

GEOLOGICAL SURVEY

5'

439000m.E.

13-07514

40

R. 40 E.

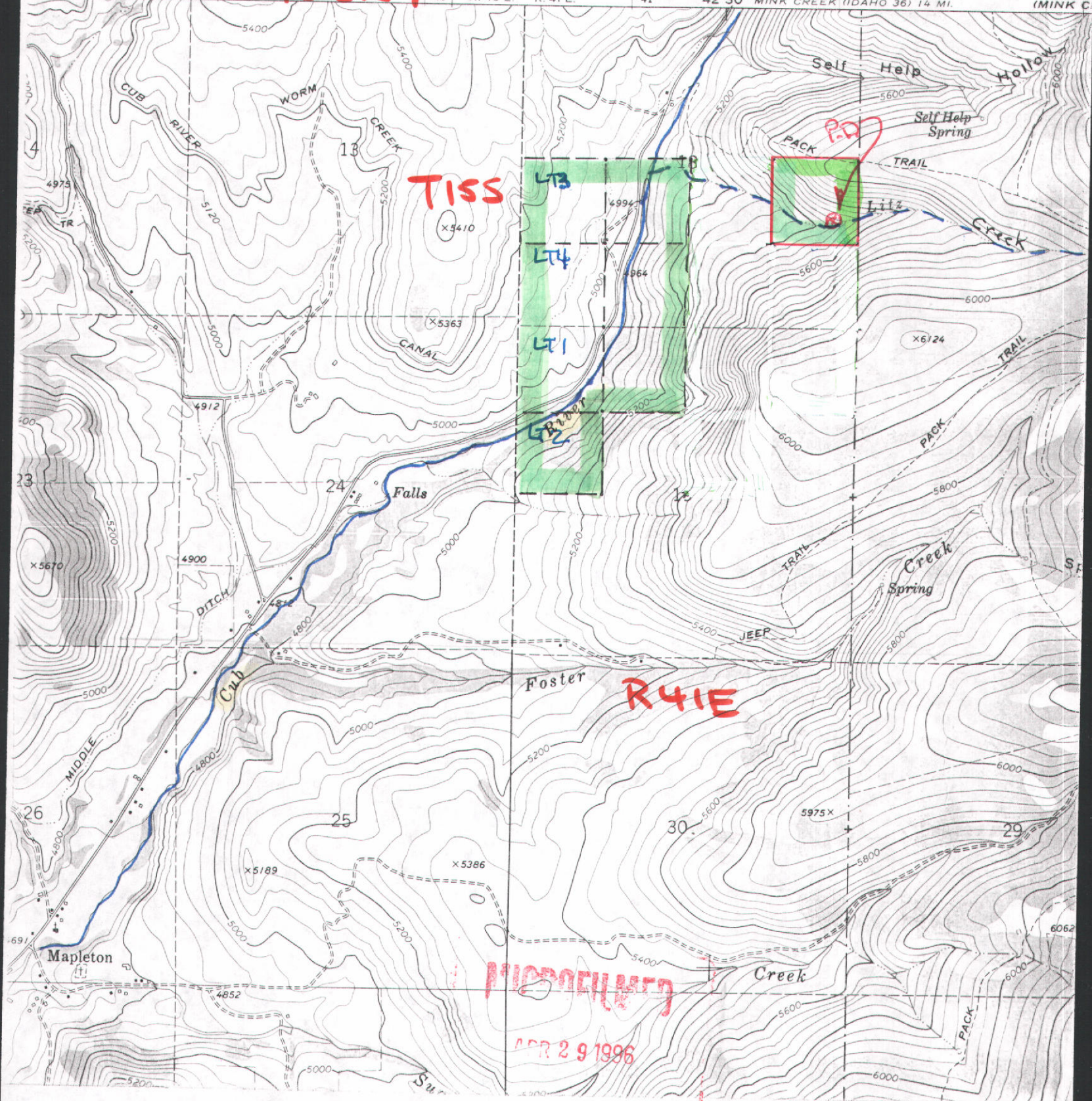
R. 41 E.

41

42'30"

MINK CREEK (IDAHO 36) 14 MI.

3668 II
(MINK C)



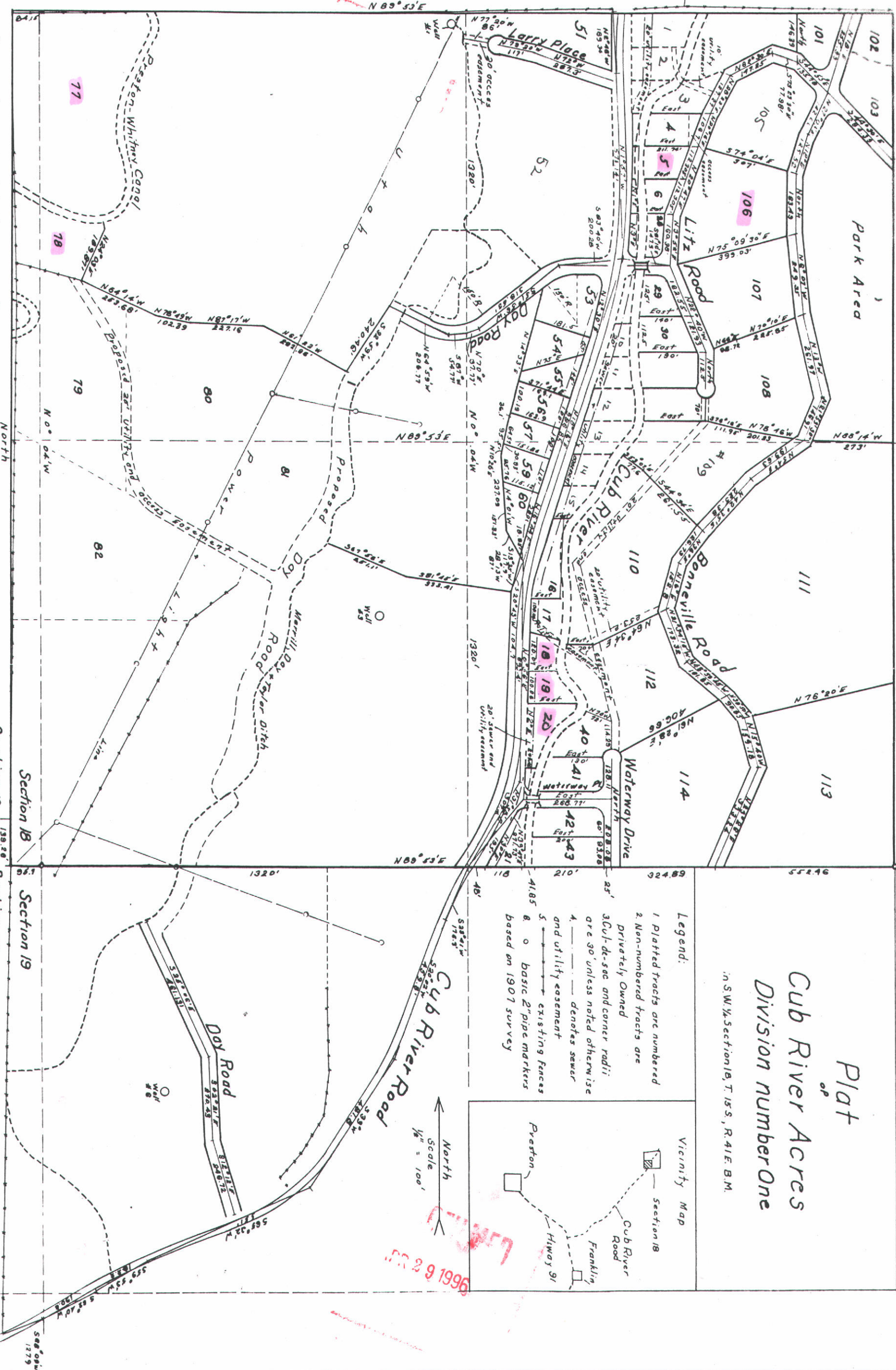
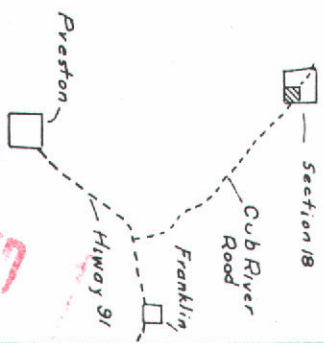
Plat of Cub River Acres Division number One

