

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 23 2010

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Preston-Whitney Irrigation Company Phone: _____Mailing Address: PO Box 311, Preston, ID 83263 Email: lyleporter@plmw.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use: Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.
- Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.
- ☐ No Representative

Name of representative Robert L. Harris Phone: 208-523-0620 Email: rharris@holdenlegal.comMailing Address: Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, ID 83405-0130

OR

- ☐ Send all correspondence for this application to the representative and not the applicant.
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change Place of use
- ☐ Change nature of use ☐ Change period of use ☒ Other:

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label if part 1A.2. To better define the place of use so that it accurately reflects the correct historical place of use for the storage water rights of Glendale Reservoir. Water diverted and stored in Glendale Reservoir is capable of being delivered to all parts of the irrigated acreage within Preston-Whitney's service area as

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depicted in the attached GIS shapefiles. The Preston-Whitney service area and its historically irrigated acres are the subject of a currently pending transfer (Transfer No. 75705). While this transfer includes the same service area to retain consistency, it does not include the same irrigated acres as Transfer No. 75075 because some of the irrigated acres within Preston-Whitney are located above Glendale Reservoir, and are therefore not capable of using storage water from Glendale Reservoir.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or part GLENDAL RESERVOIR					
☒	<u>13-2108</u>	<u>215 cfs/ 6000 AFA</u>	<u>Irrigation Storage</u>	<u>01/01 to 12/31</u>	
			<u>Irrigation from Storage</u>	<u>04/01 to 11/01</u>	
			<u>Diversion to Storage</u>	<u>11/01 to 06/15</u>	<u>Worm Creek/Cub River</u>
☒	<u>13-2288</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same</u>	<u>Worm Creek/Cub River</u>
☒	<u>13-2288A</u>	<u>Same as above</u>	<u>Same as above</u>	<u>Same</u>	<u>Cub River/Bear River</u>

2. Total amount of water being transferred or changed 215 (combined) Cubic feet per second and/or 6000 AFA (combined) acre-feet annum.

3. Point(s) of diversion:

☒ No changes to point(s) of diversion are proposed, **but points of injection and redirection are now designated below.**

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

Points of Diversion/Injection/Rediversion for **13-2108 and 13-2288** (Worm Creek is the source)

POD = Point of Diversion POI = Point of Injection POR = Point of Rediversion

New ?	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Source	Local name for diversion
No		NE	SE	SW	8	15S	40E	FRANKLIN	POD: WORM CREEK	GLENDAL DAM
Yes		NE	SW	SW	8	15S	40E	FRANKLIN	POI: WORM CREEK	BELOW GLENDAL DAM
Yes		NE	NE	SE	13	15S	39E	FRANKLIN	POR: WORM CREEK	
Yes		NW	NE	SW	24	15S	39E	FRANKLIN	POR: FROM WORM CREEK	

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Yes		NW	NE	NW	25	15S	39E	FRANKLIN	POR: WORM CREEK	
Yes		SE	NE	SW	30	15S	40E	FRANKLIN	POI: UNNAMED BRANCH OF SPRING CREEK	
Yes		SE	SE	NE	36	15S	39E	FRANKLIN	POR: SPRING CREEK	

Points of Diversion/Injection/Rediversion for 13-2288A (Cub River is the source)

POD = Point of Diversion POI = Point of Injection POR = Point of Rediversion

New ?	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Source	Local name for diversion
No		NW	NE	NW	8	15S	41E	FRANKLIN	POD: CUB RIVER	CUB RIVER/GLENDALE CANAL
Yes		SE	NE	SE	10	15S	40E	FRANKLIN	POI: WORM CREEK	
Yes		NE	SE	SW	8	15S	40E	FRANKLIN	POR: WORM CREEK	GLENDALE DAM
Yes		NE	SW	SW	8	15S	40E	FRANKLIN	POI: WORM CREEK	BELOW GLENDALE DAM
Yes		NE	NE	SE	13	15S	39E	FRANKLIN	POR: WORM CREEK	
Yes		NW	NE	SW	24	15S	39E	FRANKLIN	POR: FROM WORM CREEK	
Yes		NW	NE	NW	25	15S	39E	FRANKLIN	POR: WORM CREEK	
Yes		SE	NE	SW	30	15S	40E	FRANKLIN	POI: UNNAMED BRANCH OF SPRING CREEK	
Yes		SE	SE	NE	36	15S	39E	FRANKLIN	POR: SPRING CREEK	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5).

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			GIS data for irrigated acres and service area are on attached CD. Supplemental irrigation is for 16,666.3 acres within the Preston-Whitney service area.																

