

RECEIVED

MAY 16 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD
 Receipt No. 0097165
 Fee Amount \$ 500.00
 Date/by 5-16-13 HP
 (For Department Use Only)

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

 Name of Seller/Lessor Old Cutters Inc. Phone (208) 578-3636 928-7100
 Mailing address P.O. Box 986, Hailey, ID 83333 Email jc@idahotower.com

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

 If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-22319</u>	_____	_____	_____ to _____
	_____	_____	_____ to _____
	_____	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

 If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** _____

B. OWNERSHIP

- Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
- Is the 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 to the proposed sale or lease and list name of entity:
Hiawatha Canal Company

C. GENERAL INFORMATION

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

Hiawatha Canal headgate and canal; High Ditch; private ditch to ponds;
pumps in ponds.

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

37-22309, 37-22314

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

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

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

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

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

If lease, for a period from 4/15/13 to 12/31/17 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the 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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

John Campbell, President
Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

**CONSENT TO LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

HIAWATHA CANAL COMPANY

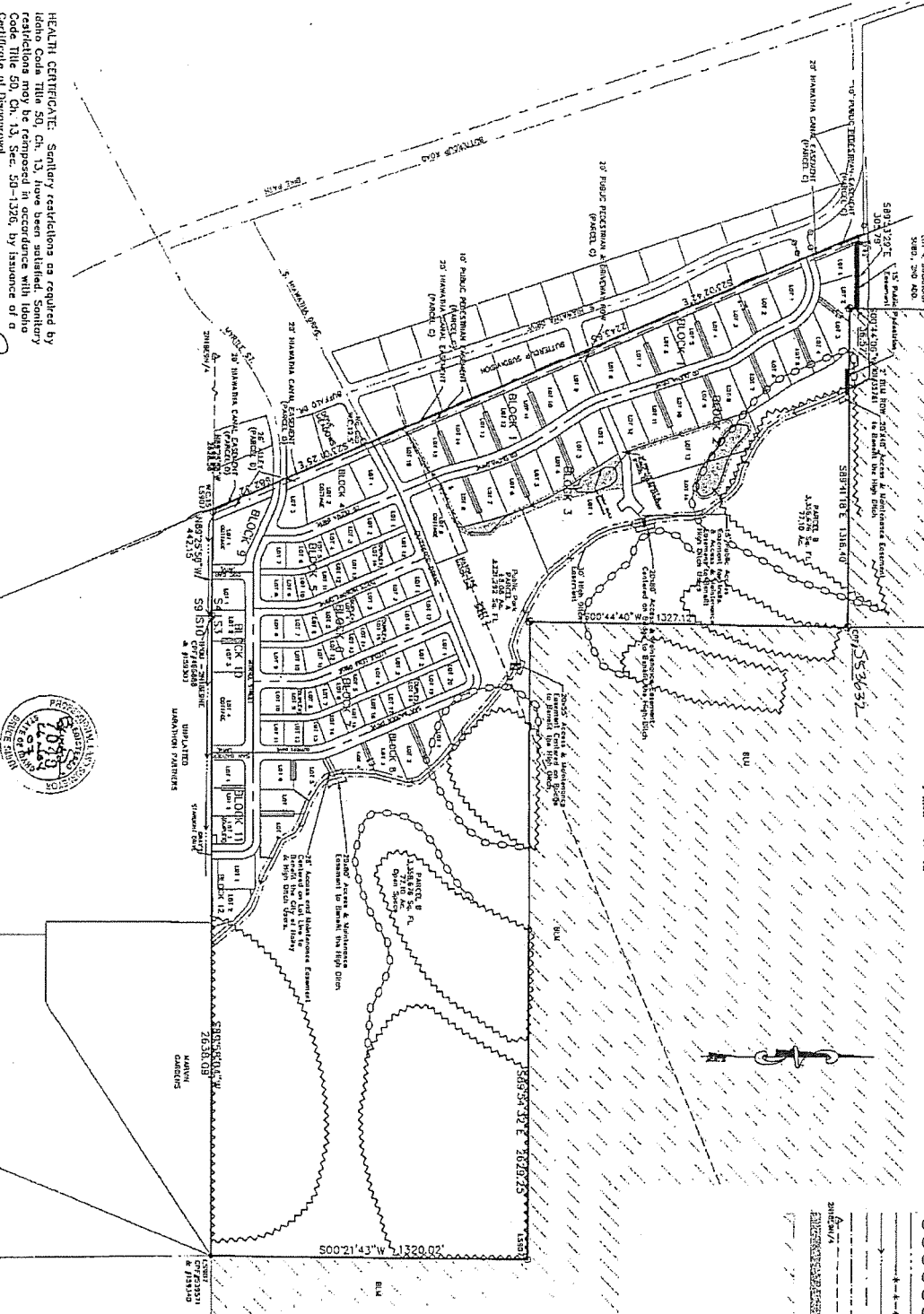
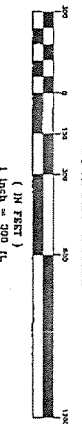
The undersigned, as a representative of the Hiawatha Canal Company, hereby consents to the lease to the Water Supply Bank of Water Right No. 37-22319 by Old Cutters, Inc., the owner of that water right, from April 15, 2013 through December 31, 2017.