N. 5 W 1/4 Section 18, T. 15 S., R. 41 E. B.M.

Legend:

- 1 Platted tracts are numbered
- 2 Non-numbered tracts are privately owned
- 3 Cul-de-sac and corner radii are 30' unless noted otherwise
- 4 — denotes sewer and utility easement
- 5 — existing fences
- 6 O basic 2" pipe markers based on 1907 survey

Vicinity Map



Note: Sanitary Restriction Imposed
Plans for Community Sewer System not submitted
Sanitary Restriction Removed date _____

Section 13 139.20' Section 18 139.20' Section 19 139.20' Section 24 139.20'

6616 29 1996

CUB RIVER ACRES

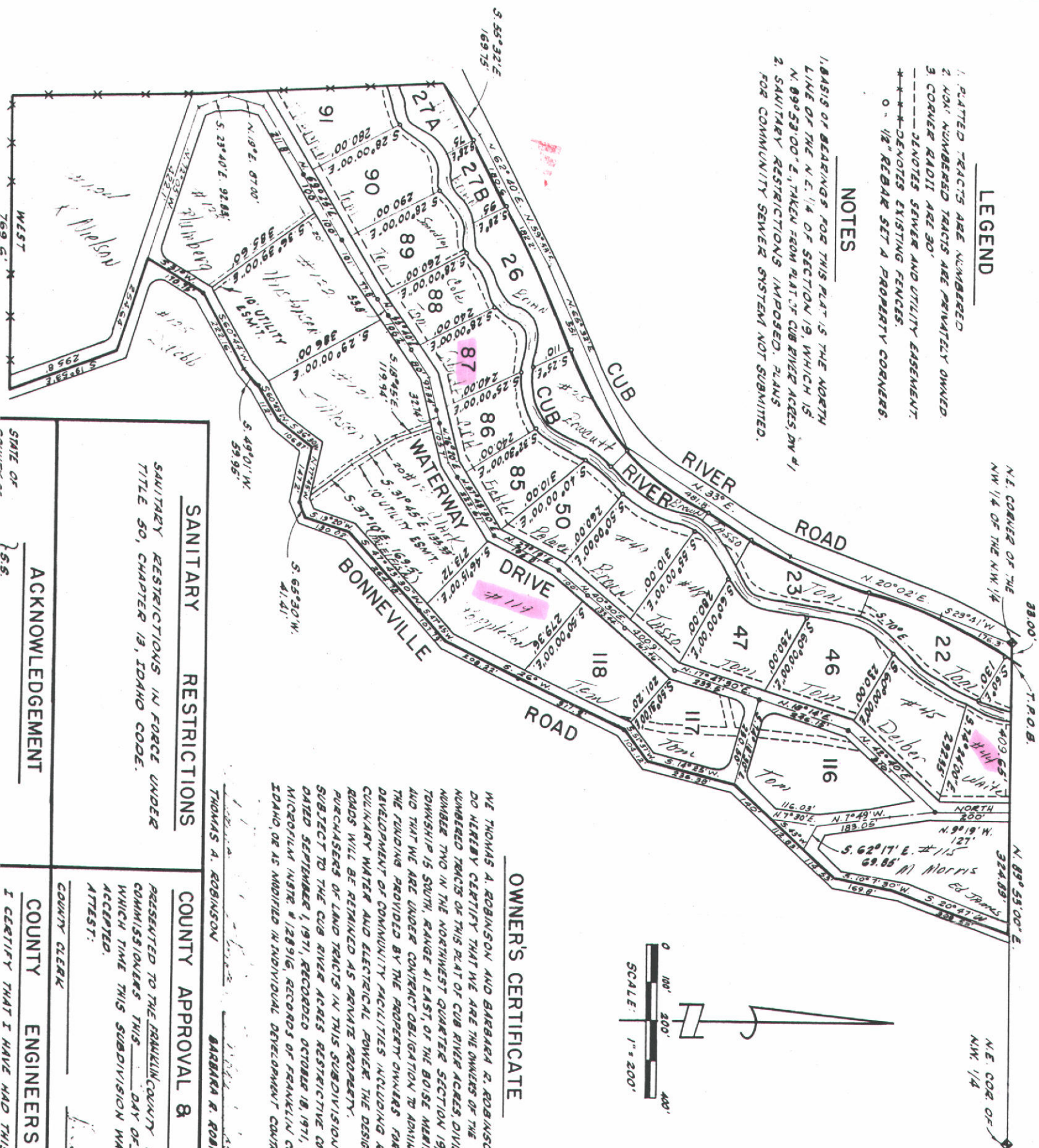
DIVISION NUMBER TWO—
PART OF THE N.W. 1/4 SEC. 19, T.15S., R. 41E. E.B.M.
Franklin County,
Idaho

LEGEND

1. PLATTED TRACTS ARE NUMBERED
2. NON-NUMBERED TRACTS ARE PRIVATELY OWNED
3. CORNER RADII ARE 30'
- DENOTES SEWER AND UTILITY EASEMENT
- DENOTES EXISTING FENCES
- 0 - 1/2" REBAR SET A PROPERTY CORNER

NOTES

1. BASIS OF BEARINGS FOR THIS PLAT IS THE NORTH LINE OF THE N.E. 1/4 OF SECTION 19, WHICH IS N. 89° 53' 00" E., TAKEN FROM PLAT OF CUB RIVER ACRES, DIV. #1
2. SANITARY RESTRICTIONS IMPOSED. PLANS FOR COMMUNITY SEWER SYSTEM NOT SUBMITTED.



OWNER'S CERTIFICATE

WE THOMAS A. ROBINSON AND BARBARA R. ROBINSON DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE NUMBERED TRACTS OF THIS PLAT OF CUB RIVER ACRES, DIVISION TWO IN THE NORTHWEST QUARTER SECTION 19, TOWNSHIP 15 SOUTH, RANGE 41 EAST, OF THE BOISE MERIDIAN, AND THAT WE ARE UNDER CONTRACT OBLIGATION TO ADMINISTER THE FUNDING PROVIDED BY THE PROPERTY OWNERS FOR THE DEVELOPMENT OF COMMUNITY FACILITIES INCLUDING ROADS, CULINARY WATER AND ELECTRICAL POWER. THE DESIGNATED PURCHASERS OF LAND TRACTS IN THIS SUBDIVISION ARE SUBJECT TO THE CUB RIVER ACRES RESTRICTIVE COVENANTS DATED SEPTEMBER 1, 1971, RECORDED OCTOBER 18, 1971, UNDER MICROFILM INSTR. # 128916, RECORDS OF FRANKLIN COUNTY, IDAHO, OR AS MODIFIED IN INDIVIDUAL DEVELOPMENT CONTRACTS.

THOMAS A. ROBINSON

BARBARA R. ROBINSON

SURVEYOR'S CERTIFICATE

I, MICHAEL L. LUND, A REGISTERED CIVIL ENGINEER IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS PLAT OF CUB RIVER ACRES, LOCATED IN FRANKLIN COUNTY, IDAHO, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIBED TRACT OF LAND INCLUDED IN THIS SUBDIVISION, BASED ON DATA COMPILED FROM THE COUNTY RECORDERS OFFICE AND FROM INFORMATION PREPARED BY WENDELL H. SMITH A DUTY REGISTERED CIVIL ENGINEER, IN 1974.

SIGNED THIS 5 DAY OF JULY, 1978.

