

RECEIVED

OCT 25 1973

Department of Water Administration  
Eastern District Office

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

*Wayne D. Bell*

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 *two* consecutive weeks in the regular and entire issue of said paper during the period and 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

*October 18*, 19 *73*, and ending

with the issue of *October 25*, 19 *73*.

*Wayne D. Bell*

Fees, \$ *11.47*

Subscribed and sworn to before me this *24* day

of *October*, 19 *73*.

*Robert D. Liddle*

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *74*

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas A. Robinson, 154 North 2nd East, Preston, Idaho has on 10-12-73 submitted Application No. 13-7066 for a permit to appropriate 0.01 cubic feet per second of water from an unnamed spring by means of drainpipe and storage tank within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T. 15S, R. 41E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 5, 1973.

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho on October 18 and October 25, 1973.

Legal No. 2484 — Pub. Oct. 18, 25, 1973. *W*

13 7066

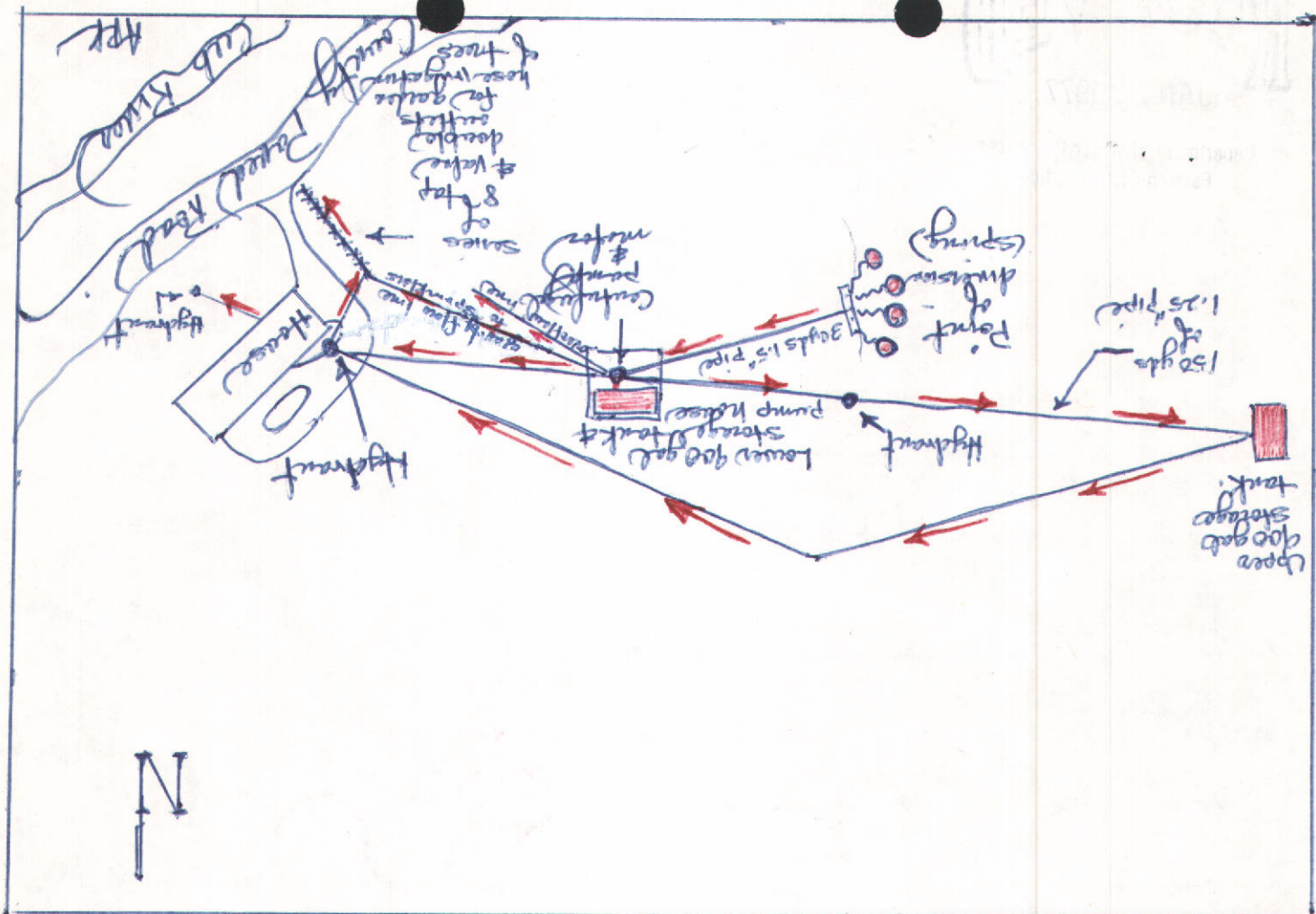
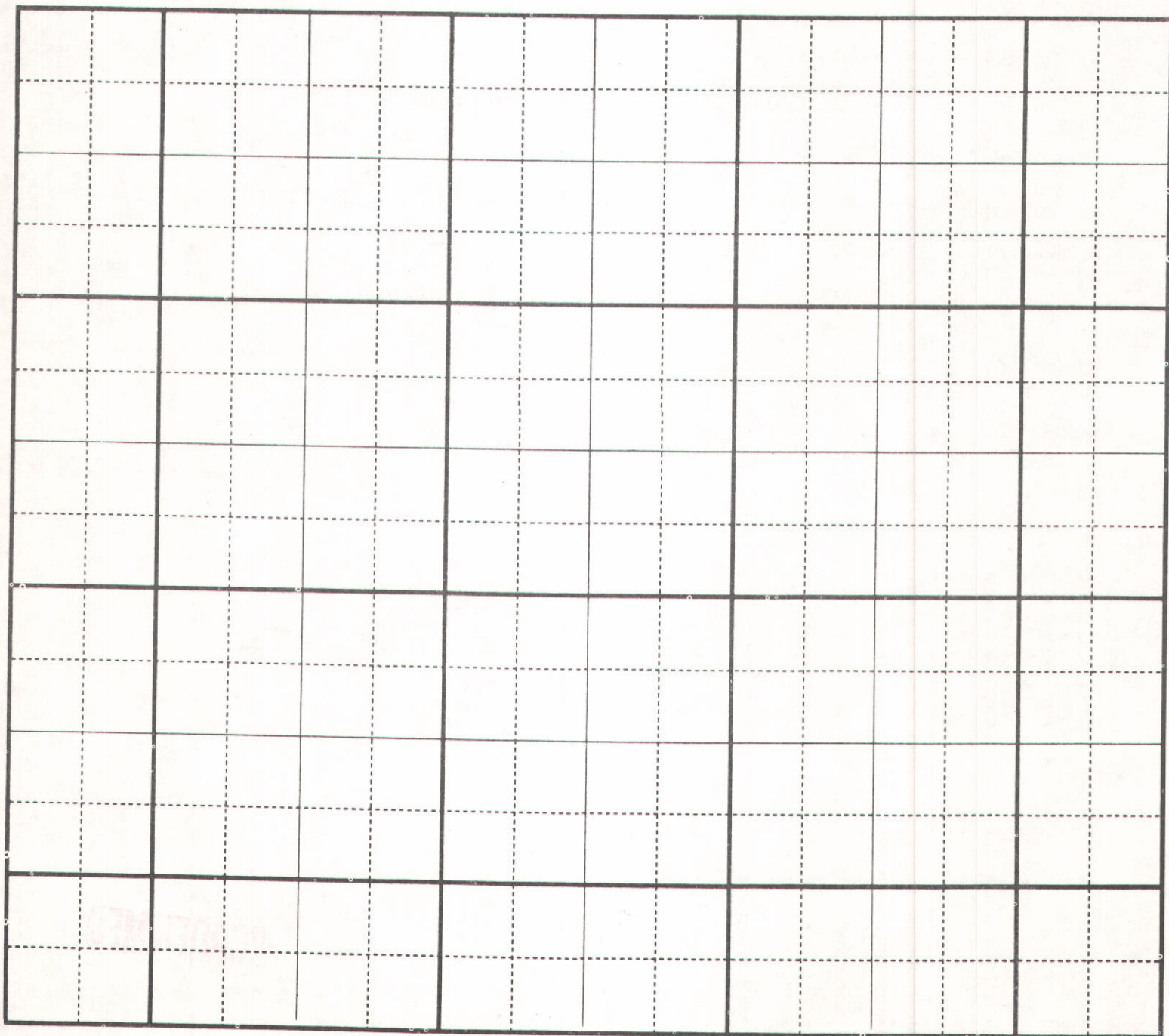
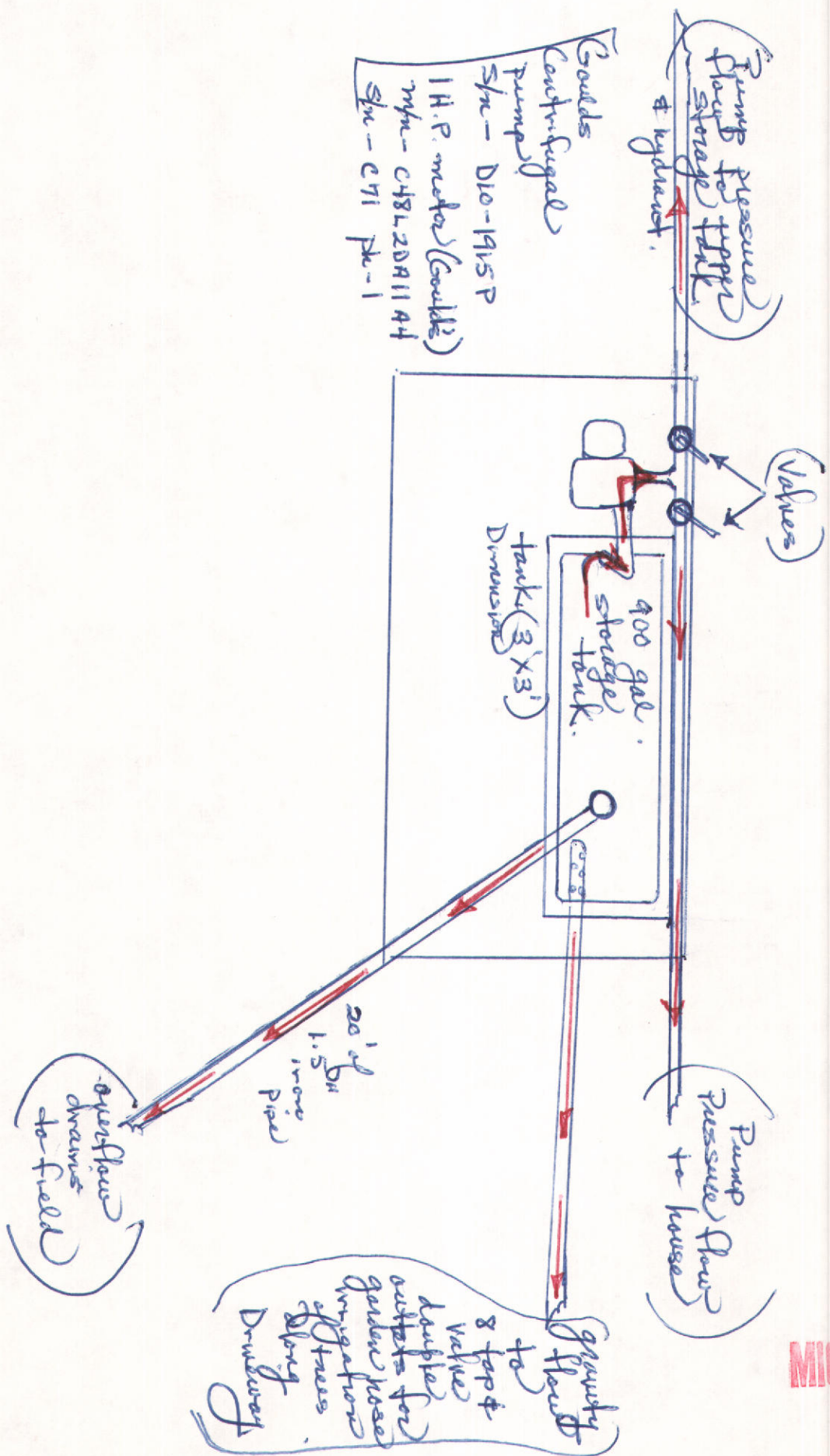


