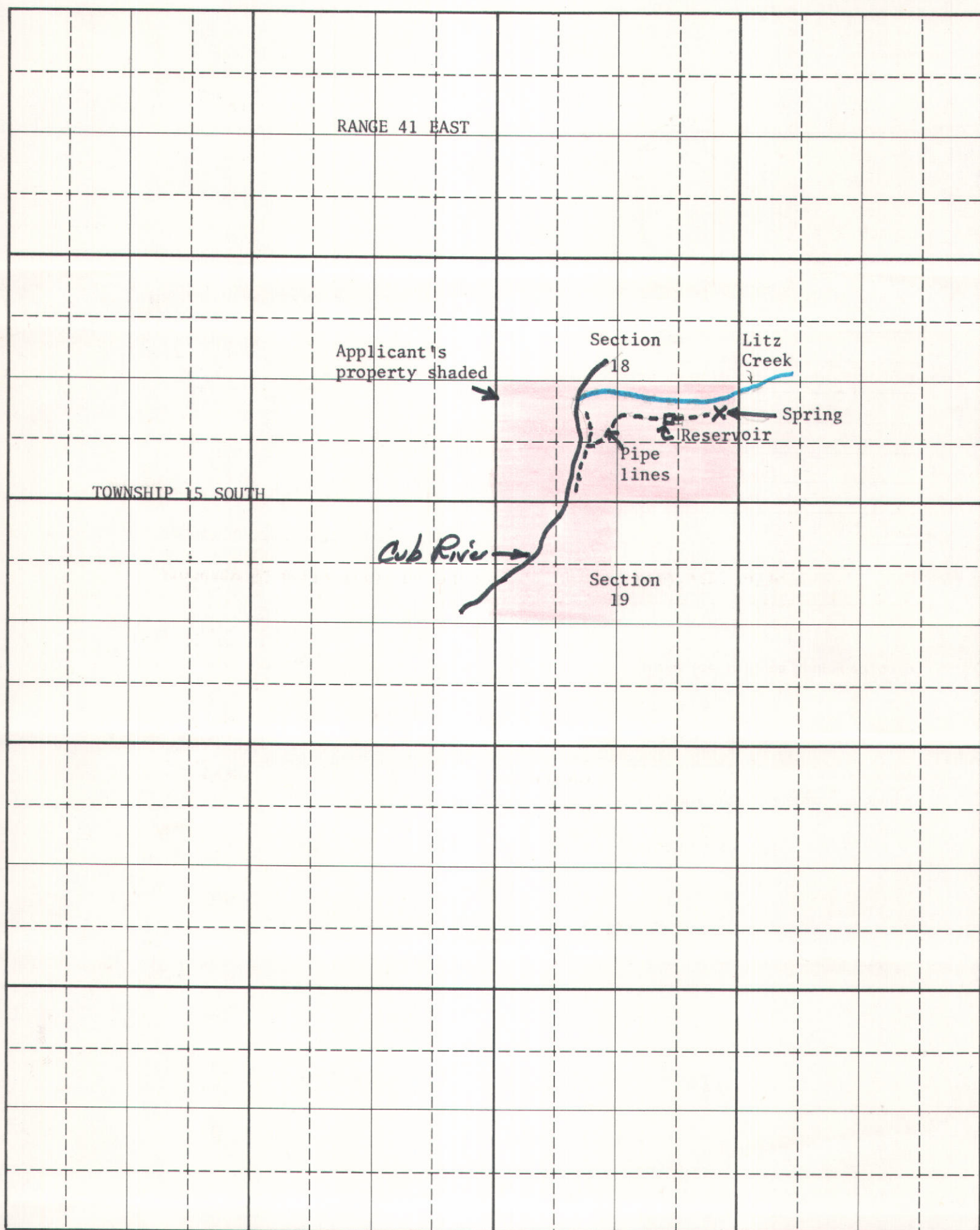


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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 Johnson
(Applicant)

13 7028

RECEIVED RECEIVED

MAR 23 1972

MAR 23 1972

AFFIDAVIT OF PUBLICATION

Department of Water Administration
Eastern District Office

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 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

March 2, 19 72, and ending

with the issue of March 9, 19 72.

