

AUG 17 2010

Page 1 of 7

Transfer No. 75705 Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1Name of Applicant(s) Preston-Whitney Irrigation Company Phone: _____Mailing Address: PO Box 311, Preston, ID 83263 Email: lylewporter@plmw.com

- ☐ 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 Robert L. Harris Phone: 208-523-0620 Email: rharris@holdenlegal.comMailing Address: Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID 83405-0130

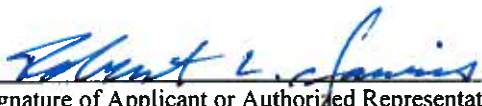
OR

- ☐ Send all correspondence for this application to the representative and not 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.
- ☒ 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.


Signature of Applicant or Authorized Representative

ROBERT L. HARRIS, ATTORNEY
Print Name and Title if applicable

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change Place of use
- ☐ Change nature of use ☐ Change period of use ☐ Other: _____
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 if part 1A.2. To add the Glendale Canal as a POD for 13-2 and the Middle Ditch as a POD to 13-3 and 13-2104. This will combine all three water rights with the same PODs. Also, to better define points of injection and redirection in Worm Creek and Spring Creek, and to better define the service area and irrigated acres serviced by the Preston-Whitney Irrigation Company.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
✓	☐ <u>13-2</u>	<u>30 cfs</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>	<u>Cub River/Bear River</u>
✓	☐ <u>13-3</u>	<u>25 cfs</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>	<u>Cub River/Bear River</u>
✓	☐ <u>13-2104</u>	<u>25 cfs</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>	<u>Cub River/Bear River</u>
Total:		<u>80</u> cfs and/or _____ ac-ft.			

2. Total amount of water being transferred or changed 80 Cubic feet per second and/or _____ acre-feet annum.

3. Point(s) of diversion:

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

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

Points of Diversion:

New ?	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Source	Local name for diversion
No		NW	NE	NW	8	15S	41E	FRANKLIN	CUB RIVER	CUB RIVER/GLENDALE CANAL
No		NW	NW	NE	24	15S	40E	FRANKLIN	CUB RIVER	MIDDLE DITCH

Points of Injection/Rediversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Source	Local name for diversion
	SW	NE	SE	10	15S	40E	FRANKLIN	INJECTION INTO WORM CREEK	
	NE	SW	SW	8	15S	40E	FRANKLIN	INJECTION INTO WORM CREEK	
	NE	SW	SW	8	15S	40E	FRANKLIN	REDIVERSION FROM WORM CREEK	
	SE	NW	SE	10	15S	40E	FRANKLIN	REDIVERSION FROM WORM CREEK	
	NE	NE	SE	13	15S	39E	FRANKLIN	REDIVERSION FROM WORM CREEK	
	NW	NE	SW	24	15S	39E	FRANKLIN	REDIVERSION FROM WORM CREEK	
	NW	NE	NW	25	15S	39E	FRANKLIN	REDIVERSION FROM WORM CREEK	
	SE	NE	SW	30	15S	40E	FRANKLIN	INJECTION INTO UNNAMED BRANCH OF SPRING CREEK	
	SE	SE	NE	36	15S	39E	FRANKLIN	REDIVERSION FROM SPRING CREEK	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)
☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5).

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			GIS data for irrigated acres and service area are on attached CD. Irrigation is for 17,665 acres within the proposed service area, which does not include federal public lands (BLM land).																

Total Acres (for irrigation use) 17,665

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. Middle Ditch: Two screw operated steel headgates, each approximately 4.5' wide, one of which is operated by remote control, mounted on a concrete pad perpendicularly adjacent to a concrete diversion check in the Cub River, which diverts into a 12' x 8' canal. The measuring device is situated some 75' downstream. Cub River/Glendale Canal: Two screw operated wood clad headgates, each approximately 6' wide, mounted on a concrete pad adjacent to a diversion check made of rock with concrete wings, in the Cub River, which diverts into a 12' x 25' canal. The measuring device is a concrete Parshall flume approximately 1000' downstream from the diversion.
- b. Who owns the property at the point(s) of diversion? Max Sharp (Middle Ditch) US Forest Service (Glendale Canal)
- If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Middle Ditch: The diversion works are located on land owned by Max Sharp and the company has a prescriptive easement for the use thereof, which is documented in an agreement with Cub River Irrigation Co. Cub River/Glendale Canal: The company has a permit from the US Forest Service for its right-of-way.
- 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: _____

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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 or 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: None. The transfer more accurately documents the historically irrigated place of use and service area of Preston-Whitney Irrigation Co.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) of use: At a portion of the southern boundary of the service area, there are five stockholders in Preston-Whitney who also have stock in the Cub River Irrigation Company (Water Right Nos. 13-26B, 13-26C, 13-26D, 13-34A, 13-34B, 13-222, and 13-2066).

- 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: _____

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ✓ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES THE SUPPLEMENTAL IRRIGATION RIGHTS

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

- i. 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 in Part 3B above.

