

APR 18 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79231

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) CANYON CREEK LATERAL DITCH ASSN**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 18 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant CANYON CREEK LATERAL DITCH ASSN Phone (208)458-4269
Mailing Address 12241 E 3749 N, NEWDALE ID 83436 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

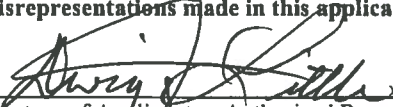
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

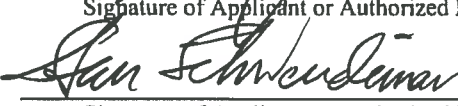
☐ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Dwight Little Chairman 4/18/2014
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 Stan Schwendiman Secretary 04/18/14
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	22-163A	No	No	Yes	No	No	No
	22-7253	No	No	Yes	No	No	No
	22-7276	No	No	Yes	No	No	No
	22-13738	No	No	Yes	No	No	No
	22-13739	No	No	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

The purpose of this transfer is to change the existing digital boundary of the three surface water rights to exclude land in the NE quarter of section 8, and to make other minor adjustments due to recent changes in the GCDB. The company's two ground water rights were decreed in the SRBA with a land list. This transfer will change the place of use to the company service area. No additional acres will be irrigated under THESE RIGHTS.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-7253	14.000 cfs	5109.5 af	1720.0	N/A		N/A	N/A	N/A	N/A
22-13738	4.950 cfs	833.5 af	N/A	N/A		N/A	N/A	N/A	N/A
22-163A	1.330 cfs	160.0 af	80.0	N/A		N/A	N/A	N/A	N/A
22-7276	22.700 cfs	6020.0 af	1720.0	N/A		N/A	N/A	N/A	N/A
22-13739	8.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

COMBINED TOTALS

29.040 cfs 12,327.0 af 3,667.9 3,667.9 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 29.04 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 22-7253

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 7/29/1977

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/15	14.000 CFS	5109.5 AFA	
Total Diversion			14.000 CFS	5109.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENESE	Sec. 36 Twp 07N Rge 40E	FREMONT County
GROUND WATER	NWNWSE	Sec. 36 Twp 07N Rge 40E	FREMONT County (I)
GROUND WATER	NESENE	Sec. 30 Twp 07N Rge 42E	MADISON County (R)

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Form 1 Transfer Right After Requested Changes

Proposed Water Right No. 22-13738

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 10/31/1978

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	4.950 CFS	833.5 AFA	
Total Diversion			4.950 CFS	833.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESE	Sec. 36 Twp 07N Rge 40E	FREMONT County
GROUND WATER	NWSE	Sec. 36 Twp 07N Rge 40E	FREMONT County (I)
GROUND WATER	SENE	Sec. 30 Twp 07N Rge 42E	MADISON County (R)

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Change

Proposed Water Right No. 22-163A

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 4/1/1896

Origin: Water Right

Basis: Decreed

Status Active

Source: TETON RIVER

Tributary: HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.330 CFS	160.0 AFA	
Total Diversion			1.330 CFS	160.0 AFA	

Source and Point(s) of Diversion:

TETON RIVER SENE Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 22-7276

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 4/21/1978

Origin: Water Right

Basis: Decreed

Status Active

Source: TETON RIVER

Tributary: HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/15	22.700 CFS	6020.0 AFA	
Total Diversion			22.700 CFS	6020.0 AFA	

Source and Point(s) of Diversion:

TETON RIVER

SENE

Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Form 1 Transfer Right After Requested Changes

Proposed Water Right No. 22-13739

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 5/3/1978

Origin: Water Right

Basis: Decreed

Status Active

Source: TETON RIVER

Tributary: HENRYS FORK

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

8.020 CFS

Subuse Code

Total Diversion

8.020 CFS

Source and Point(s) of Diversion:

TETON RIVER

SENE

Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

The ground water rights are pumped open discharge into the Teton River via the Teton Canal. Those rights are redirected together with the company's surface water rights via a series of pumps on the Teton River to the place of use. The exchange well and the pumps on the Teton River are equipped with flowmeters. The diversions are administered by Water District 1.

- b. Who owns the property at the point(s) of diversion

Bureau of Reclamation
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
long time lease with Bureau of Reclamation with full access to property behind locked gates

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

A small number of acres will be dried up and moved to another area of the service area.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Rights of Private wells of 4 shareholders, Canyon Creek Canal water + FMID

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

No

☐☒☐☒☐☒☐☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 22-7253

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 7/29/1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/15	14.000 CFS	5109.5 AFA	
Total Diversion			14.000 CFS	5109.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSE	Sec. 36 Twp 07N Rge 40E	FREMONT County (I)
GROUND WATER	NESENE	Sec. 30 Twp 07N Rge 42E	MADISON County (R)
GROUND WATER	NENESE	Sec. 36 Twp 07N Rge 40E	FREMONT County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	1													6.4	0.4	28.0	36.0	70.8
06N	41E	12	40.0	40.0	40.0	40.0									40.0			40.0	240.0
06N	42E	5			39.0	39.0		37.0	33.0	36.0	36.0	39.0	40.0	34.0	39.0	39.0	39.0	39.0	489.0
								L 4											
06N	42E	6	32.0	38.0	40.0	39.0	39.0		29.0	39.0	39.0	24.0	37.0	37.0	40.0	40.0	40.0	40.0	553.0
			L 1	L 2			L 3		L 5			L 6	L 7						
06N	42E	7	39.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0	40.0	40.0	40.0	39.0	630.0
								L 1	L 2			L 3	L 4						
06N	42E	8		40.0	14.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		14.0	13.0		401.0
07N	41E	26									39.0	13.0	35.0	39.0					126.0
07N	41E	27																5.0	5.0
07N	41E	35	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0					40.0	40.0	33.0	37.0	466.0
07N	42E	30											17.0	40.0	9.1		40.0	40.0	146.1
													L 4						
07N	42E	31			40.0	38.0			39.0	40.0	40.0			38.0	37.0	40.0	39.0	38.0	389.0
									L 2										
07N	42E	32									40.0	39.0	37.0			36.0			152.0

Right Acre Limit: 1,720.0

POU Total Acres: 3,667.9

Conditions/Remarks:

- The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
- No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the point of injection will be allowed even if the exchange well is pumping water into the Teton Irrigation Canal.
- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

4. Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.
5. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6. Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.
7. The exchange well must inject water into the Teton Irrigation Canal under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
8. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.
9. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
10. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
11. Right No. 22-13738 is also diverted through point of diversion described above.
12. The following rights are diverted through point of redirection described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
13. Use of water under this water right will be regulated by the watermaster of State Water District No. 1.
14. Right Nos. 22-7253 and 22-13738 are limited to a total combined diversion rate of 14 cfs.
15. The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
16. This right is limited to the irrigation of 1720 acres within the place of use described above in a single irrigation season.
17. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
18. Right No. 22-13738 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
19. Place of use does not include federal public lands.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 22-13738

Current Water Right Owner

CANYON CREEK
 LATERAL DITCH ASSN
 12241 E 3749 N
 NEWDALE, ID 83436

Priority Date: 10/31/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	4.950 CFS	833.5 AFA	
Total Diversion			4.950 CFS	833.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 30 Twp 07N Rge 42E	MADISON County (R)
GROUND WATER	NESE	Sec. 36 Twp 07N Rge 40E	FREMONT County
GROUND WATER	NWSE	Sec. 36 Twp 07N Rge 40E	FREMONT County (I)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	1													6.4	0.4	28.0	36.0	70.8
06N	41E	12	40.0	40.0	40.0	40.0									40.0			40.0	240.0
06N	42E	5			39.0	39.0		37.0	33.0	36.0	36.0	39.0	40.0	34.0	39.0	39.0	39.0	39.0	489.0
								L 4											
06N	42E	6	32.0	38.0	40.0	39.0	39.0		29.0	39.0	39.0	24.0	37.0	37.0	40.0	40.0	40.0	40.0	553.0
			L 1	L 2			L 3		L 5			L 6	L 7						
06N	42E	7	39.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0	40.0	40.0	40.0	39.0	630.0
								L 1	L 2			L 3	L 4						
06N	42E	8		40.0	14.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		14.0	13.0		401.0
07N	41E	26									39.0	13.0	35.0	39.0					126.0
07N	41E	27																5.0	5.0
07N	41E	35	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0					40.0	40.0	33.0	37.0	466.0
07N	42E	30											17.0	40.0	9.1		40.0	40.0	146.1
													L 4						
07N	42E	31			40.0	38.0			39.0	40.0	40.0			38.0	37.0	40.0	39.0	38.0	389.0
									L 2										
07N	42E	32									40.0	39.0	37.0			36.0			152.0

