369 can be used to irrigate up to 700 acres within the boundary of the Canyon Ditch Company.
14. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

ATTACHMENT A
WATER RIGHT NO. 63-233E
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CANYON DITCH COMPANY
PO BOX 1437
CALDWELL ID 83606-1437
208-459-6363

Priority Date: 10/08/1887

Source: BOISE RIVER

Tributary to: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.50 CFS
	Total:		1.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15 Twp 04N Rge 03W CANYON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	9												30.0					30.0
04N	03W	16			40.0	30.0													100.0

Total Acres: 100.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
63-138E, 63-233E, 63-252 and 63-369	3.50 CFS	NA	100.0 AC

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. Whenever it becomes necessary for the water master to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced by 60 percent of their decreed quantities.
13. The unleased portion of this right when combined with water rights 63-233E, 63-252 and 63-369 can be used to irrigate up to 700 acres within the boundary of the Canyon Ditch Company.
14. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

ATTACHMENT A
WATER RIGHT NO. 63-252
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CANYON DITCH COMPANY
PO BOX 1437
CALDWELL ID 83606-1437
208-459-6363

Priority Date: 10/25/1901

Source: BOISE RIVER

Tributary to: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.69 CFS
	Total:		0.69 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15 Twp 04N Rge 03W CANYON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	9												30.0					30.0
04N	03W	16			40.0	30.0													100.0

Total Acres: 100.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
63-138E, 63-233E, 63-252 and 63-369	3.50 CFS	Not Stated	100.0 AC

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. Whenever it becomes necessary for the water master to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced by 60 percent of their decreed quantities.
13. The unleased portion of this right when combined with water rights 63-233E, 63-252 and 63-369 can be used to irrigate up to 700 acres within the boundary of the Canyon Ditch Company.
14. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

ATTACHMENT A
WATER RIGHT NO. 63-369
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CANYON DITCH COMPANY
 PO BOX 1437
 CALDWELL ID 83606-1437
 208-459-6363

Priority Date: 05/17/1900

Source: BOISE RIVER

Tributary to: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01 to	11/15	1.25 CFS
	Total:		1.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NW¼NW¼ Sec. 15 Twp 04N Rge 03W CANYON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	9												30.0					30.0
04N	03W	16			40.0	30.0													100.0

Total Acres: 100.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
63-138E, 63-233E, 63-252 and 63-369	3.50 CFS	Not Stated	100.0 AC

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.
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12. Whenever it becomes necessary for the water master to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced by 60 percent of their decreed quantities.
13. The unleased portion of this right when combined with water rights 63-233E, 63-252 and 63-369 can be used to irrigate up to 700 acres within the boundary of the Canyon Ditch Company.
14. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
AUG 07 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Canyon Ditch CompanyWater Right No. 63-138E
One water right per application**All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*****YES**

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A** ☒ ☐ Contact information for ***all owners*** of the water right that is being 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** ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E** ☐ ☒ 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.
- 3D** ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4** ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>[Signature]</u>	Date Received: <u>08/07/14</u>	Receipt # <u>C099281</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Canyon Ditch Company</u>	

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
AUG 07 2014
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Canyon Ditch Company Email Address _____
Mailing Address P.O. Box 1437, Caldwell, ID 83606-1437 Phone Number (208) 459-6363

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- 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 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 1D).

- E. 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 1E).

Name of Representative Albert P. Barker Organization Barker Rosholt & Simpson LLP
Professional Title Attorney Email Address apb@idahowaters.com
Mailing Address P.O. Box 2139, Boise, ID 83701-2139 Phone Number 208-336-0700

☐ 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

Water Right Number 63-138E ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

POD located on Boise River at T04N R03W S15, NWNW in Canyon County into ditch owned by Canyon Ditch
Co. for delivery to shareholders

- B. 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.
63-252, 63-223E, 63-369

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

Yes ☐ No ☒

If yes, describe. _____

D. 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 water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

4. 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, for a period from 04/01/2014 to 03/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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.

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Signature of Designated Applicant



Signature of Authorized Representative

ATKINNEY

Printed Name

Albert P. Barker

Printed Name

Date

August 7, 2014

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

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. 63-138E N/A - Right held by Canyon Ditch Company

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
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			

	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			

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- | 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------|
| 63-138E | 3.5 | Irrigation | 03/01 to 11/15 |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 3.5 | | |

2. Source of water Boise River tributary to Snake River

- 3. Point(s) of Diversion:**

[illegible]

4. **Lands irrigated or place of use:** See attached Order of Partial Decree, Place of Use described in digital boundary under IC §§ 42-202(B)(2), 42-219(2), and 42-1411(2)(h)

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 175

Canyon Ditch Company
1434 Shares

Annual meeting of the Canyon Ditch Company was held February 22, 2014 ~~pm~~ the Caldwell Library Idaho Room, Caldwell Idaho.

Voting Members Present:	Wallace Bower Farm by proxy to Gary Bower	204 Share
	Caldwell Campground by proxy to Randy Wolters	27 share
	City of Caldwell by proxy to MargeMaxwell	66 share
	Id. Dept of Transp by proxy to Gary Bower	106 share
	Mulchay-Bicandi Mitch Bicandi	214 share
	George Pierce	14 share
	TCC Properties by proxy to Marge Maxwell	13 share
	Wagner Farms by proxy to Greg Payne	<u>117 share</u>
		761

Total voting shares present
Shares constitute a majority

The meeting was called to order by President Gary Bower, previous minutes were read, after some discussion, Mitch moved and Greg seconded a motion to accept the minutes as read, motion carried

Copies of the 2013 Financial Statement was given to all present, after some discussion of the various expenses, George moved and Randy seconded a motion to accept the Financial Statement, Motion carried

Marge reported that Al Barker was not able to register Canyon Ditch with the Idaho Water Bank for 2013 and get the 2000 acre feet assigned. There was not adequate water available and the Water Bank was not accepting any new applications.