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by: _____ Date: _____ Prelim. Check by _____ Date: _____

Fee paid: _____ Date: _____ Receipted by _____ Receipt # _____

Add'l fee paid _____ Date: _____ Receipted by _____ Receipt # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

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 and water right proof report or details report for part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is <i>attached</i> (Yes) or <i>not applicable</i> (N/A) for the proposed transfer.	
Yes	N/A
☒	* 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 Proof Report (obtained from Department) or Details report (Obtained on website) describing each water right in the transfer as currently recorded.
☒	* Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> 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 <u>not</u> 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/water/rights .
☐	☒ #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: <u>Change of Ownership documents.</u>

Attachment No. 2a
Water Right Ownership
Documentation

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/15/2009

WATER RIGHT NO. 13-2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER MIDDLE DITCH CO

Priority Date: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CUB RIVER	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	30 CFS	
Total Diversion			30 CFS	

Location of Point(s) of Diversion:

CUB RIVER	NWSW	Sec. 24	Township 15S	Range 40E	FRANKLIN County
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Place(s) of use: No POUs found for this right

Conditions of Approval:

1.	P.D. NOT SPECIFIED IN DECREE. P.U. NOT SPECIFIED IN DECREE. AMT, 0.30 OF STREAM AFTER PRIMARY RIGHTS, MAX 69.9 CFS
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Dates:

Licensed Date:

Decreed Date: 07/09/1924

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/15/2009

WATER RIGHT NO. 13-3

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER & WORM CREEK CANAL CO
Present Owner	PRESTON WHITNEY IRRIGATION CO
	33 SOUTH 1 EAST
	PRESTON, ID 83263
Security Interest	IDAHO SOIL CONSERVATION COMMISSION
	2270 OLD PENITENTIARY ROAD
	BOISE, ID 83712
	(208)332-8650

Priority Date: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CUB RIVER	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	25 CFS	
Total Diversion			25 CFS	

Location of Point(s) of Diversion:

CUB RIVER	NENW	Sec. 08	Township 15S	Range 41E	FRANKLIN County
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Place(s) of use: No POUs found for this right

Conditions of Approval:

1.	P.D. NOT SPECIFIED IN DECREE. P.U. NOT SPECIFIED IN DECREE. AMT, 0.25 OF STREAM AFTER PRIMARY RIGHTS, MAX 85 CFS
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Dates:

Licensed Date:

Decreed Date: 07/09/1924

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/15/2009

WATER RIGHT NO. 13-2104

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRESTON WHITNEY IRRIGATION CO 33 SOUTH 1 EAST PRESTON, ID 83263
Original Owner	CUB RIVER & WORM CREEK CANAL CO

Priority Date: 03/14/1924

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
CUB RIVER	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	25 CFS	
Total Diversion			25 CFS	

Location of Point(s) of Diversion:

CUB RIVER	NWSE	Sec. 08	Township 15S	Range 41E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

15S	39E	2	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		3	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		9	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		10	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		14	SWNE	SENE		
			SWNW	SENW		
			NESW	NWSW		
			NESE	NWSE	SWSE	SESE
		15	SWNE	SENE		
			SENW			
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		21	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		22	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		23	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		26	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE
		27	NENE	NWNE	SWNE	SENE
			NENW	NWNW	SWNW	SENW
			NESW	NWSW	SWSW	SESW
			NESE	NWSE	SWSE	SESE

	28	NENE	NWNE	SWNE	SENE
		NENW	NWNW	SWNW	SENW
		NESW	NWSW	SWSW	SESW
		NESE	NWSE	SWSE	SESE
	34	NENE	NWNE	SWNE	SENE
		NENW	NWNW	SWNW	SENW
		NESW	NWSW	SWSW	SESW
		NESE	NWSE	SWSE	SESE
	35	NENE	NWNE	SWNE	SENE
		NENW	NWNW	SWNW	SENW
		NESW	NWSW	SWSW	SESW
		NESE	NWSE	SWSE	SESE

Conditions of Approval:

1.	THIS IS UNSURVEYED LAND. THE WATER RT. IS PLOTTED IN ACCORDANCE WITH THE LEGAL DESCRIPTION OF LICENSE. AC. IRR. NOT SHOWN ON LICENSE.
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Dates:

Licensed Date: 07/22/1930

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:
Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ✓ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- 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.**

C. PLACE OF USE CHANGES THE SUPPLEMENTAL IRRIGATION RIGHTS

- 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 in Part 3B above.

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____	pages and _____	attachments.	
Received by: _____	Date: _____	Prelim. Check by _____	Date: _____
Fee paid: _____	Date: _____	Receipted by _____	Receipt # _____
Add'l fee paid _____	Date: _____	Receipted by _____	Receipt # _____

Attachment No. 4

Power of Attorney

Rob Harris

From: Lyle W. Porter [lylewporter@plmw.com]
Sent: Wednesday, June 03, 2009 3:06 PM
To: Rob Harris
Cc: Maxine H. Waddoups
Subject: Signature authority

To whom it may concern:

Mr. Robert L. Harris of Holden, Kidwell, Hahn and Crapo, PLLC has been retained to represent the Preston-Whitney Irrigation Company, and as such is hereby authorized to sign any necessary documents on behalf of the said Preston-Whitney Irrigation Company.