HIAWATHA CANAL COMPANY


By: David L. Cropper
Its: Chairman

A PLAT SHOWING OLD CUTTERS SUBDIVISION A REPLAT OF LOTS 1A, 2A, 3 & 4, A REPLAT OF DREXLER RANCH SUBDIVISION, AND A PORTION OF LOT 4, BUCKHORN SUBD. 2ND ADDITION LOCATED WITHIN SECTIONS 3 & 4, T.2 N., R.18 E., B.M., CITY OF HALLEY, BLAINE COUNTY, IDAHO

OCTOBER 2007
 GRAPHIC SCALE



- LEGEND**
- SUBDIVISION BOUNDARY
 - LOT LINES
 - INTERIOR ROAD CENTERLINES
 - EXTERIOR ROAD CENTERLINES
 - RED AVALANCHE ZONE BY ALPINE
 - BLUE AVALANCHE ZONE BY ALPINE
 - POUNDS/CANALS
 - SHARED ACCESS EASEMENT AS SHOWN
 - CENTERLINE EXISTING CANALS
 - 20' CANAL MAINTENANCE EASEMENT
 - 30' HIGH DITCH MAINTENANCE EASEMENT
 - BLAINE COUNTY CIS CONTROL AND TIES
 - WATER WORKS & POND ACCESS AND MAINTENANCE EASEMENT
 - BLM LAND
 - FOUND SURVEY MONUMENT
 - SET 5/8" REDAR
 - PROPOSED BRIDGE

PARCEL	DESCRIPTION	AREA
A	PUBLIC PARK	5.00 AC.
B	OPEN SPACE	77.10 AC.
C	10' PUBLIC PEDESTRIAN ESM., 20' HAWAIIA CANAL, EXMT. & 20' FED. & DRIVEWAY R.O.W. = COMMON AREA	1.53 AC.
D	20' PRIVATE ALLEY & 20' PRIVATE DRIVEWAY EXMT. = COMMON AREA	.66 AC.
E	26' PRIVATE STREET & PUBLIC ACCESS EASEMENT = COMMON AREA	.42 AC.

NOTES

- 1) BASIS OF BEARINGS IS IDAHO STATE PLANE COORDINATE SYSTEM, NAD83(1992) AT GRID IN US SURVEY FEET. COVERED PROJECT SCALE FACTOR IS 0.999701. GROUND DISTANCES WILL BE SLIGHTLY LONGER.
- 2) SEE PAGE 4 FOR ADDITIONAL NOTES.

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1256, by issuance of a Certificate of Disapproval.