Mitch moved and Greg seconded a motion to ask Al Barker to register the 2000 acre feet as soon as possible in 2014 and to lease the water for a period of five years, Motion carried.

Condition of the canal was discussed and Mitch reported the new chemical Cascade that he and Greg had used had reduced the need for as many applications of Aquatic Weed and that the overall condition of the canal was good. The weed rack at the west end of the canal is old and rusted out and needs to be replaced. Mitch will contact Rick Hardcastle to have a new weed rack build and installed. Some Cleaning will be needed on the upper end of the canal near the river headgate, Mitch and Greg will do the needed cleaning as their time allows.

Randy presented the group with some pictures showing what the City of Caldwell was doing to the section of their Green Belt that runs between the Farmers Canal and the Canyon Ditch. The Green Belt is on property owned by the Farmers Canal. The city has removed all the pavement and cleared some brush and trimmed some of the trees but had not cleaned up their mess at the time of our meeting. They had also damaged a old line of fence which runs along both sides of the Canyon Ditch. The fence on the Farmers side of the canal actually belongs to Farmers and was used when their ditch rider grazed cattle in the area before the green belt was built. The fence on Campground side of the Canal is owned by the Camp ground and was installed by a former owner who also grazed cattle in their pasture. The only damage

at this time appears to be our gate and supports at the very start of the canal. Mitch will look at the gate and gate posts and he and Greg will repair or replace the fixture and put a padlock and chain on it. They will also post some no trespassing signs on gate and along the canal. Marge will contact the city to have the mess cleaned up. Randy will report on the laying of new pavement and other changes the city makes.

Mitch reported that he attended a public information meeting that will involve moving the Boise River take out point and headgates for both the Canyon and Farmers canals. Also building a new vehicle bridge over the river and making the silver bridge only for foot traffic and part of the City of Caldwell green belt improvement project. Projection time is 2018.

Marge reported that the new Farmway Village Waste Water connect to City of Caldwell project plans have all been completed and construction may start this spring before turn in with tunneling under both the Canyon and Farmers canals below the old treatment plant at the Farmway Village as the starting point.

George moved and Randy seconded a motion to retain the 2013 Officers and Directors for 2014, Motion carried

Officers and Directors are as follows

President- Gary Bower

Vice President- George Pierce

Directors- Brent Harris, Mitch Bicandi and Greg Payne

Greg moved and George seconded a motion to retain Marge as Sec-Treas for 2014 at a yearly salary of \$300.00, Motion carried

Mitch moved and Greg seconded a motion to set the assessment at \$10.00 per share, Motion carried

Randy moved and Greg seconded a motion to adjourn, Motion carried

Marge Maxwell
Sec-Treas

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
AUG 07 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Canyon Ditch CompanyWater Right No. 63-223E

One water right per application

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

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☒ ☐ Contact information for ***all owners*** of the water right that is being 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 ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>[Signature]</u>	Date Received: <u>08/07/14</u>	Receipt # <u>C099281</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Canyon Ditch Company</u>	

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKRECEIVED
AUG 07 2014
DEPARTMENT OF
WATER RESOURCES

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Canyon Ditch Company Email Address _____Mailing Address P.O. Box 1437, Caldwell, ID 83606-1437 Phone Number (208) 459-6363☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- 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 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 1D).

- E. 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 1E).

Name of Representative Albert P. Barker Organization Barker Rosholt & Simpson LLPProfessional Title Attorney Email Address apb@idahowaters.comMailing Address P.O. Box 2139, Boise, ID 83701-2139 Phone Number 208-336-0700☐ 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

Water Right Number 63-223E ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.
POD located on Boise River at T04N R03W S15, NWNW in Canyon County into ditch owned by Canyon Ditch
Co. for delivery to shareholders

- B. 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.
63-252, 63-138E, 63-369

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

Yes ☐ No ☒

If yes, describe. _____

D. 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 water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

4. 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, for a period from 04/01/2014 to 03/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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.

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Signature of Designated Applicant

Printed Name

Date

Signature of Authorized Representative

Albert P. Barker

August 7, 2014

Printed Name

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- | 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------|
| 63-223E | 3.5 | Irrigation | 03/01 to 11/15 |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 3.5 | | |

2. Source of water Boise River tributary to Snake River
3. Point(s) of Diversion: _____

[illegible]

4. Lands irrigated or place of use: See attached Order of Partial Decree, Place of Use described in digital boundary under IC §§ 42-202(B)(2), 42-219(2), and 42-1411(2)(h)

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 175

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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. 63-223E N/A - Right held by Canyon Ditch Company

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
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			

	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			

Canyon Ditch Company
1434 Shares

Annual meeting of the Canyon Ditch Company was held February 22, 2014 pm the Caldwell Library Idaho Room, Caldwell Idaho.

Voting Members Present:	Wallace Bower Farm by proxy to Gary Bower	204 Share
	Caldwell Campground by proxy to Randy Wolters	27 share
	City of Caldwell by proxy to MargeMaxwell	66 share
	Id. Dept of Transp by proxy to Gary Bower	106 share
	Mulchay-Bicandi Mitch Bicandi	214 share
	George Pierce	14 share
	TCC Properties by proxy to Marge Maxwell	13 share
	Wagner Farms by proxy to Greg Payne	117 share
Total voting shares present		761

Shares constitute a majority

The meeting was called to order by President Gary Bower, previous minutes were read, after some discussion, Mitch moved and Greg seconded a motion to accept the minutes as read, motion carried

Copies of the 2013 Financial Statement was given to all present, after some discussion of the various expenses, George moved and Randy seconded a motion to accept the Financial Statement, Motion carried

Marge reported that Al Barker was not able to register Canyon Ditch with the Idaho Water Bank for 2013 and get the 2000 acre feet assigned. There was not adequate water available and the Water Bank was not accepting any new applications.

Mitch moved and Greg seconded a motion to ask Al Barker to register the 2000 acre feet as soon as possible in 2014 and to lease the water for a period of five years, Motion carried.

