

RECEIVED

FORM 202 Rev. 09/16

MAY 07 2018

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 14 2018

Ident. No. 13-8021

1. Name of applicant(s) Cream Cup Acres, LLC Phone _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 790 S 2400 W City Lewiston
 State Utah ZIP 84320 Email _____
2. Name of representative, if any M. Robert Smith, Daines, Thomas & Smith, LLP Phone 435-752-1100
 Mailing address 135 N Main Suite 200 City Logan
 State Utah ZIP 84321 Email rob@dtsattorneys.com
 a. ☒ 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.
 b. ☐ 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.
3. Source of water supply Bear River which is a tributary of Bear River Drainage
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16S	39E	20			SE	SE	Franklin	Bear River	CRIC Pump Station

5. Water will be used for the following purposes:
 Amount 1.1 for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 1.1 cubic feet per second (cfs) and/or (b) 126.0 acre-feet per year (af).
7. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source. Water will be conveyed through the Cub River pump station and delivery pipeline.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by [Signature] Date 5-7-18 Time 12:01 Preliminary check by _____
 Fee \$ 290.00 Received by [Signature] Receipt No. C105061 Date 5-7-18

13-8021

AMENDED

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	1W	11	18	13.5															31.5

Total number of acres to be irrigated: 31.5 *MAC - 5-25-18*

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? This right is supplemental to shares in Cub River Irrigation Company. It is a primary (sole source) water right for 31.5 acres. Storage water through the Utah Small Irrigators, Inc., is also used.

11. a. Who owns the property at the point of diversion? Cub River Irrigation Company
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: agreement with CRIC to carry water through pipeline.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This applicant is meant to mirror Utah Water Right 25-7162 which was recently transferred to the CRIC Bear River pump station, located in Idaho. The nature and place of use of said water will remain the same. Idaho requires a water right for an Idaho diversion.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

AMENDED

SUPERCEDED

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - d. Domestic; show number of households _____
 - e. Other; describe fully. _____

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	1W	11	X	X	X		X	X											

Total number of acres to be irrigated: 31.5

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M.A.O.

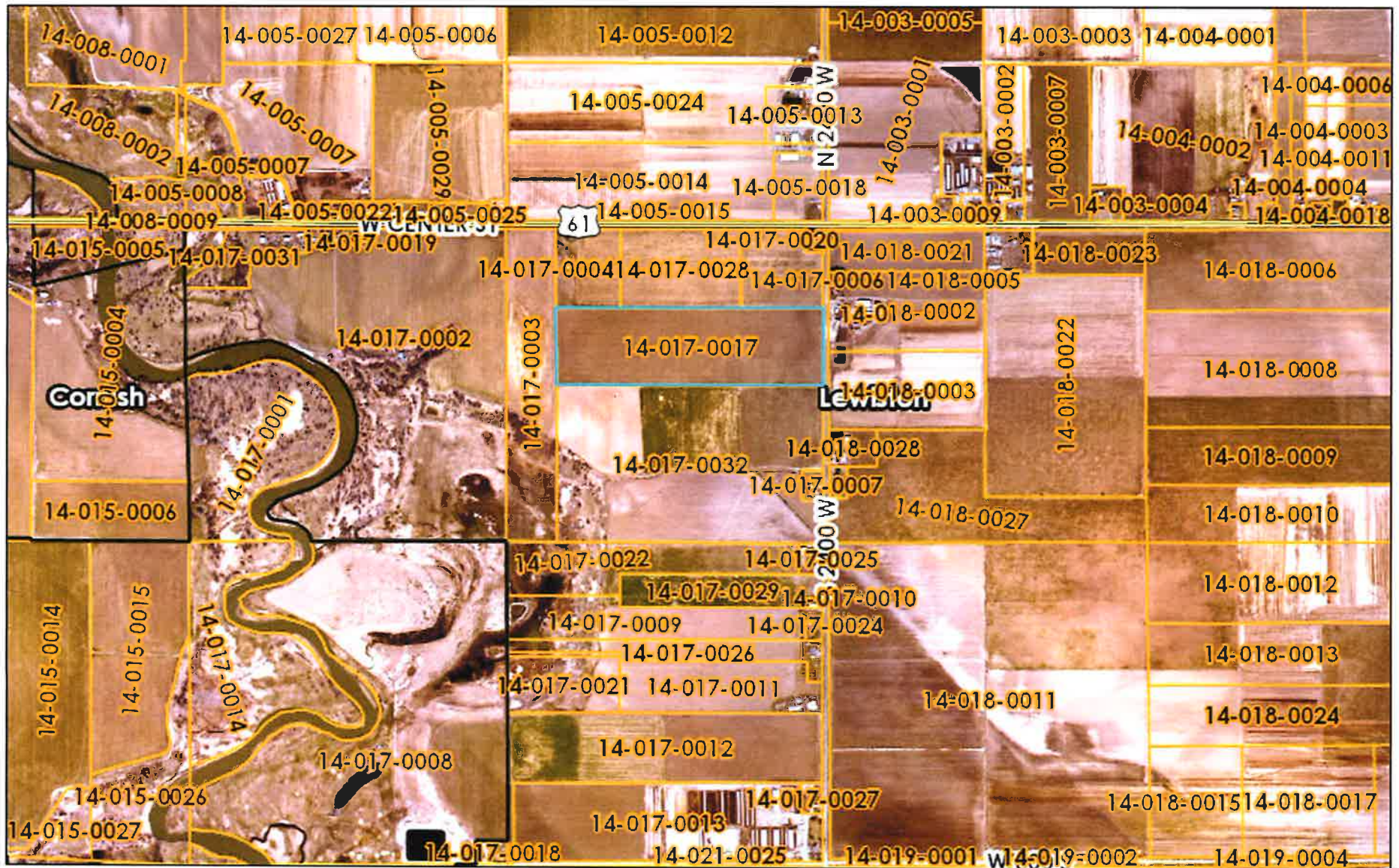
Signature of Applicant
Cream Cup Acres, LLC