J. Walter Ross

Fees, \$ 13.69

Subscribed and sworn to before me this 22 day

of March, 19 72.

Reuben D. Liddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas Robinson, 154 N. 2nd E., Preston, Idaho has on 2-23-72 submitted Application No. 13-7028 for a permit to appropriate .24 cubic feet per second of water from a spring, tributary to Litz Creek, tributary to Cub River by means of headbox and pipeline within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 18 families; and from April 1 to Oct. 31 for stockwatering purposes for 75 head of livestock within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of this permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before March 20, 1972.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 2 and 9, 1972.

Legal No. 2123—Pub. March 2, 9, 1972.

13 7028

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07028

Priority: March 27, 1972

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

10.8 AF

This is to certify, that CUB RIVER ACRES INC
PO BOX 208

PRESTON ID 83263

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 23, 1972; and
has submitted Proof of Beneficial Use on January 1, 1900. An examination indicates
that the works have a diversion capacity of .200 cfs of water from:

SPRING

tributary to LITZ CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.20 CFS	10.8 AF

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

NWSW

SWSW

SESW

19

NENW

NWNW

SWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

JUL 19 1994

State of Idaho
Department of Water Resources

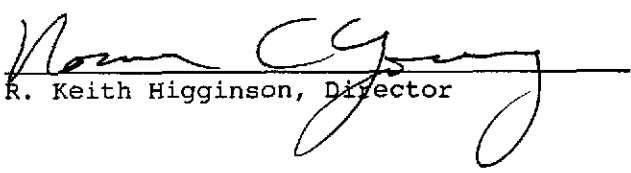
WATER RIGHT LICENSE

WATER RIGHT NO. 13-07028

CONDITIONS/REMARKS:

5. 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.
6. Domestic use is for 6 homes and 12 campsites.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23RD day of April, 1994.

Acting for  R. Keith Higginson, Director

JUL 19 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
DEC 27 1993
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07028

Date of Priority: March 27, 1972

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 10.8 AF

Comes now
PO BOX 208
PRESTON ID 83263

CUB RIVER ACRES INC

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07028, and requests that the permit be changed as follows:

Source: SPRING

tributary to LITZ CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.20 CFS	10.8 AF

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

NWSW

SWSW

SESW

19

NENW

NWNW

SWNW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at

PRESTON

, this

21

day of

DECEMBER, 1993.

RECEIVED

JUL 19 1994

[Signature]
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07028

FOR DEPARTMENT USE ONLY

Preliminary check by BC Fee = 20⁰⁰ Received by DW # C029309 Date 12/27/93

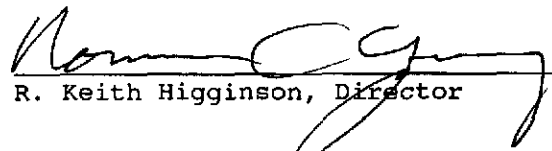
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 13-07028 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. Domestic use is for 6 homes and 12 campsites.

Witness my hand this 23rd day of APRIL, 1994.


Acting for R. Keith Higginson, Director


JUL 19 1994

State of Idaho

Department of Water Resources

RECEIVED

DEC 28 1989

Enclosure 2

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Thomas Robinson, hereby assign to Cub River Acres, Inc.
of Post Office Box 208, Preston, Idaho 83263
Address

All my right, title, and interest in and to Permit No. 13-07028
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 13-07028 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Acreage not involved - This is a culinary water system. Point of diversion,
spring in N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ section 18, T 15 S., R 41 E. B.M. .20 C.F.S. 144.8
annual A.F. Date of actual date of transfer Dec. 17, 1979

Made this 20th day of December, 19 89.

Thomas Robinson
Permit Holder

Beverly Robinson
Spouse of Permit Holder

State of Idaho)
County of Franklin) ss

On this 22 day of DECEMBER, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Jelly Michelsen
Notary Public residing at
Preston, Idaho

s e a l

My commission expires:

Aug 14, 1995

JUL 19 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 13-7028) ORDER
IN THE NAME OF THOMAS ROBINSON)

WHEREAS, on July 18, 1972, the Department of Water Resources issued Permit No. 13-7028 in the name of Thomas Robinson with the requirement that:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

and,

WHEREAS, the Department of Water Resources has determined that a measuring device is not required at this time for a determination of the quantity of water appropriated under the permit;

NOW THEREFORE, the condition of approval on Permit No. 13-7028 requiring that a measuring device be installed is hereby REMOVED.