Condition of the canal was discussed and Mitch reported the new chemical Cascade that he and Greg had used had reduced the need for as many applications of Aquatic Weed and that the overall condition of the canal was good. The weed rack at the west end of the canal is old and rusted out and needs to be replaced. Mitch will contact Rick Hardcastle to have a new weed rack build and installed. Some Cleaning will be needed on the upper end of the canal near the river headgate, Mitch and Greg will do the needed cleaning as their time allows.

Randy presented the group with some pictures showing what the City of Caldwell was doing to the section of their Green Belt that runs between the Farmers Canal and the Canyon Ditch. The Green Belt is on property owned by the Farmers Canal. The city has removed all the pavement and cleared some brush and trimmed some of the trees but had not cleaned up their mess at the time of our meeting. They had also damaged a old line of fence which runs along both sides of the Canyon Ditch. The fence on the Farmers side of the canal actually belongs to Farmers and was used when their ditch rider grazed cattle in the area before the green belt was built. The fence on Campground side of the Canal is owned by the Camp ground and was installed by a former owner who also grazed cattle in their pasture. The only damage

at this time appears to be our gate and supports at the very start of the canal. Mitch will look at the gate and gate posts and he and Greg will repair or replace the fixture and put a padlock and chain on it. They will also post some no trespassing signs on gate and along the canal. Marge will contact the city to have the mess cleaned up. Randy will report on the laying of new pavement and other changes the city makes.

Mitch reported that he attended a public information meeting that will involve moving the Boise River take out point and headgates for both the Canyon and Farmers canals. Also building a new vehicle bridge over the river and making the silver bridge only for foot traffic and part of the City of Caldwell green belt improvement project. Projection time is 2018.

Marge reported that the new Farmway Village Waste Water connect to City of Caldwell project plans have all been completed and construction may start this spring before turn in with tunneling under both the Canyon and Farmers canals below the old treatment plant at the Farmway Village as the starting point.

George moved and Randy seconded a motion to retain the 2013 Officers and Directors for 2014, Motion carried

Officers and Directors are as follows

President- Gary Bower

Vice President- George Pierce

Directors- Brent Harris, Mitch Bicandi and Greg Payne

Greg moved and George seconded a motion to retain Marge as Sec-Treas for 2014 at a yearly salary of \$300.00, Motion carried

Mitch moved and Greg seconded a motion to set the assessment at \$10.00 per share, Motion carried

Randy moved and Greg seconded a motion to adjourn, Motion carried

Marge Maxwell
Sec-Treas

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 10 2014

Department of Water Resources

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Canyon Ditch CompanyWater Right No. 63-252
One water right per applicationAll items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☒ ☐ Contact information for *all owners* of the water right that is being 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 ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>CS</u>	Date Received: <u>4/10/14</u>	Receipt # <u>C098663</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Canyon Ditch Company</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

1. CONTACT INFORMATION

A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Canyon Ditch Company Email Address _____
Mailing Address P.O. Box 1437, Caldwell, ID 83606-1437 Phone Number (208) 459-6363

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

Name of Representative Gary Bower Organization Canyon Ditch Company
Professional Title President Email Address GARY SANDY BOWER @ G MAIL. COM
Mailing Address 19152 Cramer Trail Way Phone Number 989-2250
Caldwell, Id. 83607

☐ 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

Water Right Number 63-252 ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

A. Please provide a description of the current water diversion system.

POD located on Boise River at T04N R03W S15, NWNW in Canyon County into ditch owned by Canyon Ditch
Co. for delivery to shareholders

B. 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.
63-138E, 63-223E, 63-369

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

Yes ☐ No ☒

If yes, describe. _____

D. 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 water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

4. 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, for a period from 04/01/2014 to 03/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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

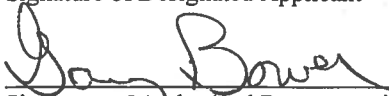
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

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 provisions are stayed.
5. Acceptance of a water right into the ank does not, in itself, confirm the validity of the water right or any elements of the water right.

CANYON DITCH COMPANY

Signature of Designated Applicant



Signature of Authorized Representative
PRESIDENT

Printed Name

Gary Bower

Printed Name

April 1, 2014

Date

April 1, 2014

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

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. 63-252

N/A - Right held by Canyon Ditch Company

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
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			

	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			

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- | 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------|
| 63-252 | 3.5 | Irrigation | 03/01 to 11/15 |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 3.5 | | |

2. Source of water Boise River tributary to Snake River

3. Point(s) of Diversion:

[illegible]

4. Lands irrigated or place of use: See attached Order of Partial Decree, Place of Use described in digital boundary under IC §§ 42-202(B)(2), 42-219(2), and 42-1411(2)(h)

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 175

Canyon Ditch Company
1434 Shares

Annual meeting of the Canyon Ditch Company was held February 22, 2014 pm the Caldwell Library Idaho Room, Caldwell Idaho.

Voting Members Present:	Wallace Bower Farm by proxy to Gary Bower	204	Sha
	Caldwell Campgroung by proxy to Randy Wolters	27	sha
	City of Caldwell by proxy to MargeMaxwell	66	sha
	Id. Dept of Transp by proxy to Gary Bower	106	sha
	Mulchay-Bicandi Mitch Bicandi	214	sha
	George Pierce	14	sha
	TCC Properties by proxy to Marge Maxwell	13	sha
	Wagner Farms by proxy to Greg Payne	117	sha
		<u>761</u>	

Total voting shares present
Shares constitute a majority

The meeting was called to order by President Gary Bower, previous minutes were read, after some discussion, Mitch moved and Greg seconded a motion to accept the minutes as read, motion carried

Copies of the 2013 Financial Statement was given to all present, after some discussion of the various expenses, George moved and RANDy seconded a motion to accept the Financial Statement, Motion carried

Marge reported that Al Barker was not able to register Canyon Ditch with the Idaho Water Bank for 2013 and get the 2000 acre feet assigned. There was not adaquate water available and the Water BAnk was not accepting any new applications.