Diagram of System



# Detail of Pump House Diversions



MICROFILMED

APR 5-17-78

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7066 Priority October 12, 1973 Amount 0.01 cfs

THIS IS TO CERTIFY, that THOMAS A. ROBINSON  
of Preston, Idaho, has complied with the terms and conditions of Permit  
No. 13-7066 issued pursuant to Application for Permit dated October 12, 1973,  
and has submitted proof to the Department of Water Resources on January 12, 1978,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.01 cfs of water from an unnamed spring,  
tributary to sinks, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use  | Period of Use                                                                           | Rate of Diversion | Annual Volume |
|-----------------|-----------------------------------------------------------------------------------------|-------------------|---------------|
| <u>Domestic</u> | from <u>January 1</u> to <u>December 31</u> at <u>0.01</u> cfs and <u>1.2</u> acre feet |                   |               |
|                 | from _____ to _____ at _____ cfs and _____                                              |                   |               |
|                 | from _____ to _____ at _____ cfs and _____                                              |                   |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.01 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
1.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, Twp. 15S,  
Rge. 41E, B.M. in the County of Franklin

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 15S  | 41E   | 19   |                  |                  |                  |                  | X                |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of  
November, 19 79.

  
Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

In the Matter of Application for )  
Permit No. 13-7066 in the name )  
of THOMAS A. ROBINSON )  
\_\_\_\_\_ )

MEMORANDUM DECISION  
AND ORDER

On October 12, 1973, Thomas A. Robinson filed Application for Permit No. 13-7066 to appropriate 0.01 cubic feet per second of water from an unnamed spring within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T. 15S, R. 41E, B.M. Franklin County, to be used for domestic purposes for one family. Notice of this proposed appropriation was published in the Preston Citizen, Preston, Idaho, on October 18 and October 25, 1973.

On November 2, 1973, the Department received a protest against granting of the permit from Cub River Irrigation Co. On November 6, 1973, the Department received a protest against granting the permit from J. W. Crowther, Attorney on behalf of Glen T. Bowman. A hearing concerning this matter was held at Preston, Idaho, on January 22, 1974. The applicant, Thomas A. Robinson, was present and represented by Attorney John M. Sharp, of the firm Sharp, Anderson and Bush, Idaho Falls, Idaho. Protestant Cub River Irrigation Co. was represented by Vernon P. Cole, Preston, Idaho, Chairman of the Board of Directors. Protestant Glen T. Bowman was present and represented by Attorney J. W. Crowther, Preston, Idaho. The Department was represented by Bobby D. Fleenor, Hearing Officer and Norman C. Young.