POU Total Acres: 3,667.9

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
3. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the point of injection will be allowed even if the exchange well is pumping water into the Teton Irrigation Canal.
4. Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

5. Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.
6. The exchange well must inject water into the Teton Irrigation Canal under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
7. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.
8. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
9. Right No. 22-7253 is also diverted through point of diversion described above.
10. The following rights are (re)diverted through point of redirection described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
11. Right Nos. 22-7253 and 22-13738 are limited to a total combined diversion rate of 14 cfs.
12. The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
13. This right is for an enlargement of 607.9 acres within the place of use described for this right.
14. This right is based upon an enlargement of Right No. 22-7253 pursuant to Section 42-1426, Idaho Code.
15. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
16. Place of use does not include federal public lands.
17. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 22-163A

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 4/1/1896

Origin: Water Right

Basis: Decreed

Status: Active

Source: TETON RIVER

Tributary: HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.330 CFS	160.0 AFA	
Total Diversion			1.330 CFS	160.0 AFA	

Source and Point(s) of Diversion:

TETON RIVER

SENE

Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
5. The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
6. The following rights are (re)diverted through point of diversion described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
7. The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
8. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. Right Nos. 22-163A, 22-7276, and 22-13739 are limited to a total combined diversion rate of 24.03 cfs.
10. Six pumps are located at the point of diversion described above.
11. Place of use is within the area served by Canyon Creek Lateral Ditch Association.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 22-7276

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 4/21/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: TETON RIVER

Tributary: HENRYS FORK

Beneficial Use

IRRIGATION

From

04/15

To

10/15

Diversion Rate

22.700 CFS

Volume

6020.0 AFA

Subuse Code

Total Diversion

22.700 CFS

6020.0 AFA

Source and Point(s) of Diversion:

TETON RIVER

SENE

Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. This right is limited to the irrigation of 1720 acres within the place of use described above in a single irrigation season.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. Six pumps are located at the point of diversion described above.
6. Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.
7. This right does not grant any right-of-way or easement across the land of another.
8. The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
9. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. Right No. 22-13739 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

11. The following rights are (re)diverted through point of diversion described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
12. Right Nos. 22-163A, 22-7276, and 22-13739 are limited to a total combined diversion rate of 24.03 cfs.
13. The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
14. Place of use is within the area served by Canyon Creek Lateral Ditch Association.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
16. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
17. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 22-13739

Current Water Right Owner

CANYON CREEK
LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436

Priority Date: 5/3/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: TETON RIVER

Tributary: HENRYS FORK

Beneficial Use
IRRIGATION

From
04/01

To
10/31

Diversion Rate
8.020 CFS
Total Diversion
8.020 CFS

Subuse Code

Source and Point(s) of Diversion:
TETON RIVER

SENE

Sec. 30 Twp 07N Rge 42E MADISON County

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.
4. The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
5. The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
6. The following rights are (re)diverted through point of diversion described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.
7. Right Nos. 22-163A, 22-7276, and 22-13739 are limited to a total combined diversion rate of 24.03 cfs.
8. This right is for an enlargement of 607.9 acres within the place of use described for this right.
9. This right is based upon an enlargement of Right No. 22-7276 pursuant to Section 42-1426, Idaho Code.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. Place of use is within the area served by Canyon Creek Lateral Ditch Association.

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

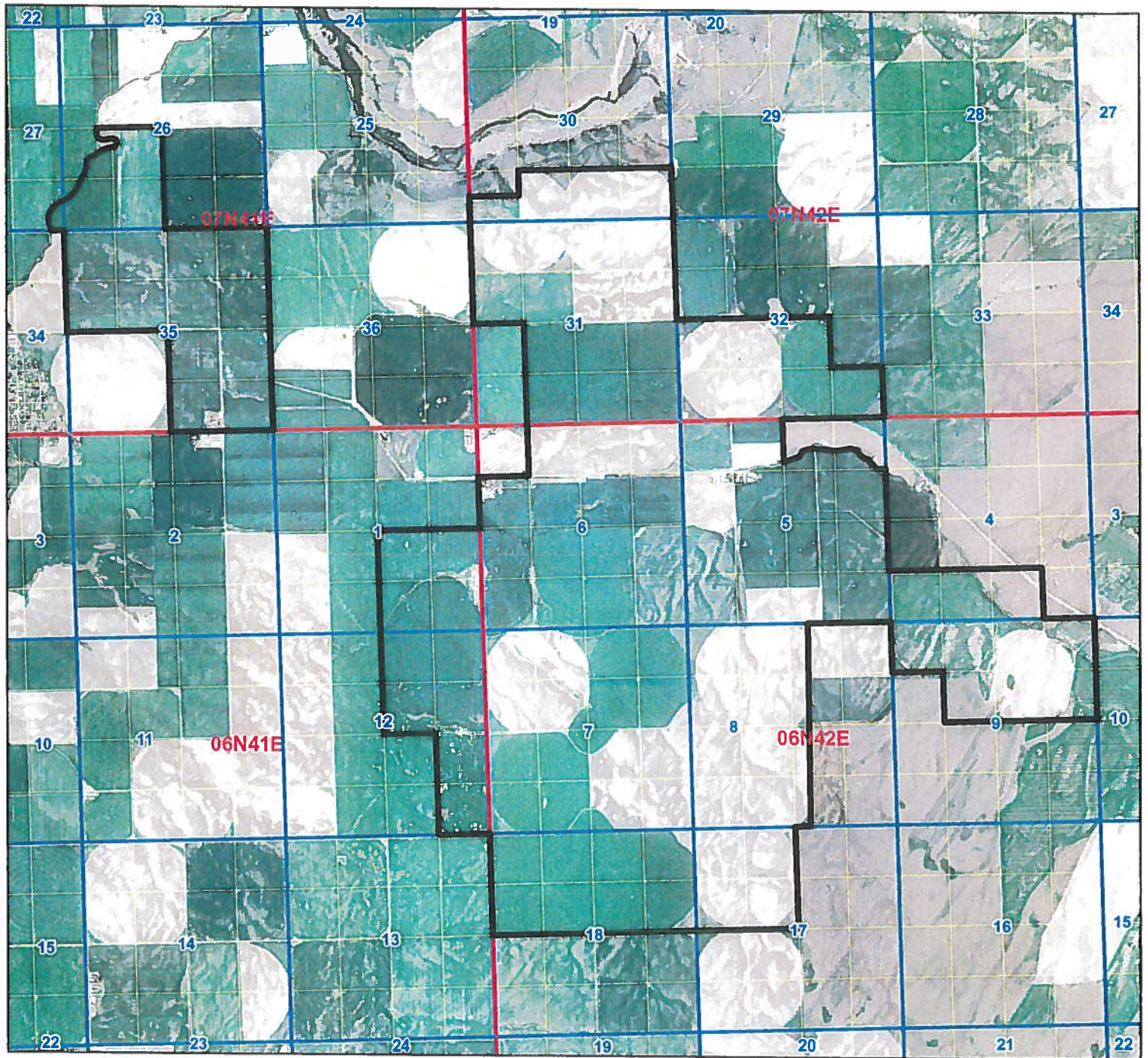
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Transfer Contains 20 pages and attachments.
Received By MWH Date 4/18/2014 Prelim. Check By MWH Date 4/24/2014
Fee Paid \$ 1380 Date 4/18/2014 Received By SC Receipt # E039738
Add'l Fee Paid Date Received By Receipt #

State of Idaho
Department of Water Resources
Transfer No. 79231
Canyon Creek Lateral Service Area Boundary



Legend

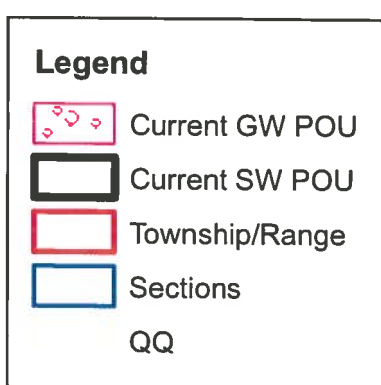
-  newCCLDA_bndry
-  Township/Range
-  Sections
- QQ

0 0.5 1 2 Miles



79231

Date: 4/3/2014



79 23 1

CANAL COMPANY OFFICIALS
FREETOWN-MADISON-IRRIGATION DISTRICT

January 7, 2014

entered 2-26-14
Cards

Bigler Slough Ditch

✓ Jack T. Zollinger, President
✓ 152 N. Center St.
Rexburg, ID. 83440
356-8583

Boom Creek Canal Co.