Mitch moved and Greg seconded a motion to ask Al Barker to register the 2000 acre feet as soon as possible in 2014 and to lease the water for a period of five years, Motion carried.

Condition of the canal was discussed and Mitch reported the new chemical Cascade that he and Greg had used had reduced the need for as many applicatio: of Aquatic Weed and that the overall condition of the canal was good. The weed rack at the west end of the canal is old and rusted out and needs to be replaced. Mitch will contact Rick Hardcastle to have a new weed rack build and installed. Some Cleaning will be needed on the upper end of the canal near the river headgate, Mitch and Greg will do the needed cleaning as their time allows.

Randy presented the group with some pictures showing what the City of Caldwell was doing to the section of their Green Belt that runs between the Farmers Canal and the Canyon Ditch. The Green Belt is on property owned by the Farmers Canal. The city has removed all the pavement and cleared some brush and trimmed some of the trees but had not cleaned up their mess at the time of our meeting. They had also damaged a old line of fence which runs along both sides of the Canyon Ditch. The fnce on the Farmers side of the canal actually belongs to Farmers and was used when their ditch rider grazed cattle in the area before the green belt was built. The fence on Campground side of the Canal is owned by the Camp ground and was installed by a former owner who also grazed cattle in their pasture. The only damage

at this time appears to be our gate and supports at the very start of the canal. Mitch will look at the gate and gate posts and he and Greg will repair or replace the fixture and put a padlock and chain on it. They will also post some no trespassing signs on gate and along the canal. Marge will contact the city to have the mess cleaned up. Randy will report on the laying of new pavement and other changes the city makes.

Mitch reported that he attended a public information meeting that will involve moving the Boise River take out point and headgates for both the Canyon and Farmers canals. Also building a new vehicle bridge over the river and making the silver bridge only for foot traffic and part of the City of Caldwell green belt improvement project. Projection time is 2018.

Marge reported that the new Farmway Village Waste Water connect to City of Caldwell project plans have all been completed and construction may start this spring before turn in with tunneling under both the Canyon and Farmers canals below the old treatment plant at the Farmway Village as the starting point.

George moved and Randy seconded a motion to retain the 2013 Officers and Directors for 2014, Motion carried

Officers and Directors are as follows

President- Gary Bower

Vice President- George Pierce

Directors- Brent Harris, Mitch Bicandi and Greg Payne

Greg moved and George seconded a motion to retain Marge as Sec-Treas for 2014 at a yearly salary of \$300.00, Motion carried

Mitch moved and Greg seconded a motion to set the assessment at \$10.00 per share, Motion carried

Randy moved and Greg seconded a motion to adjourn, Motion carried

Marge Maxwell

Sec-Treas

Idaho Department of Water Resources

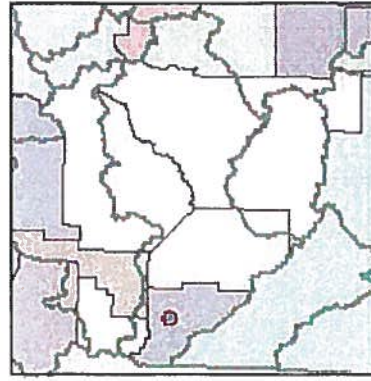
Canyon Ditch Co.
Right Nos: 63-138E, 63-233E,
63-252, 63-369

GIS Place of Use Illustration

R03W

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



104N

Canyon County
 IDWR Basin 63

Prepared by D. Favreau
 Date: August 2006
 1987/88 Aerial Photography

0 0.9 1.8 Miles



No. C 23289	Due no later than Jun 30, 2013 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) MARJORIE C. MAXWELL 24824 EL PASO RD CALDWELL ID 83607
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address: Correct in this box if needed. CANYON DITCH COMPANY, INC. C/O MARJORIE MAXWELL PO BOX 1437 CALDWELL ID 83606		3. <u>New</u> Registered Agent Signature.
NO FILING FEE IF RECEIVED BY DUE DATE			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres.			
Office Held	Name	Street or PO Address	City
President	Gary Bower	19152 Cramer Trail	Caldwell Id. USA 83607
Sec-Treas	George Pierce	15125 Hiway 20-26	Caldwell, Id. USA 83607
Director	Mitch Bicandi	2724 Polk Rd	Caldwell, Id. USA 83605
Director	Greg Payne	24295 Farmway Rd.	Caldwell. Id. USA 83607
5. Organized Under the Laws of: IDAHO C 23289			
6. Signature:  Name (type or print): Gary Bower		Date: June 10, 2013 Title: President	
Issued 04/24/2013 by KAH			
			127373

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
AUG 07 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Canyon Ditch CompanyWater Right No. 63-369

One water right per application

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

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☒ ☐ Contact information for **all owners** of the water right that is being 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 ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use OnlyFee Amount \$ 250.00Received By: CJDate Received: 08/07/14Receipt # C099281W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Canyon Ditch Company

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

RECEIVED
AUG 07 2014
**DEPARTMENT OF
WATER RESOURCES**

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Canyon Ditch Company Email Address _____

Mailing Address P.O. Box 1437, Caldwell, ID 83606-1437 Phone Number (208) 459-6363

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

Name of Representative Albert P. Barker Organization Barker Rosholt & Simpson LLP

Professional Title Attorney Email Address apb@idahowaters.com

Mailing Address P.O. Box 2139, Boise, ID 83701-2139 Phone Number 208-336-0700

☐ 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

Water Right Number 63-369 ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

POD located on Boise River at T04N R03W S15, NWNW in Canyon County into ditch owned by Canyon Ditch
Co. for delivery to shareholders

- B. 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.
63-252, 63-138E, 63-223E

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

Yes ☐ No ☒

If yes, describe. _____

D. 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 water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

4. 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, for a period from 04/01/2014 to 03/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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.