Total Acres (for irrigation use) _____

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5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future. **Cub River/Glendale Canal:** Two screw operated wood clad headgates, each approximately 6' wide, mounted on a concrete pad adjacent to a diversion check made of rock with concrete wings, in the Cub River, which diverts into a 12' x 25' canal. The measuring device is a concrete Parshall flume approximately 1000' downstream from the diversion. **Glendale Dam:** This dam is owned by the Applicant, which releases water below the dam as needed.

Distribution System: Water stored in Glendale Reservoir can then be distributed below the dam to either (1) the North Lateral pipeline, (2) the East Lateral pipeline, or (3) injected into the channel of Worm Creek below the dam to be rediverted from the creek channel at points downstream. Water stored in Glendale Reservoir can also be transported to the Lamont Reservoir, which can then be distributed into the Johnson-Lamont Pipeline, which injects into the Middle Ditch (a private canal), and some water is injected into an unnamed tributary of Spring Creek, which is then rediverted from the main channel of Spring Creek.

- b. Who owns the property at the point(s) of diversion? **Max Sharp, US Forest Service (Glendale Canal); Applicant (Glendale Dam).**

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Cub River/Glendale Canal: The company has a permit from the US Forest Service for its right-of-way.

Glendale Dam: N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No. There are no liens on the Glendale Reservoir water rights.
- If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation or legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: None. The transfer simply more accurately documents the historic place of use for supplemental storage water from Glendale Reservoir.

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) of use: Portions of the acreage identified in the place of use above are serviced with storage water from Foster Reservoir (Water Right No. 13-2298), and other portions of the service area are serviced with storage water from Lamont Reservoir (Water Right No. 13-2291). These water rights are also subject to transfer applications submitted contemporaneously with this transfer. Regarding natural flow water rights, Preston-Whitney provides such water to its stockholders pursuant to Water Right Nos. 13-2, 13-3, 13-143, 13-271, and 13-2104. At a portion of the southern boundary of the service area, there are five stockholders in Preston-Whitney who also have stock in the Cub River Irrigation Company (Water Right Nos. 13-26B, 13-26C, 13-26D, 13-34A, 13-34B, 13-222, and 13-2066).

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ Undergone a period of five or more consecutive years of non-use;
- ☐ ☒ Currently leased to the Water Supply Bank;
- ☐ ☒ Currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ Currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SEarchWRAJ.asp>). Label it **Part 2A**

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number _____

1. Amount _____ (cfs/ac-ft) for _____ Purposes from _____ to _____
 Amount _____ (cfs/ac-ft) for _____ Purposes from _____ to _____
 Amount _____ (cfs/ac-ft) for _____ Purposes from _____ to _____
 Amount _____ (cfs/ac-ft) for _____ Purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract)

Tw	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ✓ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ✓ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES THE SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b.**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required in Part 3B above.

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.		
Received by: _____	Date: _____	Prelim. Check by _____ Date: _____
Fee paid: <u>1810</u>	Date: <u>9/24/2010</u>	Receipted by: <u>B. Lake</u> Receipt # <u>2036160</u>
Add'l fee paid _____	Date: _____	Receipted by _____ Receipt # _____

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**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of Applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details report (Obtained on website) describing each water right in the transfer as currently recorded.
Complete and attached an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer). |
| | | Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9 |
| ☐ | ☒ | #1 if the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder (see Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #2b if the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☒ | ☐ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 if the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/water/rights . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer (See Part 1.5.c) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A). |
| ☒ | ☐ | #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B). |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☒ | #9 Other. Please describe: _____ |

**Attachment No. 2a
Water Right Ownership
Documentation**

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/22/2010

WATER RIGHT NO. 13-2108

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRESTON WHITNEY IRRIGATION CO 33 SOUTH 1 EAST PRESTON, ID 83263
Original Owner	FRANKLIN COUNTY SUGAR CO

Priority Date: 12/15/1924
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
WORM CREEK	CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	1/01	12/31		6000 AFA
IRRIGATION FROM STORAGE	4/01	11/01		6000 AFA
DIVERSION TO STORAGE	11/01	6/15	215 CFS	
Total Diversion			6000 AFA	

Location of Point(s) of Diversion:

WORM CREEK	SESW	Sec. 08	Township 15S	Range 40E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE FRANKLIN County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	39E	36		SESE	37									
	40E	17		NESW	13		SESW	5						
		19		SESE	37									
		20		SWNE	8		SENE	4						
				NESW	20		NWSW	1		SWSW	38		SESW	36
				NESE	7		NWSE	35		SWSE	4			
		29		NENW	20		NWNW	39		SWNW	39		SENE	4
				NESW	20		NWSW	39		SWSW	37		SESW	19
		30		NENE	39		NWNE	40		SWNE	38		SENE	37
				NENW	36		SENE	35						
				NWSW	24		SESW	37						
				NESE	39		SESE	39						
		31		NENE	35		NWNE	39		SWNE	39		SENE	39
				SWNW	20		SENE	40						
				NESW	40		NWSW	39		SWSW	27		SESW	39
		32		NENW	12		NWNW	37		SWNW	38		SENE	3
				NWSW	31		SWSW	32						
16S	39E	1	1	NENE	4									
	40E	5		SWSW	20		SESW	20						
		6	1	NENE	36	2	NWNE	33						
			3	NENW	23	4	NWNW	23						
				NESW	29		NWSW	35						

Total Acres: 1559

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/22/2010

WATER RIGHT NO. 13-2288

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRESTON WHITNEY IRRIGATION CO 33 SOUTH 1 EAST PRESTON, ID 83263

Priority Date: 12/15/1924

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WORM CREEK	CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	1/01	12/31		6000 AFA
IRRIGATION FROM STORAGE	4/01	11/01		6000 AFA
DIVERSION TO STORAGE	11/01	6/15		
Total Diversion			6000 AFA	

Location of Point(s) of Diversion:

WORM CREEK	SESW	Sec. 08	Township 15S	Range 40E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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76 83 3

	26	NENE 17		NWNE 14		SWNE 16		SENE 18
		SENW 10						
		NESW 18		SWSW 26		SESW 29		
		NESE 12		NWSE 28		SWSE 35		SESE 39
	27	NENE 4		NWNE 10		SWNE 12		
		NENW 32		NWNW 36		SWNW 38		SENW 31
		NESW 34		NWSW 15		SWSW 38		SESW 35
		NESE 24		NWSE 26		SWSE 36		SESE 33
	33	NENE 3		SENE 18				
		NESE 36		NWSE 19		SWSE 30		SESE 38
	34	NENE 5		NWNE 24		SWNE 2		
		NENW 34		NWNW 31		SWNW 32		SENW 27
		NESW 5		NWSW 18		SWSW 38		SESW 37
		NESE 16		NWSE 2		SWSE 39		SESE 39
	35	NENE 32		NWNE 27		SWNE 39		SENE 33
		NENW 34		NWNW 4		SWNW 16		SENW 34
		NESW 34		NWSW 24		SESW 12		
		NESE 37		NWSE 38		SWSE 33		SESE 31
	36	NENE 28		NWNE 39		SWNE 39		SENE 27
		NENW 33		NWNW 32		SWNW 35		SENW 33
		NESW 24		NWSW 37		SWSW 38		SESW 20
		NESE 29		NWSE 33		SWSE 5		SESE 28
40E	18	NWNE 3		SWNE 7				
		NENW 2	2	SWNW 1		SENW 4		
		NESW 21	3	NWSW 19	4	SWSW 37		SESW 33
		NWSE 8						
	19	NWNE 13		SWNE 38				
		NENW 39	1	NWNW 35	2	SWNW 39		SENW 40
		NESW 40	3	NWSW 39	4	SWSW 34		SESW 34
		NESE 5		SWSE 35		SESE 38		
	20	SWNE 8		SENE 4				
		SWNW 6		SENW 16				
		NESW 40		NWSW 40		SWSW 38		SESW 36
		NWSE 35		SWSE 4				
	29	NENW 20		NWNW 39		SWNW 39		SENW 4
		NESW 20		NWSW 39		SWSW 37		SESW 19
	30	NENE 36		NWNE 40		SWNE 38		SENE 35
		NENW 36	1	NWNW 36	2	SWNW 27		SENW 35
		NESW 35	3	NWSW 24	4	SWSW 33		SESW 37
		NESE 39		NWSE 40		SWSE 36		SESE 39
	31	NENE 35		NWNE 38		SWNE 39		SENE 39
		NENW 39	1	NWNW 37	2	SWNW 37		SENW 40
		NESW 39	3	NWSW 39	4	SWSW 27		SESW 39
		NESE 37		NWSE 40		SWSE 39		SESE 38

