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STEVEN R. FULLER*
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*Also Member of Utah Bar

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October 29, 2010

Mr. James Cefalo
Water Resources Program Manager
IDWR-Eastern Region
900 North Skyline Drive
Suite A
Idaho Falls, Idaho 83402-1718

Via Hand Delivery

Re: City of Franklin Application for Transfer 72646

Dear Mr. Cefalo:

Thank you for your letter dated August 12, 2010, regarding the above matter. This law firm represents the City of Franklin. As you know, Mayor Wayne Priestley and City Councilman Todd Hawkes will be visiting with you on Monday, November 1, about this matter. This letter is intended to serve as an introduction and guide to your discussion with Mr. Priestley and Mr. Hawkes.

By way of background, although the water at issue originates in the State Idaho, Franklin City purchased these water rights (13-4062 and 13-4063) from Lewiston City, Utah, in 2005. As you may know, Lewiston City, Utah is just over the Idaho-Utah border, and Franklin City is just barely on the Idaho side of that border. Mr. Priestley and Mr. Hawkes will bring with them some photographs and maps to help orient you to the location of the springs and surrounding areas.

Your letter requests that we provide specific evidence establishing the claimed priority dates of May 1915 and March 31, 1915. It seems that early in the past century, Franklin City and Lewiston City decided to install some water infrastructure to allow the residents of their respective cities to receive culinary water from the mountain springs located above (to the east of) Franklin. Given the amount of time that has passed since

then, we have not been able to locate any individuals who were alive in 1915 and could testify via affidavit as to the claimed priority dates. We have, however, collected a variety of relevant and trustworthy pieces of evidence to establish the claimed priority dates.

It is my understanding that the Franklin and Lewiston water systems were built very close to the same time, perhaps even simultaneously. It is important to keep this in mind when reviewing the evidence we have gathered, because evidence relating to the timing of the installation of one city's water system sheds light on the timeline of the other city's system.

Here, then, is an overview of the documents and evidence collected to date.

1. Claim to A Water Right (Claim No. 13-4063) and Claim to a Water Right (Claim No. 13-4062). These were submitted to the Idaho DWR in November 1977 by Lewiston City, Utah. The water from the two springs historically has been collected into a common reservoir system, then split out from there, with 1/3 to Franklin City and 2/3 to Lewiston City. Mr. Priestly and Mr. Hawkes will bring with them recent photographs of the reservoir and infrastructure existing on the mountain.
2. Resolution Conveying Lands, November 21, 1916. This document, obtained from Lewiston City, is included here because it recites that the Town of Lewiston had already purchased, at that point, from Myron Comish and William Comish certain lands in Franklin County, Idaho "for the primary purpose of obtaining the springs of water arising thereon"
3. Newspaper article from December 13, 1956. This article, which I understand came from the Logan Herald Journal, is critical to establishing the priority dates. The author of the article, Bea Boman, describes the history of Lewiston City's water system. She recites as follows: *"Until 1913, the citizens of Lewiston obtained their culinary water from big open wells and the water was not at all satisfactory, either in taste or cleanliness. In the summer of that year, construction was begun to bring the clear mountain water from the Low Spring, east of Franklin, arrangements to share this water with Franklin having been made. Water is also obtained from Flat Canyon east of Franklin. This project was under the supervision of engineer T.H. Humphreys, of Logan, and the work done by Wheelright Construction Company of Ogden. The work was completed in December of that year [1913] and a few homes had the water before the end of the year."* Thus, it appears that the Lewiston City system was actually up and running prior to the 1915 priority dates claimed by Franklin City. Given that the article was written in 1956, it is not unreasonable to assume that Ms. Boman, in the course of her investigation for writing the article, spoke to persons who had first-hand knowledge of the installation of the water system.
4. Legal Notices appearing in the *Preston Booster* newspaper on February 22, 1912. Here, Franklin City (which was the Village of Franklin at the time) provides notice of passage of its Ordinance No. 44, providing for the issuance of \$4,000.00 worth of bonds to be used for the purpose of constructing "an additional system of water works in and for said village . . ."

This fits nicely with the timeline outlined in the newspaper article, which states that construction on the Lewiston system began in 1913.

5. Lewiston City (known then as Lewiston Town) Board official meeting minutes from September 7, 1915. On this date, it seems that a "committee" from Fairview (a neighboring town which is near Lewiston) expressed a desire to "come in with the Lewiston Town Board" and "bear a portion of the expense of the pipe line on the water system from the Flat Canyon Spring to _____ reservoir." The Lewiston Town Board took the matter under advisement. This document is important because it confirms that by September 1915, the Lewiston City infrastructure was in place, as demonstrated by a committee from a neighboring town requesting that their town be allowed to join in the water system.

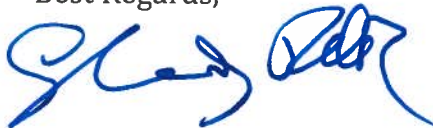
6. Quit-Claim Deed dated August 7, 1911. This document is important because it shows that in 1911, the stockholders of the Franklin Maple Creek Irrigation Company quit-claimed to the Village of Franklin "all their right and title and interest in and to the group of springs on the Spring Creek located above the site of the Franklin Woolen Mills [legal description follows]." As is shown on the documents attached at tab 1, Lowe Spring and Flat Canyon Spring are tributaries to Spring Creek.

7. Village of Franklin official meeting minutes dated February 25, 1916. These minutes are important because they verify that by the winter of 1915-1916, Lewiston already had its water system in place. Specifically, the minutes recite that Chairman Nash explained that Franklin was looking for additional sources of water, because "our new water system has failed from the fact that Lewiston and Fairview having developed some springs above our springs and dried ours up."

I trust that you will find these documents to be illuminating as to the claimed priority dates. I anticipate that Mr. Priestley and Mr. Hawkes will also be able to provide additional details and context for these documents, and answer any questions that you may have.

Thank you for your assistance in this matter. If you believe additional documentation is necessary, please let me know before your office makes any final decision on the applications submitted.

Best Regards,



Lyle J. Fuller

Cc: City of Franklin



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 12, 2010

Lyle Fuller
Fuller Law Office
24 North State Street
PO Box 191
Preston, ID 83263

Re: City of Franklin Application for Transfer 72646

Dear Mr. Fuller,

In February 2006, you filed an application for transfer on behalf of the City of Franklin which included two statutory claims (13-4062 and 13-4063) that had been purchased from Lewiston City. The transfer sought to change the place of use associated with the statutory claims from Lewiston City to the City of Franklin. Transfers involving statutory or beneficial use claims require a considerable amount of review and can give rise to significant procedural hurdles. In the past, the department has often "held" such transfers rather than invest the large amount of staff time needed to conduct the detailed review. Because Transfer No. 72646 involves statutory claims, it has not been processed. This letter is meant to notify you that our office has recently begun an effort to address some of these "held" transfers involving statutory claims, including the transfer filed by the City of Franklin.

Over the years, the department has developed a set of guidelines to assist its staff in processing transfer applications. These guidelines were created to provide a uniform system for reviewing transfers and ensure that the legal requirements governing transfers are being met. The current set of guidelines ("Transfer Processing Memo No. 24") states the following:

Applications for transfer proposing to change a water right based on a statutory or beneficial use claim must be reviewed to determine the validity, priority date, and extent of beneficial use established under the claimed right. Review must include field verification or other means to verify the right. . . . In addition, the applicant must be asked to provide information confirming the priority date of the claim.