Testimony on behalf of both the applicant and the protestants was received, and the Department then took the matter under consideration. After reviewing all testimonies and pertinent information in the Department's official records, the Director of the Department of Water Administration makes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

(1) Application No. 13-7066 proposes to divert water from a spring located entirely upon the land owned by the applicant; i.e., the spring both issues and sinks without leaving the land owned by the applicant.

(2) The waters sought to be appropriated do not now or have not in the past flowed on the land surface into Cub River or its tributaries under natural conditions.

13 7066

(3) The waters sought to be appropriated are private waters owned by the applicant as landowner, and pursuant to Section 42-212, Idaho Code, they may be appropriated under the provisions of State law.

CONCLUSIONS OF LAW

(1) The Department of Water Administration may issue a permit to appropriate the waters of the unnamed spring which are the subject of this application.

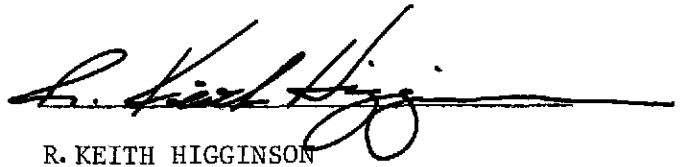
(2) The applicant, Thomas A. Robinson, is entitled to a permit from the State of Idaho.

ORDER

IT IS, THEREFORE, ORDERED and Application for Permit No. 13-7066 is hereby APPROVED subject to the following conditions:

- (1) That the permit be and is subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Administration on or before March 1, 1978.

Dated this 20 day of February, 1974.

  
R. KEITH HIGGINSON  
Director

NCY/RKH:mb

605

Identification No. 13 7066  
Application No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

**APPLICATION FOR PERMIT** **APPROVED**

To Appropriate the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

1. Name of applicant Thomas A. Robinson  
post office address 154 North 2 nd. East, Preston, Idaho 83263
2. Source of water supply unnamed spring ~~which is in the boundary of~~
3. a. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 19 Township 15S  
Range 41E B.M. Franklin County; additional points of diversion if any: \_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.01 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 0.01 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Drainpipe, pipeline and storage tank.
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 4 years.  
b. Estimated construction cost is \$ 750.00.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 19 Township 15S  
Range 41E B.M.  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water one.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_

13 7066

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

**TOTALS**

Total number of acres to be irrigated-

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion. Applicant

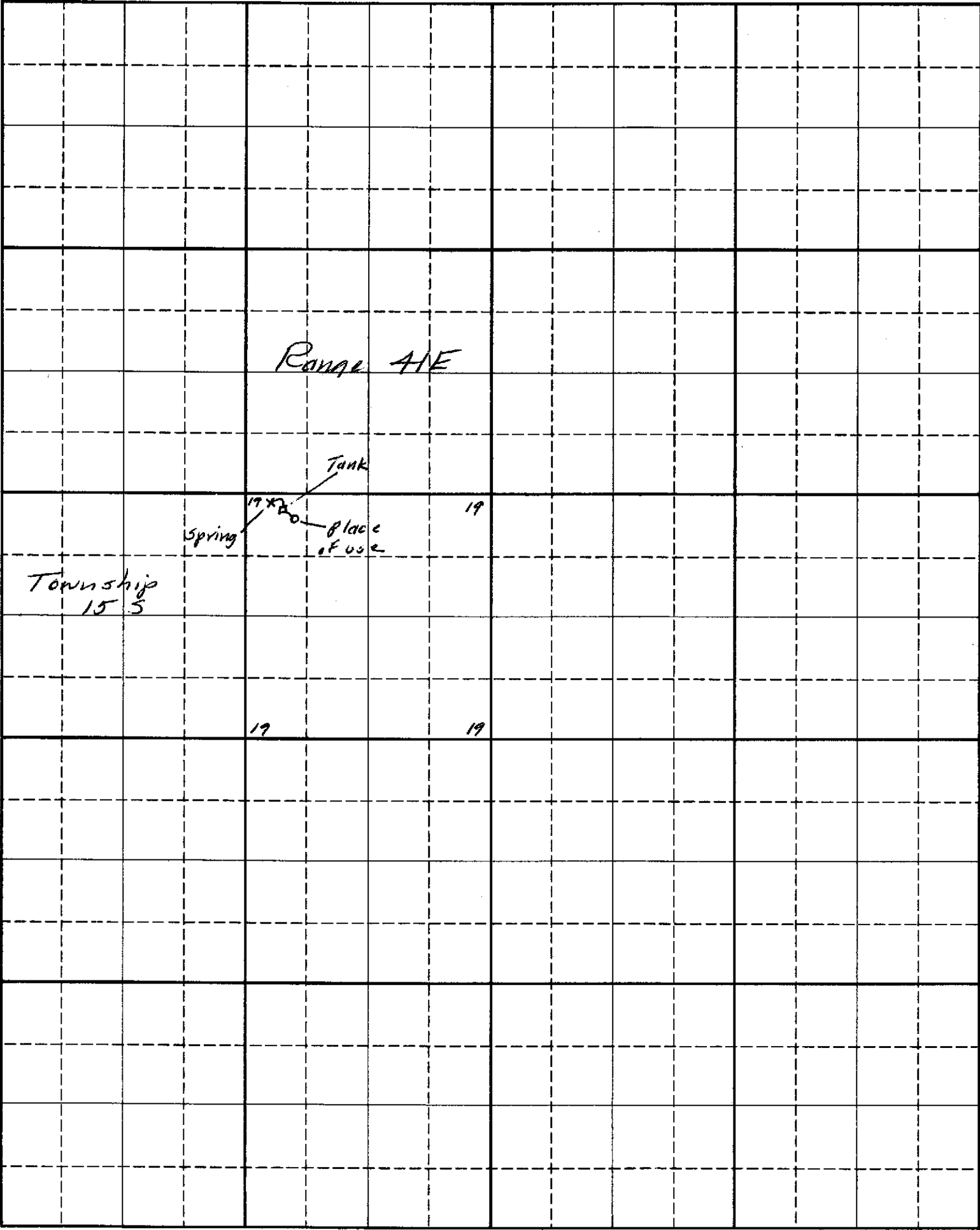
b. Who owns the land to be irrigated or place of use

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 Water from this spring does not flow more than 100 ft. into the field in which the spring is located.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

*Thomas A. Robinson*  
(Applicant)

Proposed Priority 10-12-1973

Received by llw Date 10/12/73 Time 10:30A  
Preliminary check by llw Fee \$ 10.00  
Received by llw Date 10/12/73 # 10387  
Publication prepared by llw Date 10/12/73  
Published in Shawton Citizen  
Publication dates 10/18 + 10/25/73  
Publication approved llw Date 10/25/73  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
Protests filed by: Blair J. Brown, Cub Ford  
Druggan & Co.  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by BE Date Jan 22/74  
Recommended for approval/denial by AKC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7066, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 78.

c. Other: Pursuant to Memorandum Decision and Order of 2-20-1974.

2. Denial of said application is for the following reasons:

Witness my hand this 20 day of February, 19 74.

