

APPROVED

Transfer No. 2975

Water Right No. 13-0028

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant City of Preston Phone 852-1817
Post Office address City Hall Preston, ID. 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 13-0028 Decreed to City of Preston, Idaho
(Name)
in case of Henry T. McEwain vs Franklin Sugar Co.
dated in July 9, 1924 in 5th Judicial District County of Franklin
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Birch Spring tributary to Cub River

4. Date of priority 1882

5. Water is used for the following purposes:

amount all for municipal purposes from January 1 to December 31
amount for purposes from to
amount for purposes from to (month/day — both dates inclusive)

6. Total amount of water under right: a. all cubic feet per second
&/or
b. acre feet per annum

7. Location of original point of diversion is ¼ of ¼ of Section
NOT SPECIFIED IN DECREE -- SEE REMARKS
Township Range, B.M., in County

Additional points of diversion, if any

8. Lands irrigated or place of use: * Place of use is within city limits of Preston, Idaho and with contractees of City.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
*																			

Total number of acres to be irrigated

9. Describe any other water rights used for the same purpose as described above 13-0027
13-0026

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years
No

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use: * Place of use is within city limits of Preston, Idaho and with contractees of the City

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted all-1.6-4 c.f.s. &/or _____ acre feet
- b. Description of diverting works headgate and city pipeline at Bergquist Spring
- c. Describe the reasons for the proposed changes Changes in point of diversion from Birch Spring to Bergquist Spring (tributary to Cub River) to facilitate delivery of water to City of Preston for culinary and municipal use.

2. Change in point of diversion
- Point of diversion NE ¼ NE ¼, Section 10 Township 15 S
- Range 41 East, B.M., Franklin County
- Additional points NW 1/4 NW 1/4; Sec. 11, T 15 S., R. 41 E., B.M. Franklin County

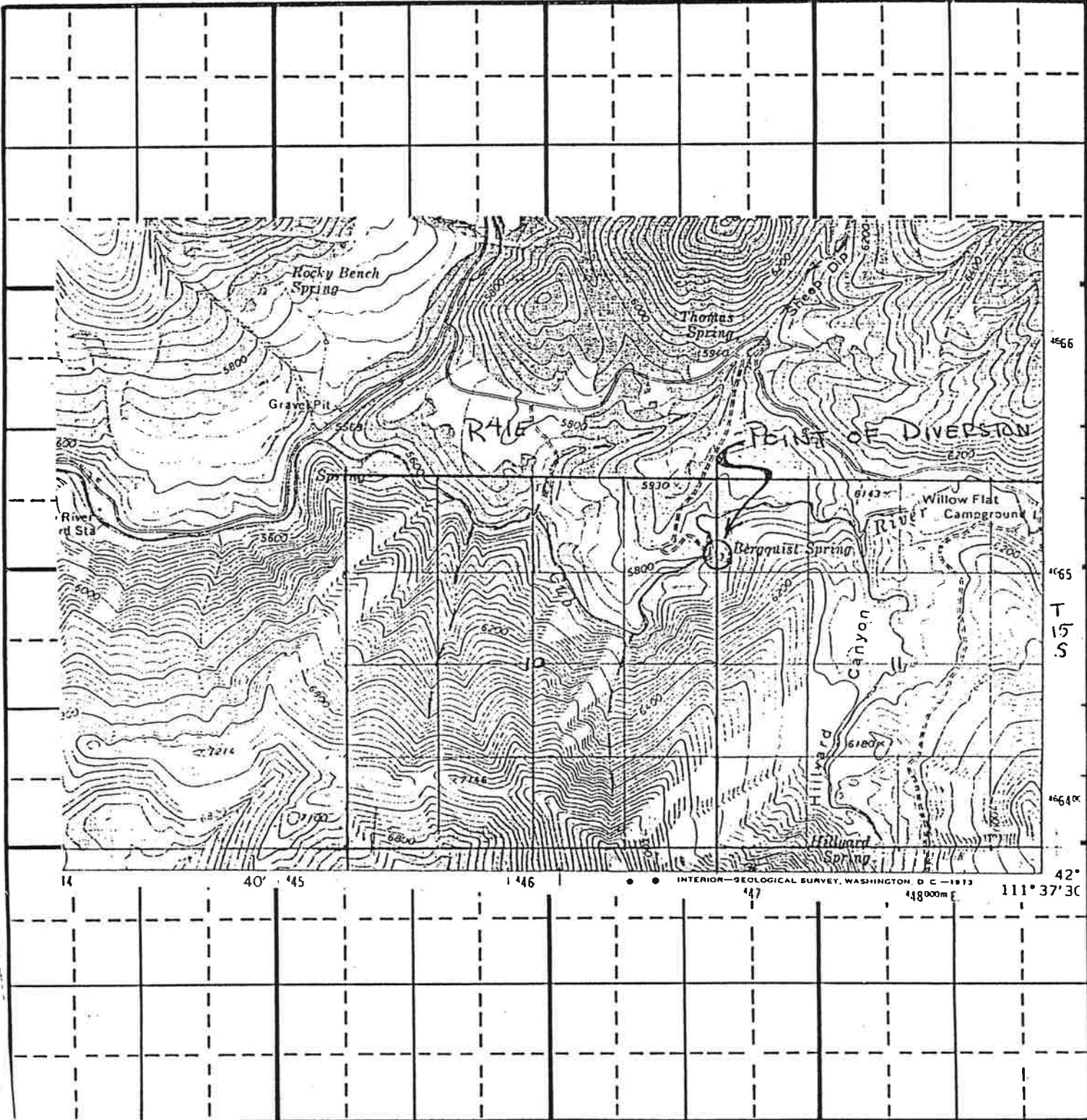
3. Change in place of use
- a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No x. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer None

c. Describe the lands or place of use to which the right will be transferred:
*To be used within city limits of Preston, Idaho, and with contractees of City

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
*																			

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
13-0016; 13-0027
0.226
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

1. Water has been diverted pursuant to this right from Bergquist Spring for approximately 50 years through Preston City Water lines.
2. (A.6.) Water has been measured at 1.6-4 cfs
3. (A.7.) Point of diversion in NW 1/4 NW 1/4, Sec. 8, T 15 S., R. 41 E., B.M., Franklin County, Birch Springs

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Reed Brundley
(Signature of Applicant)

Subscribed and sworn to before me this 22 day of November, 19 83

Nanette Coburn
(Notary Public)

My commission expires lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-0028 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

2. Use of water under this water right is subject to control by the watermaster of State Water District No. 13-A, Cub River.

Witness my hand this 12th day of September, 19 91

J. Glen Saylor
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 9-19-83
Prelim. check by KCW Fee ~~1130-83~~ 5000
Receipted by ~~BP~~ BP Date 9/19/83 #29685
Published in Preston City
Pub. dates 12/15 - 12/22/83
Watermaster recommendation requested on 12-12-83
WD 13-A rec'd. 1-03-84

Protest filed by Cub River Irrigation
Christine Whitney Wiley
Copies of protest forwarded by KW
Hearing held by _____ Date _____
Recommended for approval denial
by KRC