Statutory claims are generally created by the claimant and have not been validated by the department or a court. Before the department can process the City of Franklin's transfer application, all of the elements of the statutory claims must be verified (priority date, diversion rate, period of use, place of use). The first elements to be analyzed are the priority dates claimed. No evidence of priority was included with Lewiston City's original filing. **Therefore, the department is requesting specific evidence of the priority dates listed on statutory claims 13-4062 (May 1915) and 13-4063 (3/31/1915).** I have

Letter re: City of Franklin Application for Transfer 72646
August 12, 2010
Page 2 of 2

enclosed a pamphlet titled "Evidence of Priority" that was distributed to claimants in the Snake River Basin Adjudication. This pamphlet was meant to assist applicants in collecting and identifying documents that sufficiently establish a water right priority date.

I am establishing a 90-day time period to collect and submit evidence supporting the claimed priority dates. Please provide the requested evidence on or before November 15, 2010. If you or representatives of the city are unable to locate evidence of the claimed priorities, the department is ultimately unable to approve the transfer, and the City of Franklin's application for transfer will be voided due to a lack of evidence supporting the underlying statutory claims. If the transfer is voided, the City of Franklin's statutory claims will continue to exist as originally claimed.

Thank you for your patience and cooperation in this matter. Feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over the printed name.

James Cefalo
Water Resources Program Manager
IDWR – Eastern Region

Cc: City of Franklin

Encl: Evidence of Priority pamphlet (April 1991)

STEVEN R. FULLER LAW OFFICE
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STEVEN R. FULLER*
R. TODD GARBETT

Also Member of Utah Bar

TELEPHONE: (208) 852-2680
FAX: (208) 852-2683

November 28, 2007

RECEIVED

NOV 29 2007

Department of Water Resources
Eastern Region

Sharla Cox
State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Franklin City - Transfer of Water Right Nos. 13-4062 and 13-4063

Dear Sharla:

On February 2, 2006, I filed an Application for Transfer of Water Right and Notice of Change of Water Right Ownership for Water Right Claim Nos. 13-4062 and 13-4063. The City of Franklin is in the process of acquiring this water right from Lewiston City which is located in the State of Utah, just over our border. There was some confusion with respect to the fee amount and you sent me a letter on February 22, 2006 indicating that the fee we had submitted was incorrect.

I resubmitted the Application, together with the corrected fee in March of 2006, and spoke with you again later that summer to inquire as to the status of this Application. You told me at that time that there were eight applications in front of Franklin City and that we could expect to hear something perhaps in October of 2006.

By this letter, I am inquiring as to the status of the Franklin City Application. A substantial amount of time has elapsed and Franklin is anxious to finalize this matter. Please review your files and let me know when we can expect this transfer to be complete. If you need additional information from the City, please let me know.

Sincerely,



R. Todd Garbett
Attorney at Law

RTG/jen

cc: Franklin City

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
13 4062	_____	___	_____	_____	___
13 4063	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Lewiston City
Lewiston, Utah
4. New Owner/Claimant(s) Franklin City
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 69
 City, State and ZIP Code Franklin, ID 83237
- New Telephone Number (208) 646-2300
5. Date you acquired the property 1850

RECEIVED

MAR 03 2006

Department of Water Resources
 Eastern Region

RECEIVED

FEB 06 2006

Department of Water Resources
 Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Robert U. Wilkinson
(include title if applicable) Robert U. Wilkinson, Mayor

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STEVEN R. FULLER LAW OFFICE
Attorneys and Counselors at Law
24 NORTH STATE ♦ P.O. BOX 191 ♦ PRESTON, IDAHO 83263

STEVEN R. FULLER*
R. TODD GARBETT

*Also Member of Utah Bar

TELEPHONE: (208) 852-2680
FAX: (208) 852-2683

March 2, 2006

Sharla Cox
State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

MAR 03 2006

Re: **Franklin City - Transfer of Water Right Nos. 13-4062 and 13-4063**

Dear Sharla:

I am in receipt of your February 22, 2006 letter indicating that the fee submitted on behalf of Franklin City was \$190.00 short. I did speak with your office prior to submitting my Application and was told the total fee would be \$140.00. With this letter, I am enclosing my original Application, the check for \$140.00, as well as another check for \$190.00. Please proceed with the transfer as outlined in the Application.

I would also request your assistance in the type of evidence I can gather as to the priority date for the claims. These both have a 1915 priority date, and I do not think I could obtain an affidavit from anyone now living that would have personal knowledge of that date. However, there is a substantial amount of physical evidence that this water system has been in place for a very long time. The springs were developed, there is existing pipe in the ground, and two underground concrete storage tanks. Many residents of the City of Franklin and the surrounding areas are aware that these improvements have been in place for as long as anyone can remember, and I am sure many of the residents of Lewiston, Utah would also be aware of this water delivery system. However, I am not sure I can find anyone who was living in 1915 that would have personal knowledge of that particular date. I would appreciate any guidance you could give me in preparing the documentation which would be satisfactory to you as to evidence of this priority date.

Should you need anything else with this Application, or have any other questions, please feel free to give me a call.

Sincerely,


R. Todd Garbett
Attorney at Law

RTG/jen
Enclosures

STEVEN R. FULLER LAW OFFICE
Attorneys and Counselors at Law
24 NORTH STATE ♦ P.O. BOX 191 ♦ PRESTON, IDAHO 83263

STEVEN R. FULLER*
R. TODD GARBETT

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TELEPHONE: (208) 852-2680
FAX: (208) 852-2683

February 2, 2006

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Dr., Ste A
Idaho Falls, ID 83402-1718

Re: Franklin City – Transfer of Water Rights Nos. 13 4062 and 13 4063

Dear Department of Water Resources:

Enclosed please find an Application for Transfer of Water Right and Notice of Change of Water Right Ownership for Water Right Claim Nos. 13 4062 and 13 4063. I am filing this Application on behalf of the City of Franklin, whom I represent. Franklin City is acquiring the two referenced water right claims from Lewiston City totaling 3.0 CFS and desires to change the point of use from Lewiston City, Utah to Franklin City, Idaho.

I spoke with your representative, Ernie Carlson, who was very helpful in answering some questions about this Application. I understand there is a \$140.00 fee which I have enclosed with this correspondence for the transfer application for this amount of water. It is also my understanding that the transfer of water right and name change can be done simultaneously with this one filing fee.

The point of diversion/collection of these two water right claims will remain the same but the place of use will be changed from Lewiston City to Franklin City. Franklin City is currently installing a new water treatment facility and will be diverting this water through its storage facility to use in its municipal water system.

Should you have any questions regarding this Application or need further documentation, please call my office.