76833

16S	39E	32		NENW	12		NWNW	38		SWNW	38		SENW	3
				NWSW	31		SWSW	32						
		1	1	NENE	25	2	NWNE	19						
		2	4	NWNW	33									
		3	2	NWNE	12									
			3	NENW	36	4	NWNW	32						
				NESW	37		SESW	21						
				NWSE	6									
		4	1	NENE	28	2	NWNE	28						
			3	NENW	6									
				NESW	11		SWSW	6		SESW	37			
				SWSE	15		SESE	6						
	40E	8		SENE	8									
				SENW	20									
		9		NWNE	24		SWNE	12		SENE	7			
				NENW	31		NWNW	8		SWNW	25		SENW	11
				NESE	40		NWSE	40		SWSE	9		SESE	26
		10		NWNW	16		SWNW	20						
				NWSW	20		SWSW	38						
		5	4	NWNW	32									
				NESW	14		NWSW	39		SWSW	38		SESW	37
		6	1	NENE	36	2	NWNE	14						
			3	NENW	32	4	NWNW	23						
				NESW	34		NWSW	30						
				NESE	37		NWSE	15		SWSE	12		SESE	34
		8		NENW	39		NWNW	26						

Total Acres: 10449

Conditions of Approval:

1.		Diversion from storage is limited to a total of 215 cfs when combined with the diversions from Worm Creek and Cub River. This right is for Glendale Reservoir.
2.	016	See remarks for additional conditions of approval.

Dates:

Licensed Date:

Decreed Date: 05/21/1981

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

76833

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/22/2010

WATER RIGHT NO. 13-2288A

Owner Type	Name and Address
Current Owner	PRESTON WHITNEY IRRIGATION CO 33 SOUTH 1 EAST PRESTON, ID 83263

Priority Date: 12/15/1924

Basis: License

Status: Active

Source	Tributary
CUB RIVER	BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	1/01	12/31		6000 AFA
IRRIGATION FROM STORAGE	4/01	11/01		6000 AFA
DIVERSION TO STORAGE	11/01	6/15	215 CFS	
Total Diversion			6000 AFA	

Location of Point(s) of Diversion:

CUB RIVER	NENW	Sec. 08	Township 15S	Range 41E	FRANKLIN County
-----------	------	---------	--------------	-----------	-----------------

Licensed Diversion Capacity: 6000

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	39E	9		SWNE	8		SENE	34						
				NESW	8		SESW	32						
				NESE	38		NWSE	37		SWSE	32		SESE	26
		10		NWNW	28		SWNW	37		SENW	36			
				NESW	33		NWSW	38		SWSW	36		SESW	31
				NESE	34		NWSE	36		SWSE	37		SESE	38
		11		NESW	40		NWSW	40		SWSW	35		SESW	40
				NESE	40		NWSE	40		SWSE	34		SESE	39
		12		SWSW	29									
				NWNW	37		SWNW	4						
		13		NESW	8		NWSW	36		SWSW	34		SESW	8
				NESE	7		SWSE	20		SESE	29			
		14		NENE	40		NWNE	23		SWNE	36		SENE	33
				NENW	15		NWNW	20		SWNW	39		SENW	31
		15		NESW	39		NWSW	35		SWSW	24		SESW	39
				NESE	26		NWSE	38		SWSE	35		SESE	21
		16		NENE	15		NWNE	38		SWNE	39		SENE	37
				NENW	37		NWNW	35		SWNW	39		SENW	34
		21		NESW	40		NWSW	39		SWSW	32		SESW	35
				NESE	37		NWSE	40		SWSE	35		SESE	32
		22		NENE	38		NWNE	33		SWNE	37		SENE	39
				NENW	37		SENW	39						
		23		NESW	39		NWSW	7		SWSW	13		SESW	26
				NESE	37		NWSE	15		SWSE	33		SESE	34
		24		NENE	35		NWNE	39		SWNE	39		SENE	32
				NENW	15		NWNW	10		SWNW	24		SENW	8
		25		NESW	12									
				NESE	34		NWSE	39		SWSE	21		SESE	22
		26		NENE	26		NWNE	39		SWNE	39		SENE	33
				NENW	35		NWNW	35		SWNW	39		SENW	32
		27		NESW	29		NWSW	39		SWSW	19		SESW	22
				NESE	8		NWSE	30		SWSE	3			
		28		NENE	36		NWNE	34		SWNE	39		SENE	29
				NENW	23		NWNW	33		SWNW	26		SENW	39
		29		NESW	20		NWSW	7		SESW	12			
				NESE	30		NWSE	33		SWSE	22		SESE	27
		30		NENE	39		NWNE	38		SWNE	38		SENE	34
				NENW	28		NWNW	36		SWNW	39		SENW	36
		31		NESW	31		NWSW	27		SWSW	38		SESW	37
				NESE	38		NWSE	37		SWSE	37		SESE	38
		32		NENE	40		NWNE	39		SWNE	38		SENE	39
				NENW	34		NWNW	36		SWNW	38		SENW	40
		33		NESW	33		NWSW	6		SWSW	14		SESW	28