Director

J. W. Crowther  
75 South State  
Preston, Idaho  
852-2610

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NOV 6 1973

Department of Water Administration  
Eastern District Office

NOTICE OF PROTEST

COMES NOW, Glen T. Bowman, R.F.D. Preston, Idaho, and enters his protest to Application No. 13-7066 of Thomas A. Robinson, Preston, Idaho, to appropriate certain waters. Said protest is based on the belief of said protestant that the waters so appropriated would reduce the quantity of water available to downstream prior appropriators and in turn reduce the remaining water available for use by this protestant and specifically deprive him of the full flow of waters heretofor appropriated for his use.

The undersigned requests that a date be set to receive and hear evidence on said application and protest.

DATED this 2nd day of November, 1973, at Preston, Idaho

Glen T. Bowman  
GLEN T. BOWMAN

13 706

# CUB RIVER IRRIGATION COMPANY

LEWISTON, UTAH

November 1, 1973

NOV 6 1973

RECEIVED  
DIVISION OF WATER ADMINISTRATION  
IDAHO DEPARTMENT OF WATER ADMINISTRATION

Idaho Department of Water Administration  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Gentlemen:

The Cub River Irrigation Co. of Lewiston, Utah wishes to file a protest against the approval of application No. 13-7066 for a permit to appropriate 0.01 cubic feet per second of water from an unnamed spring on the grounds that all water in this area is a tributary to Cub River and said Company has a previous decree dated A. D. 1880 to all such water.

Sincerely,

CUB RIVER IRRIGATION CO.

*Mervin J. Bodily*  
Mervin J. Bodily Sec'y

13 7066

Cub River Irrigation Co.  
P. O. Box 215  
Lewiston, Utah 84320



Idaho Department of Water Administration  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

13 7066

J. W. Crowther  
75 South State  
Preston, Idaho  
852-2610

RECEIVED

NOV 2 1973

Department of Water Administration  
Eastern District Office

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The undersigned requests that a date be set to receive and hear evidence on said application and protest.

DATED this 31st day of October, 1973, at Preston, Idaho.

Glen T. Bowman  
GLEN T. BOWMAN

13 7066

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

*Wayne D. Bell*

being duly sworn,

deposes and says:

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*October 18*, 19 *73*, and ending

with the issue of *October 25*, 19 *73*.

*Wayne D. Bell*

Fees, \$ *11.47*

Subscribed and sworn to before me this *24* day

of *October*, 19 *73*.

*Robert D. Liddell*

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *74*

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R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho on October 18 and October 25, 1973.

Legal No. 2484 — Pub. Oct. 18, 25, 1973.

DEPARTMENT OF WATER ADMINISTRATION  
- STAFF ANALYSIS -

| Item | Initial           | Date            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|-------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | <u>Jay</u>        | <u>10/12/73</u> | Application No. <u>13-7066 - Robinson</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (2)  |                   |                 | <input checked="" type="checkbox"/> Source<br><input checked="" type="checkbox"/> Point of Diversion<br><input checked="" type="checkbox"/> County<br><input checked="" type="checkbox"/> Quantity of Water and Period of Use<br><input checked="" type="checkbox"/> Description of Diverting Works<br><input checked="" type="checkbox"/> Time required for B/U of water<br><input checked="" type="checkbox"/> Place of Use or Acres Irrigated<br><input checked="" type="checkbox"/> Map<br><input checked="" type="checkbox"/> Signature<br><input checked="" type="checkbox"/> Fee |
| (3)  | <u>Jay</u>        | <u>10/12/73</u> | In form to receipt <u>yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|      | <u>Jay</u>        | <u>10/12/73</u> | Send Copies to:<br><input type="checkbox"/> Idaho State Health Department<br><input type="checkbox"/> Idaho Fish and Game Department<br><input type="checkbox"/> Bureau of Land Management                                                                                                                                                                                                                                                                                                                                                                                              |
| (4)  | <u>Jay</u>        | <u>10/12/73</u> | Request Special Use Permit from U.S. F.S.<br>Request Easement from B. L. M.<br>Request Information from Applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (5)  | <u>Jay</u>        | <u>10/12/73</u> | In form for advertising <u>yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (6)  | <u>Jay</u>        | <u>10/14/73</u> | Located within Water District No. <u>13-A (Cub River)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (7)  | <u>Jay</u>        | <u>10/12/73</u> | Critical groundwater area: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (8)  | <u>Jay</u>        | <u>10/12/73</u> | Groundwater levels:<br><input type="checkbox"/> Decline (comment) _____<br><input type="checkbox"/> Stable (comment) _____<br><input type="checkbox"/> Increasing (comment) _____                                                                                                                                                                                                                                                                                                                                                                                                       |
| (9)  | <u>NCY</u>        | _____           | Comments: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (10) | <u>MB</u>         | <u>10/25/73</u> | Affidavit of Publication received (date) <u>October 25, 1973</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (11) | <u>MB</u>         | <u>10/5/73</u>  | Final date for protests <u>November 5, 1973</u><br>Protests received: yes <input checked="" type="checkbox"/> no <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (12) | <u>NCY</u>        | <u>2/14/74</u>  | Date and Place of hearing <u>Preston 1/22/74</u><br>Decision reached at hearing _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (13) | <u>"</u>          | <u>"</u>        | All requested information received from agencies or applicant<br>yes <input checked="" type="checkbox"/> no <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (14) | <u>"</u>          | <u>"</u>        | Action recommended:<br><input checked="" type="checkbox"/> Approve<br><input type="checkbox"/> Deny Reason for Reduction _____<br><input checked="" type="checkbox"/> No Measuring device required<br><input checked="" type="checkbox"/> See <u>memo. dec.</u> <del>attached sheet</del> for additional conditions of approval<br><input type="checkbox"/> No additional conditions for approval                                                                                                                                                                                       |
| (15) | District <u>E</u> | By <u>NCY</u>   | Date <u>2/14/74</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

13 7066

RECEIVED  
FEB 15 1974  
Department of Water Administration



State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

December 13, 1979

Thomas A. Robinson  
Route 3 Box 607 C  
Preston, Idaho 83263

Dear Mr. Robinson,

RE: Permit No. 13-7066

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

*J. Grover*  
JAN GROVER  
Water Rights Supervisor

JG:lr

Enclosure

**MICROFILMED**

DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

1. Name of permit holder Thomas A. Robinson

Department of Water Resources  
Post office address  
Eastern District Office

Rt. 3, Box 6070, Preston, IO Phone

Person to contact \_\_\_\_\_ Phone \_\_\_\_\_

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed spring  
(name spring, stream, etc.)

Tributary to \_\_\_\_\_

3. Water will be used for the following purposes:

Amount 0.01 c.f.s. for Dom (1)  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from 1/01 to 12/31  
(mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

Permit No. 13-7066  
Examination for b/y

4. Total amount to be appropriated:

Max Rate of Diversion 0.01 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 41E E/W, B.M., Section 19, Subdivision new 1/4 new 1/4, Franklin County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, \_\_\_\_\_