Dated this 6th day of December, 1989.


L. GLEN SAXTON
Chief, Water Allocations Bureau

Microfilm

JUL 19 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7028 }
IN THE NAME OF THOMAS ROBINSON }

ORDER OF REINSTATEMENT

WHEREAS, on February 23, 1972, Thomas Robinson applied to the Department of Water Resources for a permit to appropriate 0.24 cubic feet per second of water from a spring tributary to Litz Creek to be diverted from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 15S, Rge. 41E B.M., Franklin County, to be used for stockwater and community supply purposes; and,

WHEREAS, on July 18, 1972, the Department approved said application and issued Permit No. 13-7028 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1976; and,

WHEREAS, on June 18, 1976, the Department extended the time within which to submit the statement of beneficial use to August 1, 1981; and,

WHEREAS, on May 31, 1981, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 13, 1981, the Department notified the permit holder that Permit No. 13-7028 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 2, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7028 be REINSTATED and the priority advanced to March 27, 1972.

Dated this 9th day of September, 1981.

RECEIVED

JUL 19 1994

L. Glen Saxton
L. GLEN SAXTON, Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 13-7028
IN THE NAME OF THOMAS ROBINSON

ORDER

WHEREAS, on February 23, 1972, Thomas Robinson applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.24 cubic feet per second of water from a spring, tributary to Litz Creek, to be diverted from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 15S, Rge. 41E, B.M., Franklin County, to be used for stockwater and community supply purposes; and,

WHEREAS, on July 18, 1972, the Department approved said application and issued Permit No. 13-7028 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1976; and,

WHEREAS, on June 7, 1976, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 13-7028 be extended to August 1, 1981.

Dated this 18th day of June, 1976.


for A. KENNETH DUNN
Administrator, Operations Division

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Thomas Robinson 852-2962
 post office address 154 N 2nd E Preston, Idaho 83263
2. Source of water supply spring which is a tributary of Litz Creek
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 15S
Range 41 E.B.M. Franklin County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into Litz Creek at a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 15S Range 41 E.B.M. (1/4 mile down creek)
4. Water will be used for the following purposes:
 Amount .24 for community supply purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount .01 for livestock water purpose from April 1 to Oct 31 (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. .24 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. pipe from spring to culinary water reservoir, pipes to water trough, homes and campsites.
- 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 \$ 1,000.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 15S
Range 41 E.B.M. also E $\frac{1}{2}$ of SW $\frac{1}{4}$ 18
 (2) Amount of power to be generated: _____ hp under _____ feet of head. 2 1/2 4/72
telephone call
 (3) List number of each kind of livestock to be watered 25 - 50 head - cattle and horses
 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 6 summer homes @ .02 c.f.s. and 12 campsites @ .01 c.f.s.
 (5) If water is to be used for other purposes describe: Livestock

Total number of acres to be irrigated:

c. Describe any other water rights used for the same purposes as described above.