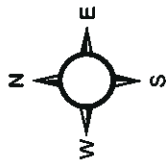
Lyle W. Porter
President
Preston-Whitney Irrigation Co.
P.O. Box 311
Preston, ID 83263
E-Mail: lylewporter@plmw.com

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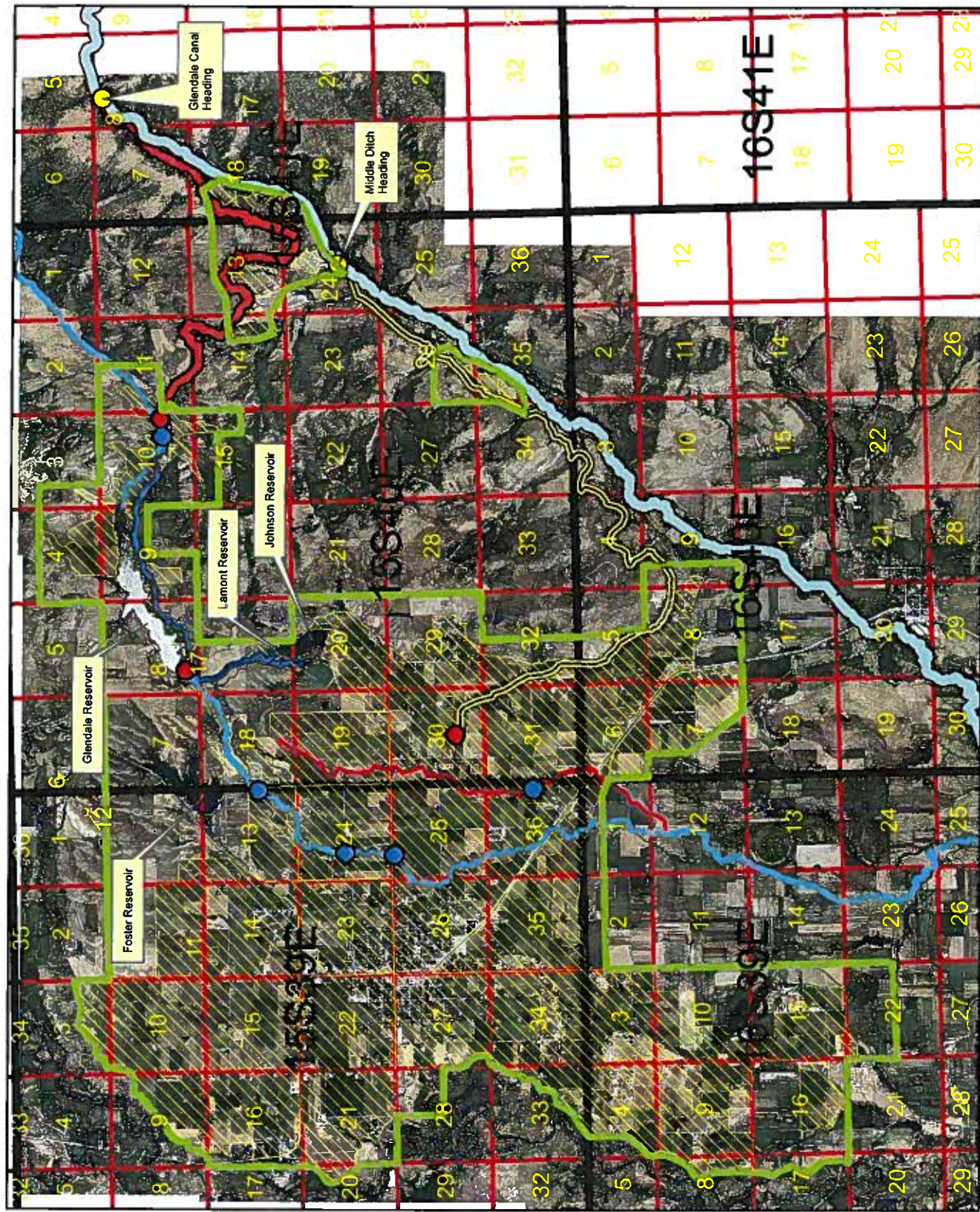
Attachment No. 7a
Map - Proposed POD

PRESTON-WHITNEY AMENDED TRANSFER



Legend

- Service Area
- Points_of_Diversion
- Points_of_Injection
- Points_of_Rediversion
- Cub_River
- Worm_Creek
- Spring_Creek
- Glendale_Canal
- Lamont-Johnson_Ditch
- Irrigated_Acres
- Middle_Ditch
- gcdb_tr
- gcdb_sections

