

WITHDRAWNSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES***AMENDED*****TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 65416**

This is to certify that: CUB RIVER IRRIGATION CO
C/O MERVIN J BODILY
PO BOX 215
LEWISTON UT 84320

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-34A	WR/Decreed	01/01/1880	9.50 cfs	N/A	N/A	N/A	N/A
13-26A	WR/Decreed	04/01/1880	6.64 cfs	N/A	N/A	N/A	N/A

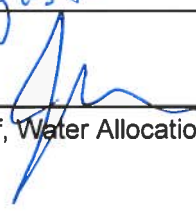
Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-34A	NO	YES	YES	NO	NO	YES
13-26A	YES	YES	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-34A	13-34A	0.30 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
13-26A	13-26D	4.14 cfs	589.0 af	N/A	N/A	13-26C	2.50 cfs	N/A	101.7	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of August, 2012

 Chief, Water Allocation Bureau
WITHDRAWN

SUPPORT DATA

IN FILE # 13-26A
SCANNED

AUG 15 2012

Withdrawn per Order
dated 9-6-2012
See 11-9-2001 approval.
6-4-13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 65416**

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Purpose of Transfer (Changes Proposed)

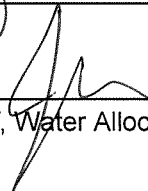
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-34A	NO	YES	YES	NO	NO	YES
13-26A	YES	YES	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-34A	13-34A	0.30 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
13-26A	13-26D	4.14 cfs	589.0 af	N/A	N/A	13-26C	2.50 cfs	N/A	101.7	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of August, 2012



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 13-26A

WATER RIGHT NO. 13-34A
As Modified by Transfer No. 65416

In accordance with the approval of Transfer No. 65416, Water Right No. 13-34A is now described as follows.

Right Holder: CUB RIVER IRRIGATION CO
C/O MERVIN J BODILY
PO BOX 215
LEWISTON UT 84320

Priority Date: January 01, 1880

Source: BERGQUIST SPRING

Tributary: CUB RIVER

BENEFICIAL USE

MUNICIPAL

From

11/01 to 03/31

To

Diversion Rate

0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

BERGQUIST SPRING SENENE Sec. 10 Twp 15S Rge 41E FRANKLIN County

CONDITIONS OF APPROVAL

1. The portion of Right 13-34A in excess of this transfer approval in the amount of 9.20 cfs shall be considered forfeited through approval of Transfer 65416.
2. The diversion and use of water described in Transfer 65416 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 13-A, Cub River.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Diversion of water from Berquist Spring is limited to those times water is available for diversion under this right and priority from Cub River.
6. Approval of Transfer 65416 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Place of use is within the service area of City of Preston municipal water supply system as provided for under Idaho law.
8. Municipal use is authorized under this right so long as shares of water from Cub River Irrigation Co., in an amount representing the authorized diversion rate, are held by a qualified municipal provider.
9. The point of diversion described above is in an unsurveyed area and may fall within the NWNW of Sec. 11, T15S, R41E.

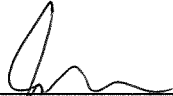
WATER RIGHT NO. 13-34A
As Modified by Transfer No. 65416

CONDITIONS OF APPROVAL

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of August, 20 12



Chief, Water Allocation Bureau

WATER RIGHT NO. 13-26C
As Modified by Transfer No. 65416

In accordance with the approval of Transfer No. 65416, Water Right No. 13-26C is now described as follows.

Right Holder: CUB RIVER IRRIGATION CO
C/O MERVIN J BODILY
PO BOX 215
LEWISTON UT 84320

Priority Date: April 01, 1880

Source: CUB RIVER

Tributary: BEAR RIVER

BENEFICIAL USE

IRRIGATION

From

04/01 to 10/31

To

Diversion Rate

2.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

CUB RIVER

PLACE OF USE: IRRIGATION

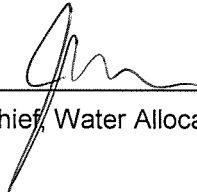
Twp 16S, Rge 39E, Sec 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27 & 28.

CONDITIONS OF APPROVAL

1. Right 13-26C is authorized diversion of 7/100ths of stream in excess or high water right up to a maximum of 8.90 cfs when combined with primary right of 2.50 cfs.
2. Point of diversion was not specified in decree.
3. Right 13-26C is limited to the irrigation of 101.7 acres in the place of use described above, and lands located in Utah.
4. Approval of Transfer 65416 is not a confirmation of the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of August, 20 12



Chief, Water Allocation Bureau

WATER RIGHT NO. 13-26D
As Modified by Transfer No. 65416

In accordance with the approval of Transfer No. 65416, Water Right No. 13-26D is now described as follows.

Right Holder: CUB RIVER IRRIGATION CO
C/O MERVIN J BODILY
PO BOX 215
LEWISTON UT 84320

Priority Date: April 01, 1880

Source: BERGQUIST SPRING

Tributary: CUB RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	to 10/31	4.14 CFS	589.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BERGQUIST SPRING SENENE Sec. 10 Twp 15S Rge 41E FRANKLIN County

CONDITIONS OF APPROVAL

1. The diversion and use of water described in Transfer 65416 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 13-A, Cub River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Diversion of water from Berquist Spring is limited to those times water is available for diversion under this right and priority from Cub River.
5. Approval of Transfer 65416 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Place of use is within the service area of City of Preston municipal water supply system as provided for under Idaho law.
7. Municipal use is authorized under this right so long as shares of water from Cub River Irrigation Co., in an amount representing the authorized diversion rate, are held by a qualified municipal provider.
8. The point of diversion described above is in an unsurveyed area and may fall within the NWNW of Sec. 11, T15S, R41E.

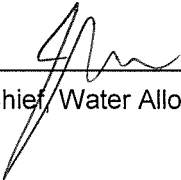
WATER RIGHT NO. 13-26D
As Modified by Transfer No. 65416

CONDITIONS OF APPROVAL

9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of August, 2012



Chief, Water Allocation Bureau