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.
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4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the ank does not, in itself, confirm the validity of the water right or any elements of the water right.

Signature of Designated Applicant



Printed Name

Albert P. Barker

Date

August 7, 2014

Signature of Authorized Representative

ATTORNEY

Printed Name

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

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. 63-369

N/A - Right held by Canyon Ditch Company

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
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			

	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			

Canyon Ditch Company
1434 Shares

Annual meeting of the Canyon Ditch Company was held February 22, 2014 ~~pm~~ the Caldwell Library Idaho Room, Caldwell Idaho.

Voting Members Present:	Wallace Bower Farm by proxy to Gary Bower	204 Share
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	Mulchay-Bicandi Mitch Bicandi	214 share
	George Pierce	14 share
	TCC Properties by proxy to Marge Maxwell	13 share
	Wagner Farms by proxy to Greg Payne	<u>117 share</u>
Total voting shares present		761

Shares constitute a majority

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at this time appears to be our gate and supports at the very start of the canal. Mitch will look at the gate and gate posts and he and Greg will repair or replace the fixture and put a padlock and chain on it. They will also post some no trespassing signs on gate and along the canal. Marge will contact the city to have the mess cleaned up. Randy will report on the laying of new pavement and other changes the city makes.

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Randy moved and Greg seconded a motion to adjourn, Motion carried

Marge Maxwell
Sec-Treas



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

October 8, 2014

C.L. "BUTCH" OTTER

Governor

CANYON DITCH CO
PO BOX 1437
CALDWELL ID 83606-1437

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 63-138E, 63-233E, 63-252 and 63-369

Dear Lessor:

Water Rights 63-138E, 63-233E, 63-252 and 63-369 were leased into the Water Supply Bank on March 1, 2014 in accordance with the executed original Lease Contract enclosed. **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.**

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. **Please note your rights 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."

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

Sincerely,

for Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Barker Rosholt & Simpson LLP
John Westra – IDWR Western Regional Manager
Watermaster – Water District # 63

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson St., Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

Albert P. Barker
apb@idahowaters.com

October 6, 2014

RECEIVED

OCT 06 2014

DEPARTMENT OF
WATER RESOURCES

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

Re: *Canyon Ditch Company*
Water Right Nos. 63-138E, 63-233E, 63-252 and 63-369

Dear Ms. Palmer,

Pursuant to your letter dated September 22, 2014, enclosed are two original Water Supply Bank Lease Contracts signed by the President of Canyon Ditch Company.

Please provide a fully executed copy of the contract for our files.

If you have any questions or need additional information, please contact our office at (208) 336-0700. Thank you.

Very truly yours,

BARKER, ROSHOLT & SIMPSON, LLP

Albert P. Barker

APB/se
Enclosures



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

September 22nd, 2014

CANYON DITCH COMPANY
P O BOX 1437
CALDWELL, ID 83606-1437

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-138E, 63-233E, 63-252 AND 63-369 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,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C099281

c. Albert P Barker – Barker, Rosholt & Simpson LLP

Hersley, Jean

From: Shelley Davis [smd@idahowaters.com]
Sent: Tuesday, September 16, 2014 10:40 AM
To: Hersley, Jean
Cc: Shelley Davis; Barker, Albert (IWRB Member)
Subject: RE: Canyon Ditch Water Supply Bank Leases

Thanks for your attention to this matter. The additional 30 acres that you are looking for can be removed from section 9, the SESW. If you need anything more from me, please let me know.

Best Regards,

Shelley M. Davis
Barker Rosholt & Simpson, LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83702
(208) 336-0700

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Monday, September 15, 2014 7:36 AM
To: Shelley Davis
Subject: FW: Canyon Ditch Water Supply Bank Leases

I tried emailing this on Friday but your email was down.

From: Hersley, Jean
Sent: Friday, September 12, 2014 8:17 AM
To: 'smd@idahowaters.com'
Subject: Canyon Ditch Water Supply Bank Leases

Thank you for providing the Department with the 100 acres Canyon Ditch Company intends to dry up. However, you listed 30 acres in the SWSE of Township 04N, Range 03W, Section 16. Canyon Ditch Company place of use does not include this QQ. I have attached the first pages of the proof reports for each water right involved in the lease. Please let me know which 30 acres in a different QQ they would like to include on the leases.

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

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

Shelley M. Davis
smd@idahowaters.com

September 9, 2014

VIA US MAIL

Idaho Department of Water Resources
Attn: Jean Hersley
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
SEP 10 2014
DEPARTMENT OF
WATER RESOURCES

Re: Canyon Ditch Company
Water Right No. 63-252

Dear Ms. Hersley,

In response to your inquiry concerning the specific location and identification of the 100 acres that Canyon Ditch Company intends to dry up and not deliver water to pursuant to the water bank applications submitted for water right no. 63-252, the following locations and acres are identified.

- 40 acres in the SWNE Sec. 16
- 30 acres in the SENE Sec. 16
- 30 acres in the SWSE Sec. 16

I hope this will satisfy your concerns regarding the processing of this application. If you have any further questions concerning this matter, please contact either myself or Mr. Barker.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis

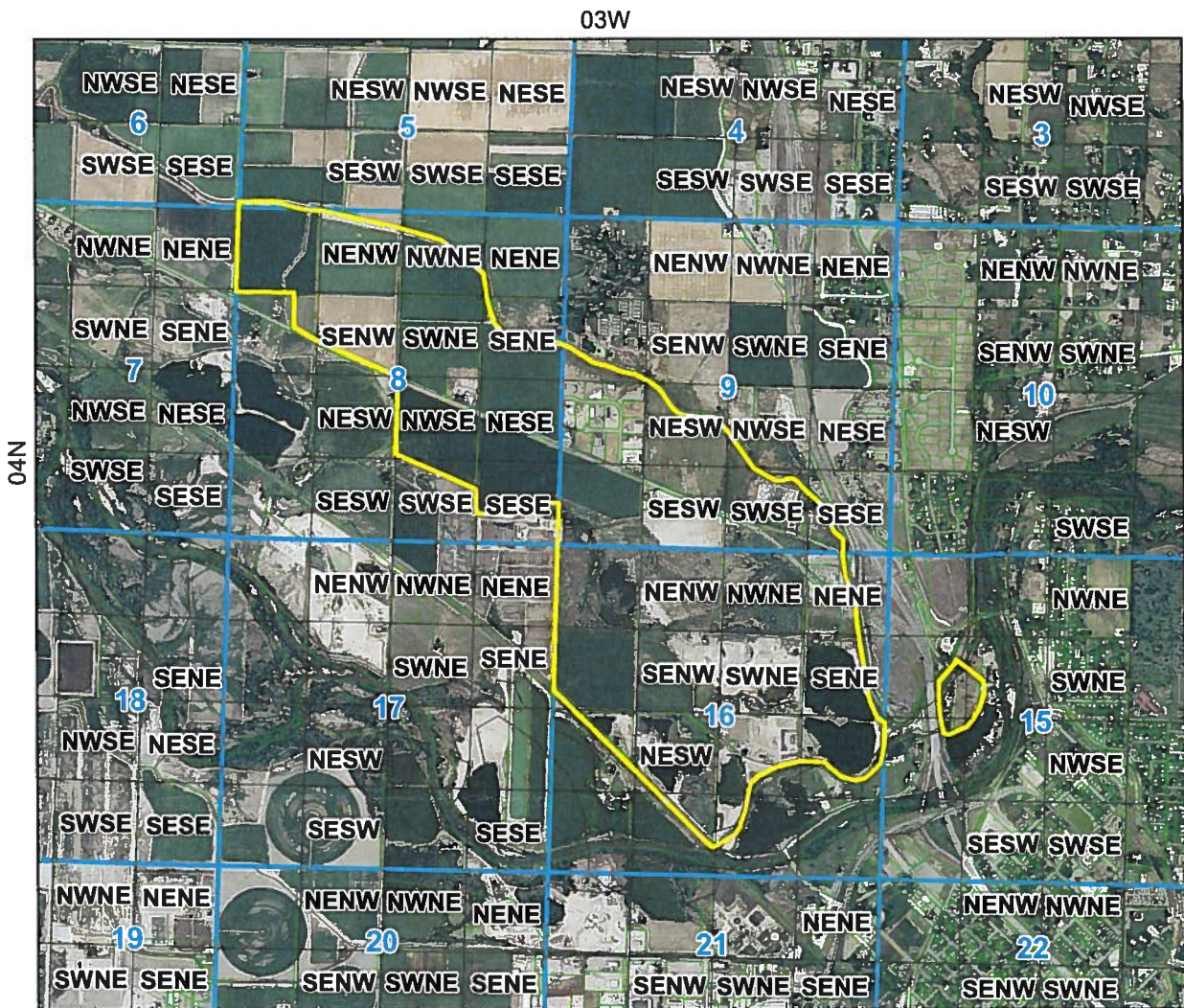
Enc.
CC w/enc. Canyon Ditch Company via US Mail

State of Idaho
Department of Water Resources

Water Right 63-252

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.35 0.7 1.4 Miles



Hersley, Jean

From: Sue Estes [sle@idahowaters.com]
Sent: Wednesday, September 03, 2014 12:33 PM
To: Hersley, Jean
Cc: Barker, Albert (IWRB Member)
Subject: RE: Water Supply Leases for Canyon Ditch

Canyon Ditch only wants to lease 3.5 cfs. They have the ability to dry up 175 acres, which is more than necessary to get to 3.5 cfs and the 100 acres is within the larger 175 acres. The map attached to the previous email this morning is the same map sent with the first request to lease 3.5 cfs from only one right. I hope this information is helpful.

Sue Estes
Assistant to Albert P. Barker
Barker Rosholt & Simpson LLP
Phone: 208-336-0700

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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Wednesday, September 03, 2014 11:17 AM
To: Sue Estes
Subject: RE: Water Supply Leases for Canyon Ditch

In a letter I received from Mr. Barker on June 20, 2014, which is attached, he stated Canyon Ditch intended to lease 3.5 cfs to the Bank and would dry up or not deliver water to 100 acres of land. The map you sent indicates 175 acres. If the total acres is 175 the total cfs will be 6.1.

Does Canyon Ditch Company want to lease 100 acres or 175 acres to the Bank? If the number of acres is 100, the Department will need another map identifying those acres.