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

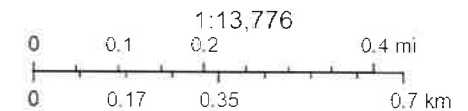
Parcel Map



13-8021

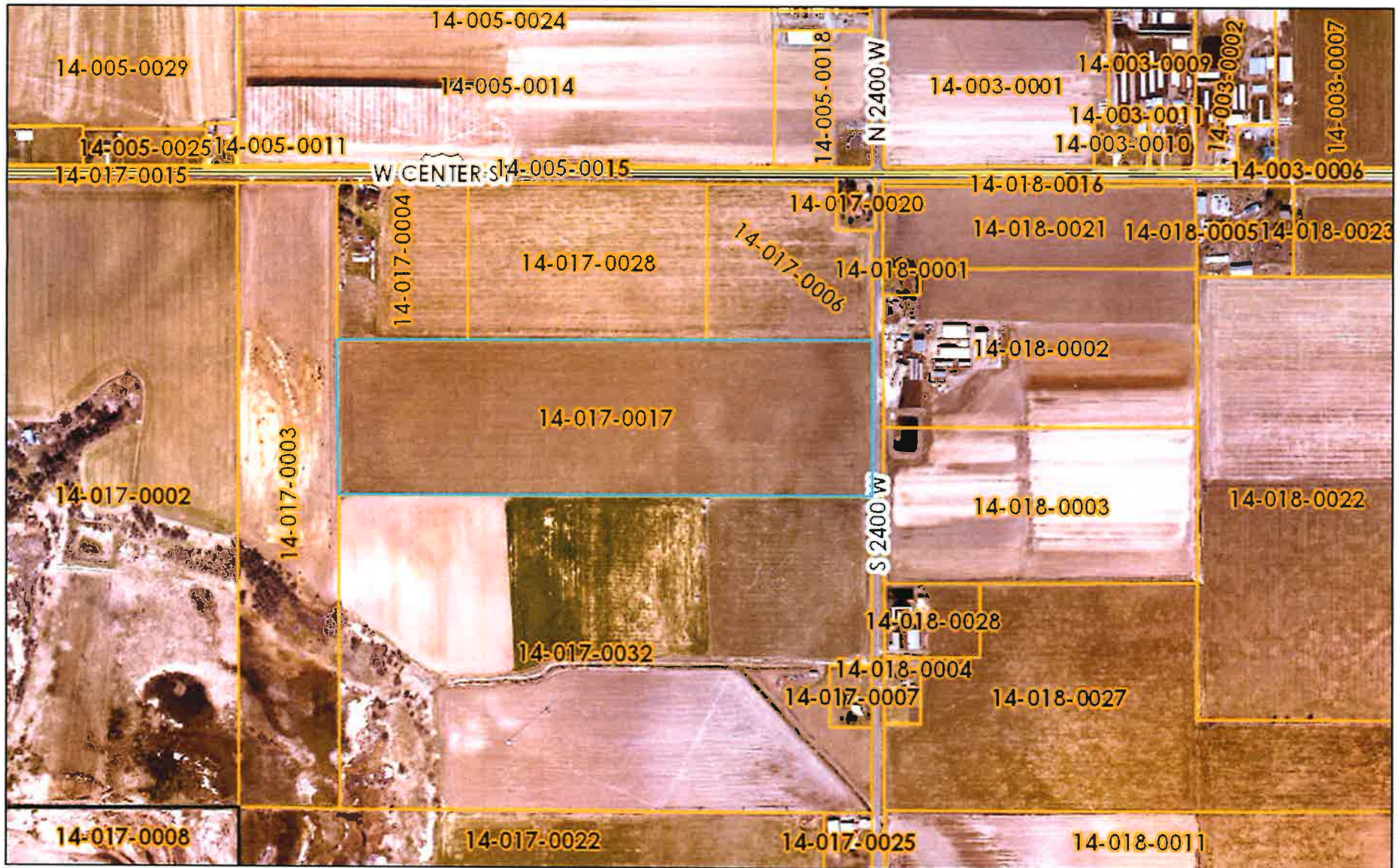
5/25/2018, 10:24:05 AM

- Parcel Tax ID Label
- State Roads
- County Boundary
- County Centerline
- Municipal Boundaries
- Cache Parcels



Web AppBuilder for ArcGIS

Parcel Map



5/25/2018, 10:18:50 AM

Parcel Tax ID Label

State Roads

County Boundary

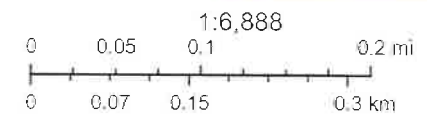
County Centerline



Municipal Boundaries



Cache Parcels



Web AppBuilder for ArcGIS

Parcel Tax ID: 14-017-0017

Parcel ID 14-017-0017

Owner Name CREAM CUP ACRES LLC

Owner 720 S 2400 W

Address

Owner City LEWISTON, UT 84320-1807

State Zip

Property

Address

Property City

Zone Primary CITY

Zone Primary CITY - Contact Cities for Zoning

Description

Zone

Secondary

Zone

Secondary

Description

Parcel

Restricted

General

Comments

District Code 019

District Code LEWISTON CITY

Definition

Legal Acreage 33.40

Land Type LAND GREENBELT

Building Type

Building

Specific Type

Year Built 0

Building Sq

Feet