✓ Carl Taylor, President
✓ P.O. Box 50618
Idaho Falls, ID. 83405
317-7402 John 313-6048 652-7351
rtkandlerfarms@aol.com

✓ Nancy Bergman, Secretary
P. O. Box 611
Ashton, ID 83420
652-9950

✓ Ryan Orme, Director
4054 East 1100 North
Ashton, ID. 83420
652-3474

Canyon Creek Canal & Irrig. Co.

Con Crapo, President
✓ 1509 North Canyon Creek Rd
✓ Newdale, ID 83436
458-4298 313-6310

✓ Brent Ricks, Secretary
✓ 13289 East Hwy 32
Newdale ID 83436
458-4969 317-6541

✓ David Schwendiman, Director
✓ 2573 North 15000 East
Newdale, ID 83436
458-4513 313-7515

Ben Peterson, Watermaster
✓ 403 North 2700 East
✓ St. Anthony, ID 83445
624-7176 313-7345

Canyon Creek Lateral Ditch Co.

✓ Ryan Crapo, President
✓ P. O. Box 182
Parker ID 83438
624-3542 313-6314

✓ Stan Schwendiman, Secretary
✓ 12241 East 3749 North
Newdale, ID 83436
458-9807

✓ Dwight Little, Director
✓ 2994 North 8000 East
Teton, ID 83451
390-0678

Chester Canal & Irrigation Co.

✓ Elmo Seeley, President/Watermaster
✓ P. O. Box 74
Chester, ID 83421
624-3646

✓ Marlene Floyd, Secretary
✓ 2568 E. Yellowstone Hwy.
St. Anthony, ID. 83445
624-7151

Travis Potter, Director
P.O. Box 22
Chester ID 83421
624-7110

Vance Blanchard, Director
731 North 2900 East
St. Anthony, ID 83445
624-1019

Terry Maupin, Director
P.O. Box 172
Chester, ID 83421
624-3815

Scott Wood, Director
2372 North 800 East
Teton ID 83451
390-1350

City of Rexburg Canal

Shawn Larsen, President
P. O. Box 280
Rexburg, ID 83440
359-3020

John Millar
P. O. Box 280
Rexburg, ID 83440
359-3020 Ext. 329

Bill Blair, Watermaster
3661 West 3000 North
Rexburg, ID 83440
705-4114 356-4695

April 17th 2014'

Members Attending: Dwight Little,
Stan Schwendman, Ryan Crapo,
Layne Harris

Reorganization of the association
is as follows:

Dwight Little Chairman
Stan Schwendman Secretary

Meeting held at Schwendman
Farms Office East of Newdale

March 26, 2002

members attending: Dwight Little, Helen Little,
Stan Schuendeman, Mark Schuendeman, Gayne Harris,
Ryan Crapo. Since land has been sold &
new owners taking over, this meeting has been
called to reorganize the association.

Dwight Little as Chairman

Ryan Crapo & Gayne Harris to take care of
pumps on the river & recharge well at Tetons
Mark Schuendeman to remain as Secretary &
Treasurer.

The recharge well is pulled & the surface
water will be sealed off to satisfy the
water District.

all are agreed that meters should be installed
at all discharged places. agreed that water
through meters will be used to divided power
bills & repairs on river pumps & other
expenses

ARTICLES OF ASSOCIATION

of

CANYON CREEK LATERAL DITCH WATER USERS' ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all citizens of the United States of America, of legal age, have this day voluntarily associated ourselves together under the provisions of Chapter 13, Title 42, Idaho Code, for the purpose of forming a lateral ditch water users' association. (A copy of said Code provisions are attached hereto and made part hereof by reference).

FIRST

The name of the association shall be CANYON CREEK LATERAL DITCH WATER USERS' ASSOCIATION.

SECOND

This association is not formed for profit but as a non-profit, mutual association.

THIRD

The nature of the business and the objects and purposes for which this association is formed are to exercise all the powers, functions and duties authorized by Chapter 13, Title 42, Idaho Code, all laws amendatory thereto, and all other rights, powers and duties authorized by the laws of the State of Idaho.

FOURTH

The existence of this association shall be perpetual unless otherwise disorganized pursuant to law, and a copy of these Articles shall be recorded to form a part of the chain of title of the lands involved and all covenants herein contained shall be construed as covenants running with the land.

FIFTH

The place where the principal business of this association is to be transacted shall be at Newdale, Idaho.

SIXTH

That the names of the parties, together with their addresses and the descriptions of their properties and the pump

horsepower for each member included within this association are as follows:

NAME and ADDRESS	DESCRIPTION	HORESEPOWER
Grant Klingler and Darwin Klingler dba Klingler Brothers Newdale, Idaho	NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 7, Twp., 6 N., Rge. 42 E.B.M. ALSO, S $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, Twp. 6 N., Rge. 41, E.B.M. ALSO, N $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, Twp. 6 N., Rge. 41, E.B.M. ALSO, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7, Twp. 6 N., Rge. E.B.M.	600
	Lots 5, 6 and 7 of Sec. 6 and Lots 1 and 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, all in Twp. 6 N., Rge. 42 E.B.M. ALSO, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32 and E $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 31, all in Twp. 7 N., Rge. 42, E.B.M. ALSO, Lot 2 in Sec. 1, Twp. 6 N., Rge. 41, E.B.M.	
J. Leigh Chantrill Newdale, Idaho	The W $\frac{1}{4}$ W $\frac{1}{4}$ of Sec. 5, and the SE $\frac{1}{4}$ and the E $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, all in Twp. 6 N., Rge. 42 E.B.M.	200
Mark Schwendiman Newdale, Idaho	The SE $\frac{1}{4}$, the S $\frac{1}{4}$ NE $\frac{1}{4}$, the E $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ in Sec. 5, Twp. 6 N., Rge. 42 E.B.M.	200
Val E. Schwendiman Newdale, Idaho	The S $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ all in Sec. 30, Twp. 7 N., Rge 42, E.B.M. in Madison County, Idaho, ALSO Lot 2, the W $\frac{1}{4}$ of the SE $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E. 32 rods of the W $\frac{1}{4}$ of Sec. 2, Twp. 6 N., Rge 41, E.B.M.	200
Wallace Little Newdale, Idaho	The S $\frac{1}{4}$ N $\frac{1}{4}$ in Sec. 31, Twp. 7, Rge 42, E.B.M.	200
Reese J. Godfrey Newdale, Idaho	Commencing at a point 60.6 feet East of the NW corner of the E $\frac{1}{4}$ of Sec. 3, Twp. 6 N., Rge. 41, E.B.M. in Madison County, Idaho; and running thence East 806.00 ft.; thence South 3960 feet; thence W. 866.66 ft.; thence North 2842 ft. more or less to the E. lone of the O.S.L. Railroad right-of-way; thence Northerly along said right-of-way on a curve to the left 1118 feet more or less to the place of beg.	100

All those parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$; the SW $\frac{1}{4}$ NE $\frac{1}{4}$; and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, in Sec. 3, Twp. 6 Rge. 41, E.B.M. lying east of the Enterprise Canal.

That the members of Canyon Creek Lateral Ditch Water Users' Association (hereinafter called the Association), are stockholders of Canyon Creek Canal Company, (hereinafter called the Company), an Idaho Corporation, with its principal office in Newdale, Idaho.