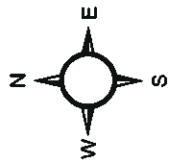


2006 NAIP Aerial Photo



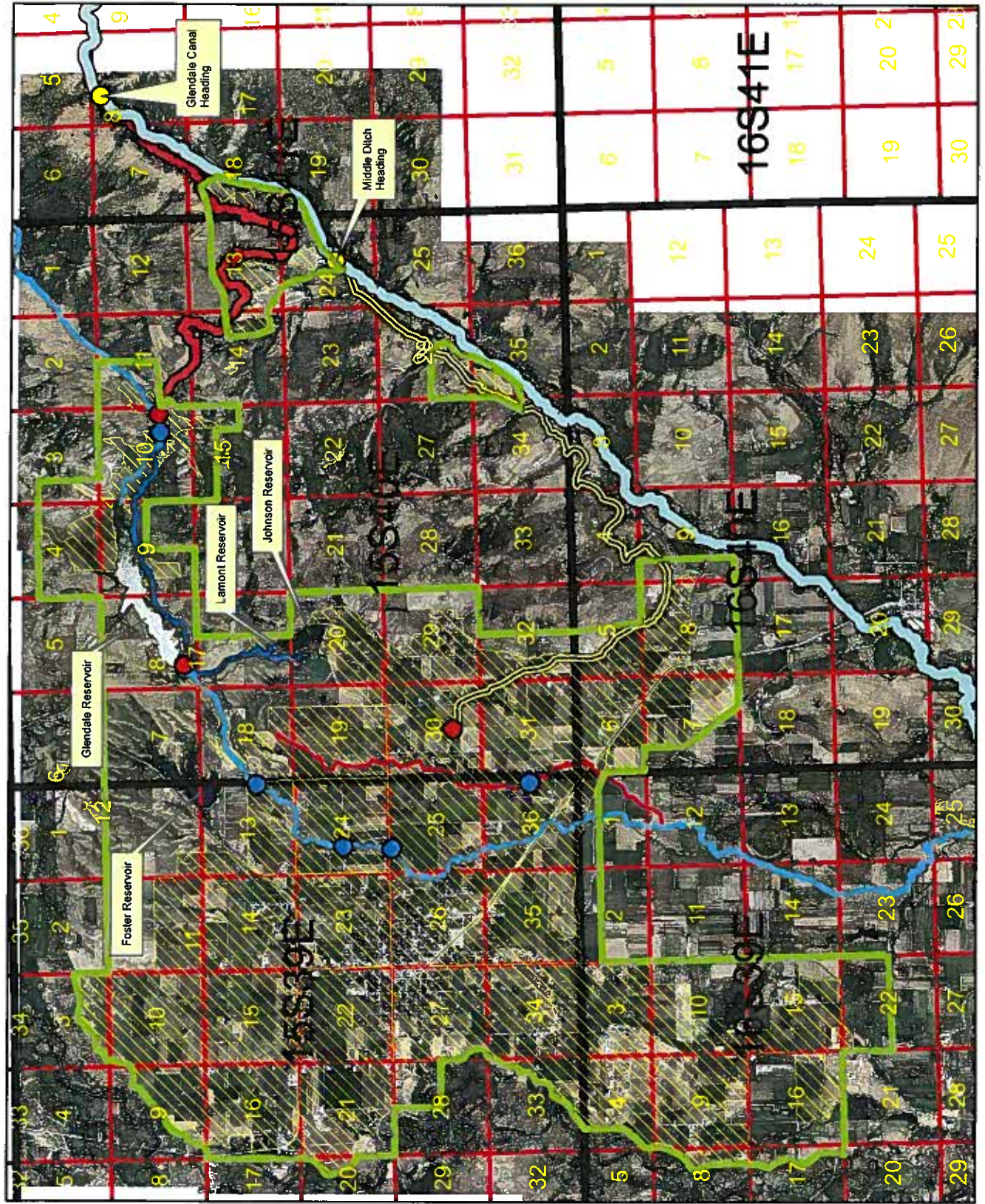
Attachment No. 7b
GIS Shape File

PRESTON-WHITNEY AMENDED TRANSFER



Legend

- Service Area
- Points_of_Diversion
- Points_of_Injection
- Points_of_Rediversion
- Cub_River
- Worm_Creek
- Spring_Creek
- Glendale_Canal
- Lamont-Johnson_Ditch
- Irrigated_Acres
- Middle_Ditch
- gcdb_tr
- gcdb_sections



2006 NAIP Aerial Photo



Attachment No. 9
Other

**NARRATIVE
CHANGE OF OWNERSHIP
WATER RIGHT NO. 13-2 AND 13-3**

Documents associated with the merger of Cub River Middle Ditch Company with Preston-Whitney Irrigation Company are attached. Included are minutes from a stockholders meeting of the Cub River and Worm Creek Canal Company, wherein they agreed to convey all right, title and interest to Preston-Whitney Irrigation Company. These documents relate to Water Right No. 13-3, which lists the current owner as the Cub River and Worm Creek Canal Company.

Regarding Water Right No. 13-2, there are minutes of the Cub River Middle Ditch Irrigation Company, wherein the resolution states clearly the formation of a new company known as the Preston-Whitney Irrigation Company, which would take over all of the holdings of the Cub River and Worm Creek Canal Company and of the Cub River Middle Ditch Irrigation Company. Attached to this documentation is a detailed list of the stockholders of the Cub River Middle Ditch Irrigation Company that ratified the action of the company conveying all of the assets to the Preston-Whitney Irrigation Company. We believe this documentation is sufficient evidence to change the names on both water rights. The name and address that should be on each water right is Preston-Whitney Irrigation Company, PO Box 311, Preston, ID 83263.

Finally, are Articles of Incorporation of Preston-Whitney Irrigation Company. At Article 13, it clearly references that stock would be issued to the former members of the Cub River and Worm Creek Canal Company and the Cub River Middle Ditch Irrigation Company.