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

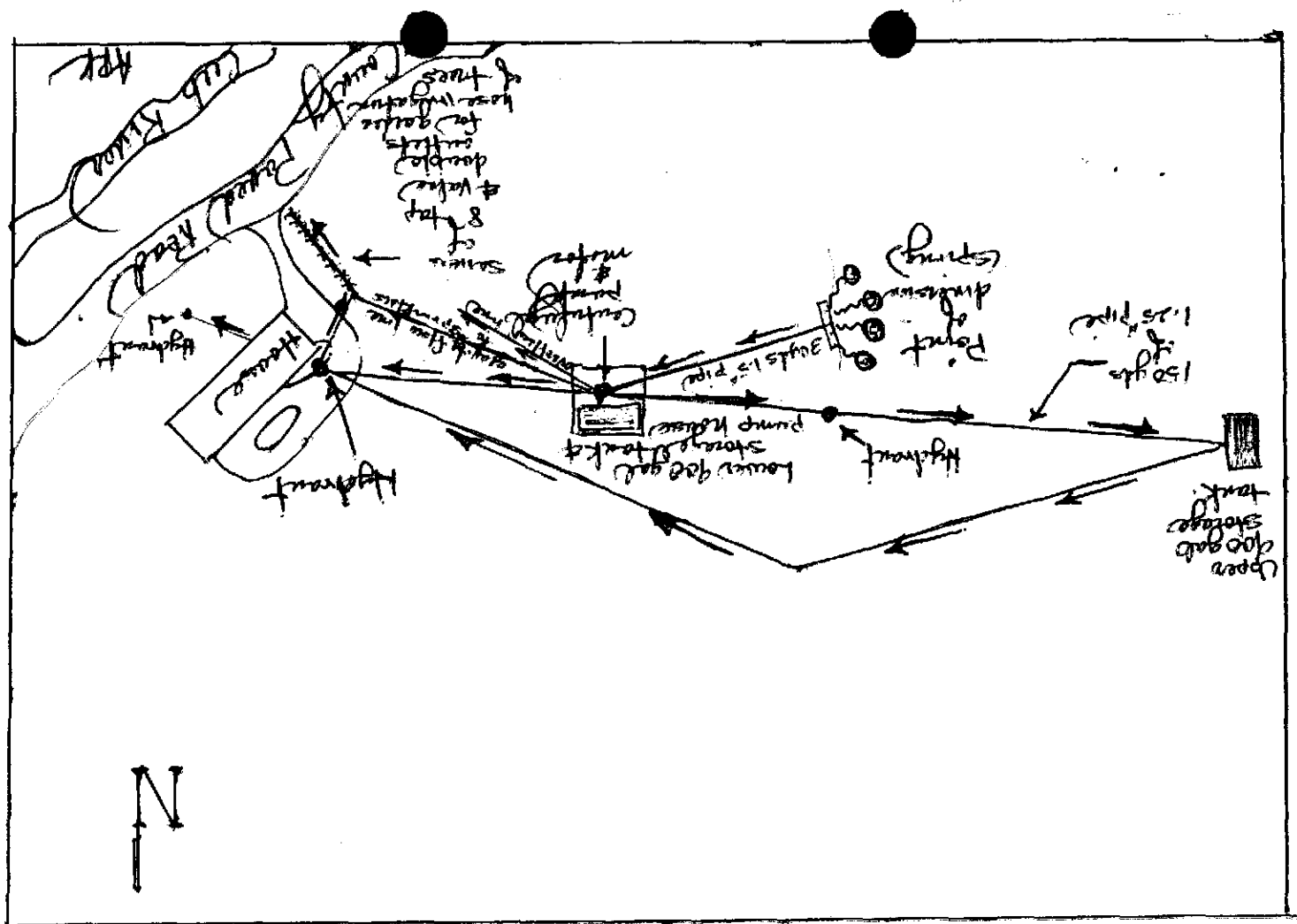
Other Points of Diversions: \_\_\_\_\_

Description of diverting works: drain in spring flows wte. to a lower reservoir  
pumped to an upper reservoir w/ hp centrifugal e/pe.  
pump

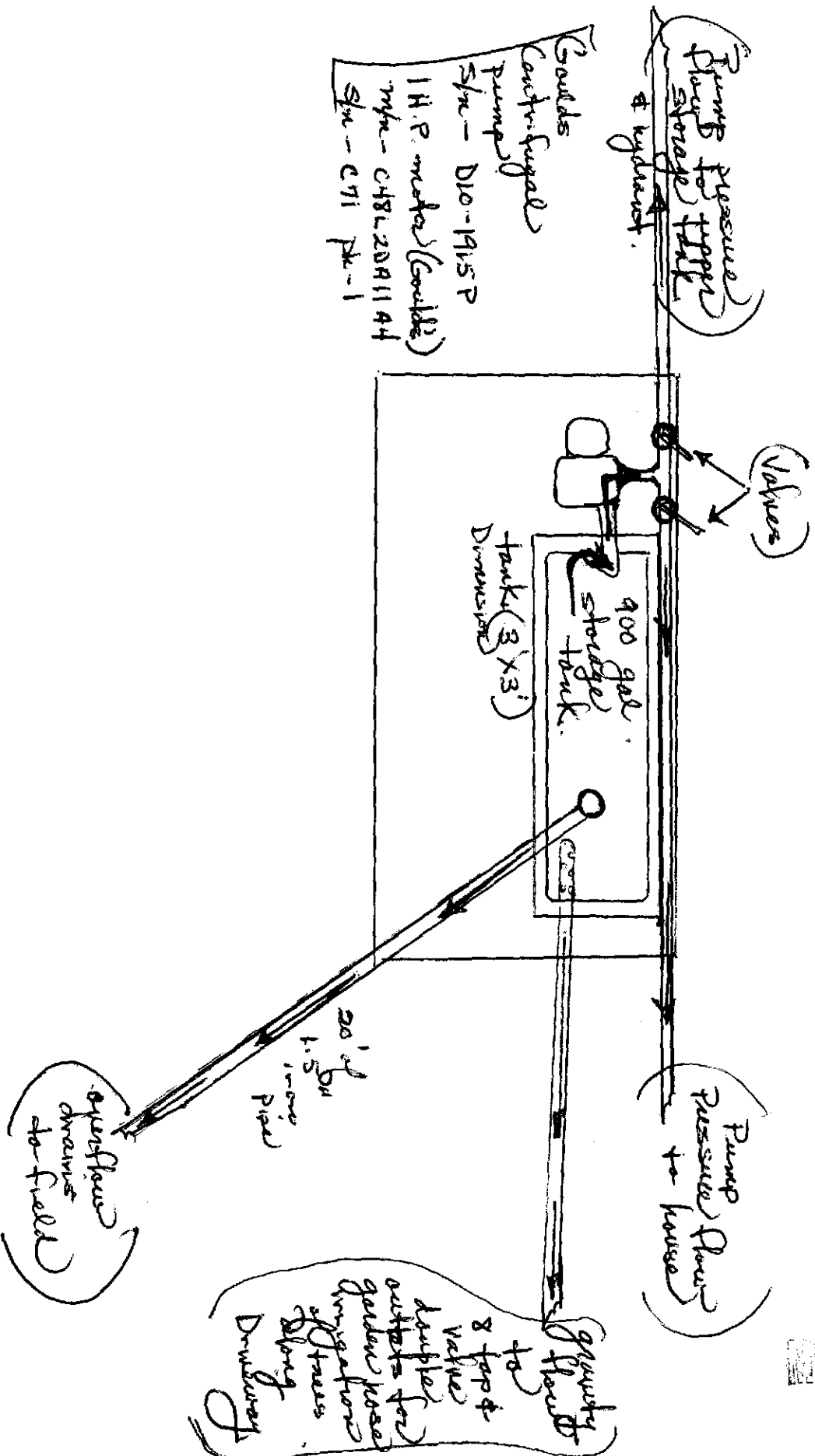
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

[illegible]

# Detail of Pump House Dimensions



NOT TO SCALE

APR 5-17-78

DATE OF EXAM May 11, 1978

ACREAGE

Found n/a

Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q =        c.f.s.

V =       

AF/Ann. from Jan 1

to Dec 31

Domestic Q = .01 c.f.s.