The United States of America, by written contract, has authorized said Company to construct, operate and maintain a pumping plant along the Teton River on United States land within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Twp. 7 N., Rge. 42, E.B.M., and to utilize for the convenience of irrigating water, the United States existing 42 inch steel pipe line which extends from the Teton River at a point near the Teton canyon dam site, to the top of the South canyon rim, and to operate and maintain a 24 inch buried metal pipe line upon and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Twp. 7 N., Rge. 42, E.B.M. and to operate and maintain an open canal within the 60 foot strip of fee right-of-way owned by the United States within the NE $\frac{1}{4}$ of Section 6, Twp. 6 N., Rge. 42 E.B.M., and to utilize and modify as necessary to provide power to the companys pumping station on the Teton River the United States existing 12.5 kv power line extending from a point near the Teton project office to a point near the bottom of Teton Canyon and to extend such line as necessary to reach the companys pumping plant, all by temporary right, and all pursuant to said agreement and in the plats described thereon, to which reference is hereby made.

This Association was formed by shareholders of said Canyon Creek Canal Company, to perfect an organization, with the power to borrow money and to assess for the repayment of all funds borrowed and to pay all costs of instalation and maintenance and any and all other charges, and to contract with said Company as to the manner and means of taking the water obtained by the Company from its system through lateral diversionary works to the lands owned by the shareholder of said Company who are members of this Association.

This Association shall be responsible for the total cost to the Company and otherwise for the complete instalation of said pumping plant and the pertinent works described above and the rental payments to be made to the United States of America and otherwise, and shall also be responsible for obtaining the water and water rights to be appropriated and applied to the beneficial use of the lands of the members above described. The amount of water to be used and all costs shall be divided among the members of the Association on the basis of the horsepower of the pumps above referred to; whether used or not, and all voting shall be pursuant to said pump horsepower referred to above, because the pump horsepower is in direct relation to the inches of water each of the members is entitled to receive through such system.

Failure to use said system, or any part thereof, by any of the members of the Association, because they have obtained water by some other means, or for any reason, shall not excuse that member or members from fulfilling all obligations of the Association, and particularly all charges incurred by the Association, and the same may be collected pursuant to the said provisions of Chapter 17, Title 42, Idaho Code, and the provisions of said Articles of Association, and non-use and abandonment by any member of the Association shall result in that member's or members' rights reverting to the Association and no member or members may transfer membership, his interest or any part thereof in the association, to any person or entity, other than the person or entity that may acquire, by any means, property within the above described property, and by becoming a member of the association.

The Association is empowered to borrow money from the United States for the purpose of constructing and installing the facilities referred to above, and it shall be the duty of the Association to annually determine all charges owing to the United States and assess the same to each member water user in the manner provided by Chapter 13, Title 42, Idaho Code, such assessment to be also made against the above described lands owned by each member water user. No irrigation water will be delivered until such assessment is paid. The Association shall be entitled to a lien against said lands and shall foreclose said lien against the land for non-payment of assessments.

Each of the parties to this association, together with his spouse, hereby grants to each of the other parties and for and in behalf of the association, an easement for the establishment and maintenance of any said lateral ditches, pumps and pipelines over and upon the properties above described as are necessary, including the reasonable right of ingress and egress for the installation, repair and maintenance thereof.

SEVENTH

Since the inches of water each member is entitled to is in direct proportion to the pump horse power set forth above, the parties shall be entitled to the number of votes set opposite their respective names, to-wit:

<u>Name</u>	<u>Number of Votes</u>
Grant Klingler and Darwin Klingler, dba Klingler Brothers	600
J. Leigh Chantrill	200
Mark Schwendiman	200
Val E. Schwendiman	200
Wallace Little	200
Reese J. Godfrey	100

If additional lands become a part of the system of the Association, then the board of directors shall so specify in the minutes of their meetings and they shall amend this agreement to reflect the number of votes the owner of each new parcel of ground added to the system shall get, and a copy of the amendment shall be recorded in the records of Madison County, Idaho.

EIGHTH

The following people shall serve as the board of directors and as officers of the association until the first annual meeting of the association, which shall be held sometime between the first day of January and the last Monday in March of each year, the time and place of which shall be designated by the Secretary in the notice given of said meeting:

Grant Klingler
J. Leigh Chantrill
Mark Schwendiman

Chairman
Vice-Chairman
Secretary-Treasurer

NINTH

Grant Klingler shall serve as the Lateral Manager without compensation until the first annual meeting of the members. He shall be entitled to his actual expenses which are approved by the board of directors.

TENTH

The association may adopt rules and regulations for the management of the pumps, lateral ditch, and pipeline and the delivery of water therefrom as it deems best to insure an equitable distribution of the water, not inconsistent with all applicable laws.

IN WITNESS WHEREOF, The parties to this association, together with their spouses, who join for the purpose of executing the easements herein provided, have hereunto set their hands and seals this 20th day of May, 1977.

KLINGLER BROTHERS

By:

Grant Klingler
Grant Klingler

Betty Klingler
Betty Klingler, his wife

By:

Darwin Klingler
Darwin Klingler

JoAnn Klingler
JoAnn Klingler, his wife

J. Leigh Chantrill
J. Leigh Chantrill

Erna Chantrill
Erna Chantrill, his wife

Mark Schwendiman
Mark Schwendiman

Louise Schwendiman
Louise Schwendiman, his wife

Val E. Schwendiman
Val E. Schwendiman

Diane Schwendiman
Diane Schwendiman, his wife

Wallace Little
Wallace Little

Helen Little
Helen Little, his wife

Reese J. Godfrey
Reese J. Godfrey

Donna Godfrey
Donna Godfrey, his wife

STATE OF IDAHO,
County of Madison.

)
ss.
)

On this 16th day of June, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared GRANT KLINGLER and JOANN KLINGLER, husband and wife; DARWIN ERNA CHANTRILL, husband and wife; MARK SCHWENNDIMAN and LOUISE SCHWENDIMAN, husband and wife; VAL E. SCHWENDIMAN and DIANE SCHWENDIMAN, husband and wife; WALLACE LITTLE and HELEN LITTLE, husband and wife; and REESE J. GODFREY and DONNA GODFREY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Shirley Ann Edwards
Notary Public for Idaho

Residing at: Rexburg, Idaho

My Commission expires: 5-5-78



United States Department of the Interior

BUREAU OF RECLAMATION
Snake River Area Office
Upper Snake Field Office
470 22nd Street
Heyburn, ID 83336

IN REPLY REFER TO:

USF-6316
LND-6.00

MAR - 4 2014

Canyon Creek Lateral Pipe Co.
Attn: Mr. Ryan Crapo
1908 East 500 North
St. Anthony, ID 83445

Subject: License – Contract No. 13-07-14-LA790

Dear Mr. Crapo:

Enclosed for your records is a copy of the fully executed subject contract which will authorize the right to construct, operate and maintain both a pumping plant with appurtenant works along the Teton River and an existing Bureau of Reclamation 12.5kV power line located on Reclamation land.

The administrative fees collected to date have totaled \$500. Reclamation will advise you of the remaining administrative fees (if any) to be collected.

If you have any questions concerning the Consent to Use, please contact Mrs. Laura Crandall, Realty Specialist, at (208) 678-0461, extension 11.

Sincerely,

Robert "Hap" Boyer
Natural Resource Manager

Enclosures (1)

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Minidoka Project, Idaho**

CONTRACT AND GRANT OF LICENSE

THIS AGREEMENT, made this 27th day of January, 2014, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388; 43 U.S.C. § 391) and all acts amendatory thereof or supplementary thereto, collectively referred to as the Federal Reclamation Laws, between the **UNITED STATES OF AMERICA**, acting by and through the Bureau of Reclamation, U.S. Department of the Interior, hereinafter referred to as "Reclamation", represented by the authorized official executing this License, and **CANYON CREEK LATERAL PIPE COMPANY**, 1908 East 500 North, St. Anthony, Idaho 83445, an hereinafter referred to as the Licensee.

WITNESSETH, THAT:

WHEREAS, Reclamation has, pursuant to Federal Reclamation Laws, acquired certain lands in Madison County, Idaho, for the Teton Project (Project);

WHEREAS, part of said land and facilities of Reclamation was acquired and constructed to provide irrigation water for lands within an area proposed to be served by facilities of the Canyon Creek Lateral Pipe Company; and

WHEREAS, because of the Teton Dam Failure Reclamation has not completed the proposed irrigation delivery system and the Licensee wished to make its own temporary arrangements for obtaining water from the Teton River by utilizing certain right-of-way and facilities of Reclamation. Said water obtained through the temporary facilities to be used to irrigate lands formerly proposed for irrigation under the first phase development of the Teton Project; and

WHEREAS, this use was previously authorized under Contract No. 7-07-10-L0049 dated April 20, 1977, Contract No. 7-07-14-L0148 dated July 20, 1987 and, Contract No. 4-07-14-LA439 dated November 24, 2003, whereby Canyon Creek Lateral Pipe Company was authorized to use certain land and irrigation and power facilities of Reclamation.