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

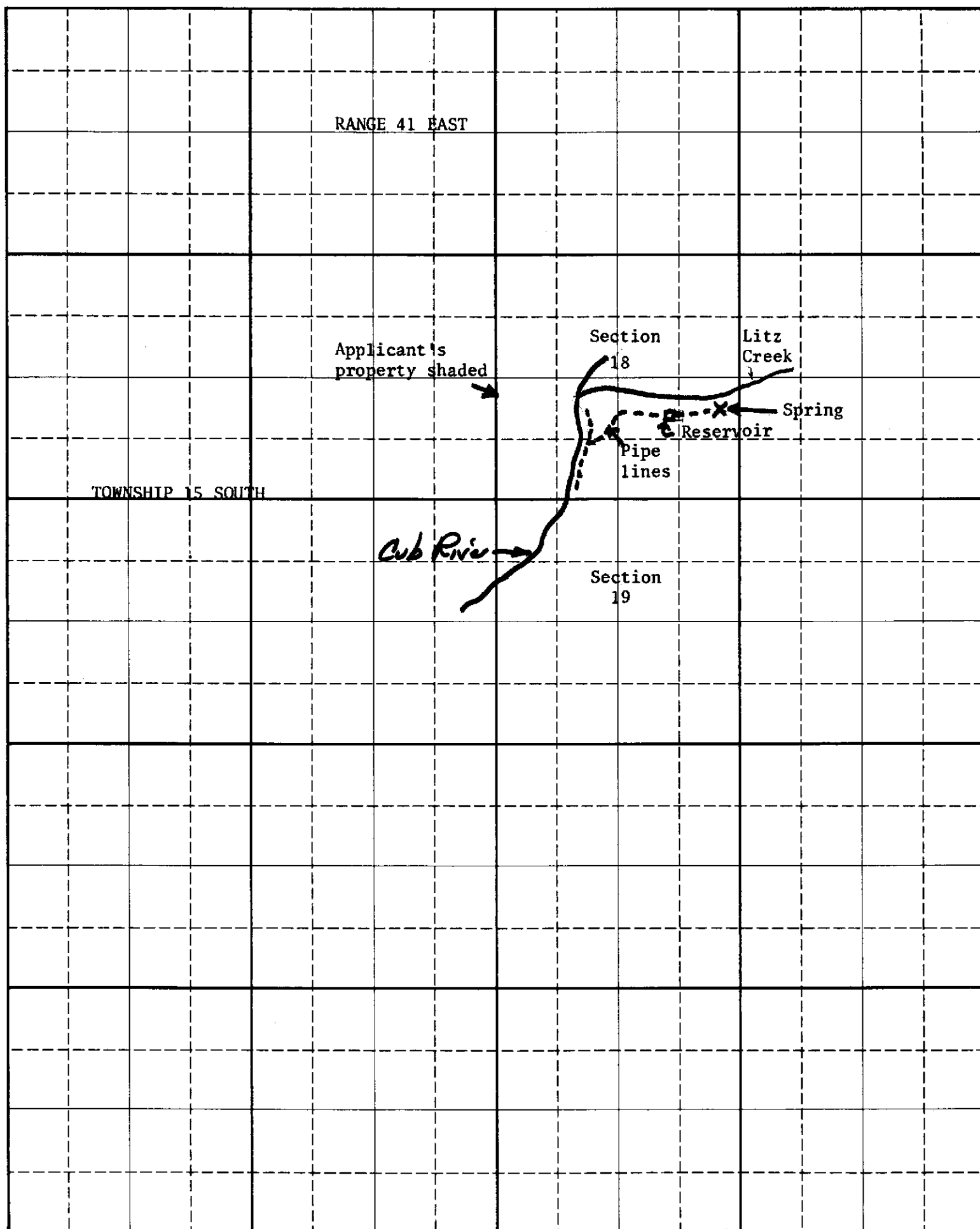
b. Who owns the land to be irrigated or place of use ~~applicant~~

- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

applicant to make this filing-

10. Remarks Water from the spring flows into Litz Creek and through applicant's property directly into the Cub River. Unused water will be returned into the Cub River or into the creek and almost all water used will be returned to the river eventually.

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 J. Johnson
(Applicant)

13 7028

Received by _____ Date 8-23-72 Time 8:00 AM
Preliminary check by MB Fee \$ 25.00
Received by _____ Date 8-23-72
Publication prepared by bj Date 2-25-72
Published in _____ Preston Citizen, Preston, ID
Publication dates 3-28-72
Publication approved CR Date 8-29-72
Priority reduced to 5-17-72 Reason _____
Protests filed by: Cub River Irrigation Co. 3/9/72
Copies of protests forwarded by _____
by _____
Hearing held by _____ Date _____
Recommended for approval denial by DDF

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. 13-7028, 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 August 1, 19 76.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 18 day of July, 19 72.

[Signature]
Director



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 28, 1994

CUB RIVER ACRES INC
PO BOX 208
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07028

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED
JUL 19 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1993

CUB RIVER ACRES INC
PO BOX 208
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07028

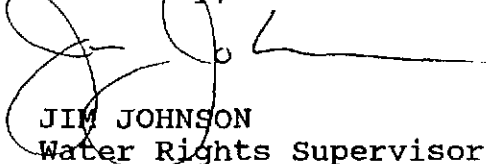
Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the places(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 14 days.