76833

26	NESE	19	27	NWSE	39	35	SESE	26
	NENE	17		NWNE	14		SENE	18
	SENE	10						
	NESW	18		SWSW	26		SESE	39
	NESE	12		NWSE	28		SENE	31
	NENE	4		NWNE	10		SESE	35
	NENW	32		NWNW	36		SENE	33
	NESW	34		NWSW	15		SESE	38
	NESE	24		NWSE	26		SENE	27
	NENE	3		SENE	18		SESE	37
33	NESE	36	34	NWSE	19	30	SESE	39
	NENE	5		NWNE	24		SENE	33
	NENW	34		NWNW	31		SESE	34
	NESW	5		NWSW	18		SESE	31
	NESE	16		NWSE	2		SENE	27
	NENE	32		NWNE	27		SESE	37
	NENW	34		NWNW	4		SESE	33
	NESW	34		NWSW	24		SESE	34
	NESE	37		NWSE	38		SESE	31
	NENE	28		NWNE	39		SENE	27
36	NENW	33	35	NWNW	32	39	SESE	33
	NESW	24		NWSW	37		SESE	34
	NESE	29		NWSE	33		SESE	31
	NWNE	3		SWNE	7		SESE	28
	NENW	2		SWNE	1		SESE	33
	NESW	21		NWSW	19		SESE	33
	NWSE	8					SESE	33
	NWNE	13		SWNE	38		SESE	33
	NENW	39		NWNW	35		SESE	33
	NESW	40		NWSW	39		SESE	33
20	NESE	5	29	SWSE	35	38	SESE	38
	SWNE	8		SENE	4		SESE	38
	SWNW	6		SENE	16		SESE	38
	NESW	40		NWSW	40		SESE	38
	NWSE	35		SWSE	4		SESE	38
	NENW	20		NWNW	39		SESE	38
	NESW	20		NWSW	39		SESE	38
	NENE	36		NWNE	40		SESE	38
	NENW	36		NWNW	36		SESE	38
	NESW	35		NWSW	24		SESE	38
30	NESE	39	31	NWSE	40	39	SESE	39
	NENE	35		NWNE	38		SESE	39
	NENW	39		NWNW	37		SESE	39
	NESW	39		NWSW	39		SESE	39
							SESE	39
							SESE	39
							SESE	39
							SESE	39
							SESE	39
							SESE	39

76833

16S	39E	1	1	NESE	37	2	NWSE	40	39	38	SESE	38
				NENW	12		NWNW	38				
				NWSW	31		SWSW	32				
				NENE	25		NWNE	19				
				NWNW	33							
				NWNE	12							
				NENW	36		NWNW	32				
				NESW	37		SESW	21				
				NWSE	6							
				NENE	28		NWNE	28				
	40E	5	4	NENW	6	4			37	38	SESE	38
				NESW	11		SWSW	6				
				SWSE	15		SESE	6				
				SENE	8							
				SENE	20							
				NWNE	24		SWNE	12				
				NENW	31		NWNW	8				
				NESE	40		NWSE	40				
				NWNW	16		SWNW	20				
				NWSW	20		SWSW	38				
				NWNW	32							
				NESW	14		NWSW	39				
				NENE	36		NWNE	14				
				NENW	32		NWNW	23				
				NESW	34		NWSW	30				
				NESE	37		NWSE	15				
				NENW	39		NWNW	26				

Total Acres: 10449

Conditions of Approval:

1.		This right when combined with Rights 13-02108, 13-02288 and 13-02298 shall not exceed an annual storage volume of 6000.0 acre feet. The combined rate of diversion to storage going into Glendale Rese Reservoir from Cub River and Worm Creek shall not exceed 215.0 cfs. Storage facility is known as Glendale Reservoir.
2.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 13A.

Dates:

Licensed Date: 05/05/1995

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

76833



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

Robert L. Harris
Attorney at Law

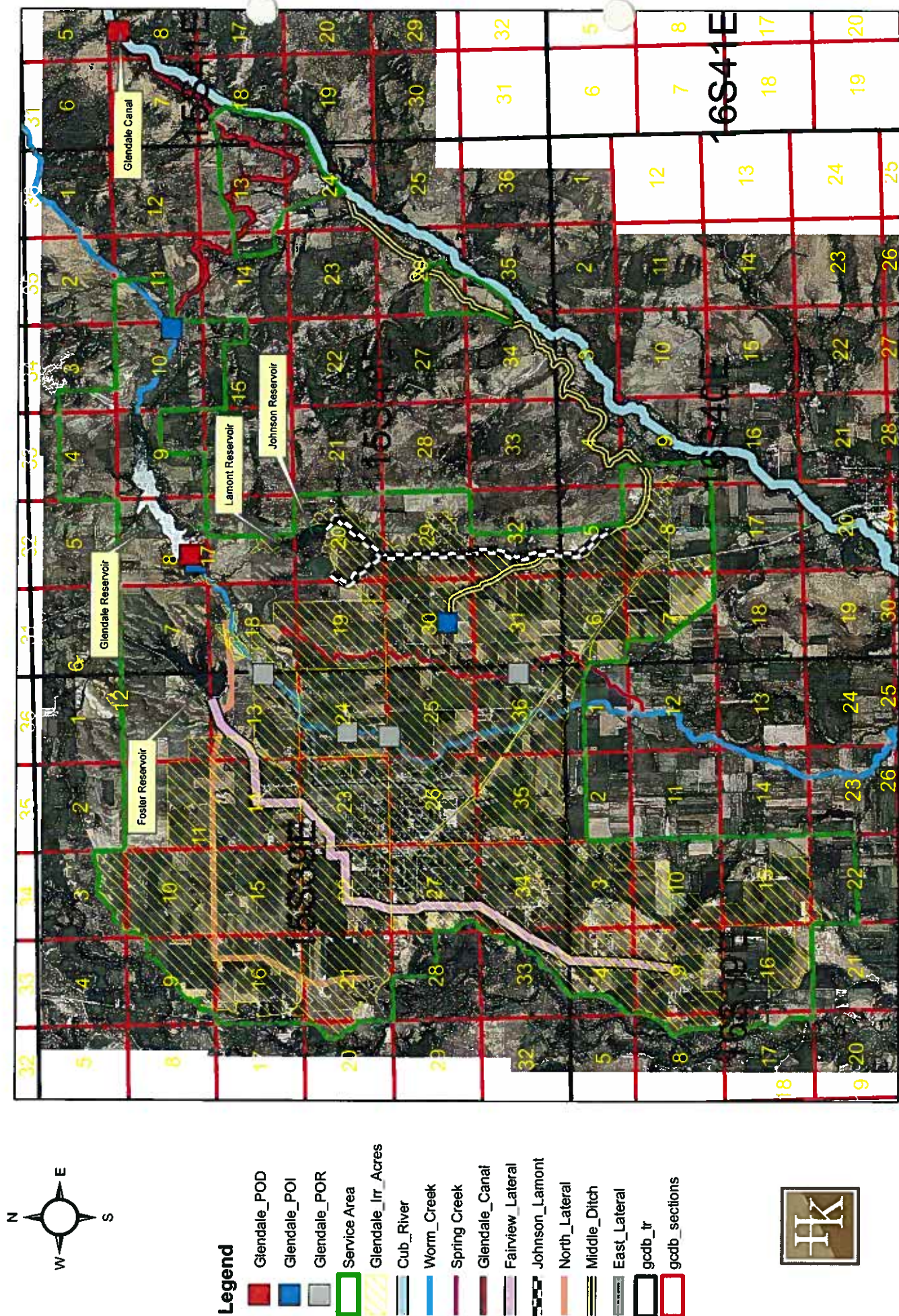
1000 Riverwalk Dr., Ste. 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
rharris@holdenlegal.com