Michael L. Lund
MICHAEL L. LUND, CERT. NO. 9385

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTH EAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 19, T.15S., R.41E., E.B.M.; THENCE N. 89° 53' E. ALONG SAID SECTION LINE 33.00 FEET TO THE EAST SIDE OF CUB RIVER ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N. 89° 53' E. 134.64 FEET TO THE CENTERLINE OF BONNEVILLE ROAD; THENCE ALONG THE CENTERLINE OF BONNEVILLE ROAD THE FOLLOWING COURSES: 5.20° 47' W., 308.55 FEET; S. 10° 07' 30" W., 169.8 FEET; S. 43° 4' W., 367.36 FEET; S. 14° 25' W., 236.38 FEET; S. 47° 45' W., 107.79 FEET; S. 26° 4' W., 520.12 FEET; S. 47° 45' W., 107.79 FEET; S. 47° 43' 30" W., 264.78 FEET; S. 19° 20' W., 130.02 FEET; S. 65° 30' W., 41.41 FEET; N. 77° 45' W., 147.2 FEET; S. 36° 30' W., 106.87 FEET; S. 60° 49' W., 112.0 FEET; S. 49° 01' W., 59.95 FEET; S. 60° 44' W., 222.16 FEET; S. 31° 0' W., 170.75 FEET TO THE CENTERLINE OF WATERWAY DRIVE; THENCE S. 72° 05' E., 254.64 FEET; THENCE S. 19° 53' E., 295.8 FEET TO AN EXISTING FENCE; THENCE ALONG SAID FENCE WEST 769.6 FEET TO THE SOUTHWEST CORNER GOVERNMENT LOT 2, THENCE NORTHERLY ALONG THE EXISTING FENCE LINE MARKING THE WEST BOUNDARY OF SECTION 19, 1140 FEET, MORE OR LESS, TO THE SOUTHEASTLY BOUNDARY LINE OF CUB RIVER ROAD; THENCE ALONG THE EASTERLY SIDE OF CUB RIVER ROAD TO THE TRUE POINT OF BEGINNING.

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS IN FORCE UNDER
TITLE 50, CHAPTER 13, IDAHO CODE.

ACKNOWLEDGEMENT

STATE OF IDAHO }
COUNTY OF }
ON THIS DAY OF 1978, PERSON-
ALLY APPEARED BEFORE ME THE SIGNERS OF THE ABOVE
OWNERS DEDICATED WHO DULY ACKNOWLEDGED TO ME THAT
THEY EXECUTED THE SAME.
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

COUNTY APPROVAL & ACCEPTANCE

PRESENTED TO THE FRANKLIN COUNTY BOARD OF COUNTY
COMMISSIONERS THIS DAY OF 1978, AT
WHICH TIME THIS SUBDIVISION WAS APPROVED AND
ACCEPTED.
ATTEST:
COUNTY CLERK

COUNTY ENGINEERS APPROVAL

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED
AND FIND THAT IT IS CORRECT AND ACCEPTABLE.
DATE: _____
COUNTY ENGINEER

COUNTY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF THE CUB RIVER ACRES SUBDIVISION.

COUNTY RECORDERS NUMBER

STATE OF IDAHO, COUNTY OF FRANKLIN, RECORDED
AND FILED AT THE REQUEST OF _____
DATE: _____ TIME: _____
BOOK: _____ PAGE: _____
INSTR. # _____
COUNTY RECORDER

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 13-7514 Name: Cub River Acres - Inc. Date: 3/27/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: EE 019401 Priority: 12/30/93 ✓ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: cond. w/d. - 020 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - **P16**
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065 (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (~~dem~~) - 005 (req) WD # 13A <SEE MAP & LISTING>
+ 0.2 cfs - 01J (meas dev) - P08
=/- 0.2 cfs - ~~01H~~ (lock dev) - P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R † Star Bridge); 27A (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F (P19) - 09E (P10);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - Blank <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

004 (PD/PU) Residents/Covenants
① PU = L1-4, 6, 8, 11-13, 21, 23, 33, 40-42, 46, 52, 55, 65, 73, 75, 79-82, 101, 105, 107-108, 110, 112, #1
LT S 22-23, 25-27, 45, 47-50, 86, 88-91, 104, 112-118, 120-126, #2
② W85/15 h 47 camps within Cub River Acres Division 1 & 2.
③ W41/13-2028/0.20
4-1-1997 requested plat 3/27/96 id
Corp off.

Nop

PROOF OF BENEFICIAL USE

MAY 07 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 13-07514

Proposed Priority: December 22, 1993 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **CUB RIVER ACRES INC**
C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263-0208

has applied for a permit to appropriate water from:
SPRING tributary of **LITZ CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENESE , Sec. 18, Township 15S, Range 41E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 41E 18	NESW	Lot 3 (NWSW)	Lot 4 (SWSW)
	SESW		
19	NENW	Lot 1 (NWNW)	Lot 2 (SWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1997.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 13A.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. This right is diverted from the same spring as Right 13-07028 and when combined with Right 13-07028 shall not exceed a diversion rate of 0.20 cfs.
8. Whenever the flow in the Cub River Drainage is not sufficient to fill all rights prior in time to this right, groundwater must be pumped and diverted into Cub River under Right No. 13-07021 to allow the continued diversion from the spring.
9. Place of use is located within Lots 1-4, 6, 8, 11-13, 21, 29-33, 40-42, 46, 52, 55, 65, 73, 75, 79-82, 101, 105, 107-108, 110-111, Cub River Subdivision #1; and Lots 22-23, 25-27, 45, 47-50, 86, 88-91, 104, 112-118, 120-126, Cub River Subdivision #2.

APR 29 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07514

CONDITIONS OF APPROVAL AND REMARKS

10. Domestic use is for 15 homes and 47 campsites.
11. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

22nd day of April, 1996

Karl J. Dreher
for Karl J. Dreher, Director

APR 29 1996

RECEIVED
MAR 25 1996

Ident. No. 13-07514

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CUB RIVER ACRES INC
Address: C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263
208-852-0155
2. Source: SPRING
3. Location of Point of Diversion: Trib. to: LITZ CREEK
SENESE Sec. 18, Township 15S, Range 41E
FRANKLIN County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.200		
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
Pipe from spring to 30,000 gal storage tank, then pipe to sites.
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: DOMESTIC

TWN RGE SEC
15S 41E 18

19

NESW
SESW
NENW

LT 3 (NWSW)

LT 4 (SWSW)

LT 1 (NNW)

LT 2 (SWNW)

APR 29 1996

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks: IS 47
* Domestic use is for ~~6 summer~~ homes and ~~56~~ campsites.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Applicant

Received by WN Date 12/30/93 Time 11:37 Preliminary check by CR# 0233 \$30.00

Fee \$ 30.00 Receipted by HWT # E019401 Date 12-30-1993

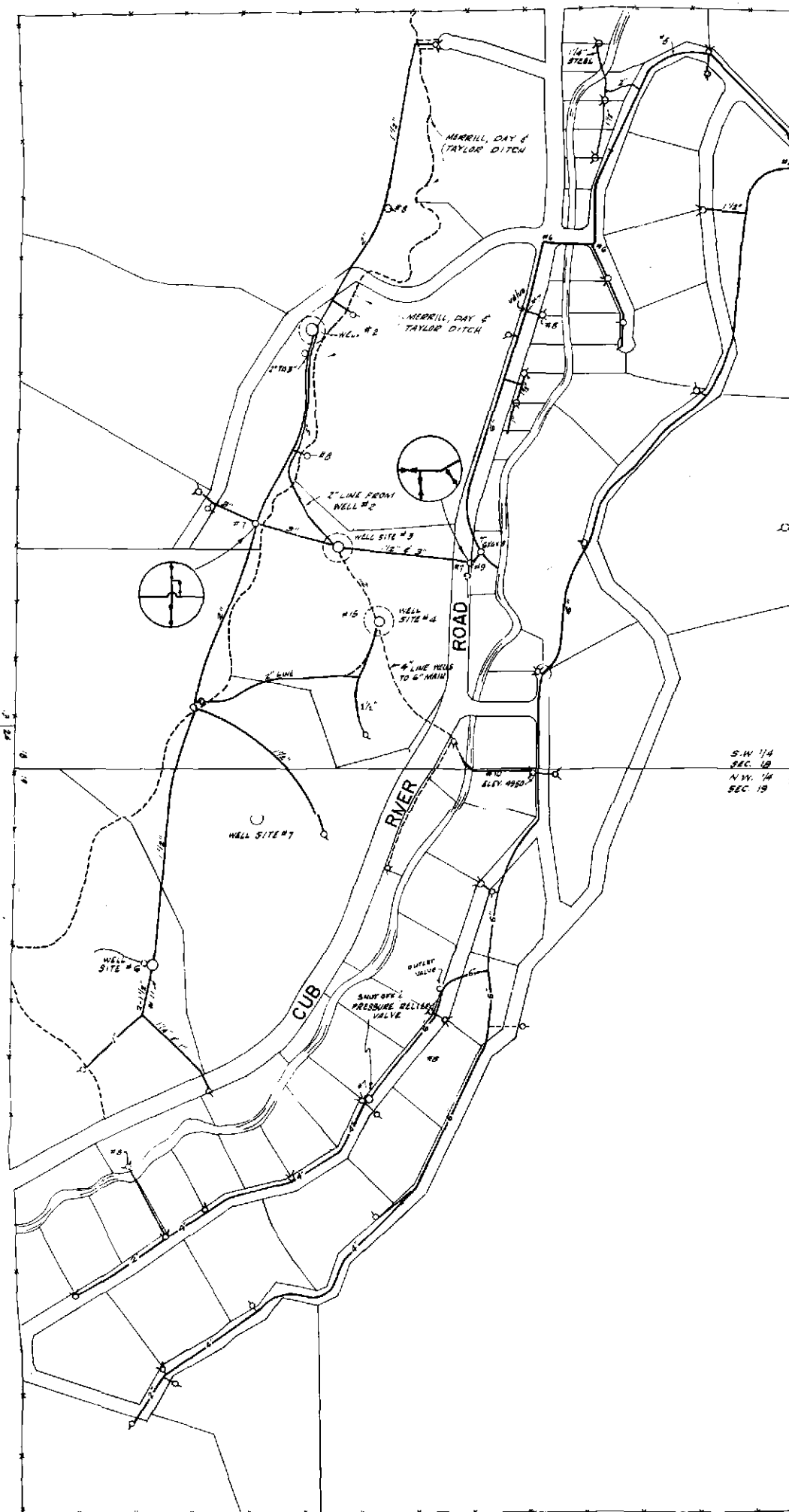
Publication prepared by LB Date 1-20-94 Published in Preston Citizen