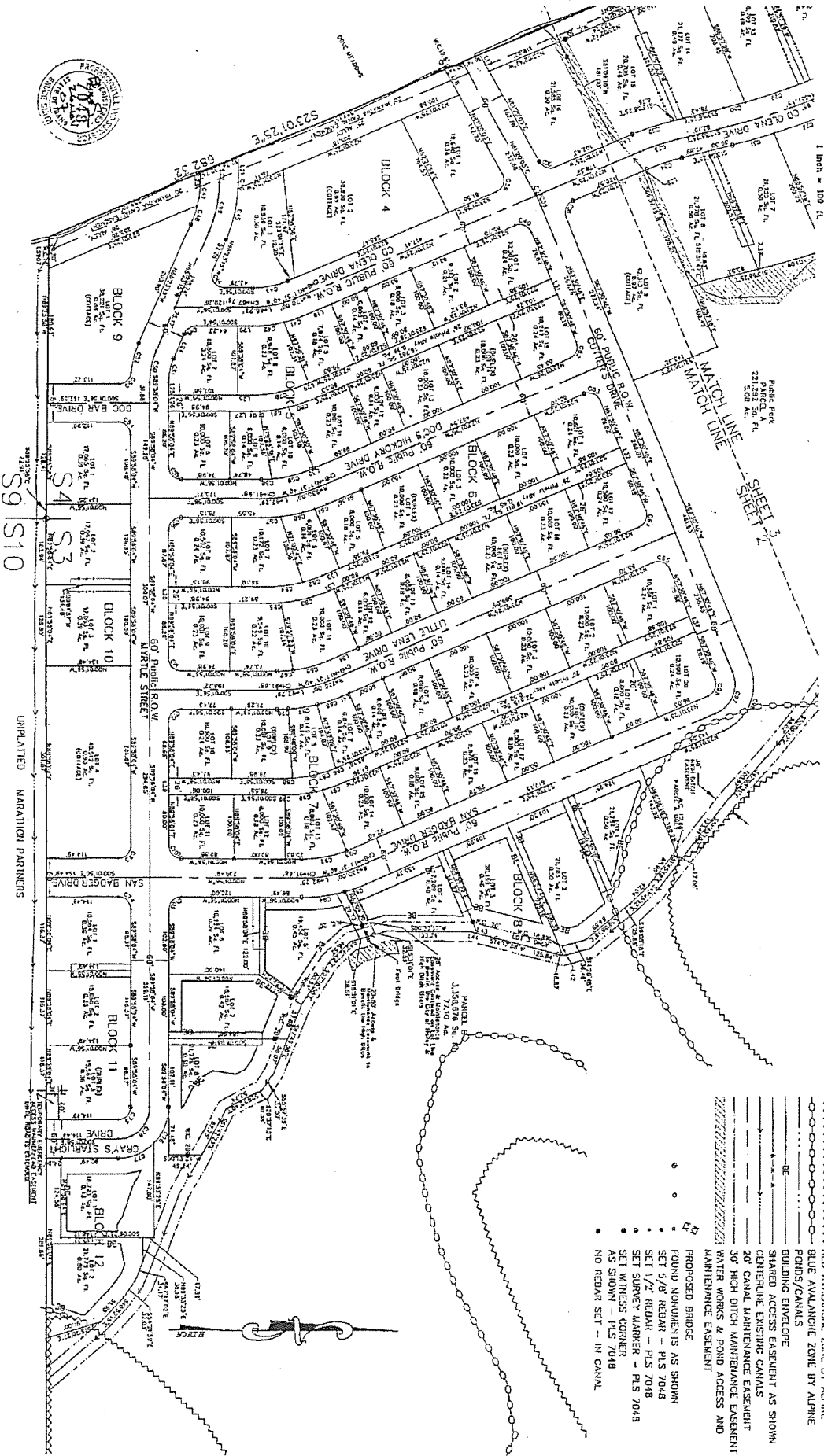
Date 11-27-2007 RBF-WC
 South Central District Health Dept., EHS