WHEREAS, the proposed use has been reviewed and determined to be compatible with Project purposes.

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter stated, Reclamation and the Licensee do mutually agree as follows:

1. *Description of Affected Land:* Reclamation hereby grants to the Licensee, subject to the following terms and conditions of this License and the regulations located at 43 CFR Part 429, authorization to access, construct, operate, and maintain both a pumping plant with appurtenant works along the Teton River and, an existing Reclamation 12.5kV power line affecting the following-described premises in the State of Idaho, to wit:

Boise Meridian, Madison County, Idaho,
Township 7 North, Range 42 East,

Section 29: A portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 30: A portion of NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$

Teton Project

It is agreed by the parties hereto that the Licensee, subject to the terms and conditions hereinafter provided, may utilize in the development of its temporary water system the following identified lands and facilities of Reclamation, at the locations and for the purposes identified as follows:

- a. The Licensee may utilize the power tunnel to divert water to the pumping plant. Water will be regulated by utilizing gates on the tunnel entrance. Internal gates on hangers in the tunnel are inoperative, and not available for flow regulation. The Licensee will operate and maintain diversion work facilities, including the tunnel, gates, etc. in a good workmanlike manner. Any work to be completed on the tunnel and within the forebay and stream above the tunnel must be approved by the Contracting Officer. The proper permits must be procured for any stream modifications. Reclamation will not be held responsible for any property damage, or changes in the diversion.
- b. The Licensee may construct, operate and maintain a pumping plant and appurtenant works along the Teton River on Reclamation land within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30 Township 7 North, Range 42 East, Boise Meridian. Said pumping plant and appurtenant works shall be located and more particularly shown on attached Exhibit "A"; the installed fish screens shall comply with requirements of the Idaho Fish and Game Department. The Licensee shall provide containment for oil in case of failure of transformers, pumps, etc. The motors, transformers, panels, etc. must be fenced off. These facilities will be inspected annually by Reclamation.
- c. The Licensee may utilize for the conveyance of irrigation water, Reclamation's existing 42" steel pipe line which extends from the Teton River at a point near the Teton Dam site, to the top of the South Canyon Rim in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30 Township 7 North, Range 42 East, Boise Meridian.
- d. The Licensee may construct, operate and maintain a 24" buried metal pipe line upon and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 North, Range 42 East, Boise Meridian, Idaho;
- e. The Licensee may utilize and modify as necessary to provide power to the Licensee's pumping station on the Teton River, Reclamation's existing 12.5 kV power line extending from a point near the Teton Project Construction Office to a point near the bottom of Teton Canyon, and to extend such line as necessary to reach the Licensee's pumping plant. Such modification may include an increase in the kV capacity of the line; Provided, however, that such modification shall include the installation of appropriate transformers, or otherwise provide for continued availability of 12.5 kV power to buildings or other facilities of Reclamation where continued use of 12.5 kV power is desired. The Licensee shall make all necessary arrangements for obtaining electrical

power service to its pumps, which arrangements shall provide for separate metering of the electric loads of the Licensee and Reclamation.

The location of items c, d, and e of this article, are more particularly depicted and identified on Exhibit "B", attached hereto and made a part hereof. The authorized area of use is approximately 6.5 acres.

2. *Exceptions and Reservations:* There are excepted and reserved from the License of the premises described in Article 1, the following:

- a. All lands to which other rights have lawfully attached before the date of this License.
- b. The right to remove from said lands any or all timber, both standing and down.

The right to take from said lands material for the construction of irrigation works, and to construct, operate, and maintain such works thereon.

c. The right to prospect and carry on developments for oil, gas, coal, and other minerals, on said lands, under the act of October 2, 1917 (40 Stat. 297), the act of February 25, 1920 (41 Stat. 437), and the act of October 21, 1976 (90 Stat. 2757).

d. A right-of-way along all section lines, or other practicable routes when locations on section lines are not feasible, freely to give ingress to, passage over, and egress from all of said lands.

e. A right-of-way for any facilities constructed by or for the United States and the right of the United States to grant easements, licenses, or rights-of-way affecting the authorized premises.

f. The United States reserves the right of its officers, agents, and employees at all times to have unrestricted access and ingress to, passage over, and egress from all of said lands, to make investigations of all kinds, dig test pits and drill test holes, and to survey for and construct reclamation and irrigation works and other structures incident to Federal Reclamation Projects, or for any purpose whatsoever. Reclamation will make every reasonable effort to keep damage to a minimum.

g. There is reserved to the United States, their successors and assigns, the prior right to use any of the right-of-way wherein described to construct, operate, and maintain all structures and facilities, including, but not limited to canals, wasteways, laterals, ditches, roadways, electrical transmission lines, communication structures generally, substations, switchyards, powerplants, fish screens, fish ladders and other appurtenant irrigation and power structures and facilities, without any payment made by the United States, or their successors for such rights.

h. The United States and its employees, agents and assigns, shall not be held liable for any damage to the Licensee's improvements or works by reason of the exercise of the rights here reserved; nor shall anything contained in this paragraph be construed as in any manner limiting other reservations in favor of the United States contained in this agreement.

3. *Term of License:* The License shall be for a period of ten (10) years from the date of Reclamations signature for the license, unless sooner terminated as hereinafter provided.

4. *Costs:*

a. In accordance with 43 CFR 429.18, the Licensee shall pay in advance to Reclamation, estimated administrative costs in the amount of \$500.00. This is an estimate only. Should the estimated administrative costs be found to be insufficient, Reclamation will notify you in writing of the additional amount needed. If the funds collected exceed the administrative costs, a refund of the excess amount will be made to the Licensee. Reclamation reserves the right to recover future costs of compliance, monitoring and related administrative costs through the term of the License.

b. For and in consideration of the rights granted, the Licensee agrees to pay Reclamation fair market value rental as determined by the Contracting Officer. The annual rental rate will be reviewed and adjusted periodically (but no more frequently than annually); however, in no event shall the interval between reviews exceed five (5) years. Redetermination of the market value, if any, by Reclamation will be based on an appraisal report, taking into consideration the current land values, exclusive of improvements constructed by the permittee.

i. Based on the Bureau of Land Management Linear Rental Schedule.

Madison County Zone 6 - \$101.53 per acre x 6.5 acres = \$ 660.00

A fee for the use of the power tunnel = \$ 100

60% depreciation on improvements = \$ 2,146, annual use fee \$2,906

ii. The Licensee shall pay in advance to Reclamation, use fees in the amount of \$2,906, on the date hereof for the period ending February 28, 2015. All subsequent annual payments shall be due and payable on or before March 1 of the year for which such payment is being made.

iii. In accordance with 43 CFR 429.18, the Permittee shall pay in advance to Reclamation, estimated administrative costs in the amount of \$500.00. Reclamation acknowledges receipt of this payment. This is an estimate only. Should the estimated administrative costs be found to be insufficient, Reclamation will notify you in writing of the additional amount needed. If the funds collected exceed the administrative costs, a refund of the excess amount will be made to the Permittee. Reclamation reserves the right to recover future costs of compliance, monitoring and related administrative costs through the term of the Permit.

5. *Conditions:* In the use of the authorized premises the Licensee shall faithfully observe the following conditions:

a. To comply with Title VI (Section 601) of the Civil Rights Act of July 2, 1964 (78 Stat. 241) which provides that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance," and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR § 17.