Publication approved _____ Date _____

RECORDED

APR 29 1996

* per Telecom w/applicant 4/17/96 c.g.



#3 RESERVOIR'S
ELEV. 5174

SCALE = 1" = 200'

PROPOSED
ADDITIONAL COLLECTION
AREA

ELEVATION MAIN SPRING
5174

Master Copy

WATER DISTRIBUTION SYSTEM
FOR

CUB RIVER ACRES

A RECREATIONAL SUBDIVISION IN THE SOUTH HALF,
SECTION 18, AND THE NORTH HALF, SECTION 19,
TOWNSHIP 15 SOUTH, RANGE 41 EAST, BOISE MERIDIAN

OCT. 23-79

NOTES

1. MAIN SPRING - SEE SEPARATE DRAWING
2. 3" LINE, SPRING TO RESERVOIR
3. RESERVOIR - SEE SEPARATE DRAWING
4. 2-6" MAINS FROM RESERVOIR VALVE ROOM
5. 6" SECTION (BETWEEN MARKERS) ASBESTOS PIPE
6. RIGHT ANGLE TURNS BLOCKED WITH CONCRETE
7. SHUT OFF VALVES-MAJOR-CONNECTIONS
8. METER BOXES WITH CONNECTIONS
9. 3" MAIN VALVE AND 2 1/2" DRAIN VALVE AND METER BOX
10. 3" DRAIN VALVE AND CONNECTING T
11. WELL TO RIVER LINES TO REPLACE SPRING WATER
12. ALL PIPES PVC EXCEPT AS SHOWN OTHERWISE - 160 P.S.I.
13. HEAVY SOLID LINES - EXISTING SYSTEM
14. DASHED LINES - PROPOSED SYSTEM
15. WELL WATER MIXING

LEGEND

- EXISTING WATER LINE
- - - FUTURE WATER LINE
- o METER BARRELS

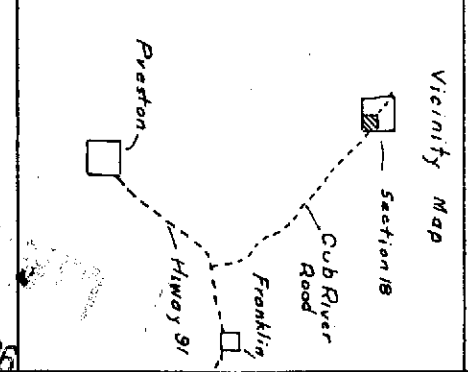
APR 29 1936

for section
stone pile
marker

Plat Cub River Acres Division number One

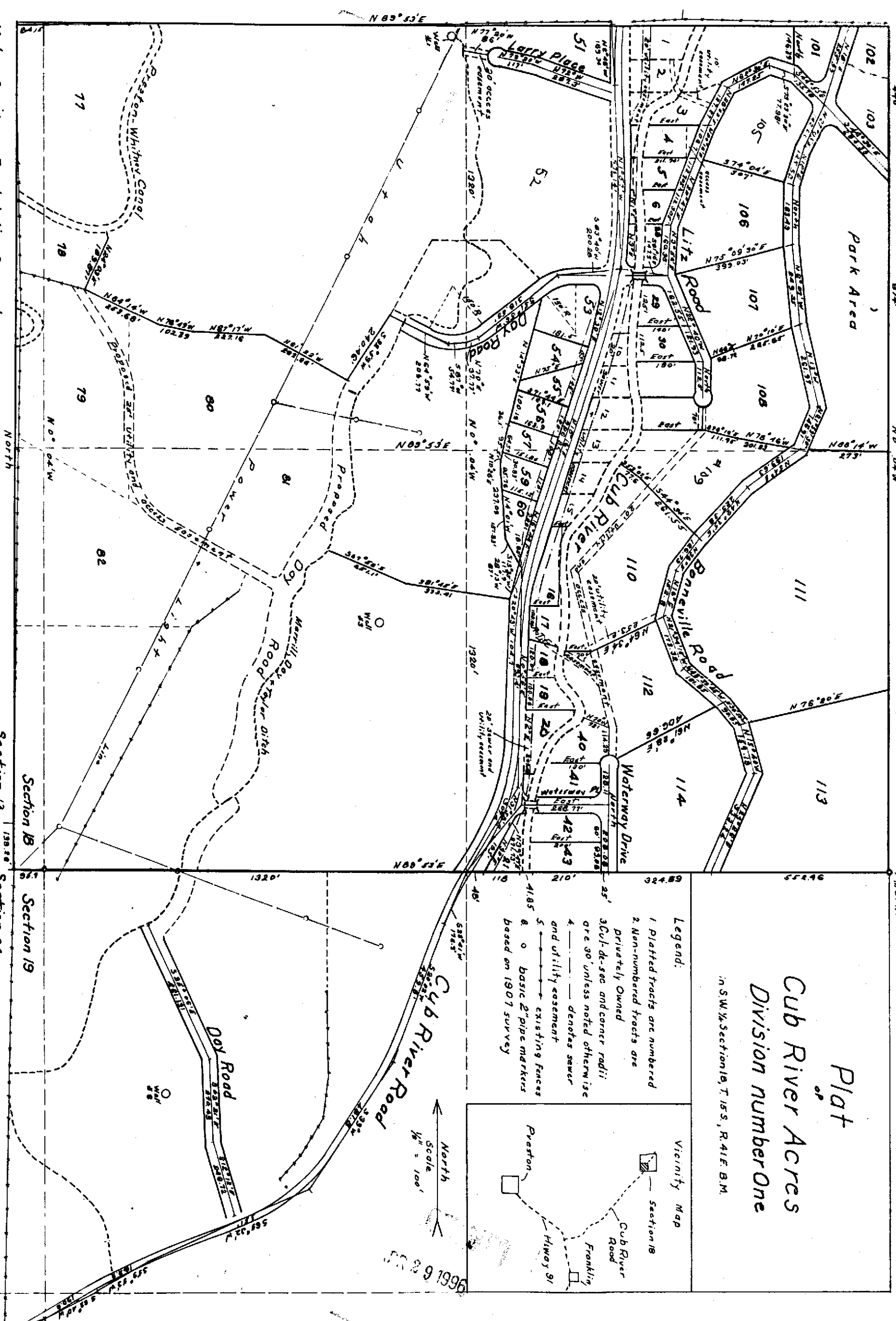
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 - 5. — existing fences
 - 6. O basic 2" pipe markers based on 1907 survey



North
Scale
1/4" = 100'

50 29 1996



Note: Sanitary Restriction Imposed
Plans for Community Sewer System not submitted
Sanitary Restriction Removed date _____