V = 1.20

AF/Ann. from Jan 1

to Dec 31

Livestock Q =        c.f.s.

V =       

AF/Ann. from Jan 1

to Dec 31

Is water co-mingled? yes        no X

Name source: n/a

twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Exchange? yes        no X

Name source exchanged with: n/a

twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Point of injection: n/a

twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Point of exchange: n/a

twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Total Q measured none

Method of measurement none

Total Q recommended .01 c.f.s.

Meter No. n/a

Type n/a

Condition n/a

Total V recommended 1.20 AF/yr

Recommended Amendments:

P.D.       

Place of Use       

Other       

None

MEASUREMENT CALCULATION:

Q by assignment = .01 c.f.s.

V = 1.20 AF/yr

SYSTEM DESCRIPTION:

Surface water is diverted from an unlined spring tub to sinks by a 3' length of 1/4" diam perforated plastic pipe and into a 900 gal storage tank located approx. 30 yds below the spring. This dimension is gravity flow. From the storage tank water is pumped 150 yds uphill to a second 900 gal storage tank via 1 1/4" diam buried conduit or pumped directly into the house from the lower storage tank depending on which valve near the pump is open. When water is pumped to the upper tank it flows by gravity downhill into the house. There are 3 wood-burned tower hydromats (255 ft).

These waters are in reality private waters emerging on the applicant's land and sinking on his property as well. System shown as described by Thomas Robinson. No conflicting rights.

Examiner's Signature Anthony R. Kozlowski

Date 5-17-78

Checked by Rodney A. Parker

Date 1/18/79

Approved by       

Date

January 17, 1978

Re: Permit No. 13-7066

Thomas A. Robinson  
Rt. 3, Box 607C  
Preston, Idaho 83263

Dear Mr. Robinson:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK  
Water Rights

Identification No. \_\_\_\_\_

Permit No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

1073

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Thomas A. Robinson  
b) Post Office Address Rt 3 Box 607 C, Preston 83263
2. Permit Number 13-7066
3. Date of Priority that you are prepared to establish 10/12/73
4. a) Source from which water was appropriated Spring  
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 19  
Township 15 S, Range 41 E Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
Amount .01 for domestic purposes from Jan 1 to Dec 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated .01 cfs and/or acre-feet per annum  
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: In late summer, water from this spring fills a gallon container in one minute
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Water from drain in spring flows to a lower reservoir where it is pumped periodically to an upper reservoir with a 1 H.P. centrifugal electric pump.  
b) Describe the type and size of measuring device which you have installed at your point of diversion: None - not enough to measure  
c) Give well driller's name and address and the date the well was completed: \_\_\_\_\_
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Domestic use

Exam typed

11/7/78 By J

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:  
Reservoir overflow piped to yard to water  
trees. Approx 3 acres of trees

| T   | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 153 | 41E | 19   |     |     |     |     | -   |     |     |     |     |     |     |     |     |     |     |     | 1/2   |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

Total number of acres irrigated 1/2

10. Remarks: In early summer this spring produces  
close to .01 CFS - averaged about .0025 CFS  
in late summer.

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 10, 1978  
(Date)

Thomas Plummer  
(Signature)

State of IDAHO )  
 ) ss.  
County of FRANKLIN )

On this 10th day of January, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Barbara Sorenson  
Notary Public residing at Swan Lake, Idaho

My commission expires Lifetime

January 10, 1978

Mr. C. Stephen Allred  
State of Idaho  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear Mr. Allred:

Reference is made to your certified mail form letter dated December 30, 1977, concerning Water Permits No. 13-7065 and No. 13-7066.

Proof of Application of Water to Beneficial Use concerning Water Permit No. 13-7066 is herewith enclosed.

I will need some assistance in connection with Permit No. 13-7065. My son, Brian Robinson, and I have installed additional drainages in the boggy area described in the basic permit as drainage has permitted. Our last work in November of 1977 now drains the entire swamp and provides three points of diversion for the release of water in order to flood irrigate the 2-acre field below the swamp more effectively. When weather permits, we hope to complete the piping necessary to provide the fourth and last release point.

Unfortunately, in spite of the work and money involved in this project, the amount of water recovered in late summer measures far less than the .05 CFS initially requested, although it could be near that amount in early summer. It measured 8 gallons per minute in early December of 1977.

Since my son has purchased the lower half of the field where the swamp was located, we have agreed to share the water and my share will have to be pumped to the adjoining upper field. A pump for this purpose has not been installed. Furthermore, he may require part or all of this water for domestic use since his well is a very poor producer.

In view of these considerations, it is believed that another 4-year extension for proof of beneficial use may be needed in order to resolve these problems. Your advice and/or consent is respectfully requested.

Sincerely,

Thomas A. Robinson

Enclosure

December 30, 1977

CERTIFIED MAIL

138259

Re: Permit No. 13-7065 & 13-7066

Thomas A. Robinson  
154 N. 2nd E.  
Preston, Idaho 83263

Dear Mr. Robinson:

One of the conditions of approval of your water Permit No. 13-7066,  
13-7065 (see last  
page of your approved permit) was that evidence of the extent of development be sub-  
mitted as proof of application of water to beneficial use to this office on or before  
March 1, 1978. Enclosed is an affidavit form which must be used to sub-  
mit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



---

C. STEPHEN ALLRED  
Director

CSA:jfr

Enc: Proof affidavit

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
STATE OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

614 State Street  
Statehouse - Annex 2  
Boise, Idaho 83720  
(208) 384-2215

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

February 28, 1974

Re: Permit Nos. 13-7065 & 13-7066

Thomas A. Robinson  
154 N. 2nd E.  
Preston, Idaho 83263

Dear Mr. Robinson:

Enclosed are copies of your approved Application for Permit Nos. 13-7065 and 13-7066. Also enclosed are the Memorandum Desisions for these permits.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF/BJG

Enclosures

cc: Protestants

Enclosures

13 7066

Notes from tape

NCY  
11/31/74

13-7065 & 13-7066

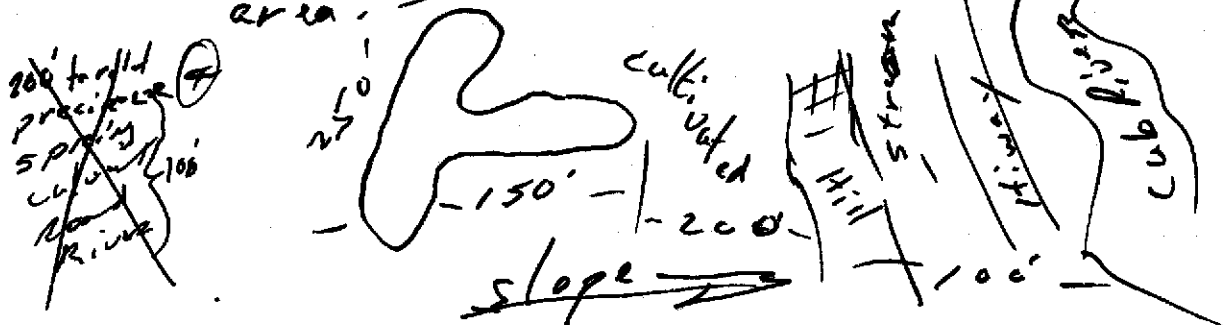
13-7066

- Robinson 1) Robinson owns land on which spring arises  
(direct) 2) Flow rate @ min time is 1 gpm (are)  
3) Now used for culinary purposes  
4) Been in since last year.  
5) Disappeared within 100 ft from spring  
6) No natural drainage on surface - farmed below

Robinson 13-7065

- (direct) 1) 10 gpm flow out of the drains @ start  
fell off to 5 gpm

- 2) Cottail area 150' x 250' T-shaped area -  
3) No flow on surface out of the cottail area.