If you do not concur with this information, please contact me as soon as possible.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure .

RECEIVED

JUL 19 1994

WR0749NP
No. L13-07028

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/02/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	CUB RIVER ACRES INC PO BOX 208 PRESTON ID 83263	03/27/1972	DOMESTIC	01-01	12-31	0.20 CFS	10.8 AFA
TOTAL DIVERSION:						0.20 CFS	10.8 AFA

Water Source: SPRING

Tributary to: LITZ CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.20 CFS

Point(s) of Diversion: T15S R41E S18 SE NE SE

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	41E	18	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
15S	41E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: FRANKLIN

~~Non-Irrigation Uses: S/75 HEAD D/6 SUMMER HOMES, 12 CAMPSITES.~~

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

Remarks: Domestic use is for 6 homes and 12 campsites.

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:

Misc: Water District Number: Field Exam Fee:

Audit: 12/02/93 CHAPMAN

LICENSE REVIEW CHECKLIST

Permit # 13-7028

Date 12-2-93

Brenda Chapman

NAME ✓ No Or Address Change? Assigned to Cub River Acres

PRIORITY DATE ✓ No Advance? Done Advanced to: 3-27-72
✓ No Order to Reinstate Needed? Done
NA No Incorrect Fee for rate recommended?

SOURCE ✓ No Changes? Clarification of **Originally Intended** source
✓ No Notice of Intent to Void - Source change.

P/D ✓ No Amendment Needed?
✓ No Overlap(s) 13-7021 EXCHANGE WELLS

P/U ✓ No Amendment Needed? ADD NW 1/4, DELETE SE
✓ No Overlap(s) 13-7021

LICENSE

13-7021- TOTAL CFS

2 EXCHANGE WELLS

provide 90 gpm

or .20 to be injected
into the Cub River

TOTAL VOLUME

✓ No Measurement Done? 5 GALLON BUCKET
✓ No Spring = 90 gpm or .20 CFS

✓ No System Capacity .20
Allowable Amount: CAPACITY @ .20 CFS

✓ No Season of Use: 1-1 to 12-31
✓ No Calculations:
18 (summer homes + campsites) @ .6 = 10.8
Flow limit: .20 x 365 x 1.9835 = 144.7

USES ✓ No Change(s) in Nature of Use?
✓ No Amendment Needed?

REMARKS ✓ No Multiple P/Ds in 1/4 1/4?
✓ No Special Overlap
✓ No Other (IN HOUSE USE ONLY)

CONDITIONS deleted Measuring/Locking Devices
✓ No W/Master Control ✓ Water Dist
✓ No Irrigation Overlap 3-23-72 App Rec'd
✓ No Water Quality 1987 Exam Made

COMMENTS: 6 homes & 12 Campsites ; No stock water
AMEND P/U USE MENTIONED IN EXAM.

RECOMMENDED CFS DIV VOL

Domestic .20 10.8

LICENSE

1ST AMEND LETTER P41

2ND AMEND LETTER P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

13-7028

Permit No. 13-7021
Phone No. 852-2962

1. Owner: Thomas Robinson
Current Address: Rt. 3 Box 607 C

2. Accompanied by: Applicant EXAM. DATE: 1983 +
Address: _____ Phone No. 1987
Relationship to Permit Holder: _____

3. Source: Groundwater + Spring tributary to Cub River
(13-7021) (13-7028)

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
# 3	NA	3	NA	NA	
# 6	NA	1.5	NA	NA	

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
This is an exchange whereby subdivision uses water from the springs which is stored in a 30,000 gallon tank with lines to 81 outlets (summer homes, trailer sites, etc.) 46 of which are in current use. The two functioning wells are to be used to provide exchange water to be injected into the Cub River so the spring water will not be cut off. (See exchange agreement)

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements g/Spring overflow - 90 gpm or 0.2 cfs ☐ Additional data/computation sheets attached
measured with bucket & stopwatch

by Well # 3 - 140' deep, pump set at 110 - bucket & stopwatch - Flow was 60 gpm
 & Well # 6 - 140' deep, pump set at 120 - bucket & stopwatch Flow was 30 gpm
 Total 90 gpm well flow or 0.20 cfs

