



P.O. Box 100  
 Providence  
 Utah 84332

# Cache Highline Water Association

## ***Application for Point of Delivery Change within System\****

Applications must be received by March 1 of current water year.

Fee to be paid upon submittal of Application: Free if submitted and approved prior to Mar. 1<sup>st</sup>; after Mar. 1<sup>st</sup> – the fee is \$200.00.

| Applicant Contact Information |
|-------------------------------|
| Name:                         |
| Address:                      |
| Telephone Number(s):          |
| Email Address:                |

| Change Information   |                                 |
|--|---------------------------------|
| Certificate No.:   | Number of Shares to be Changed: |
| Location and use at prior delivery point<br>Address and acreage: | Headgate No. :                  |
| Location and use at new delivery point<br>Address and acreage:   | Headgate No. :                  |
| Nature of use:   |                                 |
| Purpose for requested change:                                    |                                 |

Required documentation materials:

Approval of 50 percent of shares at original delivery point

Approval of 50 percent of shares at new delivery point

| Action Tracking                         |      |
|---|------|
| Action                                  | Date |
| Receipt of application                  |      |
| Payment of fees                         |      |
| Payment of additional costs (if any)    |      |
| Board approval or denial of application |      |

\*Cache Highline Water Association Bylaws, Article X, 1b

## Applicable Bylaws References – Article X

1. Requested Changes Within the Cache Highline Irrigation System. A shareholder may not change the point of delivery and place of use of the Association’s water from one point of delivery on the Cache Highline Irrigation System (the “Prior Delivery Point”) to a new point of delivery on the Cache Highline Irrigation System (the “New Delivery Point”), without the prior written approval of the Board..

(b) Procedure for Effectuating a Requested Change Within the System. The procedure to be followed by a shareholder requesting a change within the Cache Highline Irrigation System, and the procedure to be followed by the Board in reviewing and taking action on the request are as follows:

(1) Any shareholder, as a condition to making such a change shall first be required to submit a formal written application for such change to the Board prior to March 1 of the year in which the change is proposed to be made. The application shall contain the following information:

- (a) the name and address of the applicant;
- (b) the certificate number and number of shares to be changed;
- (c) the place of use of water delivered at the Prior Delivery Point;
- (d) the proposed point of delivery and place of use at the New Delivery Point, and the nature of use of Association water proposed at the new place of use; and
- (e) the purpose for which the change is requested.

(2) The applicant shall be required to pay a non-refundable application fee in such amount as may be determined from time-to-time by separate resolution of the Board to cover administrative costs incurred by the Association in reviewing and processing the application.

(3) In the event a shareholder desires to change an existing Head Gate on a canal at the Prior Delivery Point and/or the New Delivery Point on the Open Canal Segment, the approval of 50% of the shares receiving water out of said Head Gate at the Prior Delivery Point and/or the New Delivery Point, as the case may be, shall be required to approve the change as a condition precedent to Board approval of the transfer; except that if the shareholder desires to change to a New Delivery Point into a ditch owned and/or used by an incorporated or other business entity, the approval of said entity shall be required as a condition precedent to Board approval of the transfer.

(4) The applicant, at applicant’s sole expense, shall pay all costs of constructing and installing the Shareholder’s System and related facilities at the New Delivery Point, including reimbursing the Association for all costs and expenses incurred by the Association in connection with the change.

(5) The applicant, at applicant’s sole expense, shall re-construct, install, alter, repair and/or replace any part of the system of the Association and related facilities used in connection with the delivery of water to the applicant in connection with the Prior Delivery Point so as to avoid or remedy any adverse effect or interference to the Association or other shareholders resulting from the change requested by the applicant.

(6) If in the opinion of the Board, there is a need for the Association’s attorneys, engineers or other consultants to review the application to insure that the proposed changes do not adversely affect the Association and/or any other shareholder, then the Association shall provide the applicant with a detailed statement of the costs and fees incurred by the Association in connection with such review and the applicant shall be required to pay all such costs and fees as billed by the Association.

(7) The applicant shall defend, indemnify and hold the Association, and its directors, officers, employees and consultants harmless from and against any claims, liability or damage to any property, real or personal, of the Association, its shareholders or any other person, and for injury to persons or animals, resulting from or arising out of the applicant’s change.

For additional information, see complete association bylaws