ARTICLES OF INCORPORATION
of
PRESTON-WHITNEY IRRIGATION COMPANY.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, whose names are subscribed hereto, do hereby certify and declare that we have under and pursuant to the law of the State of Idaho associated ourselves together as a corporation for the purposes hereinafter set forth and we do declare that we have adopted and do adopt the following

ARTICLES OF INCORPORATION:

ARTICLE I.

The name of the corporation hereby formed is "PRESTON-WHITNEY IRRIGATION COMPANY."

ARTICLE II.

The purposes for which this corporation is formed and the business and pursuits of this corporation and the general businesses for which it is established are as follows:

To acquire, purchase, construct, own, manage, maintain, and operate irrigation system or systems for the purpose of handling, accumulating, storing and distributing water and water rights to its stockholders; to lease, own, acquire, and purchase lands and easements and to purchase, acquire, lease, own, construct, operate and maintain dam reservoirs, canals, ditches, laterals, irrigation works, power plants pumping plants, transmission lines, power systems, irrigation systems and works, roads, buildings, water rights and all things incidental to or necessary for the reclamation, irrigation and enjoyment of the lands or property of its stockholders; to lease, sell or otherwise dispose of any property which it may acquire or own, including water and water rights; to install a power plant or plants to generate electric current for pumping water or for electric lights or other power purposes, and to do all things necessary to be done in the purchase, installation and maintenance of such power plants and pumping stations; to construct, and to contract with the United States or other persons firms or corporations for the purchase, construction, acquisition or lease of water, water rights, lands, easements, reservoirs, ditches, canals, irrigation works, pumping plants, power plants, power systems and transmission lines or parts thereof, and all other property incidental to or necessary for the business of the corporation; and in general to do each and every thing necessary to be done to acquire, operate, maintain, build, enlarge and construct a complete irrigation system of canals, reservoirs, pipe-lines, pumping plants, with all necessary laterals and ditches so as to amply supply its stockholders with early and late water for the irrigation of their agricultural crops, orchards, fields and lands generally.

And for the carrying out of the purposes and objects above set forth, this corporation shall have power to incur indebtedness and borrow money and issue its negotiable notes or bonds evidencing its indebtedness, and to mortgage or otherwise encumber or pledge its property, real or personal, to secure the payment of its debts or obligations.

ARTICLE III.

The place where the principal place of business of the corporation will be transacted is Preston, Franklin County, Idaho.

ARTICLE IV.

The term for which this corporation shall exist is fifty (50) years.

ARTICLE V.

The number of directors of this company shall be seven. Each director shall be a citizen of the United States, more than twenty-one years of age, and a stockholder in the corporation.

At the first annual stockholders' meeting to be held in the year 1927, two directors shall be elected for terms of one (1) year; two shall be elected for terms of two (2) years; and three shall be elected for terms of three (3) years; and thereafter at each succeeding annual meeting two directors shall be elected for terms of three years, except that at each third annual meeting from 1927 there shall be elected three directors for terms of three years.

The officers of this corporation shall be President, Vice-president, Secretary and Treasurer, who shall be elected by the Board of Directors. The President and Vicepresident shall be elected from the Directors. The Secretary and Treasurer shall be elected by the Board of Directors either from their number or from the stockholders at large. The offices of Secretary and Treasurer may be held by the same person.

The names of the Directors and officers selected to act until their successors are elected and qualified are as follows:

George Foster,	President and Director,	Whitney, Idaho.
Joseph Johnson,	Vice-President and	
	Director,	Preston, Idaho.
H. A. Stephenson,	Director,	Preston, Idaho.
Fred Jensen,	Director,	Preston, Idaho.
J. N. Larsen,	Director,	Preston, Idaho.
A. C. Hull,	Director,	Whitney, Idaho.
Joseph Dunkley,	Director,	Whitney, Idaho.
P. M. Condie,	Secretary,	Preston, Idaho.
P. M. Condie,	Treasurer,	Preston, Idaho.

Vacancies occurring in the Board of Directors shall be filled by appointment made by the Board of Directors. Such appointee shall hold office until the next regular election, at which time the vacancy or vacancies shall be filled by election.

The Board of Directors shall meet as provided in the by-laws of this corporation and at such other times as the President, or in his absence, the Vice-president, or a majority of the Directors shall call such meeting.

The Board of Directors shall have power to transact the ordinary business of the corporation, make and execute contracts in the name of the corporation, levy and collect assessments, and do such other things as may be necessary for the prosecution of the work of the corporation, provided that the Board of Directors shall not have power to mortgage or encumber the property of this corporation without the approval of a majority of the stockholders, and any mortgage made with such approval shall be valid and binding upon the property of this corporation.

ARTICLE VI.

The amount of capital stock of this corporation shall be Thirty-thousand (30,000) shares of the par value of Ten Dollars (\$10.00) per share, and each share of stock shall represent the right to the use of one-thirty-thousandths of the water owned by the company for use on lands served by the irrigation system of this corporation.

ARTICLE VII.

The stockholders shall make suitable by-laws, not inconsistent with these Articles, and with the laws of this State, for the management and government of this corporation.

ARTICLE VIII.