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
Wdl 3		SW	SW	18	15S	41E	} 13-7021-EXCHANGE WELLS	Franklin	
Wdl 6		NW	NW	19	15S	41E			
Spring		SE	NE	SE	18	15S	41E		

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

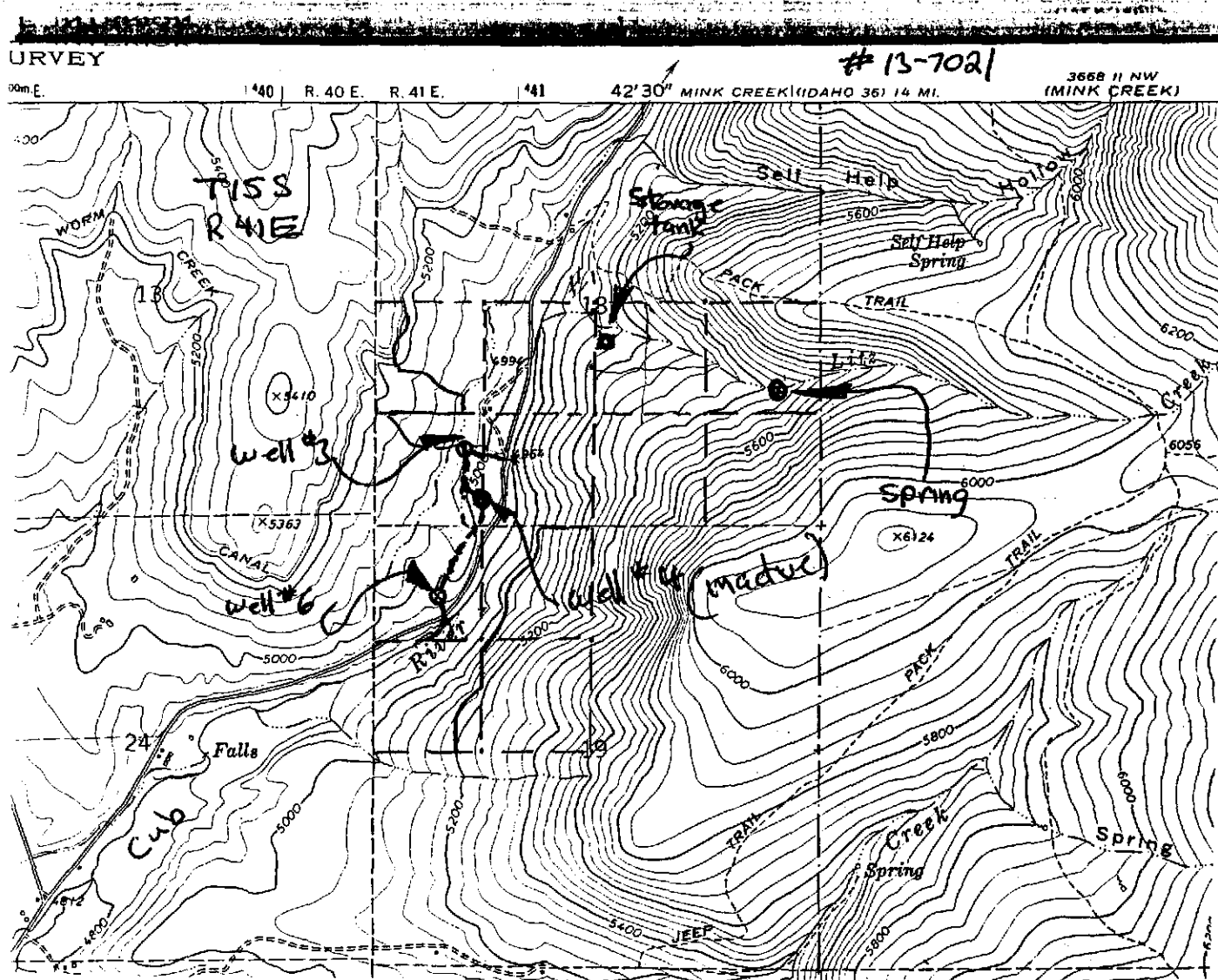
[illegible]