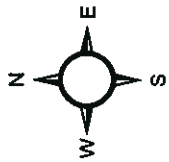
Attachment No. 4 Power of Attorney

Attachment No. 7a Map - Proposed POD

PRESTON-WHITNEY GLENDALE STORAGE WATER TRANSFER

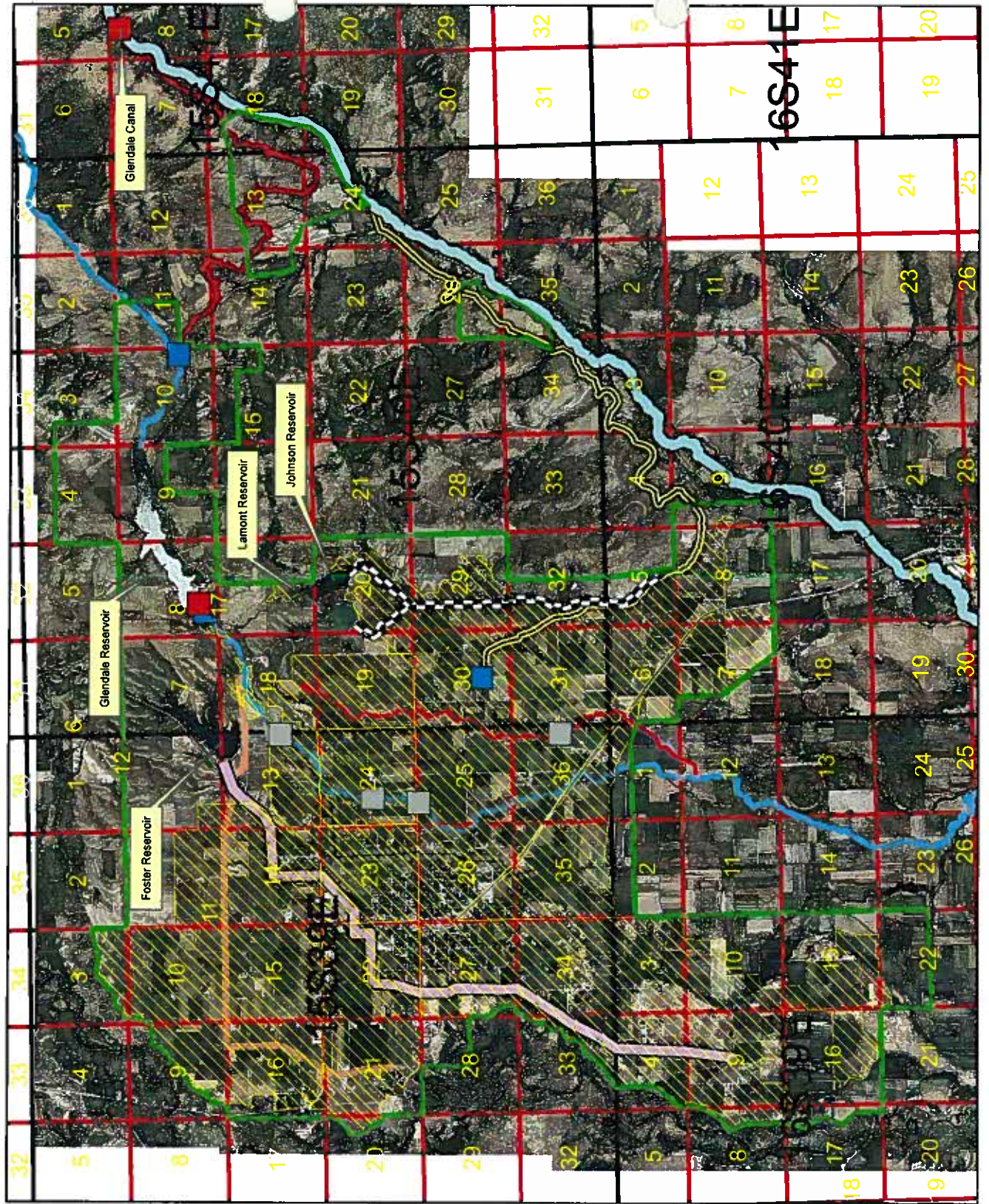


PRESTON-WHITNEY GLENDALE STORAGE WATER TRANSFER



Legend

- Glendale_POD
- Glendale_POI
- Glendale_POR
- Service Area
- Glendale_Irr_Acres
- Cub_River
- Worm_Creek
- Spring_Creek
- Glendale_Canal
- Fairview_Lateral
- Johnson_Lamont
- North_Lateral
- Middle_Ditch
- East_Lateral
- gcdb_tr
- gcdb_sections



Attachment No. 7b

GIS Shape File



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

SEP 23 2010

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

September 23, 2010

Idaho Department of Water Resources
ATTN: Dave Carlson
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Applications for Water Right Transfer for Preston-Whitney Irrigation Company
Storage Water Rights.

Dear Dave:

Enclosed for processing are three Applications for Transfer for storage water rights owned by the Preston-Whitney Irrigation Company. We have also enclosed the appropriate filing fee for each transfer.

In order to provide some brief background that may assist in your review of these transfers, Preston-Whitney owns and operates three reservoirs. As you are aware, earlier this year, we filed an Amended Application for Transfer for some of Preston-Whitney's natural flow rights in order to better define their service area and document their historic irrigated acreage. We are now seeking to do the same thing with the Company's storage rights, but because there are three separate reservoirs, each with their own water rights, we felt it would be easier to submit these applications by reservoir: (1) Glendale; (2) Foster' and (3) LaMont.

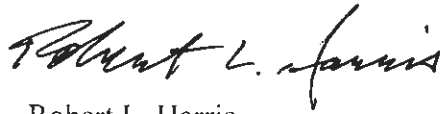
Please note that the irrigated acreage from the storage water is different than the irrigated acreage of the Company's natural flow rights. This is because some of the irrigated acreage is located above the upper most reservoir, Glendale Reservoir, and therefore cannot be irrigated with storage. My clients have carefully reviewed aerial GIS maps, and we believe we have accurately documented the places of use where the various storage rights can be utilized. It is important to note that Glendale Reservoir water is capable of being distributed to nearly the entire Preston-Whitney system, other than the acreage above the reservoir. The Foster Reservoir and LaMont Reservoirs only deliver their storage water to specific locations, which are identified on the transfers.