The fully paid capital stock of this corporation shall be assessable and the Board of Directors of the company is authorized and empowered to levy an assessment or assessments each year, and from year to year, sufficient in amount to pay off the current expenses of the irrigation systems and all maintenance charges, interest on borrowed money, or on notes or bonds issued, and any other outstanding indebtedness of the company; also sufficient to provide a sinking fund or funds to pay the principal of any bonds, notes or other indebtedness when they, or any of them fall due. Such assessments to be levied are collected in accordance with the laws of the State of Idaho, and if an assessment, or any part thereof, is not paid the stock delinquent shall be sold in the manner and form prescribed by the laws of the State of Idaho, to pay such delinquencies. Water rights represented by shares of stock sold for delinquencies may be transferred to the purchaser and used on any lands of the purchaser, his lessee or grantee, served by the distributing system of the company.

ARTICLE IX.

The private property of the stockholders of the corporation shall not be liable for the debts or obligations of this corporation.

ARTICLE X.

The annual meeting of the corporation shall be held at the office of the company at Preston, Idaho, at one o'clock P. M. on the fourth Monday in January of each year.

The Secretary shall give notice of each annual meeting of the stockholders or of any special meeting of the stockholders which may be called by the Board of Directors not less than two weeks prior to the date of such meeting. Such notice shall be given by letter addressed to the last recorded address of each stockholder and shall be complete when such notice is deposited in the post office properly addressed and stamped.

ARTICLE XI.

A majority of the Board of Directors shall constitute a quorum and shall be entitled to transact business for the corporation, but a smaller number may adjourn from time to time.

ARTICLE XII.

This corporation takes and accepts in full payment of 10,000 shares of its capital stock, all the property and assets of Cub River and Worm Creek Canal Company, an Idaho corporation, and also takes and accepts in full payment of 10,000 shares of its stock all of the property and assets of Cub River Middle Ditch Irrigation Company, an Idaho corporation, said property being fully described in the deeds of said companies of record in the office of the recorder of Franklin County, Idaho.

ARTICLE XIII.

The following is a list of stock subscribers and the amount subscribed by each of them, to-wit:

CUB RIVER AND WORM CREEK CANAL COMPANY, In Trust for its stockholders, said stock being fully paid by transfer of the property des-

cribed in the deed of said Company, referred to in Article XII hereof, 10,000 shares - - - - - \$100,000.00
 CUB RIVER MIDDLE DITCH IRRIGATION COMPANY, In Trust for its stockholders, said stock being fully paid by transfer of the property described in the deed of said company, referred to in Article XII hereof, 10,000 shares - - - - - \$100,000.00

The Balance of the subscribed stock of the corporation is subscribed for as follows:

Name.	Address.	No. of Shares.	Amount.
George Foster,	Whitney, Idaho,	1	\$10.00
Joseph Johnson,	Preston, Idaho,	1	10.00
H. A. Stephenson,	Preston, Idaho,	1	10.00
Joseph Dunkley,	Whitney, Idaho,	1	10.00
A. C. Hull,	Whitney, Idaho,	1	10.00
Fred Jensen,	Preston, Idaho,	1	10.00
J. N. Larsen,	Preston, Idaho,	1	10.00
Franklin County Sugar Co.	Preston, Idaho,	1500	15,000.00
Preston Milling Company,	Preston, Idaho,	200	2,000.00
Federal State Bank,	Preston, Idaho,	100	1,000.00
The First National Bank,	Preston, Idaho,	100	1,000.00
Foss Brothers,	Preston, Idaho,	100	1,000.00
J. C. Penney Co. Inc.,	Preston, Idaho,	100	1,000.00
Lundstrom Furniture and Carpet Company,	Preston, Idaho,	50	500.00
Petterborg-Nash Motor Co.,	Preston, Idaho,	25	250.00
S. W. Parkinson,	Preston, Idaho,	50	500.00
Joseph H. Hall,	Preston, Idaho,	50	500.00

The remainder of said stock amounting to 7,718 shares of the par value of \$77, 180.00 shall be held as Treasury stock to be sold by the Company and the proceeds to be used in the construction of the proposed reservoir and in improving the irrigationsystem.

IN WITNESS WHEREOF, we, the undersigned incorporators, have hereunto set our hands and seals this 9th day of July, A. D. 1926.

George Foster (Seal)
 Joseph Johnson (Seal)
 H. A. Stephenson (Seal)
 Joseph Dunkley (Seal)
 A. C. Hull (Seal)
 Fred Jensen (Seal)
 J. N. Larsen (Seal)

State of Idaho,)
) SS.
 County of Franklin.)

On this 9th day of July, A. D. 1926, before me, Abthtur W. Hart, a Notary Public in and for said State, personally appeared George Foster, Joseph Johnson, Joseph Dunkley, H. A. Stephenson, A. C. Hull, Fred Jensen, and J. N. Larsen, 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 first above written.

(Seal)

Arthur W. Hart,
 Notary Public, Preston, Idaho.

MINUTES OF A STOCKHOLDER MEETING
OF THE CUB RIVER & WORM CREEK CANAL
COMPANY.

Held pursuant to call, on the 18th day of June,
1926, at the City Hall, in Preston, Franklin County, Idaho.