Total Acres _____

10. Other water rights on these lands NA.

11. Other water right diverted from same p.d. NA.

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks As per memorandum from Jim Johnson rate of 0.20 cfs will be used on 18 sites as permit 13-7028 seems to limit use to this amt. via exchange. No irrigation use is recognized and this then leaves 28 sites now occupied and 35 unoccupied sites without a permit for any use. Lots selected for licensing are 18, 19, 20, 5, 9, 10, 51, 77, 78, 70, 72, 76, 106, 74, 44, 85, 87 and 119

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature SLW. Jones

Date 6-12-87

Consultant's License Number 87-122

IDWR Director's Authorization to Conduct

Beneficial Use Examination

Date

SLW. Jones
7-9-87
CONSULTANT SEAL

JUL 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

exchange { 13-7028
13-7021
Permit No.

1. **Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

a/ Spring flow at overflow pipe in storage tank; by bucket + stopwatch
90 gpm or 0.20 cfs

b/ well #3 - open discharge to bucket + stopwatch; 60 gpm } total 90 gpm or
well #6 - " " " " ; 30 gpm } 0.20 cfs

allow 0.20 cfs for exchange

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

c) Volume Calculations for Other Uses:

0.60 cfs x 18 allowable sites = 10.8 cfs

2. **Overlap Review**

a) Other water rights with same place of use: N.A.

b) Other water rights with same point of diversion: N.A.

c) Analysis:

RECEIVED
JUL 10 1994

MEMORANDUM

TO: Skip
FROM: Jim *Jim*
DATE: May 1, 1987
RE: 13-7021 & 13-7028

RECEIVED

MAY 5 1987

Department of Water Resources
Eastern District Office

It appears to me that Rt. 13-7028 is definitely limited to a maximum of 0.24 cfs but a change in nature of use can be allowed to accomodate the uses found developed to the extent that no expansion will occur.

To do this, we would have to estimate maximum volume and maximum consumptive use which would occur on the original uses identified under the permit.

The permit shows 6 summer homes at 0.02 cfs/home and 12 camp sites at 0.01 cfs/camp site.

Volume used annually:

You may have a better handle on this. I am going to assume that summer home water use is $\frac{1}{2}$ of normal volume. Therefore, the AFA would be $0.6 \times 6 = 36$. Also assume camp site AFA at 0.6 per camp site. On consumptive use we normally assume in-house use as non-consumptive. For this case, I assume all domestic and camp site use to be so small that it can be considered as non-consumptive. Therefore, the amount available for change in nature of use is:

Rate: 0.24 cfs
Volume: 10.8 AFA
Consumptive use: 0

Actual water use found was 81 domestic units and 22 acres irrigated. Using the parameters described above, the 0.24 cfs with 10.8 AFA could supply 18 of the 81 units. Water could not be used on any of the irrigated lands because of the consumptive use restriction.

In conclusion, I agree with the assessment that 18 units could be recognized under 13-7028. I went to more detail than perhaps was necessary, but I wanted to address the change in nature of use option.

Hope this helps.

MICROFILMED

MAY 19 1987

JUL 19 1994

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7028.

Name(s) of Permit Holder: Thomas Robinson

Post Office Address: RT 3 Box 4070

Preston, Idaho 83263 Tel. No. 852-2962

Source of Water:

Extent of Use:

☒ Domestic

☐ Stockwater

☐ Irrigation

☐ Other

(number of households)

(number and type of stock)

(acres)

Measuring Device: Required?

☒ Yes

☐ No

Installed?

☒ Yes

☐ No

Access Port: Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

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

8/30/81

Date

Thomas Robinson

Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

JUL 19 1981



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

SEP 2 1981

Department of Water Resources

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" reverse.

1. The following service is requested (check one)

- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery..... 35¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Thomas Robinson
H-3, Box 607 C
Preston, Id 83263

3. ARTICLE DESCRIPTION:

REGISTERED NO. **CERTIFIED NO.** **INSURED NO.**

138743

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Thomas Robinson

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER, BECAUSE:

CLERK'S INITIALS



138743
13-7028

13-7028

13

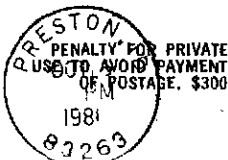
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.