A REPEAT OF LOTS 1A, 2A, 3 & 4, A REPEAT OF DREXLER RANCH SUBDIVISION, AND A PORTION OF LOT 4 BUCKHORN SUBD. 2ND ADDITION

OCTOBER 2007

GRAPHIC SCALE



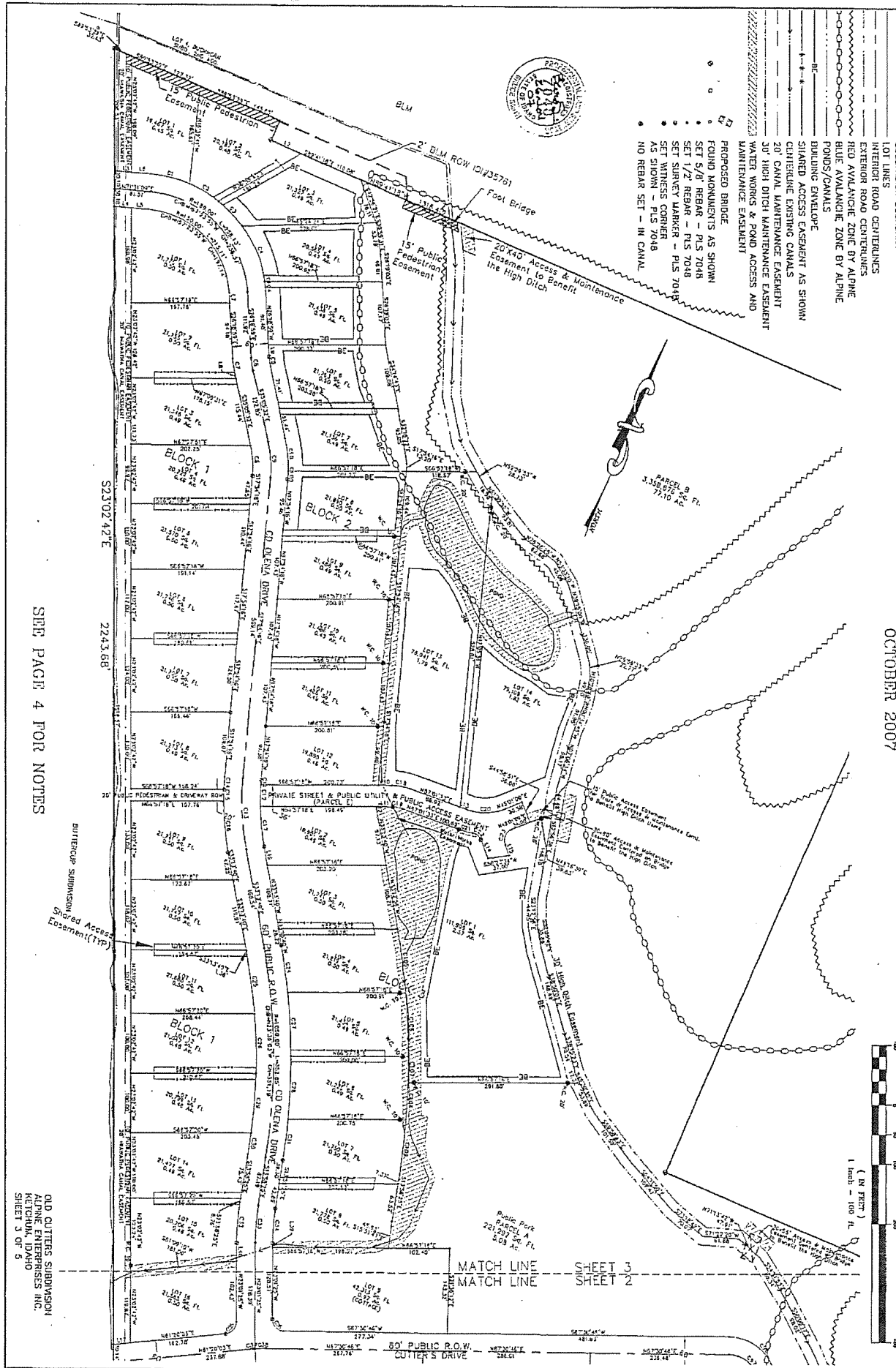
OLD CUTTERS SUBDIVISION
ALPINE ENTERPRISES INC.
KETCHUM, IDAHO
SHEET 2 OF 5

A PLAT SHOWING OLD CUTTERS SUBDIVISION

A REPLAT OF LOTS 1A, 2A, 3 & 4, A REPLAT OF DREXLER RANCH SUBDIVISION, AND A PORTION OF LOT 4, BUCKHORN SUBD. 2ND ADDITION
LOCATED WITHIN SECTIONS 3 & 4, T.2 N., R.8 E., B.M., CITY OF IDAHO, BLAINE COUNTY, IDAHO
OCTOBER 2007

LEGEND

- SUBDIVISION BOUNDARY
- LOT LINES
- INTERIOR ROAD CENTERLINES
- EXTERIOR ROAD CENTERLINES
- RED AVALANCHE ZONE BY ALPINE
- BLUE AVALANCHE ZONE BY ALPINE
- FLOOD CANALS
- BUILDING ENVELOPE
- SHARED ACCESS EASEMENT AS SHOWN
- EASEMENT EXISTING CANALS
- 20 CANAL MAINTENANCE EASEMENT
- 30 HIGH DITCH MAINTENANCE EASEMENT
- WATER WORKS & POND ACCESS AND MAINTENANCE EASEMENT
- PROPOSED BRIDGE
- FOUND MONUMENTS AS SHOWN
- SET 5/8" REBAR - PLS 7048
- SET 1/2" REBAR - PLS 7048
- SET SURVEY MARKER - PLS 7048
- SET WITNESS CORNER - PLS 7048
- AS SHOWN - PLS 7048
- NO REBAR SET - IN CANAL