Stephens & Peterson 6-3-74

CUB RIVER ACRES

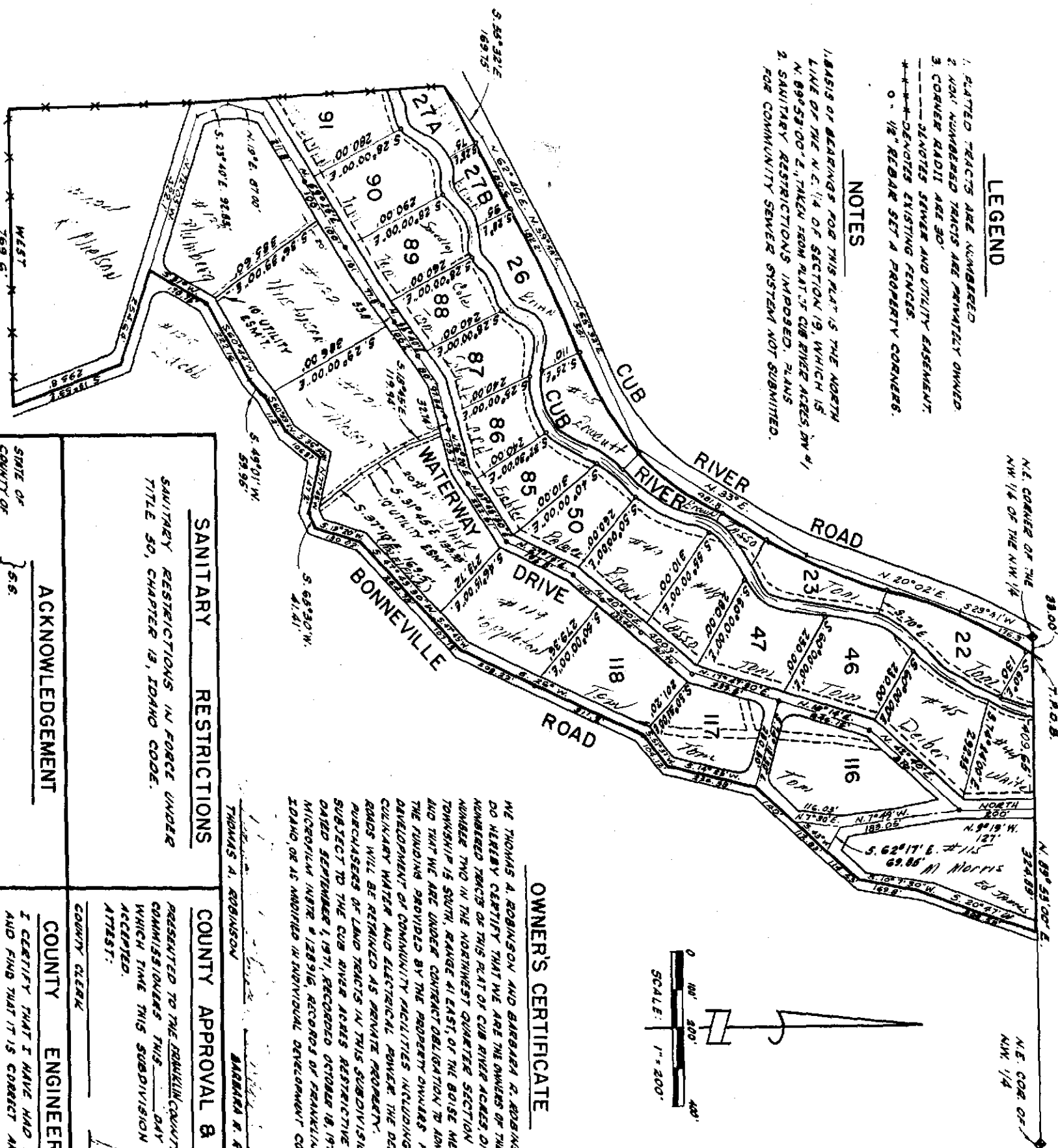
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4. DASHES DENOTE SEWER AND UTILITY EASEMENTS
5. DASHES DENOTE EXISTING FENCES
6. 0 - 1/2" REBAR SET A PROPERTY CORNER

NOTES

1. BASIS OF BEARINGS FOR THIS PLAT IS THE NORTH LINE OF THE N.E. 1/4 OF SECTION 19, WHICH IS N. 89° 53' 00" E., TAKEN FROM PLAT OF CUB RIVER ACRES, BY #1
2. SANITARY RESTRICTIONS IMPOSED, PLANS FOR COMMUNITY SEWER SYSTEM NOT SUBMITTED.



OWNER'S CERTIFICATE

WE, THOMAS A. ROBINSON AND BARBARA R. ROBINSON DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE NUMBERED TRACTS OF THIS PLAT OF CUB RIVER ACRES, DIVISION NUMBER TWO IN THE NORTHWEST QUARTER SECTION 19, TOWNSHIP 15 SOUTH, RANGE 41 EAST, OF THE BOISE MERIDIAN, AND THAT WE ARE UNDER CONTRACT OBLIGATION TO ADMINISTER THE FUNDING PROVIDED BY THE PROPERTY OWNERS FOR THE DEVELOPMENT OF COMMUNITY FACILITIES INCLUDING ROADS, CULINARY WATER AND ELECTRICAL POWER. THE DESIGNATED ROADS WILL BE RETAINED AS PRIVATE PROPERTY. PURCHASERS OF LAND TRACTS IN THIS SUBDIVISION ARE SUBJECT TO THE CUB RIVER ACRES RESTRICTIVE COVENANTS DATED SEPTEMBER 1, 1971, RECORDED OCTOBER 18, 1971, UNDER MICROFILM INSTRUMENT #128916, RECORDS OF FRANKLIN COUNTY, IDAHO, OR AS MODIFIED IN INDIVIDUAL DEVELOPMENT CONTRACTS.

THOMAS A. ROBINSON
BARBARA R. ROBINSON

SURVEYOR'S CERTIFICATE

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SIGNED THIS 5 DAY OF July, 1978.

Michael L. Lund
MICHAEL L. LUND, CERT. NO. 5385

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SANITARY RESTRICTIONS

SANITARY RESTRICTIONS IN FORCE UNDER TITLE 50, CHAPTER 18, IDAHO CODE.

ACKNOWLEDGEMENT

STATE OF IDAHO, COUNTY OF FRANKLIN, DAY OF JULY, 1978, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT MY COMMISSION EXPIRES

COUNTY APPROVAL & ACCEPTANCE

PRESENTED TO THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS THIS DAY OF JULY, 1978, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

COUNTY CLERK

CHAIRMAN

COUNTY ENGINEERS APPROVAL

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND ACCEPTABLE.

DATE

COUNTY ENGINEER

COUNTY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE CUB RIVER ACRES SUBDIVISION.

Michael L. Lund
COUNTY CLERK

COUNTY RECORDERS NUMBER

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**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-07514 Reviewed by [Signature] Date 5-1-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
yes Required?
yes Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 4-29-96

May 2, 1996

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON ID 832630208

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07514

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
MAY 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1996

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263-0208

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07514

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

APR 29 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 13-7514 Name: Cub River Acres - One. Date: 3/27/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: E 019401 Priority: 12/30/93 ✓ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: cond. w/d. - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dem~~) - 005 (reg) WD # 13A <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev) - ~~P08~~
=/- 0.2 cfs - ~~01M~~ (lock dev) ~~not~~ or No MD
In WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ) - P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (reg) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - ~~Blank~~ <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- PU = L1-4, 6, 8, 11-13, 21, 23, 25, 27, 45, 47-50, 86, 88-91, 104, 112-118, 120-126, #1
- LT 3 22-23, 25-27, 45, 47-50, 86, 88-91, 104, 112-118, 120-126, #2
- ② w85/15h447 comp. within Cub River Acres Divisions 1 & 2.
- 3-1-1997 ③ w41/15-2018/0.20
- requested plat 3/27/96 id
- Corp off.