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

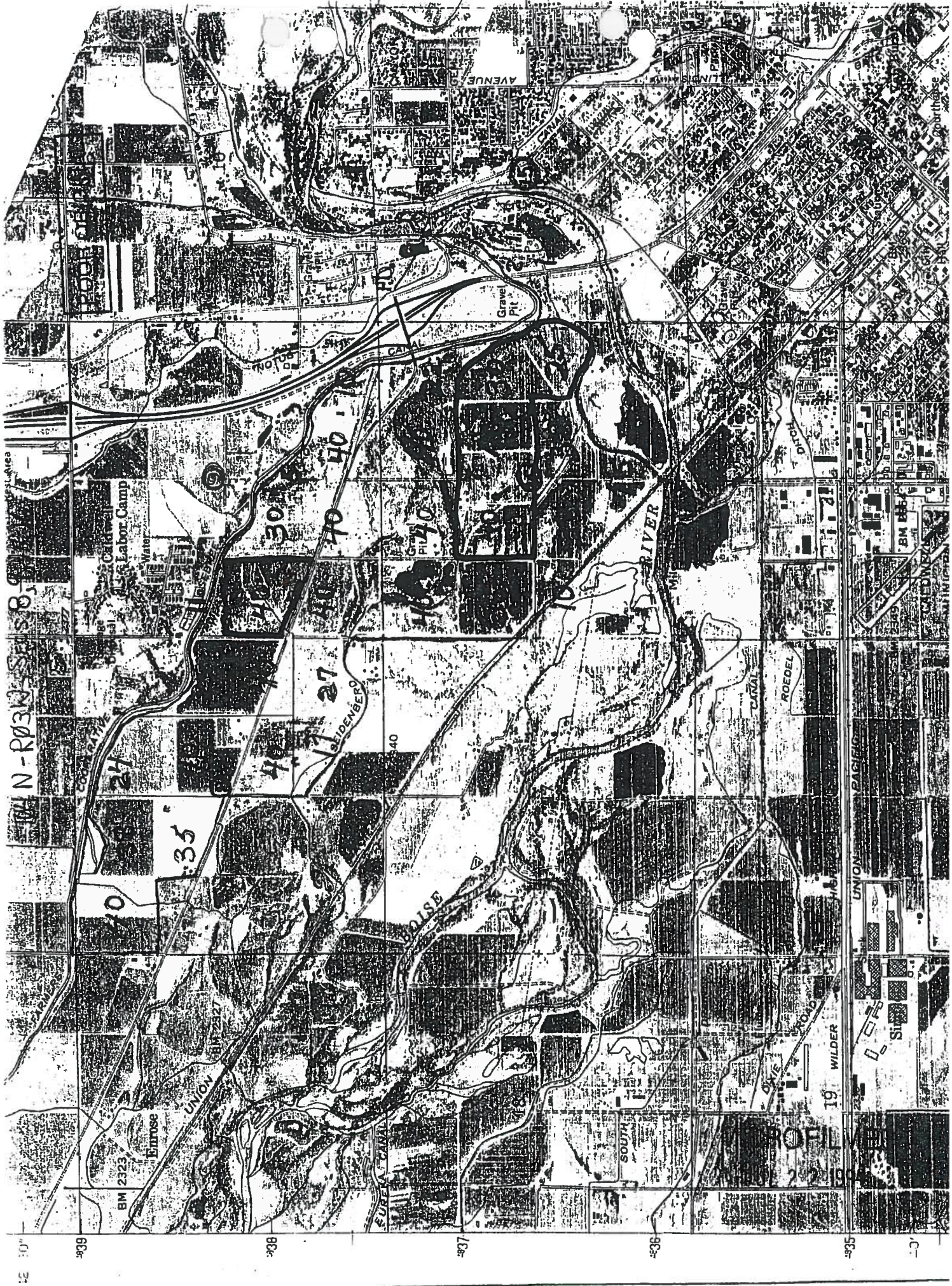
From: Sue Estes [<mailto:sle@idahowaters.com>]
Sent: Wednesday, September 03, 2014 10:24 AM
To: Hersley, Jean
Cc: Barker, Albert (IWRB Member)
Subject: Water Supply Leases for Canyon Ditch

Ms. Hersley,
Per the request of Albert Barker, attached is the map that was part of the application for WR #63-252. This is the same map for applications WR #s 63-138E, 63-223E, and 63-369. No new dried up acres were added. Please let me know if you need anything further in this regard.

Sue Estes
Assistant to Albert P. Barker

Barker Rosholt & Simpson LLP
Phone: 208-336-0700

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104 N-RP3W-S-8

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000

Hersley, Jean

From: Palmer, Cherie
Sent: Wednesday, August 06, 2014 8:47 AM
To: Hersley, Jean
Subject: RE: WSB Lease Application for Canyon Ditch Co. 63-252

Stacked Water Rights: As defined in the Transfer Processing Policies and Procedures Memorandum (Transfer Processing No. 24, part 5d.3) water rights are "stacked" when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlie the same place of use. For example, rights may be stacked or overlapping if they have a common place of use or common diversion or common diversion volume. Water rights for irrigating a permissible place of use are not stacked when the water rights in total provide for irrigating up to the maximum acreage authorized within a permissible place of use.

Similar to the transfer process, applicants are generally required to offer the corresponding portion of each of the stacked rights for lease to the Bank to avoid enlargement of the right through "unstacking" one or more of the water rights. Consequently, land irrigated with stacked water rights generally must be "dried up" for the duration of the lease period.

From: Hersley, Jean
Sent: Wednesday, August 06, 2014 8:20 AM
To: Palmer, Cherie
Subject: FW: WSB Lease Application for Canyon Ditch Co. 63-252

From: Albert Barker [<mailto:apb@idahowaters.com>]
Sent: Tuesday, August 05, 2014 5:52 PM
To: Hersley, Jean
Subject: RE: WSB Lease Application for Canyon Ditch Co. 63-252

Jean-

Thanks for the reminder letter that I need to get back with you on this. Canyon Ditch Co does want to go through with the water bank lease and has a potential interested lessee, but I first wanted to see if you could point me to something in the rules requiring a slice of all the rights rather than just taking 3.5 cfs out of one right? I did not see anything.

Thank you.

Albert P. Barker
Barker Rosholt & Simpson LLP
1010 W Jefferson, Suite 102
Boise, Idaho 83702
(208) 336-0700

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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, June 27, 2014 9:11 AM
To: Albert Barker
Subject: WSB Lease Application for Canyon Ditch Co. 63-252

Mr. Barker,

After consulting with my supervisor, it was determined that Canyon Ditch Co will have to lease a portion of water rights 63-138E, 63-233E and 63-369 along with 63-252 to the Bank as they are fully stacked water rights. Forms can be found at:

[http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water Supply Bank Lease Application.pdf](http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water_Supply_Bank_Lease_Application.pdf)

Since these rights have a common place of use, Canyon Ditch Co. will need to submit an additional \$250 for all the rights. If you have any questions, please contact me or Pam Skaggs at 208-287-4951. Thank you.

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

Hersley, Jean

From: Albert Barker [apb@idahowaters.com]
Sent: Tuesday, August 05, 2014 5:52 PM
To: Hersley, Jean
Subject: RE: WSB Lease Application for Canyon Ditch Co. 63-252

Jean-

Thanks for the reminder letter that I need to get back with you on this. Canyon Ditch Co does want to go through with the water bank lease and has a potential interested lessee, but I first wanted to see if you could point me to something in the rules requiring a slice of all the rights rather than just taking 3.5 cfs out of one right? I did not see anything.