Sincerely,


R. Todd Garbett
Attorney at Law

RECEIVED
FEB 06 2006
Department of Water Resources
Eastern Region

RTG/jen

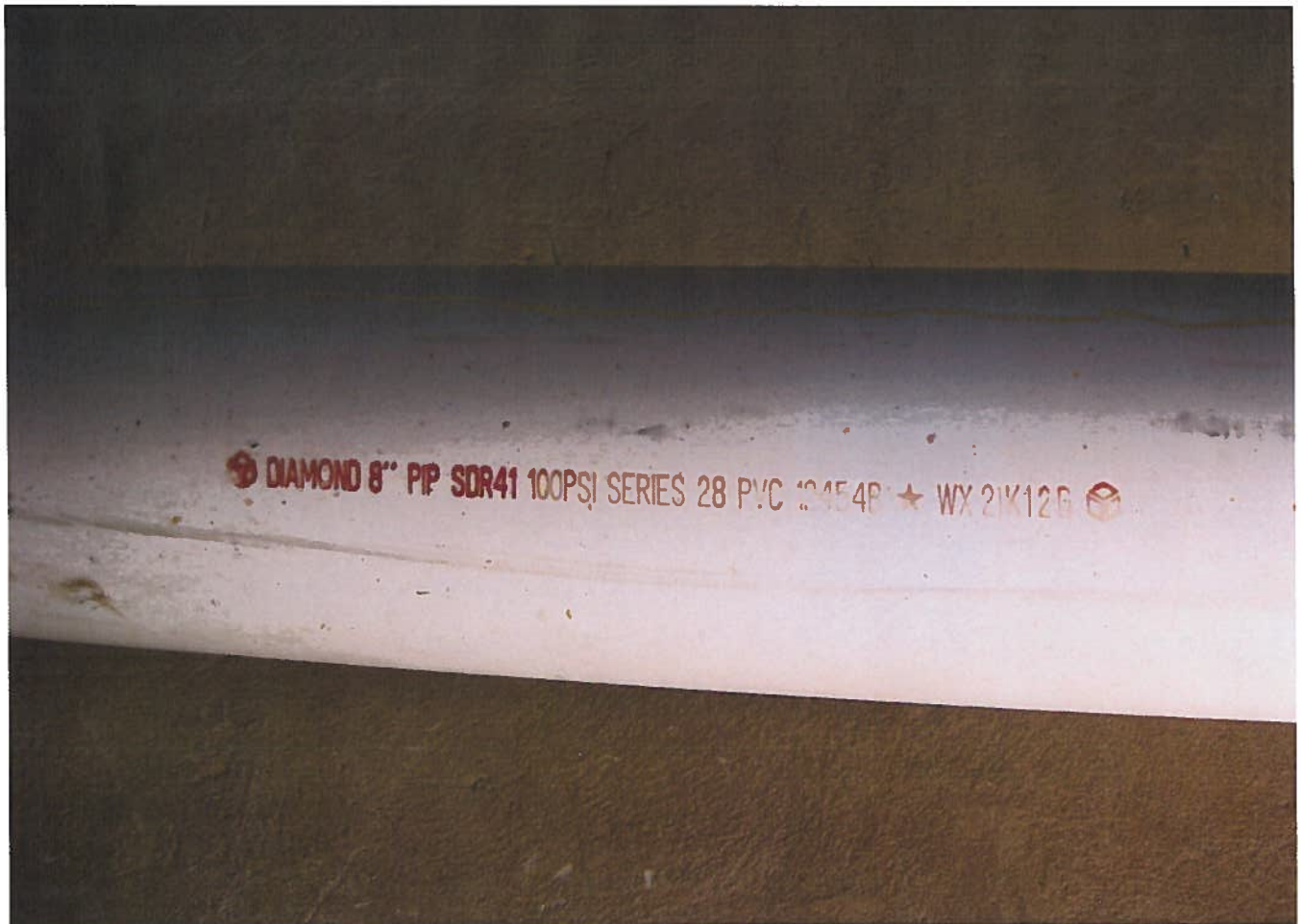
Enclosures

cc: City of Franklin

852-9119

RECEIVED
MAR 03 2006
Department of Water Resources
Eastern Region













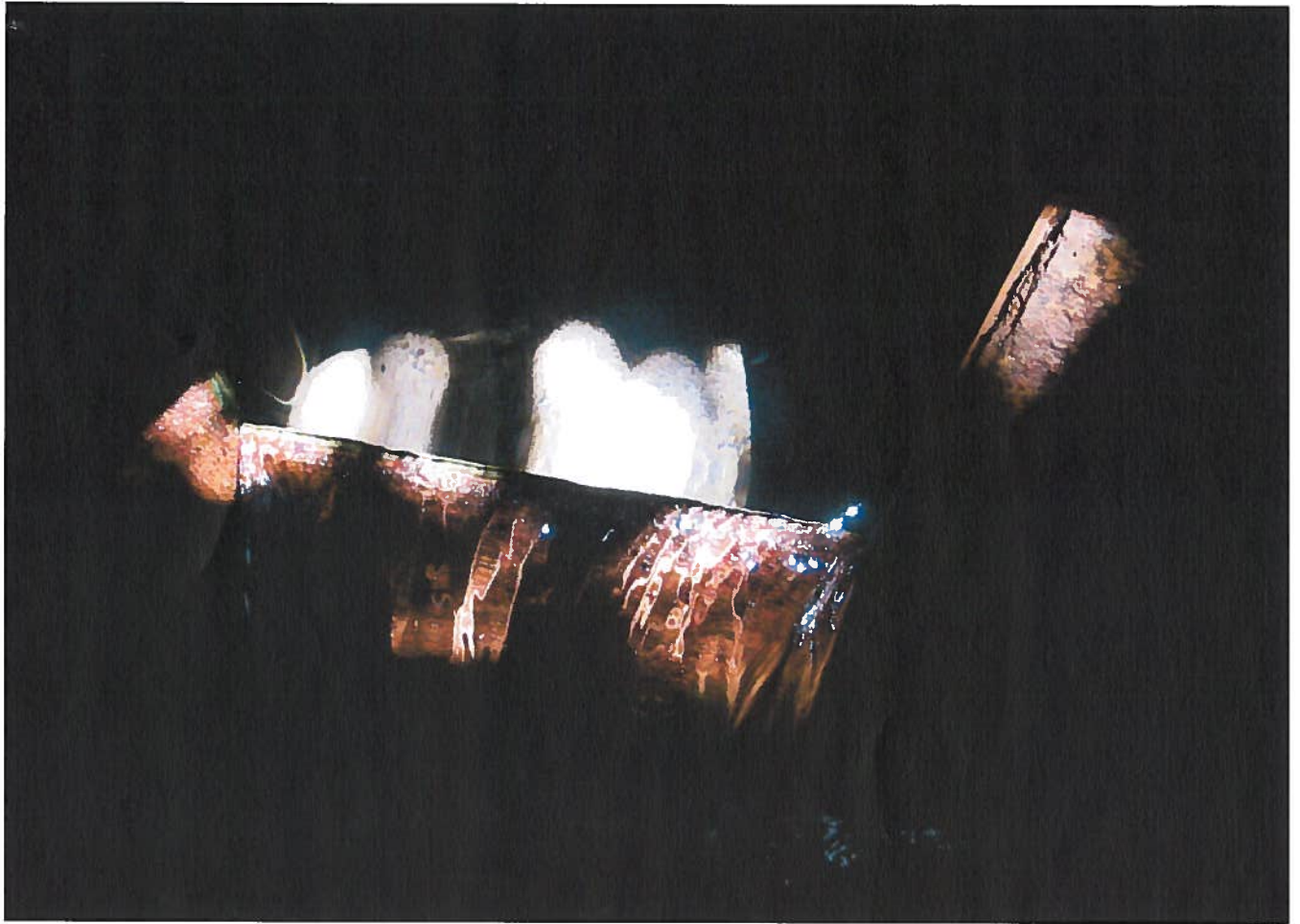


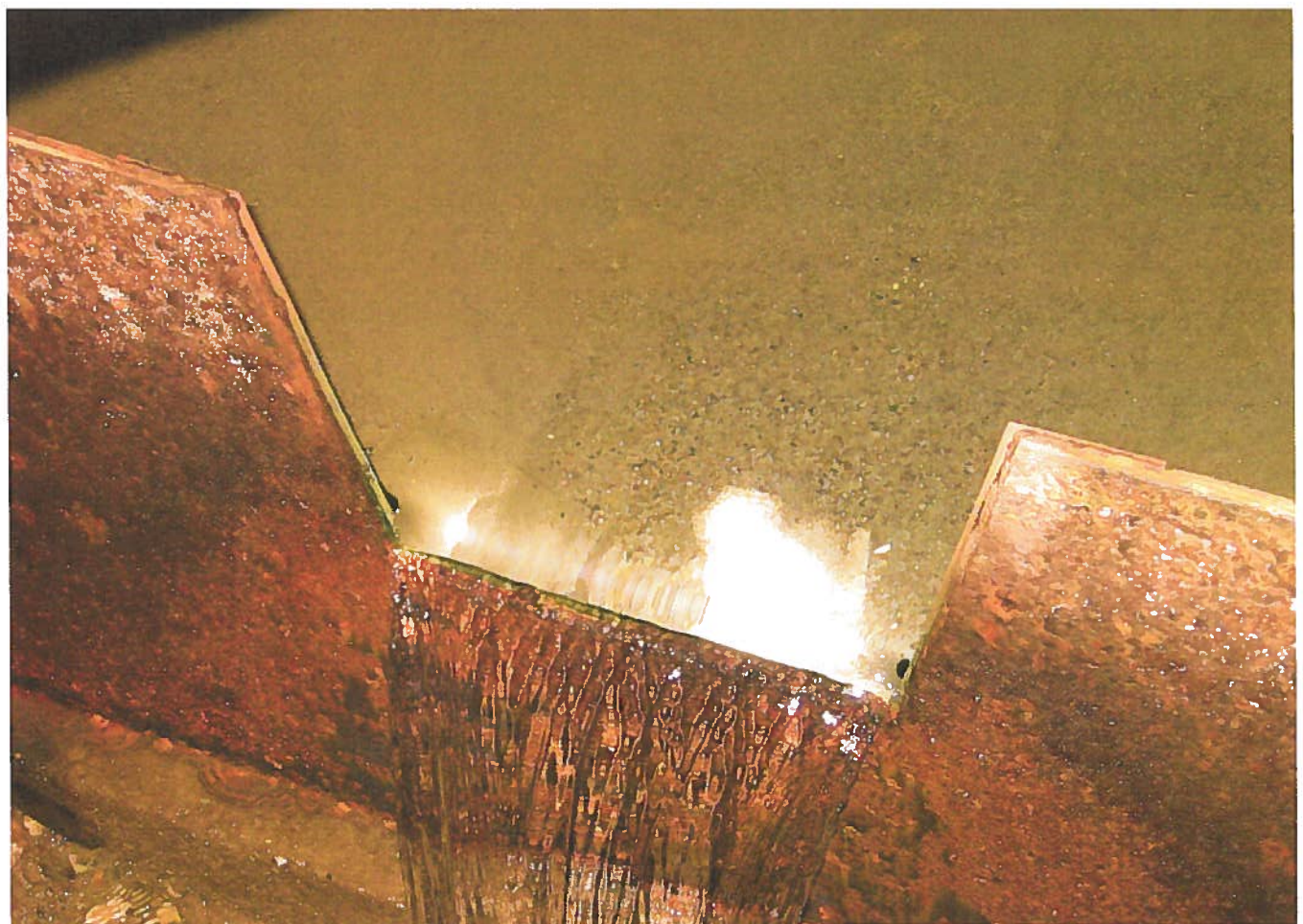














Tab 1

CLAIM TO A WATER RIGHT

Notice is hereby given that _____ Lewiston City _____
(name of claimant)

the public water of the State of Idaho

(1) Describe source of water: name of stream, lake, spring, etc., or ground water

	Low Spring
	Spring Creek

Amount 2.0 Use Municipal Period of Use: From 1/1 To 12/31

Amount _____ Use _____ Period of Use: From _____ To _____