Prepared By
Approved By22-604
AMPS

		1		2		3		4	
		DIVISION #1		Camp Sites		Summer Homes		Perm. Homes	
		Lot #						Ranch w/ P. Home	
1		111						1	
2		31		1					
3		75							1
4		29		1					
5		30		1					
6		51						1	
7		79		1					
8		80		1					
9		32				1			
10		13		1					
11		18		1					
12		8		1					
13		10				1			
14		46		1					
15		55				1			
16		81		1					
17		3		1					
18		101		1					
19		2		1					
20		1		1					
21		12		1					
22		9						1	
23		19						1	
24		52		1					
25		33		1					
26		40		1					
27		11		1					
28		105						1	
29		106						1	
30		108						1	
31		74							1
32		73							1
33		21		1					
34		208				1			
35		110		1					
36		41		1					
37		5				1			
38		70							1
39		65							1
40		6		1					

Date 4/11/96 # of pages 3
 From WALTER ROSS
 Co. Dept. CLUB RIVER ARMS
 Phone # 208 852 0155
 Fax # 208 852 0158

Post-It Fax Note 7671
 To CLAUDY ZIMMERMAN
 Co. Dept.
 Phone #
 Fax #

APR 29 1996

137028

Entered By	
Approved By	

22-504



	1		2		3		4	
	DIVISION #1		Camp Sites		Summer Homes		Perin Homes	
	Lot #						Ranch w/ P. Home	
1	421		1					
2	26		1					
3	82		1					
4	4		1					
5	76						1	
6	107							
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40			27		5		8	
			-8		+3		-3	

26

2

3

APR 29 1996

22-504
0/0
A47400

DIVISION #2		Camp sites	Summer Homes	Perm Homes	Ranch w/ P homes
	Lot #				
1	25	1			
2	126	1			
3	122	1			
4	119		1		
5	116	1			
6	27	1			
7	45			1	
8	44			1	
9	85		1		
10	112	1			
11	115			1	
12	90	1			
13	91	1			
14	26A	1			
15	121	1			
16	124	1			
17	49	1			
18	50	1			
19	118	1			
20	123	1			
21	86	1			
22	47	1			
23	23	1			
24	88	1			
25	87		1		
26	89	1			
27	114	1			
28	117		1		
29	48	1			
30	22	1			
31	104	1			
32	113			1	
33	125	1			
34	120		1		
35					
36					
37					
38					
39					
40					
		25 -0 25	5 -2 3		

TOTAL P.03

APR 29 1996

WR0749NP
No. 13-07028

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/17/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUB RIVER ACRES INC PO BOX 208 PRESTON ID 83263	03/27/1972	DOMESTIC	01/01 12/31	0.200 CFS	10.80 AFA
TOTAL DIVERSION:					0.200 CFS	10.80 AFA

Water Source: SPRING

Tributary to: LITZ CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.200 CFS

Point(s) of Diversion: T15S R41E S18 SENESE FRANKLIN County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
15S	41E	18	:					:	D	D	D	:			
15S	41E	19	:		D	D	D	:				:			

Pou County: FRANKLIN

Other Water Rights Listing Overlapping Place(s) of use:
13-00017 13-00018

Remarks: Whenever the flow in the Cub River Drainage is not sufficient to fill all rights prior in time to this right, groundwater must be pumped and diverted into Cub River under Right No. 13-07021 to allow the continued diversion from the spring.
Domestic use is for 6 homes and 12 campsites. = 18 lots

Dates: App. Received: 03/23/1972 Priority Date: 03/27/1972
Proof Due Date: 08/01/1981 Proof Made Date: 01/01/1900
Exam Made Date: 06/01/1983 Exam Sent to S.O.:
Licensed Date: 04/23/1994

Misc: Water District Number: Field Exam Fee:

Audit: 07/24/86 05/21/88 CONVERT 12/02/93 CHAPMAN 04/04/94 CURTIS

18 lots
x 0.6 AF/lot
10.8 AFA

J. Walter Ross

236 East First North
Preston, Idaho 83263

RECEIVED

APR 08 1996

Department of Water Resources

Dear Cindy

I hope this information
is enough so you can proceed
with our Permit no. 13-07514
any questions please
Call me at 852-0155

thanks

J. Walter Ross

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

March 27, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263-0208

RE: Application for Permit No. 13-07514

Dear Mr. Ross;

The above referenced application has been sent to the State Office for final review and processing; however, before the application process can continue, I will need some additional information.

The application lists a domestic use for 6 homes and 56 campsites, but a subdivision plat identifying the location of these homes was not included with the application. I need the subdivision plat to clarify where water will be diverted. Please provide a subdivision plat identifying the location of the point of diversion, the location of any common or non-domestic areas, as well as the size of each lot.

I will hold further processing on your application for 14 days pending your response. Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

APR 29 1996

* Send copies
to registrars

Dist. for staffing 1-6-94
Submitted for advertising 1-6-94

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 1-6-94 APPLICATION NO. 13-7514
Cub River Acres, Inc.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☒ Overlapping point of diversion
- | | | |
|-----|----|---|
| Yes | No | Field check required |
| | | Field check by _____ |
| Yes | No | Field report attached |
| Yes | No | Critical groundwater area |
| Yes | No | Groundwater management area |
| Yes | No | Send dam safety information |
| Yes | No | Send power requirement letter |
| Yes | No | Send fish farm requirement letter |
| Yes | No | Power residency affidavit |
| Yes | No | Power efficiency form |
| Yes | No | Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet.</u>) |
| Yes | No | Diversion greater than 5 cfs or 500 acre ft. (If yes, <u>attach large diversion supplementary analysis sheet.</u>) |

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

RECEIVED
MAR 25 1996
Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 13-A
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 2-7-94
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 13-A
☒ Yes ☐ No Special conditions of approval or cover letter below. ☒

See below for additional information
Date of priority recommended 12-30-1993
By HWJ Date 3-13-94

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

This appears to be the same spring as B-07028

*When this it & license B-07028 used in conjunction the flow rate
will not exceed ~~0.02~~ 0.20 cfs.

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS

ACTION REQUIRED

FROM: H.W. Jones

TO: Cub River Area File

Officers;

Mem Palmer - Sec.
Walter Ross - P.R.S.

Larry Beckstad - Watermaster

RECEIVED
MAR 25 1996
Department of Water Resources

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the **CO-PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

1-20, 1994, and ending
with the issue of 1-27, 1994

Fee \$ 40.00

Subscribed and sworn to before me this 27 day

of Jan, 1994.

Kelly Michelson
Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

NOTICE OF APPLICATION FOR
WATER RIGHT

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

13-07514
CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON, ID 83263

Source: SPRING
Tributary: LITZ CREEK
Diversion Pt: SENESE Sec 18 T15S
R41E in FRANKLIN County.
Use: DOMESTIC (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 12/22/1993
In: FRANKLIN County
T15S R41E S18 NESW NWSW
SWSW SESW
S19 NENW NWNW SWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 7, 1994.

R. KEITH HIGGINSON,
Director

Legal No. 3722 — Published January 20 and 27, 1994.

RECEIVED
MAR 25 1996

Department of Water Resources

APR 29 1996

13-07514

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON, ID 83263

Source: SPRING

Tributary: LITZ CREEK

Diversion Pt: SENESE Sec 18 T 15S R 41E in FRANKLIN County.

Use: DOMESTIC (.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 12/22/1993

In: FRANKLIN County

T15S R41E S18
 S19

NESW
NENW

NWSW
NWNW

SWSW
SWNW

SESW

MICROFILMED

APR 20 1996

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 7, 1994.

R. KEITH HIGGINSON, Director

Published: 1/20/1994 & 1/27/1994

MICROFILMED

APR 29 1996

March 4, 1996

CUB RIVER IRRIGATION COMPANY
C/O STEVEN R FULLER
PO BOX 191
PRESTON ID 83263

RE: Application for Permit No. 13-07514 - CUB RIVER ACRES

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest from Cub River Irrigation against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

RECORDED

APR 29 1996

March 4, 1996

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263

RE: Application for Permit No. 13-07514

Dear Applicant:

This letter is to advise you that the protest filed by Cub River Irrigation Co. against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones *ch*
Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED

APR 29 1996

CONDITIONAL WITHDRAWAL OF PROTEST
OF APPLICATION FOR WATER PERMIT

RECEIVED

FEB 28 1996

Department of Water Resources
Eastern District Office

To: Director, Idaho Department of Water Resources
Eastern Region
900 North Skyline
Idaho Falls, ID 83402

Re: Application for Water Right No. 13-07514
by Cub River Acres, Inc.

Cub River Irrigation Company, Inc. as Protestant, hereby conditionally withdraws its protest for the above application for water right upon the following terms:

1. It is the understanding of Protestant that Cub River Acres, Inc. has installed a measuring device on their water system which can be monitored by the Cub River Water Master.