- 5) Has not naturally drained on surface to the river

- 6) No drainage way thru cultivated area.

- 7) Plans to drain the cottails & farm the swamp & irrigate the surrounding land.  
8) Feels he will develop water by his projects

13 7066

- Robinson  
X-Exam
- 1) Distance from T-area to river is 900'
  - 2) ELEV. drop is 20'
  - 3) Effect on neighboring springs - speculation only no substance.
  - 4)

- Hull  
Direct
- 1) acquainted for 25 yrs - farmed for several yrs
  - 2) Water from cattail area does not drain into the cub river on the surface
  - 3) No drainage from cattail area to river.
  - 4) The spring of 13-7066 has not reached the Cub River or tributaries at any times
- Hull  
X-Exam
- Sinks within 25 feet.
- 1) Does not flow over 1 ym @ anytime

Colke

- 1) Written statement read & provided statement

- Downman
- 1) Spring 13-7066 does sink but comes direct up again in about 300 ft
  - 2) Spring is located on a slope above river sinks, then reappears on the precipice, then flows down barrow pit & on into river
  - 3) Cattail area - 2 springs - one flows east & the other flows Northeast both used to flow together to the northeast & 13 7066

do have a definite channel to the river.  
 4) Caffail area does drain to the river @ least in the spring.

Bowman  
 X-EXAM 1) Acquainted / property because of ~~the~~ his irrigating ditch is just above these springs.  
 2) Walk it "constantly" - 150' up hill.  
 3) How do you connect the water that sinks from the spring to where you say it reappears? Ans. by the short distance.  
 4) Supposition only? yes.  
 5) Many springs on this property could it also be fed by other springs? (not ans.)  
 6) Spring reappears on the county property steep bank directly above county road.

6) Caffail area - there is a well defined channel from the caffail area to the river.  
 7) Water from both springs did flow to the N.W. & to the river. Some dissipation in caffails.  
 8) Mr. Robinson & Mr. Hull are "mistaken" about there not being a surface drain? yes  
 9) Culvert under the field ~~then~~ road, near there is a drainage.

Morrison  
 direct 1) Report Franchising-Cut River Pumping Co.  
 2) 5 cfs - 1882 priority in Cut River

(4)

- 3) Very short on water in late season
- 4) Crops suffer
- 5) Devere calls for all trib. & all seepage.
- 6) Not familiar with area covered by the applications

- 1) Daine Gambill - Preston Whitney Inc.
- 2) Water diverted above this pt but we have to yield to Cub River when river gets low. Thus, taking water below hurts our rights
- 3) All river water & trib has been filed on.

Robinson 1) 600 ft from Poplar spring 13-7066 to  
Rebuttal the precipice.

- 2) Road across field has a culvert taking water from a spring to the mouth of east of the cattails - Has nothing whatsoever to do with the cattails. Spring is in a ravine.
- 3) Downman agrees that this is indeed the culvert.
- 4) Dampness above the road - enlarged the drainage into the ravine spring - flows to the northeast.
- 5) Not a part of the present filings.

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

☒ Show address where delivered

☐ Deliver ONLY to addressee

RECEIPT  
Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

CERTIFIED NO. 280

INSURED NO. \_\_\_\_\_

DATE DELIVERED 12/26/73

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
*Carl Francis Spivey, Jr.*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
*William D. Todd Jr.*

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

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RECEIPT  
Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

CERTIFIED NO. 278

INSURED NO. \_\_\_\_\_

DATE DELIVERED DEC 27 1973

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
*John Sharp*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
*Eugene W. Bush*

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

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RECEIPT  
Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

CERTIFIED NO. 277

INSURED NO. \_\_\_\_\_

DATE DELIVERED 12-26-73

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
*Helen M. Millard*

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

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☐ Deliver ONLY to addressee

RECEIPT  
Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

CERTIFIED NO. 276

INSURED NO. \_\_\_\_\_

DATE DELIVERED 12-26-73

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
*Glen T. Bourman*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

☐ Show address where delivered

☐ Deliver ONLY to addressee

RECEIPT  
Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

CERTIFIED NO. 279

INSURED NO. \_\_\_\_\_

DATE DELIVERED 12-26-73

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
*Barbara K. Peterson*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

IDAHO DEPARTMENT OF WATER ADMINISTRATION  
 EASTERN DISTRICT OFFICE  
 1515 LINCOLN RD.  
 IDAHO FALLS, IDAHO 83401

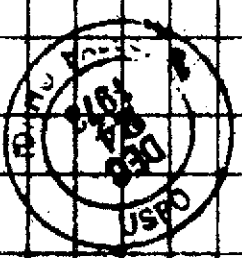
Indicate type of mail:  
☐ Registered ☐ Registered  
☒ Certified ☐ C.O.D.

Affix stamp here if issued as certificate of mailing or for additional  
 copies of this bill.  
 POSTMARK AND DATE OF RECEIPT

| NUMBER OF<br>ARTICLE | NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS             | POSTAGE | PER | R. R.<br>PER | ACTUAL<br>VALUE | SURCHARGE | REMARKS   |
|----------------------|----------------------------------------------------------------|---------|-----|--------------|-----------------|-----------|-----------|
| 1                    | 276 Mrs. J. Brennan RFD Center, Idaho                          | 08      | 30  | 15           |                 |           | 3-7015-16 |
| 2                    | 277 A. J. Christen, 755 State Center, Idaho                    | 08      | 30  | 15           |                 |           | "         |
| 3                    | 278 Arthur Christen, 4900 Howard Dr. Idaho Falls, Id.          | 08      | 30  | 15           |                 |           | "         |
| 4                    | 279 J. H. Christen, 154 N. 2nd St., Center, Idaho              | 08      | 30  | 15           |                 |           | "         |
| 5                    | 280 Edward Kelly, Cret. R. Ingels, P.O. Box 215, Center, Idaho | 08      | 30  | 15           |                 |           | "         |
| 6                    |                                                                |         |     |              |                 |           |           |
| 7                    |                                                                |         |     |              |                 |           |           |
| 8                    |                                                                |         |     |              |                 |           |           |
| 9                    |                                                                |         |     |              |                 |           |           |
| 10                   |                                                                |         |     |              |                 |           |           |
| 11                   |                                                                |         |     |              |                 |           |           |
| 12                   |                                                                |         |     |              |                 |           |           |
| 13                   |                                                                |         |     |              |                 |           |           |
| 14                   |                                                                |         |     |              |                 |           |           |
| 15                   |                                                                |         |     |              |                 |           |           |
| 16                   |                                                                |         |     |              |                 |           |           |
| 17                   |                                                                |         |     |              |                 |           |           |
| 18                   |                                                                |         |     |              |                 |           |           |
| 19                   |                                                                |         |     |              |                 |           |           |
| 20                   |                                                                |         |     |              |                 |           |           |

Sent by certified mail 12/21/73  
 by 1973

Edward J. Christen - was certified



TOTAL NO. OF  
 LISTED BY

TOTAL NO. OF  
 FROM RECD AT P. O.