Amount: _____ Use _____ Period of Use: From _____ To _____
(both dates inclusive)

(cfs, gpa
or a/f)

(dom., ini.,
stock, etc.)

(4) Priority claimed: (the date water was first applied to beneficial use) March 31, 1915

(5) A Point of diversion (Give location of point where water is diverted from its source)

SE 1/4 NE 1/4 Sec. 12 Twp. 16S Rgs. 40E B.M. County of Franklin

Additional points of diversion:

B) Describe means of collection of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Collection box and drops

etc.) Give sizes and capacities; be as specific as possible.

immediately into a reservoir and then continues to Lewiston City.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

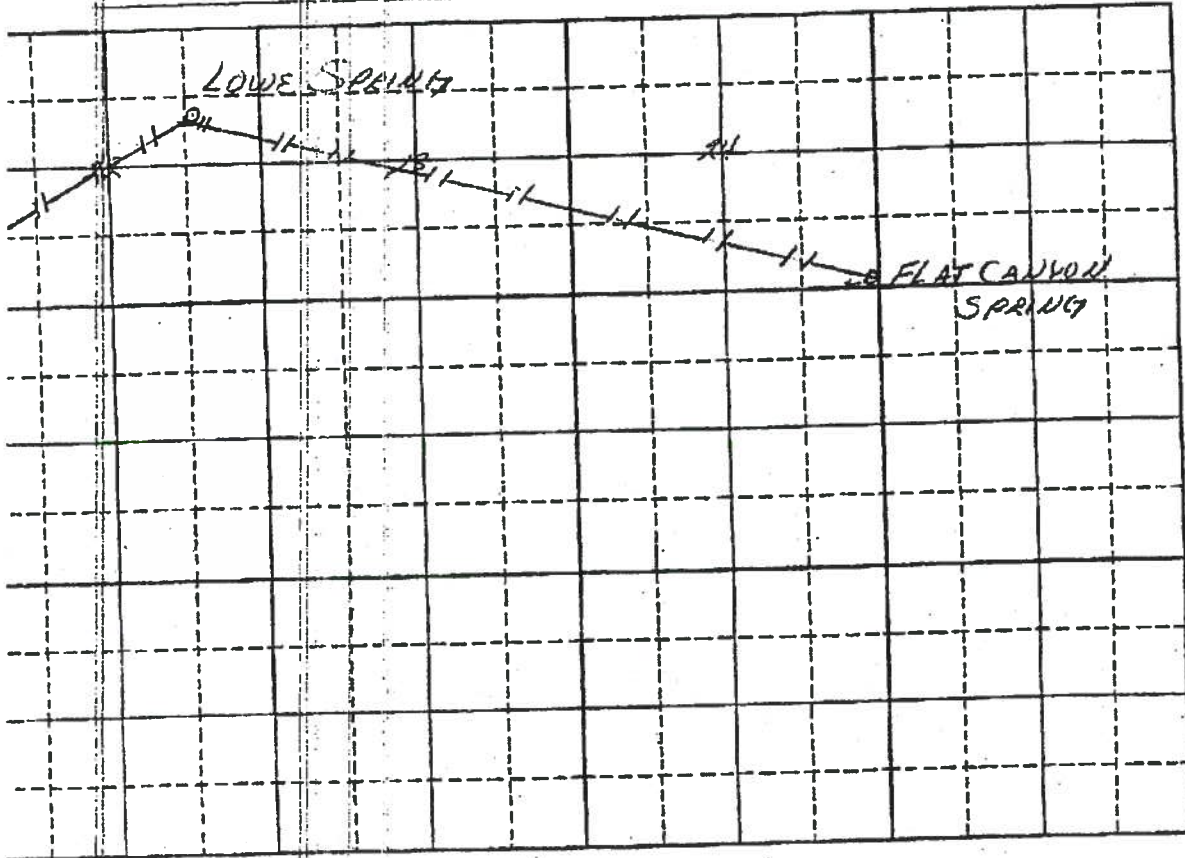
Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible.