According to officials of Cub River Acres, Inc., Application for Water Right No. 13-07514 was to be an amendment to License No. 13-07028 done for the purpose of correcting the original License to include additional camp sites which were omitted in the original filing.

2. It is further the understanding of Protestants that the Application for Water Right No. 13-07514 was not intended as an application for additional water right beyond the 0.20 cfs water right license granted to Cub River Acres, Inc. in water right License No. 13-07028.

3. Protestant does not object to the amendment of the original License No. 13-07028 so long as the total appropriation under License No. 13-07028 and Application for Water Right No. 13-07514 does not exceed 0.20 cfs and the prior rights of Protestants are not impaired.

MICROFILMED

APR 29 1996

Dated this 26 day of Jan, 199⁶.

Cub River Irrigation Co.

By: Gale E. Brown
Title: President

cc: Cub River Acres, Inc.
c/o Walter Ross, Jr.

MICROFILMED

APR 29 1996

RECEIVED

FEB 28 1996

STEVEN R. FULLER

ATTORNEY AND COUNSELOR AT LAW

24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

Department of Water Resources
Eastern District Office

ALSO, MEMBER OF UTAH BAR

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

February 27, 1996

TO: DIRECTOR IDWR
EASTERN REGION
900 NORTH SKYLINE
IDAHO FALLS ID 83402

Please Note:

This form letter is used to expedite communications. You need direct your attention **only** to the items marked.

RE: CUB RIVER ACRES, INC./APP. FOR WATER RIGHT

XX Enclosed is information/pleadings relating to the above matter.

_____ For your information.

_____ Please review and file in your records.

_____ Please record in the county records and return.

_____ Please file in the court record of the above case.

_____ Please review and call us to discuss over the telephone.

_____ Please sign and return _____ all but one copy.
_____ all copies.

_____ Enclosed is the information you requested.

Enclosures: ORIGINAL CONDITIONAL WITHDRAWAL OF PROTEST OF APPLICATION FOR WATER PERMIT.

RECEIVED

APR 29 1996

January 2, 1996

STEVEN R FULLER
PRESTON WHITNEY IRRIGATION CO
PO BOX 191
PRESTON ID 83263

RE: Application for Permit No. 13-07514 - CUB RIVER ACRES INC.

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest from Preston Whitney Irrigation Company against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED

APR 29 1996

January 2, 1996

CUB RIVER ACRES INC
C/O WALTER ROSS
PO BOX 208
PRESTON ID 83263

RE: Application for Permit No. 13-07514

Dear Applicant:

This letter is to advise you that the protest filed by Preston Whitney Irrigation Company against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED

APR 29 1996

RECEIVED

DEC 11 1995

STEVEN R. FULLER
ATTORNEY AND COUNSELOR AT LAW
24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

Department of Water Resources
Eastern District Office

ALSO, MEMBER OF UTAH BAR

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

December 7, 1995

TO: ATTN: RITA
DEPARTMENT OF WATER RES.
EASTERN REGION
900 NORTH SKYLINE
IDHAO FALLS ID 83402

Please Note:

This form letter is used to expedite communications. You need direct your attention **only** to the items marked.

RE: CUB RIVER ACRES, INC./WATER PROTEST

- XX Enclosed is information/pleadings relating to the above matter.
- _____ For your information.
- _____ Please review and file in your records.
- _____ Please record in the county records and return.
- _____ Please file in the court record of the above case.
- _____ Please review and call us to discuss over the telephone.
- _____ Please sign and return _____ all but one copy.
_____ all copies.
- _____ Enclosed is the information you requested.

Enclosures: CONDITIONAL WITHDRAWAL OF PROTEST OF APPLICATION FOR WATER PERMIT BY PRESTON WHITNEY IRRIGATION COMPANY.

DEC 29 1995

RECEIVED

DEC 11 1995

CONDITIONAL WITHDRAWAL OF PROTEST
OF APPLICATION FOR WATER PERMIT

Department of Water Resources
Eastern District Office

To: Director, Idaho Department of Water Resources
Eastern Region
900 North Skyline
Idaho Falls, ID 83402

Re: Application for Water Right No. 13-07514
by Cub River Acres, Inc.

Preston Whitney Irrigation Company, Inc. as Protestant, hereby conditionally withdraws its protest for the above application for water right upon the following terms:

1. It is the understanding of Protestant that Cub River Acres, Inc. has installed a measuring device on their water system which can be monitored by the Cub River Water Master.

According to officials of Cub River Acres, Inc., Application for Water Right No. 13-07514 was to be an amendment to License No. 13-07028 done for the purpose of correcting the original License to include additional camp sites which were omitted in the original filing.

2. It is further the understanding of Protestants that the Application for Water Right No. 13-07514 was not intended as an application for additional water right beyond the 0.20 cfs water right license granted to Cub River Acres, Inc. in water right License No. 13-07028.

3. Protestant does not object to the amendment of the original License No. 13-07028 so long as the total appropriation under License No. 13-07028 and Application for Water Right No. 13-07514 does not exceed 0.20 cfs and the prior rights of Protestants are not impaired.

DEC 29 1996

Dated this 1 day of December, 1995.

Preston Whitney Irrigation Co.

By: R. Carl Swainston
Title: President

cc: Cub River Acres, Inc.
c/o Walt Ross

APR 29 1996

September 25, 1995

RECEIVED
SEP 26 1995

Department of Water Resources
Eastern District Office

Attorneys

Josephine P. Beeman
Les Bock
Allan R. Bosch
C. A. Daw
Lee B. Dillion
Dana L. Hofstetter
Robert Wreggelsworth

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: Cub River Acres, Inc. Application 13-07514
Protest by Cub River Irrigation Co. and Preston-Whitney Irrigation Co.
DBDB File No. 1815-WA01

Dear Mr. Jones:

Cub River Acres, Inc. met recently to review the basis for the protest by Cub River Irrigation Co. and the Preston-Whitney Irrigation Co. to application 13-07514. As you know, Cub River Acres, Inc. has three water right records at IDWR:

- (1) license 13-07028 for .2 cfs (with a maximum diversion volume of 10.8 acre feet per year) for domestic purposes from a spring tributary to Litz Creek; priority date is March 27, 1972;
- (2) license 13-07021 for .2 cfs from two wells to provide replacement water to the Cub River when the Cub River flow is not sufficient to allow a 1972 diversion from the spring; and
- (3) pending application 13-07514 for .2 cfs (with a possible maximum diversion volume of 37.8 acre feet per year) for domestic purposes from a spring tributary to Litz Creek.

Cub River Acres, Inc. wants to confirm that it has an adequate diverted volume for domestic water for its 80 lots. A water right with a diverted volume of 48 acre feet (80 x .6 acre feet) would satisfy the IDWR standard for inhouse domestic use for the 80 lots.

The original application for 13-07028 only listed 18 lots (6 for homes; 12 for campsites), so 10.8 acre feet show as the maximum diverted volume on the license.

Application 13-07514 attempts to increase the diverted volume to cover the 62 lots not included in license 13-07028. The original application for 13-07514 states that the domestic use is for six summer homes and 56 campsites. The 62 lots in application 13-07514 and the 18 lots in license 13-07028 total 80 lots. The 62 lots would require a diverted volume of 37.2 acrefeet per year.

Fidelity Building
242 N. 8th St.
Suite 200
Boise, ID 83702

tel (208) 344-8990
fax (208) 344-9140

Internet E-mail to:
dbdb@micron.net

APR 29 1996

Harold Jones
Page 2
September 25, 1995

The diversion rate of .2 cfs under license 13-07028 will provide a volume of approximately .4 acre feet a day. The annual volume would be approximately 146 acre feet which is much greater than the 48 acre feet of diverted volume needed annually for 80 lots. In other words, the .2 cfs under license 13-07028 is more than adequate to provide the diverted volume for all 80 lots. Since license 13-07028 only lists 18 lots, application 13-07514 seeks to provide the diverted volume for the remaining 62 lots, but the .2 cfs listed with application 13-07514 is not necessary to provide the diverted volume for the 80 lots.

The Cub River Irrigation Company objects to the additional .2 cfs for application 13-07514. As you have explained to me, and I in turn explained to Cub River Acres, Inc., application 13-07514 could be conditioned to clarify that its .2 cfs is the same as (and is not in addition to) the .2 cfs diverted under license 13-07028.