Meeting was called to order by John A. Larson,
president of the company, at eight o'clock P. M., a majority
of the stock being represented.

The following motion was introduced by A. W. Hart,
seconded by Joseph Johnson:

"Whereas, it appears that the City Hall is not large
enough to accommodate the number of stockholders now present
at this meeting,

"NOW, THEREFORE, be it RESOLVED, that this meeting
adjourn forthwith to the Second Ward Meeting House, in Preston,
Idaho, and all business to come before said meeting be conducted
there; and, further, that the City Marshal be instructed to re-
main at the City Hall and advise any person arriving there that
said meeting is being held at the said Second Ward Meeting House."

Motion carried. The stockholders present withdrew to
the Second Ward Meeting House.

Said meeting reconvened at 8:15 o'clock P. M. at the
Second Ward Meeting House, in Preston, Idaho.

A roll call was taken by the Secretary, which showed
\$23,544.37 present.

The secretary then read the notice and call for the
meeting.

Orlando Peterson read the following resolution, and
moved its adoption:

"I move that the directors of the Cub River & Worm
Creek Canal Company be authorized to consolidate with the Cub
River Middle Ditch Company, for the purpose of financing, con-
structing and operating a proposed water storage reservoir
commonly known as the "Glendale Reservoir", and that said board

CONCERN

ON THE 2ND DAY OF JUNE 1926

MINUTES OF THE STOCKHOLDERS, MEETING

of directors be authorized and directed, in order to effect such consolidation, to convey to the Preston-Whitney Irrigation Company, a corporation to be organized, all of the holdings and property of the Cub River & Worm Creek Canal Company, for one-third of the capital stock of said Preston-Whitney Irrigation Company, to-wit, \$100,000.00."

Seconded by Joseph Johnson.

Moved by A. W. Hart, seconded by L. C. Larson, that debate on the question be limited to ten minutes for each speaker. Motion carried.

After discussion, Orlando Peterson withdrew his former motion, with consent of second, and substituted the following, and moved its adoption:

"WHEREAS, the board of directors of the Cub River & Worm Creek Canal Company met at a special meeting held on the 2nd day of June, 1926, and having duly signed a waiver of notice, of said meeting, passed and adopted the following resolution, to-wit:

"Shall the board of directors be authorized and empowered to convey, by a good and sufficient instrument in writing, all of the holdings of this corporation, its right, title, and interest, with the water, water rights, filings and permits, easements, rights of way, ditches and canals, including the entire irrigation system now held by this company, with all head-gates, culverts, bridges, and canal equipment, moneys due and to become due, stock and stock certificates, and property of every description, name or nature, to the Preston-Whitney Irrigation Company, a proposed corporation to be hereafter incorporated, for and in consideration of the issuance to this company, for and on behalf of its stockholders, stock in said new corporation, in the sum and amount of one-third of its capital stock, to-wit: One hundred thousand dollars, (\$100,000.00), said stock to be transferred to the stockholders hereof in proportion to, and in the ratio of, the stock they now hold, or are entitled to, said conveyance to be made at such time as the following conditions have been complied with, and proof of such compliance duly filed with this board:

"First: That the Preston-Whitney Irrigation Company is duly incorporated under the laws of the State of Idaho.

"Second: That the Cub River & Middle Ditch Company, a corporation of Preston, Franklin County, Idaho, has conveyed, or tendered a conveyance, under good and valid proceedings, said conveyance and proceedings to be approved by the attorneys for this company, and their approval filed in writing with this board.

THE BOARD OF THE CUB RIVER & WORM CREEK CANAL COMPANY FOR
CONSIDERATION TO BE CONSIDERED BY THE STOCKHOLDERS
OF THE COMPANY TO BE CONSIDERED TO BE CONSIDERED TO BE CONSIDERED
OF THE COMPANY TO BE CONSIDERED TO BE CONSIDERED TO BE CONSIDERED

secretary mailed printed notices to each and every stockholder
of this company, giving notice of the time, place and question
to be considered at this meeting, and also published said notice
in three successive issues of the Preston News, prior to this
meeting, all of which appears by the records of said secretary,
a copy of which said notice is as follows:

**"NOTICE OF SPECIAL STOCK-
HOLDERS' MEETING."**

Preston, Idaho,
May 29, 1926.
Pursuant to a resolution of the board of
directors of the Cub River & Worm Creek Canal
Company passed at a special meeting held on the
above date, a stockholders' meeting of the stock-
holders of said Cub River & Worm Creek Canal Com-
pany is hereby called for Friday, the 18th day of
June, 1926, at the hour of 8:00 o'clock P. M., at
the City Hall, at Preston, Franklin County, Idaho,
to vote on the following question:

Shall the directors of the Cub River &
Worm Creek Canal Company be authorized to
consolidate with the Cub River Middle Ditch
Company, for the purpose of financing, construct-
ing and operating a proposed water storage res-
ervoir commonly known as the "Glendale Res-
ervoir", and shall said board be authorized,
in order to effect such consolidation, to con-
vey to the Preston-Whitney Irrigation Company,
a corporation to be organized, all of the hold-
ings and property of this company for one-third
of the capital stock of said Preston-Whitney
Irrigation Company, to-wit, \$100,000.00?