With each transfer, we have attached CDs with the various GIS shapefiles we have utilized in order to prepare the required maps and perform the necessary calculations. If you have any issues with the shapefiles on the CDs, please let us know, and we can provide you additional copies.

Please also note that the LaMont will require a lien holder authorization. We are in the process of obtaining that, and will provide it to you when we receive it.

Lastly, the Preston-Whitney Irrigation Company system is somewhat complicated. We have done our best in each transfer to explain how water is diverted into these storage reservoirs, and thereafter how it is distributed. If you have any questions, or require any additional detail, please let me know. We appreciate your attention to this matter. If you have any questions, please give us a call.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures



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

October 13, 2010

PRESTON WHITNEY IRRIGATION CO
PO BOX 311
PRESTON, ID 83263

RE: Transfer No. 76835, 76834 and 76833

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on October 20 and 27, 2010, IDAHO STATESMAN, LEWISTON TRIBUNE, POST-REGISTER, TIMES NEWS on October 21 and 28, 2010. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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.

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

Sincerely,

Sharla Cox
Administrative Assistant

CC: Robert L Harris
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405-0130



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

October 13, 2010

TROY FOSTER
WATER DISTRICT 13A
2063 E 1600 S
PRESTON, ID 83263

RE: Applications for Transfer 76833, 76834, 76835

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Dave Carlson
Water Resources

Enclosure(s)

DC:sc

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 13, 2010 10:12 AM
To: 'legals@magicvalley.com'
Subject: Legal Ad for your paper

Contacts: Times News



Times News
E-Mail.doc

Sharla

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

October 13, 2010

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 76833, 76834, 76835,
Water Right No(s). 13-2108, 13-2288, 13-2288A, 13-2291, 13-2298

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 13, 2010 10:11 AM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal Ad for your paper

Contacts: Post Register



Post Register
E-Mail.doc

Sharla

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

October 13, 2010

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 76833, 76834, 76835,
Water Right No(s). 13-2108, 13-2288, 13-2288A, 13-2291, 13-2298

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 13, 2010 10:03 AM
To: 'klewis@lmtribune.com'
Subject: Legal Ad for your paper

Contacts: Lewiston Morning Tribune

October 13, 2010

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Legal Ad

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 November 8, 2010. Your cooperation is appreciated.

Sincerely

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 76833

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76833 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2108, 13-2288, 13-2288A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and the storage water rights of Glendale Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 6000 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 16,666.3 acres.

TRANSFER NO. 76834

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76834 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2291; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and storage water right of Lamont Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 2407.5 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 4156.2 acres.

TRANSFER NO. 76835

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76835 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2298; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and storage water right for Foster Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 3355 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 5059.9 acres.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before **November 8, 2010**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on October 21 and 28, 2010

Sharla

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

October 13, 2010

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 76833, 76834, 76835,
Water Right No(s). 13-2108, 13-2288, 13-2288A, 13-2291, 13-2298

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 13, 2010 10:02 AM
To: 'legals@idahostatesman.com'
Subject: Legal Ad for your Paper

Contacts: Idaho Statesman



Idaho Statesman
1.RTF

Sharla

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

October 13, 2010

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 76833, 76834, 76835,
Water Right No(s). 13-2108, 13-2288, 13-2288A, 13-2291, 13-2298

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 13, 2010 10:13 AM
To: 'copy@prestoncitizen.com'
Subject: Legal Ad for your paper

Contacts: Preston Citizen



Preston Citizen
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Sharla

Sharla Cox
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October 13, 2010

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Transfer No. 76833, 76834, 76835,
Water Right No(s). 13-2108, 13-2288, 13-2288A, 13-2291, 13-2298

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 76833

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76833 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2108, 13-2288, 13-2288A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and the storage water rights of Glendale Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 6000 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 16,666.3 acres.

TRANSFER NO. 76834

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76834 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2291; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and storage water right of Lamont Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 2407.5 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 4156.2 acres.

TRANSFER NO. 76835

PRESTON WHITNEY IRRIGATION CO, PO BOX 311, PRESTON, ID 83263 has filed Application No. 76835 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2298; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use by defining the area and storage water right for Foster Reservoir. The points of diversion remain the same, but are identifying points of injection and redirection. 3355 af. The place of use is within the service area of the Preston Whitney Irrigation Co for 5059.9 acres.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

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