Pursuant to our conversation on Tuesday, September 20, 1995, I understand that IDWR will condition application 13-07514 to clarify that the .2 cfs is the same .2 cfs diverted under license 13-07028. I also understand that this condition resolves the Cub River Irrigation Company and the Preston-Whitney Irrigation Company objection.

Thank you again for your willingness to discuss the field work and calculations related to both license 13-07028 and application 13-07514. Please do not hesitate to call me if there is something more I can do to facilitate the approval of application 13-07514 for Cub River Acres, Inc.

Sincerely,

Dillion, Bosch, Daw & Bock
Chartered

By: *Josephine P. Beeman*
Josephine P. Beeman *By W. Clive*

JPB:dc

cc: Walter Ross, President, Cub River Acres, Inc.
Steve Fuller, counsel for Cub River Irrigation Company
and the Preston-Whitney Irrigation Company

APR 29 1996

J. Walter Ross

236 East First North
Preston, Idaho 83263

March 16, 1994

RECEIVED
MAR 17 1994

Department of Water Resources
Eastern District Office

Harold W. Jones
Department of Water Resources
900 North Skyline Drive
Idaho Falls ID 83402-1718

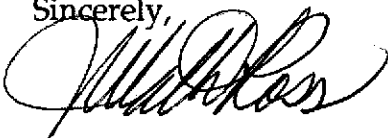
RE: Application for Permit No. 13-07514

Dear Mr. Jones:

I have met with the Cub River Irrigation Co. and the Preston-Whitney Irrigation Co. and I think we have reached a mutual understanding on our permit.

It is my understanding the protests will be lifted at such time that we install a meter on our system and that we allow and pay for the rivermaster to read the device.

Sincerely,



J. Walter Ross

APR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

14-Mar-1994

WALTER ROSS
CUB RIVER ACRES INC
PO BOX 208
PRESTON ID 83263

RE: Application for Permit No. 13-07514

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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Walter Ross
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

RECEIVED
APR 29 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

14-Mar-1994

STEVEN R FULLER
ATTORNEY & COUNSELOR AT LAW
24 N STATE
PO BOX 191
PRESTON ID 83263

RE: Application for Permit No. 13-07514

Dear Mr. Fuller:

Your protest on behalf of your clients Cub River Irrigation Co., Inc. and Preston Whitney Irrigation Co., Inc. against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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Steven R. Fuller

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

15-00000-70-7

APR 29 1996

STEVEN R. FULLER

ATTORNEY AND COUNSELOR AT LAW

24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

ALSO, MEMBER OF UTAH BAR

RECEIVED

TELEPHONE

(208) 852-2680

FAX (208) 852-2683

February 4, 1994

FEB 7 1994

Department of Water Resources
Eastern District Office

TO: ATTN: RITA
DEPARTMENT OF WATER RES.
EASTERN REGION
900 N. SKYLINE
IDAHO FALLS, ID 83402

Please Note:

This form letter is used to expedite communications. You need direct your attention **only** to the items marked.

RE: CUB RIVER ACRES, INC. DIVERSION PROTEST

XX Enclosed is information/pleadings relating to the above matter.

_____ For your information.

_____ Please review and file in your records.

_____ Please record in the county records and return.

_____ Please file in the court record of the above case.

_____ Please review and call us to discuss over the telephone.

_____ Please sign and return _____ all but one copy.
_____ all copies.

_____ Enclosed is the information you requested.

Enclosures: PROTEST TO APPLICATION FOR WATER PERMIT

RECEIVED

APR 29 1996

PROTEST TO APPLICATION FOR WATER PERMIT

To: Director, Idaho Department of Water Resources
Eastern Region
900 North Skyline
Idaho Falls, ID 83402

Cub River Irrigation Company, Inc. and Preston Whitney Irrigation Company, Inc., as Protestants state as follows:

1. The names and addresses of Protestants are Cub River Irrigation, Inc., c/o Steven R. Fuller, Attorney at Law, P.O. box 191, Preston, Idaho 83263 and Cub River Irrigation, Inc., c/o Steven R. Fuller, Attorney at Law, P.O. Box 191, Preston, Idaho 83263.

2. The application protested is No. 13-07514 made by Cub River Acres, Inc., c/o Walter Ross, P.O. Box 208, Preston, Idaho, for a permit to appropriate .200 cfs from an unnamed spring, a tributary to Litz Creek, diversion point SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 15 South, Range 41 East in Franklin County, Idaho.

3. The objections to the approval of such application are as follows:

(a) The unnamed spring is in fact a tributary to Cub River.

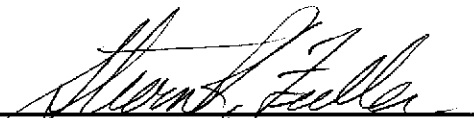
(b) Cub River Irrigation Company and Preston Whitney Irrigation Company have decreed water rights to the waters of Cub River and its tributaries which are prior in right to that of the applicant.

(c) There are no waters of Cub River or any of its tributaries, including the waters to which said application is claimed to apply, which are not now adversely held and already covered by existing rights.

APR 29 1996

DATED this 4th day of February, 1994.

CUB RIVER IRRIGATION CO.

By: 

STEVEN R. FULLER
Attorney for Protestant
P.O. Box 191
Preston, ID 83263
(208) 852-2680

PRESTON WHITNEY IRRIGATION CO

By: 

STEVEN R. FULLER
Attorney for Protestant
P.O. Box 191
Preston, ID 83263
(208) 852-2680



APR 28 1994

State of Idaho, Department of Water Resources

26-Jan 1994

Harold W. Jones

Water Right Supervisor

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JAN 27 1994

Department of Water Resources
Eastern District Office

Application No's 13-07514

Cut River acres Inc.

% Walter Rose

Box 208 Preston 83263

Dear Sir

Concerning Application for Permit

This spring is being used for other homes and lots, At the time this use took place a well was drilled the water from the well was to be put back in Cut River and taken out of the spring, The wells were used for several years then it was decided the water from Cut River was falling the well and being pumped back to Cut River This was an agreement between Cut River Irrigation and Thomas Robinson, Cut River Irrigation said River Water Master was to take care and see that pumps were turned on and when to turn off. There was no funds for this it was an agreement between the two parties so they should take care of it. Not the R. Watermaster

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APR 29 1996

This is My Understanding and I don't feel this issue is a Expense other water users should be involved in. Pumps should be run during the water season and shut off after the water season. I have no filling on this spring for these homes lots at this point and for this application in my opinion there is no water in Cut River to be filed on.

In my opinion the way the pumps are set up and off Cut River Irrigation made the agreement Cut River Irrigation should be responsible for the pump being turned on and turned off. If this is not done the water being used at the spring should be taken from Cut R. Irrigation 42.50 cfs Decree.

In My Opinion there is no water from said spring application 13-07514 to be filed on for permit or water to be used.

Thank You

Jan 26-1994

Ernest Foster
Water District #13
River Water

APR 29 1996



IDAHO FISH & GAME
SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

Cecil D. Andrus / Governor
Jerry M. Conley / Director

RECEIVED
JAN 3 11 1994

January 27, 1994

Department of Water Resources
Eastern District Office

Harold W. Jones
Water Right Supervisor
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Re: Application 13-07514 - Cub River Acres, Inc.

Dear Harold:

Department personnel have reviewed the application by Walter Ross on behalf of Cub River Acres to appropriate 0.2 cfs of water from a spring near Litz Creek for domestic use and have no objections to the permit issuance.

Thank you for the opportunity to comment on this matter.

Sincerely,

Greg Tourtlotte
Regional Supervisor

GT/JL/jh

cc: Natural Resources Policy Bureau
Jim Lukens

RECEIVED
JAN 3 11 1994

APR 29 1996

18-Jan-1994

ID DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application No. 13-07514

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is 2-7-94, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb
enc

RECEIVED

APR 20 1994

18-Jan-1994

WALTER ROSS
CUB RIVER ACRES INC
PO BOX 208
PRESTON ID 83263

RE: Application No. 13-07514

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the PRESTON CITIZEN on 1-20 & 1-27-94. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

APR 29 1996

18-Jan-1994

CONAN FOSTER
WATER DIST 13-A
1508 S 2400 E
PRESTON ID 83263

RE: Application No.'s

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ:rb
enc.

APR 29 1994