Thank you.

Albert P. Barker
Barker Rosholt & Simpson LLP
1010 W Jefferson, Suite 102
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(208) 336-0700

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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, June 27, 2014 9:11 AM
To: Albert Barker
Subject: WSB Lease Application for Canyon Ditch Co. 63-252

Mr. Barker,

After consulting with my supervisor, it was determined that Canyon Ditch Co will have to lease a portion of water rights 63-138E, 63-233E and 63-369 along with 63-252 to the Bank as they are fully stacked water rights. Forms can be found at:

[http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water Supply Bank Lease Application.pdf](http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water_Supply_Bank_Lease_Application.pdf)

Since these rights have a common place of use, Canyon Ditch Co. will need to submit an additional \$250 for all the rights. If you have any questions, please contact me or Pam Skaggs at 208-287-4951. Thank you.

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



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

July 31, 2014

BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY BANK
FOR WATER RIGHT NO(S). 63-252**

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Lessor:

The Department of Water Resources received an application to Lease Water Right 63-252 from you on behalf of Canyon Ditch Company on June 20, 2014. On June 27, 2014 the Department contacted you about three water rights (63-138E, 63-233E and 63-369) with overlapping acres that are fully stacked rights and requested that you lease these rights to the Bank. We also requested an additional \$250 for the leases.

As of the date of this letter, the Department has not received any information from you.

Because the Department cannot process the Applications to lease these water rights without the information requested, we will hold any action on your applications pending receipt of the necessary information. If we do not receive the necessary information within **7 days**, this application will be denied because it cannot be processed without the requested information.

If you have any questions or no longer have an interest in the water right, please contact me at (208) 287-4944.

Sincerely,

for Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

c: Canyon Ditch Company

Hersley, Jean

From: Grimm, Angie
Sent: Wednesday, July 02, 2014 6:48 AM
To: Hersley, Jean
Subject: RE: WSB Lease applicaiton for Canyon Ditch Co.

Jean,

Good morning! Steve asked me to respond to your request for comments or concerns regarding the Canyon Ditch Co. lease referenced below. After looking over the water right 63-252 and area, no concerns come to mind. This one looks good. Thank you for the opportunity to comment.

Thanks,
Angie

Angela M. Grimm, P.G.
Water Resources Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Hersley, Jean
Sent: Monday, June 23, 2014 1:27 PM
To: Lester, Steve; Rex Barrie (waterdistrict63@qwestoffice.net)
Subject: WSB Lease applicaiton for Canyon Ditch Co.

Canyon Ditch Co wishes to put 100 acres, 3.5 cfs in the Bank until the end of the 2018 irrigation season. Review memo is attached. Please respond within 7 days with comments or concerns. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 27, 2014 9:11 AM
To: Albert P Barker (apb@idahowaters.com)
Subject: WSB Lease Application for Canyon Ditch Co. 63-252

Mr. Barker,

After consulting with my supervisor, it was determined that Canyon Ditch Co will have to lease a portion of water rights 63-138E, 63-233E and 63-369 along with 63-252 to the Bank as they are fully stacked water rights. Forms can be found at:

[http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water Supply Bank Lease Application.pdf](http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Water_Supply_Bank_Lease_Application.pdf)

Since these rights have a common place of use, Canyon Ditch Co. will need to submit an additional \$250 for all the rights. If you have any questions, please contact me or Pam Skaggs at 208-287-4951. Thank you.

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

RECEIVED

JUN 20 2014

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON

DEPARTMENT OF
WATER RESOURCES



1010 W. Jefferson St., Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
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195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

Albert P. Barker
apb@idahowaters.com

June 19, 2014

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

Re: *Canyon Ditch Company*
Water Right No. 63-252

Dear Ms. Palmer,

In response to your letter, to clarify the application, Canyon Ditch Company intend to lease only 3.5 cfs of water into the bank and will dry up or not deliver water to 100 acres of land associated with that 3.5 cfs.

If you have any questions or need additional information, please contact our office at (208) 336-0700. Thank you.

Very truly yours,

BARKER, ROSHOLT & SIMPSON, LLP

Albert P. Barker

APB/se



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

June 9, 2014

BARKER ROSHOLT & SIMPSON LLP
ATTN: ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 63-252 TO THE WATER SUPPLY BANK**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 14 days of the date of this letter or the application will be returned:

- The application listed 175 acres and 3.5 cfs to be leased to the Bank. A proportional split of the water right with other water rights for 175 acres would be 6.2 cfs. You would then need to include a portion of another right to accomplish this. If you wanted to lease only 3.5 cfs, that would be for 100 acres. The Department needs clarification on this.

Please submit the information within 14 days and the Department will continue processing your application. If you need additional water right forms, they are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4944.

Sincerely,

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

Enclosure: Receipt #C098663

c: Canyon Ditch Co

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
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SARAH W. HIGER



1010 W. Jefferson St., Suite 102
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Boise, Idaho 83701-2139
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Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

Albert P. Barker
apb@idahowaters.com

April 8, 2014

Idaho Department of Water Resources
Attn: Remington Buyer
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
APR 10 2014
DEPARTMENT OF
WATER RESOURCES

Re: Canyon Ditch Company
Water Right No. 63-252

Dear Remington,

Enclosed for filing is an original and one copy of the Water Supply Bank Lease or Sale Application Checklist, the Application itself, and supporting documents that we are submitting on behalf of Canyon Ditch Company. Also enclosed is a \$250.00 check for your fee.

② Please return the copy acknowledging filing and receipt for our files in the enclosed envelope.

If you have any questions or need additional information, please contact our office at (208) 336-0700. Thank you.

Very truly yours,

BARKER, ROSHOLT & SIMPSON, LLP

Albert P. Barker

APB/se
Enclosures