Municipal Use

If you are claiming power as a member of an organization, list name of organization: Lewiston City

- (8) Remarks This spring is shared with 1/3 of the flow going to Franklin, Idaho.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cache) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Lewiston City
BY: Herbert D. Harrison, MAYOR
(Claimant)

Sworn to before me this 26 day of November, 19 27

Frank M. Hill
Notary Public
Residing at Paris, Idaho

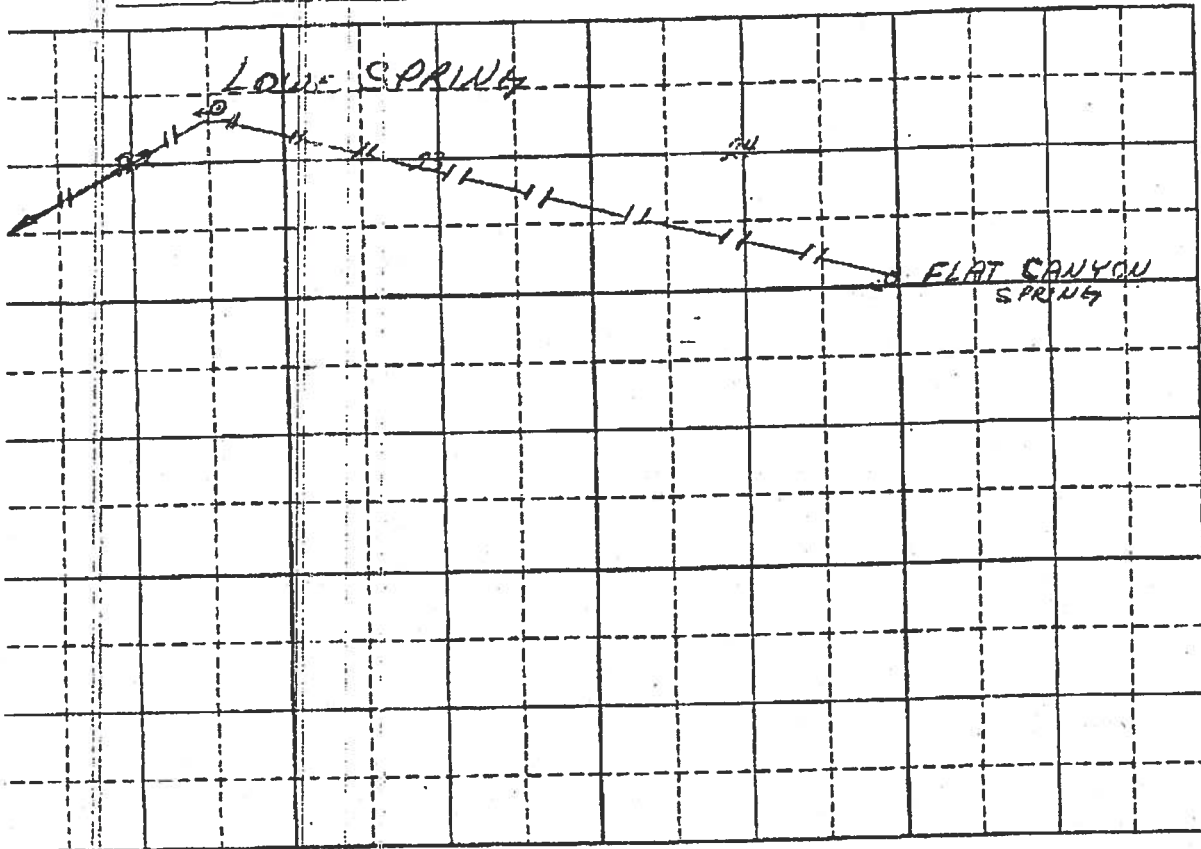
My commission expires 12-27-27

For Department Use Only			
Received by <u>WME</u>	Date <u>12-27-27</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>WME</u>	Date <u>12-27-27</u>		
\$10.00 fee received by <u>WME</u>	Date <u>12-27-27</u>		
Approved for publication by <u>WME</u>	Date <u>12-27-27</u>		
Published in <u>WME</u>			
Dates <u>WME</u>			

(3) If you are claiming water as a member of an organization, list name of organization: Lewiston City

(8)

Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Utah

)

) ss.

County of Cochise

)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Lewiston City
BY: Herbert B. Harrison, MAYOR
(Claimant)

Sworn to before me this 2nd day of December, 1977.

Frank R. Hill
Notary Public
Residing at Paradise, Utah

My commission expires 4-22-80

For Department Use Only

Received by <u>ME</u>	Date <u>12-22-77</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ME</u>	Date <u>1-24-78</u>			
\$10.00 fee received by <u>ME</u>	Date <u>1-24-78</u>			
Approved for publication by <u>ME</u>				
Published in <u>Utah</u>				
Dates <u>1-24-78 to 1-24-78</u>				

Tab 2

RESOLUTION CONVEYING LANDS.

WHEREAS, the Town of Lewiston, Cache County, Utah, heretofore purchased from Myron Comish and William Comish certain lands in Franklin County, Idaho, hereinafter more particularly described for the primary purpose of obtaining the springs of water arising thereon and with the intent that the land should thereafter be sold, and,

WHEREAS, the title to said land was taken in the name of F.A. Rawlins as President of the Board of Trustees of the Town of Lewiston, and,

WHEREAS, the said F.A. Rawlins as such president on the 29th day of January, 1916, entered into a certain agreement in writing wherein and whereby he promised to sell the said lands with certain exceptions and reservations as in said contract set out, to which reference is hereby made for further particulars, to S.W. Parkinson for the sum of \$9,000.00, and,

WHEREAS, S.W. Parkinson has heretofore paid to this Town the sum of \$2001.00, and there remains due the sum of \$6999.00, and,

1. WHEREAS, the said S.W. Parkinson is now ready to pay the balance of said purchase price;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Lewiston, Cache County, Utah, that the action of the said F.A. Rawlins as president in entering into the said agreement be, and it is hereby ratified and confirmed, and the said F.A. Rawlins as president as aforesaid is hereby authorized and instructed to make conveyance of the said lands with reservations and exceptions as in the said contract stated, to the said S.W. Parkinson upon his paying therefore the said sum of \$6999.00.