Legal Description BEG AT E/4 COR SEC 11 T 14N R 1W & TH N 0*29'03" W 1320.52 FT TO TRUE POB TH S 89*43'35" W 2229.37 FT TH N 0*30'41" W 649.77 FT TO SW COR OF REMAINDER PARCEL ON MAP 2000-0189 TH N 89*38'03" E 2229.66 FT TO E LN OF SEC 11 TH S 0*29'03" E 653.35 FT TO TRUE POB CONT 33.4 AC M/B SUBJ TO R/W ON 2400 WEST ST (DESC TAKEN FROM BNDRY LN AGREEMENT ENT 1078491) WITH EASEMENT FOR IRRIG SYSTEM ENT 985152

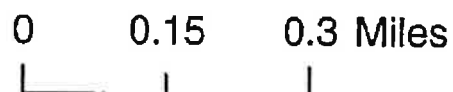
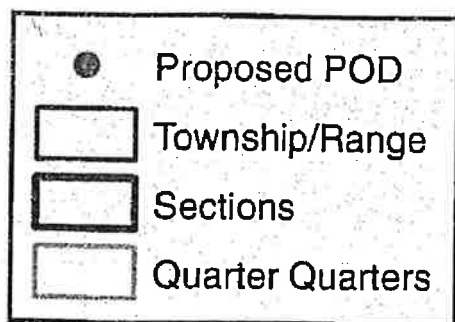
Place of Use



1/1



2013 Aerial Photo



Point of diversion



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2018

CREAM CUP ACRES LLC
790 S 2400 W
LEWISTON, UT 84320

Application For Permit No. 13-8021

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on June 6 and 13, 2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on June 25, 2018 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox".

Sharla Cox
Administrative Assistant

CC: M. ROBERT SMITH
DAINES THOMAS & SMITH LLP
135 N MAIN SUITE 200
LOGAN, UT 84321

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 31, 2018 9:26 AM
To: 'ljackson@hjnews.com'
Subject: Legal Notice for your paper (Preston Citizen)
Attachments: Preston Citizen E-Mail.doc

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

May 31, 2018

MAY CONTAIN MORE THAN ONE PAGE!