SEE PAGE 4 FOR NOTES

OLD CUTTERS SUBDIVISION
ALPINE ENTERPRISES INC.
SHEET 3 OF 3

A PLAT SHOWING
MATTERS SUBI

OCTOBER 2007

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CURVE				CURVE				CURVE			
CURVE	LENGTH	RADIUS	DELTA	CURVE	LENGTH	RADIUS	DELTA	CURVE	LENGTH	RADIUS	DELTA
C1	62.11	20.00	1819.95°	C1	62.11	20.00	1819.95°	C1	62.11	20.00	1819.95°
C2	57.98	20.00	1540.08°	C2	57.98	20.00	1540.08°	C2	57.98	20.00	1540.08°
C3	56.04	20.00	1550.11°	C3	56.04	20.00	1550.11°	C3	56.04	20.00	1550.11°
C4	102.16	20.00	2752.27°	C4	102.16	20.00	2752.27°	C4	102.16	20.00	2752.27°
C5	16.85	20.00	8946.35°	C5	16.85	20.00	8946.35°	C5	16.85	20.00	8946.35°
C6	21.44	166.08	8946.35°	C6	21.44	166.08	8946.35°	C6	21.44	166.08	8946.35°
C7	26.04	170.00	8946.35°	C7	26.04	170.00	8946.35°	C7	26.04	170.00	8946.35°
C8	51.00	170.00	1711.15°	C8	51.00	170.00	1711.15°	C8	51.00	170.00	1711.15°
C9	60.00	200.00	1711.15°	C9	60.00	200.00	1711.15°	C9	60.00	200.00	1711.15°
C10	55.05	230.00	1342.46°	C10	55.05	230.00	1342.46°	C10	55.05	230.00	1342.46°
C11	8.07	8.07	1309.56°	C11	8.07	8.07	1309.56°	C11	8.07	8.07	1309.56°
C12	36.02	450.00	452.42°	C12	36.02	450.00	452.42°	C12	36.02	450.00	452.42°
C13	120.35	450.00	1519.92°	C13	120.35	450.00	1519.92°	C13	120.35	450.00	1519.92°
C14	20.01	480.00	273.14°	C14	20.01	480.00	273.14°	C14	20.01	480.00	273.14°
C15	21.42	480.00	273.14°	C15	21.42	480.00	273.14°	C15	21.42	480.00	273.14°
C16	66.95	480.00	1024.22°	C16	66.95	480.00	1024.22°	C16	66.95	480.00	1024.22°
C17	68.28	420.00	918.94°	C17	68.28	420.00	918.94°	C17	68.28	420.00	918.94°
C18	29.71	31.73	2933.07°	C18	29.71	31.73	2933.07°	C18	29.71	31.73	2933.07°
C19	17.23	61.79	1870.95°	C19	17.23	61.79	1870.95°	C19	17.23	61.79	1870.95°
C20	94.67	64.37	421.24°	C20	94.67	64.37	421.24°	C20	94.67	64.37	421.24°
C21	26.65	130.57	1017.83°	C21	26.65	130.57	1017.83°	C21	26.65	130.57	1017.83°
C22	18.43	18.00	9005.92°	C22	18.43	18.00	9005.92°	C22	18.43	18.00	9005.92°
C23	31.42	20.00	5676.28°	C23	31.42	20.00	5676.28°	C23	31.42	20.00	5676.28°
C24	106.00	1090.00	414.44°	C24	106.00	1090.00	414.44°	C24	106.00	1090.00	414.44°
C25	106.52	1020.00	595.90°	C25	106.52	1020.00	595.90°	C25	106.52	1020.00	595.90°
C26	100.07	1020.00	537.16°	C26	100.07	1020.00	537.16°	C26	100.07	1020.00	537.16°
C27	107.20	1080.00	541.14°	C27	107.20	1080.00	541.14°	C27	107.20	1080.00	541.14°
C28	106.15	1080.00	531.53°	C28	106.15	1080.00	531.53°	C28	106.15	1080.00	531.53°
C29	100.32	1020.00	530.06°	C29	100.32	1020.00	530.06°	C29	100.32	1020.00	530.06°
C30	35.67	1020.00	270.53°	C30	35.67	1020.00	270.53°	C30	35.67	1020.00	270.53°
C31	68.56	1090.00	314.24°	C31	68.56	1090.00	314.24°	C31	68.56	1090.00	314.24°
C3											

LINE	LINE	BEARING
123	15.02	69N23°25'W
124	42.46	56S21°25'W
125	18.88	69N30°00'W
126	26.00	69N56°00'W
127	34.26	60N01°56'W
128	21.68	50N01°56'W
129	5.24	52N101°25'W
130	26.00	N23°01°25'W
131	26.00	N67°30'46"E
132	26.00	N23°01°25'W
133	9.45	52N101°25'W
134	26.00	N31°01°25'W
135	53.46	N21°01°25'W
136	53.46	N21°01°25'W
137	26.00	N67°30'46"E
138	26.00	N69°56°00'W
139	7.15	N23°01°25'W
140	30.63	N23°01°25'W
141	12.26	52N101°25'W
142	7.61	51N147°58'W

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned is the owner in fee simple of the following described parcels of land: Parcels of land located within Sections 3 & 4, Township 2 North, Range 18 East, Boise Meridian, City of Holley, Blaine County, Idaho; more particularly described as follows:

LOTS 1A, 2A, 3 & 4, A REPLAT OF DREXLER RANCH SUBDIVISION AND A PARCEL OF LAND WITHIN THE SW¼ OF THE NE¼, SECTION 4, T.2N., R.18E., B.M., AND ALSO WITHIN LOT 4, BUCKHORN SUBDIVISION SECOND ADDITION, BLAINE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A BLM BRASS CAP MARKING THE SOUTHEAST CORNER OF SAID SW¼ OF THE NE¼, WHICH CORNER IS ALSO THE SE ¼ CORNER OF SAID SECTION 4 AND WHICH POINT IS THE REAL POINT OF BEGINNING; THENCE NORTH 89°42'50" WEST 29.101 FEET TO THE NORTHWEST CORNER OF THE DREXLER RANCH; THENCE NORTH 23°17'51" WEST 37.31 FEET ALONG THE CENTERLINE OF THE HAWAIIA CANAL AND ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 4, BUCKHORN SUBDIVISION SECOND ADDITION; THENCE NORTH 89°50'20" EAST 306.07 FEET ALONG A FENCE TO THE EAST BOUNDARY OF SAID SW¼ OF THE NE¼, SAID SECTION 4; THENCE SOUTH 0°27'55" WEST 36.58 FEET ALONG SAID EAST BOUNDARY OF THE SW¼ OF THE NE¼, SECTION 4 TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS, TO BE REPLATED AS OLD CUTTERS SUBDIVISION.

The Easements indicated hereon are not dedicated to the Public unless specifically designated on the Plat, and the right to use said Easements is hereby reserved for the Public Utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said Easement. We do hereby certify that all of the Lots in this Plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve all of the lots shown within this plat, subject to Note 7 of this plat. Except as otherwise shown on this plat, the Roadways shown hereon as PUBLIC are dedicated to the City of Holley.

It is the intent of the owner, OLD CUTTERS, INC., an Idaho Corporation, to hereby include said land in this plat.

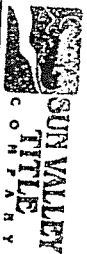
OLD CUTTERS, INC., an Idaho Corporation
By John Campbell
JOHN CAMPBELL, PRESIDENT

ACKNOWLEDGMENT

STATE OF Idaho }
COUNTY OF Blaine } ss
On this 26 day of November, 2007, before me, a Notary Public in and for said State, personally appeared John Campbell, President of Old Cutters Inc., known and identified to me, to be the President of the Corporation that executed the instrument, and acknowledged to me that such Corporation 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.

Alice C. Fether
Notary Public
State of Idaho



THIS IS A REMOTE RECORDING OF A DEED OR INSTRUMENT THAT ON FILE IN EITHER THE COUNTY CLERK'S OFFICE OR THE COUNTY CLERK'S OFFICE, THE COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, WITH ANOTHER OFFICE.

Alice C. Fether
Notary Public in and for said State
Residing at Ketchikan
August 24, 2011
My Commission Expires

SURVEYOR'S CERTIFICATE

I, Bruce Smith, a duly licensed Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



COUNTY SURVEYOR'S APPROVAL

I, Jim W. Koonee, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koonee
Jim W. Koonee

APPROVAL OF CITY COUNCIL

The foregoing plat was approved and the dedication of the Public Roadways accepted by the City Council and Mayor of Holley on this 26 day of November, 2007.

Hedeker Dawson
City Clerk

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by John Campbell City Engineer for the City of Holley, on this 26 day of November, 2007.

John Campbell
City Engineer

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of OLD CUTTERS SUBDIVISION, is hereby approved this 27 day of December, 2007.

Blake Fether
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE } ss
This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho, on this 26 day of November, 2007, at 11 M., and duly recorded in Plat Book of page .

Instrument # 663814
FILED, BLAINE, IDAHO
Recorder: ALFRED ENTERPRISES, INC.
COUNTY CLERK'S OFFICE
Blaine County, Idaho
Blaine, Idaho

Ex-officio Recorder

OLD CUTTERS SUBDIVISION
ALPINE ENTERPRISES INC.
KETCHIKAN, IDAHO
SHEET 5 OF 5