The land so to be conveyed as situated in Franklin County, State of Idaho, and is described as follows, to wit:

The north half of Section twenty-three [redacted] in Township Sixteen (16) South of Range forty (40) East of the Boise Meridian, United States Survey for Idaho, and containing three hundred twenty (320) acres.

Also, the north half of the south-west quarter and the north half of the south-east quarter of [redacted] twenty-two [redacted] Township sixteen (16) South of Range forty (40) East of the Boise Meridian, United States Survey for Idaho, excepting from this conveyance the portions of the said tracts heretofore conveyed [redacted]

and as shown by conveyances recorded in the said County in the year 1889, in Book "G" of Deeds in the Office of the County Recorder of the said Oneida County.

Together with the waters and water rights as in said contract described.

Reserving and excepting however the water, lands and easements as in the said agreement set out.

Passed by the Board of Trustees of the Town of Lewiston, this 21st day of November, A.D. 1916.

F.A. Rawlins, President of the Town Board.

ATTEST: P.E. Van Orden, Clerk.

STATE OF UTAH)
(ss
COUNTY OF CACHE)

Terry or Steven

I, P.E. Van Orden, Clerk of the Board of Trustees of the Town of Lewiston, in Cache County, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the original resolution duly passed by the Board of Trustees of said Town at a special meeting thereof duly held on the 21st day of November, 1916, as the same appears of record in my office.

Witness my hand this 24th day of November, 1916.

(Seal)

P.E. Van Orden Clerk.

Recorded at request of E.K. Nielsen, January 29, 1918 at 3:10 P.M.

Fee \$1.20

compared E.P.

John A. Koefed
John A. Koefed, Recorder
By Wm. M. Daines, Deputy.

Tab 3

Lewiston Water System Praised

Dec. 13, 1956

By Bea Bonian

LEWISTON—The State Department of Public Health has announced that the culinary water supply of Lewiston was fully approved. The story behind this is an interesting one, covering many years.

The public health department has urged that the water system meet grade A requirements, not only for the immediate welfare of the people but because of the large number of dairy herds in Lewiston sending Grade A milk to the processing plants.

The Beginning

Until 1913 the citizens of Lewiston obtained their culinary water from big open wells and the water was not at all satisfactory, either in taste or cleanliness. In the summer of that year, construction was begun to bring the clear mountain water from the Low Spring, east of Franklin, arrangements to share this water with Franklin having been made.

Water is also obtained from Flat Canyon east of Franklin. This project was under the supervision of engineer T. H. Humphreys, of Logan, and the work done by Wheelright Construction Company of Ogden. The work was completed in December of that year and a few homes had the water before the end of the year.

Before many years this water supply was found to be inadequate and arrangements were made to pipe the water from the Hyrum Bair spring in High Creek canyon.

Chlorination

In 1952 when tests discovered the presence of undesirable bacteria, a chlorinator was installed and the next year it was found necessary to run a power line to the chlorinator so that it could be heated in the winter as it did not function properly during the cold weather. At that time the water supply was provisionally approved.

To become fully accredited it was necessary to: Put a new roof on the Hyrum Bair spring, and screen all the outlets at the spring houses, all overflows and outlets at reservoirs and air intakes on the lines. 1,000 feet of pipe were installed in Flat Can-

yon and it was necessary to build a road to complete this undertaking. (This road is now used and appreciated by deer hunters.) The reservoir and spring at the Low Spring was fenced to keep cattle from the area. Overhanging covers were installed on reservoir and spring catch basins. Much of this work was done by Buzz Smith who is in charge of the water system.

Fire Hydrants, Too

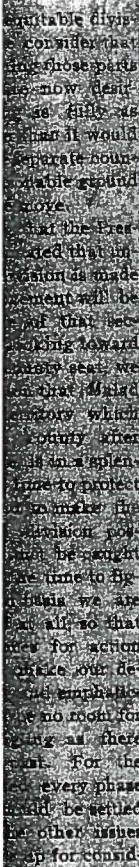
One of the most unique facts about Lewiston's water system, is that although the city limits cover an area of about 30 square miles with the homes being very scattered, nearly all of the homes are covered by fire hydrants. In many places a hydrant can cover only one home, making it necessary for a large number to be installed. If present plans are completed, there will be seven installed this year.

There are approximately 55 miles of pipeline in the entire system, with every home in Lewiston receiving the city water. There are two reservoirs above Franklin with a storage capacity of 315,000 gallons in the upper one and 156,000 gallons in the lower one. City councilman Philip Bergeson has been in charge of the improvements made in the water system. Mayor Howard Shuldberg has also been very interested and concerned in this undertaking. Other members of the city council are Rex Plowman, Bishop Melvin Gilbert, Erwin Van Orden and Richard Lewis.

Tab 4

DIVISION

nd--Believes Oneida



Julie Bowden

Willie Bowden
 Nancy Jenks

Peterson, 4
Bronson

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Breston, Ida

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Wander

Appropriate Services Over Remains of Charles W. Webb
in Franklin--Bond Election Carries by Large Ma-
jority--Preparing for Idaho Day.

A. Lowe, The ward ch... and
appropriate a lecti...
L. L. Hatch, Hyrum H...
Hawkes and Bishop Park...
the speakers. Benedic...
fered by L. G. Parkin

Deceased was born in Idaho in 1855 where he spent his boyhood in manhood he became a sailor and followed that life for a number of years to Franklin, Idaho, about years ago. During his years here he has filled many positions and been an officer in assisting in the building of a new country. He has been a member of the L. D. S. church a short time after his arrival here and died as he had lived a faithful member of the church a kind father and loving husband. He leaves a wife, four son and two daughters.

A bond election was held village hall Tuesday for the purpose of securing the wishes of the people relative to bonding for the purpose of installing an additional water system. The election carried by a good majority, there being but few contrary votes cast.

The village board is beginning to make preparations for an appropriate celebration of Idaho Day June 15th.

A boy arrived at the home of John Buckley this week.

William Whittle was presented with a baby girl Tuesday.

The first game of the series in the Mutual League of the Great Lakes was played here Friday night by the home boys and the Third ward of Preston drew a score of 87 to 74 in favor of the home team.

Saturday night a mm ed tea
of the schools and mutuals d
feated the Malad High S hool
a score of 88 to 16.

LEWISTON, UT. 10
HAVE NEWS APPE

Law to Utah Feb. 18.—A

Tab 5

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F. Mower
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They were ac-
id Mrs. Duain

the impression was
was big enough to span one of
the bridges of the city. He found
out however, that it was not
pneumatic tired so two of the
buggy wheels dropped into the
ditch this side of Jim Geddes'
place, with the result that his
buggy tipped over and he was
precipitated into the mud. We
didn't happen to be there at the
time so were unable to record what
he said.