POSTMASTER'S  
 OF RECEIVING OFFICE

SPECIAL INSTRUCTIONS  
 FOR ADDITIONAL COPIES OF THIS BILL

APPLICATION FOR REGISTRATION OR CANCELLATION

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

In the Matter of Protests Against Approval )  
of Application for Amendment #13-7021, )  
Application for Exchange of Water #13-7021, )  
Application for Permit #13-7065 and Application )  
#13-7066 in the name of THOMAS A. ROBINSON )

NOTICE OF CONFERENCE  
AND/OR HEARING

On September 24, 1973, Thomas A. Robinson, 154 North Second East, Preston, Idaho, filed with the Department of Water Administration an Application for Amendment #13-7021 and an Application for Exchange of Water #13-7021. On October 5, 1973, Robinson filed an Application for Permit #13-7065 and on October 12, 1973, filed an Application for Permit #13-7066. On October 24, 1973, the Department received protests from Glen T. Bowman against the approval of Amendment #13-7021, Exchange #13-7021 and Application #13-7065 and on November 6, 1973, Bowman protested Application #13-7066. On November 1, 1973, a protest against Application #13-7065 was received from Cub River Irrigation Co. On November 2, 1973, Cub River Irrigation Co. submitted a protest against Application #13-7066.

The Department has set the matter of protests for conference and/or hearing for Tuesday, January 22, 1974, at 2:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 2 day of December, 1973.

RONALD D. CARLSON

Assistant to the District Engineer

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
EASTERN DISTRICT OFFICE



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

December 19, 1973

Franklin County Courthouse  
Clerk of the District Court  
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, January 22, 1974, at 2:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**EASTERN DISTRICT OFFICE**



Cecil B. Andrus  
Governor  
R. Keith Higginson  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

November 6, 1973

Re: Application No. 13-7066

Mr. Glen T. Bowman  
R.F.D.  
Preston, Idaho 83263

Dear Mr. Bowman:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 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 purposes 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

*Norman C. Young*

NORMAN C. YOUNG  
District Engineer

13 7066

NCY:mb

cc: J. W. Crowther

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
EASTERN DISTRICT OFFICE



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

November 6, 1973

Re: Application No. 13-7066

Mr. Mervin J. Bodily  
Cub River Irrigation Co.  
P. O. Box 215  
Lewiston, Utah 84320

Dear Mr. Bodily:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 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 purposes 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

*Norman C. Young*

NORMAN C. YOUNG  
District Engineer

NCY: mb

13 7066

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
EASTERN DISTRICT OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Mr. Thomas A. Robinson  
154 N. Second East, Preston, ID

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

November 6, 1973

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

Re: Application for Permit No. 13-7066

Dear Mr. Robinson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7066. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 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 purposes 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?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

*Norman C. Young* /ub

NORMAN C. YOUNG  
District Engineer

NCY: mb

Enc: Copy of Protest(s)

13 7066

## CONVERSATION MEMORANDUM

DATE 11/2/73OFFICE OF J.W. CRAWTHER  
FORFILE 13-7066NAME OF PARTY GLEN T. BOWMANEMPLOYEE RONALD CARLSON

RE:

This office received a protest submitted in the name of Glen T. Bowman by J.W. Crowther, Attorney. The protest was dated October 31, 1973 and indicated application 17-7066 to be the reason for the protest. This was obviously an incorrect number and I called Mr. Crowther's office to confirm the intent of the protest. His office indicated the application they wished to protest was 13-7066. I told Mr. Crowther's secretary that we would accept the first protest as an intent to protest, which was timely, and on this basis accept the corrected protest if it should arrive at this office after the final date for protest.



XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

October 12, 1973

RE: Application for Permit NO. 13-7066 - Robinson

Preston Citizen  
Box 472  
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Very truly yours,

NORMAN C. YOUNG  
District Engineer

Bill submitted 10-25-73 by MB

NCY:cw

13 7066

Enc: Legal Notice (1)

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Thomas A. Robinson, 154 North 2nd East, Preston, Idaho has on 10-12-73 submitted Application No. 13-7066 for a permit to appropriate 0.01 cubic feet per second of water from an unnamed spring by means of drainpipe and storage tank within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T. 15S, R. 41E, B.M., Franklin County, to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 5, 1973.

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho on October

18 and October 23, 1973.

Legal No. 2484 — Pub. Oct. 18,

23, 1973.

13 7066

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas A. Robinson  
154 North 2nd East, Preston, Idaho  
has on 10/12/73 submitted Application No. 13-7066  
for a permit to appropriate 0.01 cubic feet per second ~~acre feet per annum~~  
of water from an unnamed spring  
by means of drainpipe and storage tank  
within the NW 1/4, Sec. 19, T. 15S, R. 41E, B.M., Franklin County;  
  
  
to be used from Jan. 1 to Dec. 31  
for domestic purposes for one family  
  
within the NW 1/4, Sec. 19, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests  
against the granting of the permit must be filed with the Idaho Department of  
Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before  
November 5, 1973.

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho  
on October 18, and October 25, 1973.

13 7066

*AW-  
AW-A.*

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 12, 1973

Mr. Thomas A. Robinson  
154 North 2nd East  
Preston, Idaho 83263

Dear Mr. Robinson:

Attached herewith is departmental receipt No. 10387 in the amount of \$10.00 for your application for permit which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:cw

Attachement

13 7066

## NOTE-O-GRAM

© THE DRAWING BOARD • BOX 505 • DALLAS, TEXAS

THOMAS A. ROBINSON

FRANKLIN DEVELOPMENT COMPANY

P. O. BOX 26 • PRESTON, IDAHO 83263 • PHONE 852-2962

OCT 1973

Department of Water Administration  
Eastern District Office

## MESSAGE

TO

Mr Norman C. Young  
District Engineer  
Dept of Water Admin  
Idaho Falls, Idaho

SUBJECT

Water Application  
Permit

DATE

10/10/73

Dear Norm,

Assuming this version of my spring application will be more acceptable to you, I forward it with my check in amount of \$10<sup>00</sup>, to be processed in the normal manner.

BY

Sincerely,  
Norm Robinson

## REPLY

DATE

13 7066

SIGNED

1315 Lincoln Road

September 26, 1973

Mr. Thomas A. Robinson  
154 North 2nd East  
Preston, ID 83263

Dear Mr. Robinson:

I find it necessary to return your Application for Permit and check No. 92-171 in the amount of \$30.00, because the filing fee is in excess of the amount required.

We have typed two applications for permit from the information presented on your original application. I believe you are proposing two separate projects and, therefore, the applications should be separate, as we have done. If you believe that this is incorrect, do not hesitate to re-do the application and clarify your project. If you agree with the applications as retyped, please sign them exactly as your name appears in Item 1 and return them to this office with the required filing fee of \$20.00. If you do not want them to be advertised at the same time as the amendment and exchange filed earlier this week, I suggest that you delay returning them to this office.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

Enc: Check No. 92-171

3 Apps.

13 7066

RECEIVED

Captain Thomas A. Robinson, U.S. Navy (ret.)

154 North, Second East

Preston, Idaho 83263

SEP 26 1973

Department of Water Administration  
Eastern District Office

9/25/73

Dear Norm,

First, I want to thank you for your assistance yesterday.

Next, I forward an application for permit in the rough and a signed blank copy. When convenient please prepare a proper original making changes in my draft as you deem advisable. Assuming this will require \$30<sup>00</sup>, my check is enclosed.

Suggest we advertise this one after the other one prepared yesterday - may be better that way.

Again, thanks -

Sincerely,

Tom Robinson

13 7066