Legal Notice Department

Preston Citizen
PO Box 472
Preston ID 83263

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **June 25, 2018**. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-8021
CREAM CUP ACRES LLC
790 S 2400 W
LEWISTON, UT 84320
Point of Diversion
SESE S20 T16S R39E
FRANKLIN County
Source BEAR RIVER Tributary GREAT SALT LAKE
Use: IRRIGATION
04/01 to 10/31 1.1 CFS
126 AF
Total Diversion: 1.1 CFS
126 AF
Date Filed: 5/7/2018
Place Of Use: IRRIGATION
T14N R01W S11 NENE NWNE
Total Acres: 31.5

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before June 25, 2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 6 and 13, 2018

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-8021

CREAM CUP ACRES LLC

790 S 2400 W

LEWISTON, UT 84320

Point of Diversion

SESE S20 T16S R39E

FRANKLIN County

Source BEAR RIVER Tributary GREAT SALT LAKE

Use: IRRIGATION

04/01 to 10/31 1.1 CFS

126 AF

Total Diversion: 1.1 CFS

126 AF

Date Filed: 5/7/2018

Place Of Use: IRRIGATION

T14N R01W S11 NENE NWNE

Total Acres: 31.5

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GARY SPACKMAN, Director

Published on June 6 and 13, 2018

Stosich, Scott

From: Rob Smith <rob@dtsattorneys.com>
Sent: Wednesday, May 30, 2018 2:25 PM
To: Stosich, Scott
Cc: maryann@dtsattorneys.com
Subject: RE: Cream Cup Acres Permit

Scott,

Yes, I approve the adjustment as set forth.

Sincerely,
Rob

M. ROBERT SMITH
DAINES, THOMAS & SMITH, LLP
ATTORNEYS & COUNSELORS AT LAW
135 N MAIN, SUITE 200
LOGAN, UTAH 84321
PHONE: (435) 752-1100
FACSIMILE: (435) 752-6500

Confidentiality Notice:

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IRS Circular 230 Notice:

Any tax advice contained herein was not intended or written to be used, and cannot be used, by any other person (i) in promoting, marketing or recommending any transaction, plan or arrangement or (ii) for the purpose of avoiding penalties that may be imposed under federal tax law.

From: Stosich, Scott <Scott.Stosich@idwr.idaho.gov>
Sent: Wednesday, May 30, 2018 12:18 PM
To: rob@dtsattorneys.com
Subject: Cream Cup Acres Permit

Mr. Smith,

There was an error in the assigned acres on my behalf, where the correct acreage will be:

NENE 18.0 acres
NWNE 13.5 acres

As opposed to what I sent you:

NENE 13.5 acres
NWNE 18.0 acres

The advertising deadline is today, so if you approve of this adjustment, I will change it and we will advertise.

Please reply to this, and if you have any questions, let me know.

Thanks,

Scott Stosich

Water Resource Agent

Department of Water Resources-Eastern Region

(208) 525-7161

Scott.Stosich@idwr.idaho.gov

DAINES, THOMAS & SMITH, LLP

CHRIS DAINES*†
JONATHAN P. THOMAS*
M. ROBERT SMITH*†
KENNETH ALLSOP*†
TYLER K. OLSON†
JOHN H. BAILEY*†

*(LICENSED IN UTAH)

†(LICENSED IN IDAHO)

ATTORNEYS & COUNSELORS AT LAW

WWW.DTSATTORNEYS.COM

UTAH OFFICE

135 NORTH MAIN, SUITE 200
LOGAN, UTAH 84321
PHONE (435) 752-1100
FACSIMILE (435) 752-6500

IDAHO OFFICE

655 SOUTH 4TH EAST, SUITE 108
PRESTON, IDAHO 83263
PHONE (208) 852-1535
FACSIMILE (208) 437-8082

May 3, 2018

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83273-0090

Re: Application for Permit

To Whom it May Concern:

Enclosed is an Application for Permit along with the filing fees. If you have any questions or concerns please contact Mary Ann or Rob at the above phone number.

Sincerely,

DAINES, THOMAS & SMITH, LLP



Mary Ann Barson
Legal Assistant

MRS/mab
Enclosures

RECEIVED

MAY 07 2018

**DEPARTMENT OF
WATER RESOURCES**