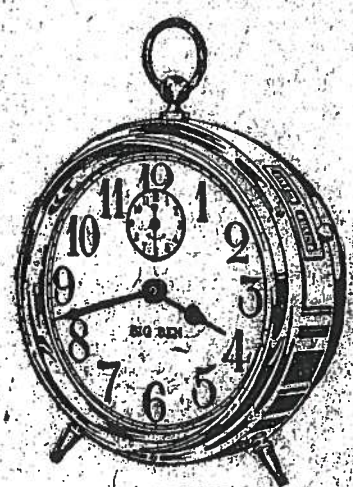
There never was a time when
people appreciated the real merits
of Chamberlain's Cough Remedy
more than now. This is shown
by the increase in sales and vol-
untary testimonials from persons
who have been cured by it. If
you or your children are trou-
bled with a cough or cold give it
a trial and become acquainted
with its good qualities. For sale
by Preston Co-op. Drug Co.

Father Hale, who has been con-
fined to his room with a heavy
case of smallpox, is now out again,
and glad to be so. Brother Hale's
sickness was more severe with
him because of the fact that he
underwent two operations while
in Boise, and his system was con-
siderably weakened thereby. We
are glad to welcome Brother Hale
again.

Notice for Publication.

Department of the Interior, United States Land
Office at Blackfoot, Idaho, May 18 1912.
Notice is hereby given that Joseph E. Winn
Preston, Ida., who, on April 3 1905 and June 4th
1906, made Homestead Entry Serial No. 02719
08196, No. 30158, 10278 for Lots 7 and 8, and 3-4
nw 1-4 Sec. 4, Township 16 South, Range 20 E. R.
m has filed notice of intention to make final five
year proof to establish claim to the land above de-
scribed before Gen. H. Carver U. S. Commissioner
Preston Ida on the 16 of July 1912.
Claimant names as witnesses:
Wilson Winger, John McGuire, Preston Ida, Sidney
Kent Swan Lake Ida, Urdin Wann, Preston Idaho.
m24327 Henry W. Kiefer, Register.

s a sure sign of
1. A few doses
Stomach and
will strengthen
Thousands have
y taking these
Preston Co-op.



**Big Ben
should be in every
farmer's home**

You men who live on the farm
have got to be heavy workers.
And if you are heavy workers
you require heavy sleep and lots
of it.

For heavy sleep is heavy work's
reaction and it's not always easy
for the heavy sleeper to get up
without help.

That's where Big Ben comes
in. He makes it easy every
morning.

Big Ben is a truth-telling and
reliable alarm clock.

He gets you up, he never fails.

You're always up on the dot
he's in the sleeping room.

See him in my window next time
you come to town. Hear him
greet you Good Morning. He is
well-worth meeting, indeed.

\$2.50

Cardon Jewelry Co.

tion of a necessary additional water
system and to supply the same with water
for the use and benefit of the village and the
inhabitants thereof in accordance with the af-
firmative vote of more than two-thirds of the
qualified electors, who are taxpayers of said
village, voting at a special election duly
called and held therein on the 20th day of
February, A. D. 1912, and pursuant to an
ordinance duly passed by the chairman and
board of trustees and duly approved, record-
ed and published in accordance with the provisions
of Chapter Twelve of Title 15, Revised Codes
of the State of Idaho, relating to the issu-
ance of Municipal Improvement Bonds for
cities and villages, and all acts amendatory
thereof, and supplementary thereto.
AND IT IS HEREBY CERTIFIED, RE-
CORDED AND WARRANTED, that the said
Village of Franklin is a municipal corpora-
tion, duly incorporated and organized as a
village under the Constitution and laws of
the State of Idaho, that all acts, conditions
and things required by the Constitution and
laws of the State of Idaho to happen and
be done and performed precedent to and in
the issuance of this bond in order to consti-
tute the same a valid and binding obligation
of the said Village, have happened and been
properly done and performed in regular and
due form, and time as required by law. That
the total indebtedness of said village, includ-
ing this bond, does not exceed any constitu-
tional or statutory limitation and that dis-
provision has been made for the collection
of an annual tax sufficient to pay the inter-
est on this bond as it falls due and also to
constitute a sinking fund for the payment of
the principal thereof at maturity.

IN WITNESS WHEREOF, the said Village
of Franklin has caused this bond to be
signed by the Chairman of the Board of
Trustees and attested by the Clerk and its
Corporate Seal to be thereto affixed and each
of the interest coupons hereto attached to
be executed by the lithographed facsimile
signature of the Treasurer of said Village on
this 1st day of January, A. D. 1912.

Chairman of the Board of Trustees of the
Village of Franklin.
Attest:

Countersigned: Clerk.
Treasurer.

(Form of Coupon.) \$30.00

No. On the 1st day of July, 1912,
The Village of Franklin, County of Oneida,
State of Idaho, will pay the bearer the sum
of Thirty Dollars in lawful money of the
United States of America, at the office of the
Village Treasurer, Franklin, Oneida County,
Idaho, being six months interest due that
date on its water works bond of 1912, No.
dated January 1, 1912.

(Form of Certificate to be Endorsed on
each bond by the Clerk of the Village.)
STATE OF IDAHO,
County of Oneida.

I, the undersigned, Clerk of the Village
of Franklin, Oneida County, State of Idaho,
the series of bonds issued by the within
named Village of Franklin, and that this
bond, after the same was executed, was re-
cistered by me in the Public Record Book
kept for that purpose and properly described
for future identification as in the provided
WITNESS my official hand and seal this
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Tab 6

Lemiston Sept 7th 1913.

Lemiston Town Board met on the above date in regular session. Pres Martin Pond in the chair roll called showed all members present.

The following bills were passed

Mountain States Telegraphing Co	4.46	Hyman Allen
" " " "	1.61	Jeff Struell
W - Stocks Sprinkling streets.	54.25	
Lemiston Fur & Hide Co oil fitting etc	5.00	
Preston Plumbing & Heating Co Paper etc	27.56	
Lemiston Merc Co Groceries & nails	64.38	
Heber Stephens water works 5 days	12.50	
Alvin Karshner " " 1 da	2.50	
Geo Lewis " " 1 da	2.50	
Ellis Layne " " 1 da	2.50	

A Committee from Fairview consisting of Edward Beldy, James Hyde, Geo Egbert, Willard Hansen, Eilmer Paulins to present a desire to come in with the Lemiston Town Board and bear a portion of the expense of the pipe line on the water system from the Flat Canyon Spring to Lemiston Reservoir. It was discussed at length and decided for the Lemiston Town Board to take the matter under investigation or advisement.

B Pond moved and J. P. Paulins seconded that we let the Fairview Town be allowed to come into our system provided it can be done by not injuring our system and that it can be properly divided.

The Town Board met at noon on Aug 16th 1913-
as a canvassing board on the bond election held on the
13th Inst. Result of the vote being 68 Yeas & 11 Noes
as canvassed by the Town Board

Aug 16th 1913-

The Lewiston Town Board met at 8 P.M. in their
rooms in the Commercial Bldg with Martin Pond in the
chair to roll call Present were Pres. Martin Pond
F. A. Rawlins, Bingham Pond P. E. & Ian Oden^{and} S. K. Rogers
sealed bids with cert. checks were presented by the
following contractors.