- b. To comply with Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.
- c. To comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; and the general age discrimination regulations at 45 CFR § 90 which are designed to prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance, as set forth in 43 CFR § 17.
- d. To obligate its subcontractors, sub-grantees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this License.
- e. The facilities of the Licensee shall be constructed, operated and maintained by the them without cost to Reclamation, or to their assigns, and in such a manner as to cause no interference or stoppage of the flow of water in canals, laterals, wasteways, ditches, or other irrigation facilities, or interference with the normal operation of works of the United States. All construction, reconstruction, and maintenance work within the authorized area shall be undertaken only at times according to plans and in a manner satisfactory to Reclamation. Any backfill placed by the Licensee shall be compacted to standards meeting sound engineering requirements for canal, drain and lateral sections. The area shall be restored by the Licensee to a condition at least as good as before the construction were made.
- f. The use of the permitted area by the Licensee shall be without cost to the United States, or to its successors and assigns, and in such a manner as to not interfere with the normal operations of works of Reclamation. If the construction, operation or maintenance of any or all of such structures and facilities across, over, under or upon said lands should be made more expensive by reason of the existence of improvements or works of the Licensee thereon, such additional expense is to be estimated by Reclamation, the Licensee shall remit payment to cover such additional expenses, and the estimate is to be final and binding upon the parties hereto. Within thirty days after demand is made upon the Licensee for payment of any such sums, the Licensee will make payment thereof to the United States as directed by Reclamation. As an alternative to payment, the Licensee, at its sole cost and expense and within time limits established by the United States, may remove or adapt facilities constructed and operated by it on said right-of-way to accommodate the aforementioned structures and facilities of the United States. The Licensee shall bear the cost to the United States of any costs occasioned by the failure of the Licensee to remove or adapt its facilities within the time limits specified.
- g. The Licensee will not make any changes in roads leading to or near the authorized premises or be allowed to construct new roads, without prior written authorization from Reclamation.
- h. The Licensee will take every precaution to prevent fires. This includes, but is not limited to, ensuring proper spark arresters on all internal combustion engines, and any other activities which they or their employees might engage in during their use of the public lands. Further, the Licensee shall be responsible for the cost of suppression of all fires set or caused by themselves or their employees.

- i. The Licensee will comply with County, State, and Federal health, sanitation, and pollution standards and/or regulations. The Licensee will maintain the site in a sanitary condition at all times; waste materials will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
 - j. The Licensee shall conduct the operation of his permitted use in a good and workmanlike manner and according to standards for similar operations, and shall insure compliance with all Federal, State, and local requirements.
 - k. No use of explosives shall be permitted by the Licensee within the use area for the facilities of the United States referred to in this agreement without prior written approval of the Contracting Officer.
 - l. Hunting and fishing by the public will not be restricted by the Licensee.
 - m. The Licensee will keep the permitted premises free from all safety and health hazards or problems not inherent to the authorized use.
 - n. Within 60 days from the conclusion of project construction or as project phases are completed, the Licensee shall provide, at their sole expense, to Reclamation as-built drawings for their facilities located on Reclamation land and/or right-of-way.
 - o. The Licensee shall rehabilitate the disturbed areas of the authorized premises by reestablishing native ground cover which includes grading the disturbed land back to its original state, seeding, and fertilizing the land, all to Reclamation's specifications when construction is completed or after any ground disturbing maintenance.
6. *Pesticide Use:* The Licensee shall be responsible for the control of noxious weeds and invasive species within the area of disturbance.
- a. The Licensee shall not permit the use of any pesticides on Federal lands without prior written approval by Reclamation. The Licensee shall submit to Reclamation for approval an Integrated Pest Management Plan (IPMP) thirty (30) days in advance of pesticide application.
 - b. All pesticides used shall be in accordance with the current registration, label direction, or other directives regulating their use (State Department of Agriculture, Department of Ecology, OSHA, etc.) and with applicable Reclamation policy and directives and standards. Applicators will meet applicable State training or licensing requirements. Records maintenance shall be in accordance with State requirements and such records shall be furnished to Reclamation not later than five (5) working days after any application of a pesticide.
 - c. Any equipment, tools, and machines used for pesticide application shall be in good repair and suitable for such use. Equipment shall be calibrated prior to the spraying season and as deemed necessary by Reclamation.
 - d. Mixing, disposal, and cleaning shall be done where pesticide residues cannot enter storm drains, sewers, or other non-target areas.
 - e. The Licensee shall initiate any necessary measures for containment and clean-up of pesticide spills. Spills shall be reported to Reclamation with full details of the actions

taken. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the spill if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

f. Aerial application of pesticides is prohibited without prior written consent by Reclamation's designated representative.

g. The Licensee agrees to include the provisions contained in paragraphs a through f of this Article in any sub-contract or third-party contract it may enter into pursuant to this permit.

7. *Hazardous Materials:*

a. The Licensee may not allow contamination or pollution of Federal lands, waters or facilities and for which the Licensee has the responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. The Licensee shall comply with all applicable Federal, State, and local laws and regulations, as well as Reclamation Policy, Directives and Standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported stored, or disposed of on or in Federal lands, waters, or facilities.

c. "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, et seq., and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters or facilities, the Licensee shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery with full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. In any event, the Licensee shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the licensed area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic

substances shall be furnished to Reclamation concurrent with the filing of the reports to the involved Federal agency or State government.

f. Violation of any of the provisions of the Article, as determined by Reclamation may constitute grounds for termination of this License. Such violations require immediate corrective action by the Licensee and shall make the Licensee liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

g. The Licensee agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third-party contract it may enter into pursuant to this License.

h. Reclamation agrees to provide information necessary for the Licensee using reasonable diligence, to comply with the provisions of this Article.

8. *Cultural Resources:* The Licensee shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest on Reclamation-administered lands. The Licensee shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this authorization. The Licensee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the Licensee.

9. *Transfer of License:* Neither this License nor any interest therein shall be transferred by the Licensee without the written consent of Reclamation and until payment has been made to the United States to cover the expense of approving such transfer.

10. *Termination of License:* This License will terminate and all rights of the Licensee hereunder will cease, and the Licensee will quietly deliver to Reclamation possession of the premises in like condition as when taken, reasonable wear and damage by the elements excepted:

- a. At the expiration of the term as provided by Article 3.
- b. Upon written notice to the Licensee, served no less than 30 days in advance thereof.
- c. After failure of the Licensee to observe any of the conditions of this Licensee, and on the tenth day following service of written notice on the Permittee of termination because of failure to observe such condition.
- d. Reclamation reserves the right to construct, operate, and maintain public works now or hereafter authorized by the congress without liability for termination of the agreement or other damage to the Licensee activities or facilities.
- e. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

f. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization for activities other than existing authorized private exclusive recreational or residential use as defined in 43 CFR § 429.2 if Reclamation determines that any of the following apply:

i. The use has become incompatible with authorized Project purposes, Project operations, safety and security;

ii. A higher public use is identified through a public process described at 43 CFR § 429.32(a)(1); or

iii. Termination is necessary for operational needs of the Project.

g. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if Reclamation determines that the Licensee has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

h. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the Licensee fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

The notices provided by this article will be served by certified mail addressed to the respective post office addresses given in Article 11 (Notices), and the mailing of any such notice properly enclosed, addressed, stamped, and certified, will be considered service.

If this License is terminated under Article 10 (c) or (h), the United States reserves the right to bar the Licensee from the authorization to use acquired or withdrawn public land on the Minidoka Project for a period of time, as determined by the Area Manager.

11. Notices:

a. All notices required or desired to be given under this Agreement shall be in writing and may be delivered by personal delivery; via recognized delivery services such as United Postal Services (UPS) or Federal Express (FedEx); or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

Assistant Area Manager,
Upper Snake Field Office
Bureau of Reclamation
470 22nd Street
Heyburn, Idaho 83336
(208) 678-0461

Canyon Creek Lateral Pipe Co.
1908 East 500 North
St. Anthony, Idaho 83445
(208) 624-3293

b. Any notice delivered by personal delivery shall be deemed received by the addressee upon actual delivery. Any notice delivered by certified mail shall be deemed received by the addressee on the third business day after deposit. The addresses to which notices are to be delivered may be changed by giving notice of such change in accordance with this paragraph. This paragraph shall apply where notice is required under this license, and no

specific requirements are set forth. Where this license provides for a specific notice in a different manner, the more specific requirements shall prevail.

c. The parties hereby designate the Area Manager and authorized official for Licensee, as their authorized representatives for this license. These individuals shall have authority to take any action allowed or required under this grant, on behalf of their employer. The parties may change their designated representatives at any time by giving notice of such change in accordance with Article 11(a).