Also, for such other business as it may be proper
to consider.

The general plan of construction and consolidation
is filed in this office, open to your inspection.

EZRA F. WOOLLEY
Secretary.

"AND, WHEREAS, from the roll-call heretofore taken at
this meeting, it appears that there is more than fifty-one per
cent of the total outstanding capital stock of this company repres-
ented at this meeting, either by the owners thereof in person or
by proxy, and that the total amount of stock now represented
amounts to \$23,544.39.

"NOW, THEREFORE, be it resolved, that the board of
directors of this company be authorized and empowered by the
stockholders of this company to convey, by a good and suffic-

ient instrument in writing, all of the interest of this corporation, its right and title to and interest in all its water rights, water filings and permits, rights of way and easements, ditches, canals and laterals, including the entire irrigation system with its headgates, flumes, bridges and canal equipment, moneys due or to become due, stocks and stock certificates, and property of every description, name and nature, to the Preston-Whitney Irrigation Company, a corporation to be organized, for and in consideration of one-third of the capital stock of said Preston-Whitney Irrigation Company, to-wit: One hundred thousand dollars (\$100,000); said stock to be distributed to the stockholders of this company in proportion and in the ratio to the stock which said stockholders hold in this company, such conveyance to be made at such time as the following conditions have been complied with, and proof of such compliance duly filed with this board:

" (1) That the Preston-Whitney Irrigation Company is duly incorporated under the laws of the State of Idaho.

" (2) That the Cub River Middle Ditch Company, a corporation of Franklin County, Idaho, has conveyed, or tendered a conveyance, under good and valid proceedings, of all its property to the said Preston-Whitney Irrigation Company, which conveyance is authorized by good and valid proceedings, said conveyance and proceedings to be approved by the attorneys for this company, and their approval in writing to be filed with this board."

P. J. Evans, as attorney for those stockholders living above the reservoir, and who would not be benefitted by said reservoir, asked that the following statement be incorporated in the minutes on behalf of said stockholders:

"They reserve the right of said stockholders to receive their water above the reservoir on the same conditions and terms in the future as they have in the past, without any added or additional obligation."

Moved by A. W. Hart, seconded by A. C. Hull, that the original resolution be amended to include the reservation asked for by P. J. Evans.

Orlando Peterson, with the consent of his second, accepted the amendment, and moved the adoption of said resolution as amended. Seconded by Joseph Johnson.

Moved by D. G. Eames that the motion before the house be amended so that said reservations apply to all stockholders who are not benefitted by said proposed reservoir. Seconded by Ezra F. Woolley.

Ezra F. Woolley then read the following, and moved its adoption as an amendment to Mr. Eames amendment to the original motion:

Be it RESOLVED, That all of the assets, including water rights, ditches and laterals, of the Cub River & Worm Creek Canal Company, and the Cub River Middle Ditch Company, be submitted to a committee of three competent, disinterested, engineers, for valuation and appraisalment, which said committee shall appraise the value of the respective assets of the two companies to the Preston-Whitney Irrigation Company, and shall file their findings, appraisalment and valuation in writing with the secretaries of each of said companies, and when such appraisalment is made and filed that the Board of Directors of this company be authorized and empowered by the stockholders of this company to convey, by a good and sufficient instrument in writing, all of the interest of this corporation, its right and title to and interest in all its water rights, water filings and permits, rights of way and easements, ditches, canals, and laterals, including the entire irrigation system with its headgates, flumes, bridges and canal equipment, moneys due or to become due, stocks and stock certificates, and property of every description, name and nature, to the Preston-Whitney Irrigation Company, a corporation to be organized, for and in consideration of capital stock in said new company in an amount equal in value to the valuation to said Preston-Whitney Irrigation Company which the said committee shall place upon the assets of this company, as hereinafore set forth, said stock to be divided among the respective stockholders of this company in proportion and in the ratio to the stock which

said stockholders hold in this company."

Seconded by D. G. Eames.

Moved by James Johnson, seconded by J. N. Larsen, that the amendments offered by Mr. Woolley and Mr. Eames be tabled, and a vote be taken on the original motion.

The chairman then stated the question on the motion to table the amendments, and a vote was taken, with the following results: \$15,789.19 Stock "Yes." \$4,996.72 Stock "No."

The chairman then called for a vote on the previous question. The secretary called the roll, and the vote stood: \$15,789.19 in favor, and \$4,996.72 opposed.

Motion declared carried.

Moved by P. M. Condie that the meeting adjourn. Motion declared carried.

Ezra F. Woolley
SECRETARY

Approved John F. Larson
PRESIDENT.

State of Idaho, :
 :
County of Franklin. : SS.

I, Ezra F. Woolley the duly qualified and acting
Secretary of the Cub River and Worm Creek Canal Company, a
corporation of Idaho, do hereby certify that the within
instrument designated, minutes of a stockholders
meeting of the Cub River and Worm Creek Canal Company,
is a full, true and correct copy of the original instrument
on record in the books of said corporation, and on file in
its office.

Dated this 28th day of February, 1927.

Ezra F. Woolley, Sr.

(SEAL)

Secretary of the Cub River & Worm
Creek Canal Company, a corporation.