Wheelwright Con. Co Sched. 1 9432.12 Sched. 2, 33,627.32

Ryberg Bros

Ch. H. Palmer

Nelson & Worley Sched. No 1 11871.78 Sched. 2, 34439.32

T L Loftus Sched. No 1, 9432.12 Sched. 2, 35-174.21

adjourned to 8 P.M. Aug 18 1913-

The Board met as per adjournment with all members
present.

Sched. No 1 Moved and seconded we provide for two
second feet of water from spring in flat canyon to reservoir at
Low Spring carried.

Moved by F. A. Rawlins & second by P. E. & Ian Oden we
accept the bid of Wheelwright Con Co for Sched No 1
& 2 for ^{Total} 43,101.11.

and that the present Town Board be authorized to
enter into contract with said Wheelwright Con Co and
execute the bond carried.

Moved and adjourn-

L L Hatch, James Robinson, E S Monson, J H Durant,
 O. W. Shumway, Joseph H Lowe, John A Lowe, E Butterworth, F Thompson,
 J. E. Anderson, O C Halgren, U Wilkinson, W Challis, S P Morgan,
 Geo Robinson, O M Union, H E Shriver, G L Wright, R E Lowe,
 W H Cottle, M Sponzberg, J H Nash, C W Hobbs, F Challis,
 L Mendenhall, M. A. Henson, Wm Marley, Alma Morrison,
 M. A. Morrison, Hans Olson, Peter Rowant, Ella Monson,
 Peter E Rowant, Ed Baker, Ellen Morgan, J H Handy,
 Jane H Olson, Amanda Shumway, J Rankin, E. A. Daines,
 M A Lamb, P. B. Dunkley, J H Corbridge, J H Albiston,
 L W. Stater, John Albiston, John F Doney, Mary Stoner,
 J J Hill, Chris O'erson, Martin Anderson, Hyrum Hatch,
 Frank Shriver, Wm L Lowe, H. T. Wright, Leslie Smart,
 R Olson, S J Handy, Henry Higgo, L A Magee, Geo F Hampton,
 S C Parkinson Bp, S C Parkinson, Edward Smith, W. T. Handy, Ole Olson,
 J P Hill, H Dowdle, B P Parter, J L Adanson, Wm Olinerson, W Olson,
 E Wells, R Wilkinson, S L Woodward, J R Scarborough, H. B. Hancock,
 Geo J Marshall,

Grantors, of Franklin, Oneida county, State of Idaho,
 Stockholders in the Franklin Maple Creek Irrigation Company,
 hereby Quit-claim to the Trustees of the Village of Franklin
 and their successors in Office, Grantees, for and in considerat-
 tion of \$ 1.00 one dollars all their right and title and
 interest in and to the group of springs on the Spring Creek
 located above the site of the Franklin Woolen Mills and in
 the N.E. quarter (1/4) of Section twenty-two (22) and the
 North West quarter (1/4) of Section twenty-three (23),
 Township Six (16) South of Range Forty (40) East of the
 Boise Meridian.

Witness the hands of the Grantors this 7th day of

August 1911.

L. L. Hatch

John A. Larue

Joseph H. Goble

Ezra J. Mouson

O. H. Shumway

E. Butterworth

James Robinson

Wm. H. Wilkins

J. E. Anderson

Francis Thompson

O. C. Halgren

H. Morgan

W. A. P. Schallis

Leo Robinson

Orinda Rose Union

L. L. Hatch Mgr

J. H. Durant

J. H. Shivers

J. E. Spry

W. H. Lattle

M. Spaulding

J. H. Marsh

C. W. Hobbs

Theresa C. Hall

Union of all members

Thurs Olsen

Peter Bowcut

Ella Mouson by Eom

J. E. Mouson

Red Baker

Eden Morgan

Geo. H. Harvold

Jane H. Olson +

Amanda Shumway +

Janet Rankin +

E. A. Vaines

Mary A. Gamble X

J. H. Carbridge

J. H. Ellistorn

E. M. Stater

John Ellistorn

John F. Doney

Mary Stone

J. H. Hill

Chris Bliven

Martin Andersen

Theresa C. Hall

Theresa C. Hall

Theresa C. Hall

Theresa C. Hall

Geo F Hampton, S. C. Parkinson, S. C. Parkinson, Edward Smith,
Wm L Handy, Ole Olson, P. P. Hill, A Dowdle, R J Porter,
J L Adamson, Wm Olmerson, W. Olson, E. Halib,
Rhoda Wilkinson, S L Wardward, A. B. Hawkes,
Geo L Marshall, David Trask.

Known to me to be the per ons signing the foregoing instrument
instrument, and duly acknowledged to me that they executed th
same.

IN WITNESS WHEREOF, I have hereunto set my name and affixed
my Official seal, the day and year in this certificate first
above written..

Thomas H. Durant
Notary Public

My Commission expires 10 Dec 1912

Notary Public

James H. Durant

Tab 7

Feb 25-1916

Village Board met in special session all members present also four members of the Fairview Village Board and some of the citizens of Franklin called to order by the Chairman A B Nash.

Edwin Boddy chairman of the Fairview Village Board then related their negotiations with the Dixie Bench Irrigation Co for their surplus water and as much as the Village of Franklin has filed on the water and wanted to know if they could get in with us.

Chairman A B Nash explained the position of Franklin and the need we have for the water to supply the condenser and the needs of the Village that our new system has failed from the fact that Lewiston and Fairview having developed some springs above our springs and dried ours up.

A general discussion was ~~held~~ had and the feeling of the Franklin people was that we should hold all the springs until we knew what was there.

Meeting then adjourned.

D P Monson Clerk

March 7-1916

Village Board met in regular session at 7:30 P.M. All members present called to order by the Chairman A B Nash.

Minutes of Regular meeting held Feb 1st were again read and approved. Reported that nearly all the delinquent water was

CITY OF FRANKLIN

FRANKLIN, IDAHO 83237

FLOYD C. ROBINSON, Mayor
BETH COLE, Clerk
LORRAINE MORRISON, Treasurer

COUNCILMEN
JAMES KIRKBRIDE, Roads
VON ATKINSON, Water
WAYNE PRIESTLEY, Parks
BRENTON ATKINSON, Health

Jan. 18, 1978

RECEIVED
JAN 23 1977

Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

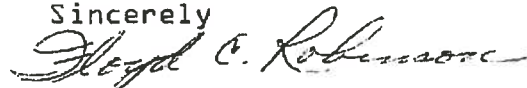
Gentlemen:

In response to the Notice of Claim to a Water Right No. 13-4063 published in the Preston Citizen on Jan. 12 and 19, 1978 referred to as the Lowe Spring located in the SE 1/4 of NE 1/4, Sec. 22, T. 16 S., R. 40E., B.M., Franklin County is jointly owned by Lewiston City and Franklin City. Two thirds of the water produced by the spring belong to Lewiston City and one third produced belong to Franklin City. This water is used for municipal purposes in both cities. However, this spring does not produce 2.00 cubic feet per second as stated in the notice.

This letter is to inform you that Franklin City has an interest in this spring and we would like to go on record as to our ownership in this spring for any action which might take place.

Mayor Smith and Councilman Dee Van Orden of the Lewiston City Council concur that this ownership is correct according to their records.

Sincerely



Floyd C. Robinson, Mayor
Franklin City

P.S. This is no a protest but a clarification on the above spring.