12. *Removal of Structures:* Upon the expiration, termination, or revocation of this license, if all rental charges and damage claims due Reclamation have been paid, the Licensee shall remove all structures, equipment, or other improvements made by it from the premises at no cost to the United States. Upon failure to remove any such improvements within sixty (60) days of expiration, termination, or revocation, any remaining improvements shall, at the option of the United States, be removed or become the property of the United States. The Licensee shall pay all expenses of the United States, or its assigns, related to removal of such improvements.

13. *Illegal Use:* Any activity deemed to be illegal on Federal lands will be cause for immediate termination of the use authorization.

14. *Officials Not to Benefit:* No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

15. *Hold Harmless:* The Licensee hereby agrees to indemnify and hold harmless the United States, its employees, agents, and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of the Licensee's activities under this agreement.

16. *Severability:* Each provision of this License shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this use authorization shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the use authorization as a whole.

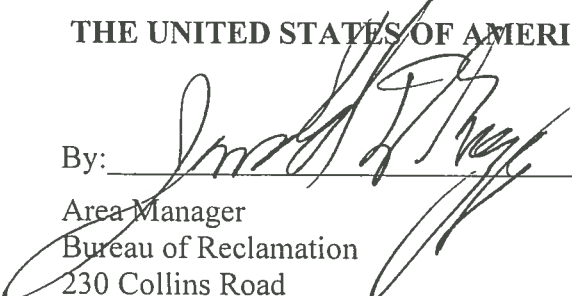
17. *Successors in Interest Obligated:* This provision of the License shall apply to and bind the assigns of the United States, and their heirs, executors, administrators, and assigns of the Licensee.

IN WITNESS WHEREOF, the parties hereto have executed this License the day and year first above written.

CANYON CREEK LATERAL PIPE CO.

THE UNITED STATES OF AMERICA

By: 

By: 

Area Manager
Bureau of Reclamation
230 Collins Road
Boise, Idaho 83702-4520

NOTE: If the Licensee intends to record this License, the above executing signatures are required to be notarized and the Notary Acknowledgment page completed.

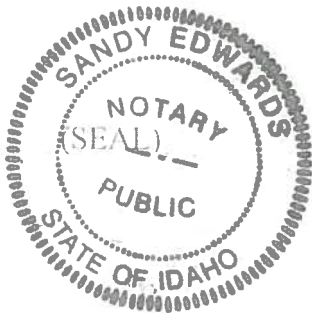
EXHIBITS

1. Exhibit A – Pump drawings (2 pages)
2. Exhibit B – Authorized Area Location Map for the pumping plant and power line and,
pipeline

STATE OF IDAHO)
County of Fremont : SS)

On this 17 day of January, 2014, personally appeared before me
Ryan Crapo, known to me to be the official of UNITED ELECTRIC
CO-OP, INC. that executed the within and foregoing instrument and acknowledged said
instrument to be the free and voluntary act and deed of said cooperative, for the uses and
purposes therein mentioned, and on oath stated that they were authorized to execute said
instrument.

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

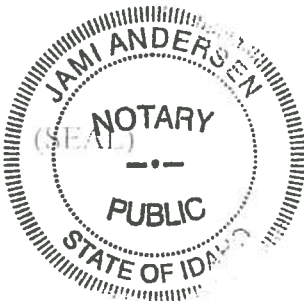


Sandy Edwards
Notary Public in and for the State of Idaho
Residing at: Boise, Idaho
My commission expires: 1-29-2016

STATE OF IDAHO)
County of Ada/Cassia : SS)

On this 27th day of February, 2014, personally appeared before me
Laure Crandall, known to me to be the official of THE UNITED STATES
OF AMERICA that executed the within and foregoing instrument and acknowledged said
instrument to be the free and voluntary act and deed of said United States, for the uses and
purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

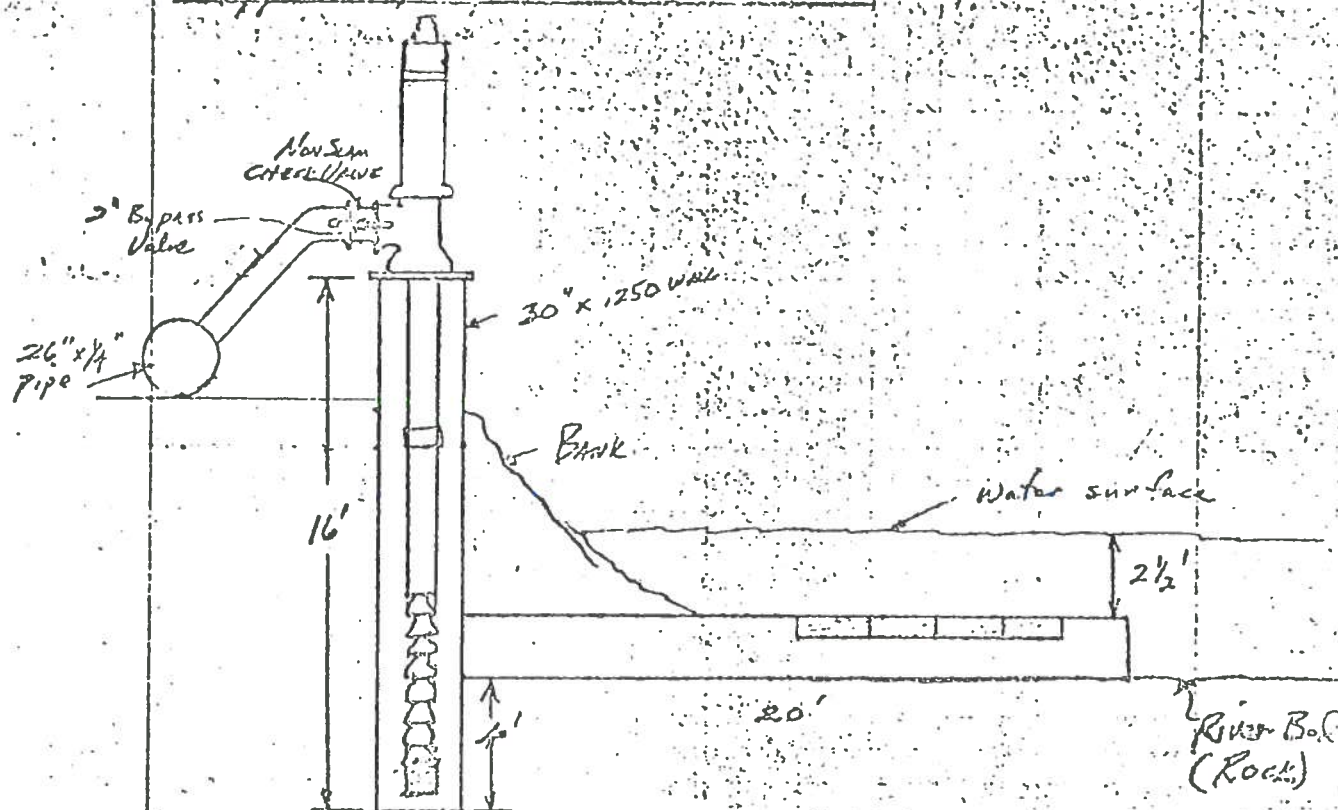
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.



Jami Andersen
Notary Public in and for the State of Idaho
Residing at: Oakley, Cassia County
My commission expires: 05/30/2018

TYPICAL PUMP INTAKE

APPENDIX 11.1



WATER COVERAGE ON INTAKE OF PUMP WILL EXCEED 5'

SCALE: 1" = 5'

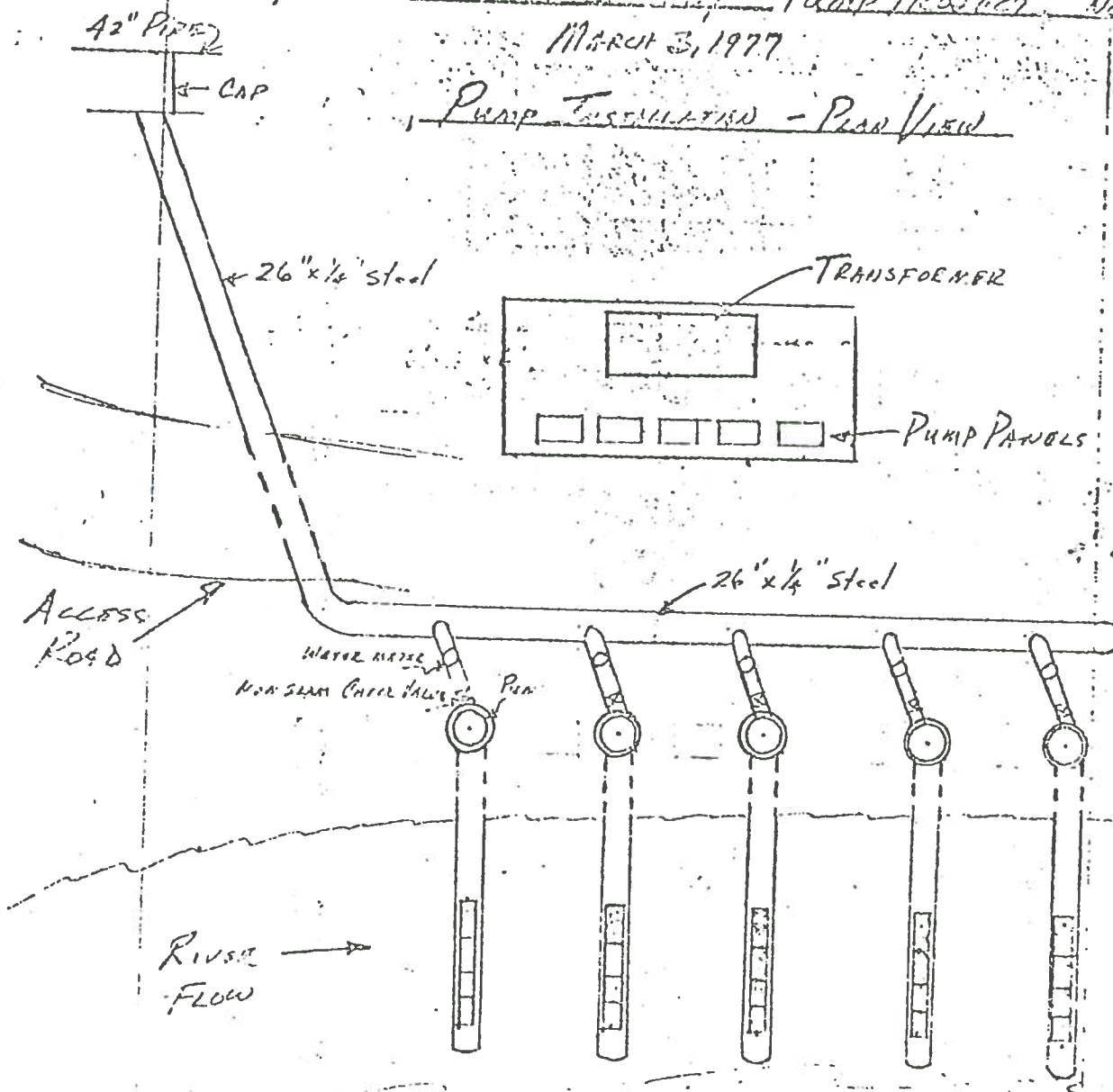
Exhibit "A"

Sheet 1 of 2

CALYON CREEK (FISH PASSAGE) - PUMP PROJECT No. 2

MARCH 3, 1977

PUMP INSTALLATION - PLAN VIEW



INTAKE PINS - 16" x 1/4" x 20'

PUMP CANS - 20" x 1/4" x 16'

INTAKE SCREENS - 24" x 8' ON TOP OF INTAKE PIPE

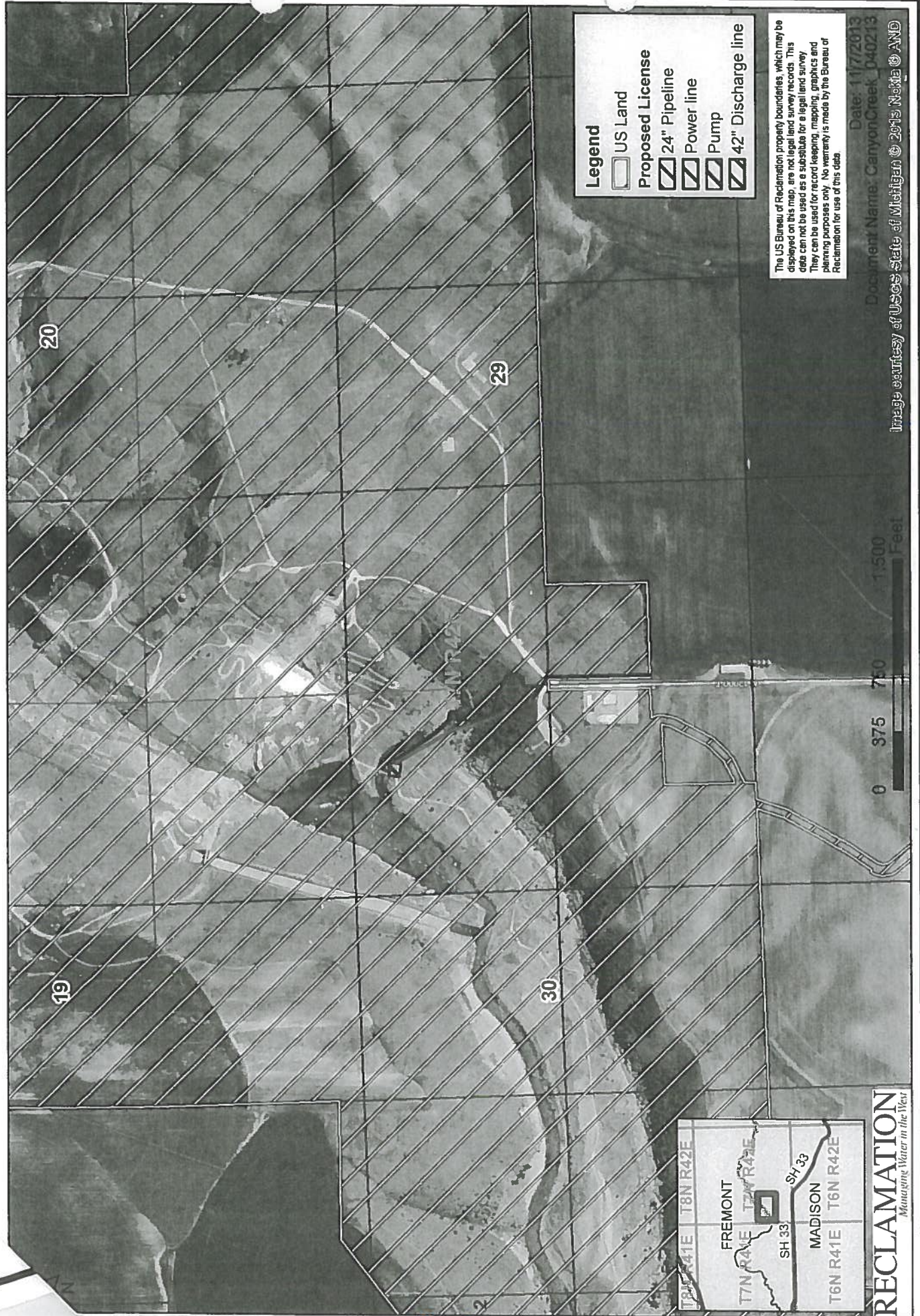
SCALE: 1" = 10'

Exhibit "A"

Sheet 2 of 2

Canyon Creek Lateral Pipe Co.

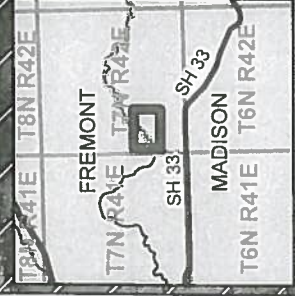
U.S. Bureau of Reclamation
Upper Snake Field Office



Legend

- US Land
- Proposed License
- 24" Pipeline
- Power line
- Pump
- 42" Discharge line

The US Bureau of Reclamation property boundaries, which may be displayed on this map, are not legal land survey records. This data can not be used as a substitute for a legal land survey. They can be used for record keeping, mapping, graphics and planning purposes only. No warranty is made by the Bureau of Reclamation for use of this data.



RECLAMATION
Managing Water in the West

Date: 11/7/2013
Document Name: CanyonCreek_040213
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