RETURN



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OCT 8 1981

Department of Water Resource

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

JUL 19 1981

C
O
P
Y
September 17, 1981

Thomas Robinson
Route 3, Box 607C
Preston, ID 83263

Dear Mr. Robinson:

Re: Permit No. 13-7028

This office acknowledges receipt of the statement of beneficial use postcard and the \$15.00 cash. Please be advised that we are returning the \$15.00 since there is no fee for submitting the postcard.

Enclosed also is a copy of the order reinstating your permit and advancing the priority date to March 27, 1972 since the postcard was submitted after the August 1, 1981 deadline.

Before a water right license can be issued, a field examination must be made by a representative of this department. We do not know at this time when he will be able to conduct the examination, however, the 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 the Eastern Regional office at 525-7161.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

bcc: Eastern Region
Roberta Garrett

RECEIVED

JUL 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 2 1981

Department of Water Resources
STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

ROBINSON, THOMAS
~~464 N. 2ND E.~~
PRESTON, ID 83263

RT 3 Box 407C

AUGUST ¹³
93, 1981

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 13-7028 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED MAY 31, 1981.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

*Sorry about this - administrative
error - cash 15 attached
Sinc*

[Signature]

JUL 19 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

ROBINSON, THOMAS
154 N. 2ND E.
PRESTON, ID 83263

AUGUST ¹⁰³03, 1981

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 13-7028 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED MAY 31, 1981.

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L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on 8/13/81
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Jan Glover

MAILED
JUL 19 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

ROBINSON, THOMAS
154 N. 2ND E.
PRESTON, ID 83263

138192

MAY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7028 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

RECEIVED
MAY 31 1981

JUL 19 1981

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

File

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES STATEHOUSE BOISE, IDAHO 83720		Indicate type of mail ☐ Registered ☐ Insured ☒ COD ☐ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
1	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	138743	Thomas Peterson										13-7029
2		At 3, Box 1070										
3		Tractor # 83363	15 75					70				
4												
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TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.						
1		Del				RECEIVED SEP 18 1981 Department of Water Resources						

June 18, 1976

Re: Permit No. 13-7028

Thomas Robinson
Box 26
Preston, Idaho 83263

Dear Mr. Robinson:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to August 1, 1981.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Franklin Development

P. O. Box 26
Preston, Idaho 83263

RECEIVED

JUN 2 1976

June 1, 1976

Department of Water Resources

Mr. R. Keith Higginson
State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Dear Mr. Higginson,

Your certified mail form letter dated June 1, 1973, concerning water permit No. 13-7028, forwarded an affidavit form to submit proof of beneficial use and requested either a completed form or a request for an extension of time to be submitted prior to August 1, 1976.

A review of your records will indicate that an application for exchange of water, identification No. 13-7021, approved February 12, 1974, authorized use of the water of the basic permit 13-7028 for domestic purposes for a recreational subdivision in Sections 18 and 19 of Township 15 South, Range 41 East of the Boise Meridian.

The culinary water system from the spring in permit 13-7028, although not completed, is currently operational. However, only 6 of the 25 permanent homes and 4 of 25 summer homes initially authorized, have been constructed and about 7 of 25 authorized campsites are actively used. Therefore, the amount of spring water used this past season from the reservoir, as measured by a Badger gallon reading water meter, has been less than the authorized amount. Practically all the spring water running into the reservoir overflows back into Litz Creek.

It would therefore appear logical to request an extension of time so that the installation can be completed, sufficient water hook ups made and factual water use data developed to support proof of full beneficial use as required by your office.

It is therefore respectfully requested that a five year extension of time from the August 1, 1976 date be authorized for this purpose.

Yours truly,


Thomas A. Robinson

Franklin Development Co.

P. O. Box 26
Preston, Idaho 83263

June 1, 1976

Mr. R. Keith Higginson
State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Dear Mr. Higginson,

Your certified mail form letter dated June 1, 1973, concerning water permit No. 13-7028, forwarded an affidavit form to submit proof of beneficial use and requested either a completed form or a request for an extension of time to be submitted prior to August 1, 1976.

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It is therefore respectfully requested that a five year extension of time from the August 1, 1976 date be authorized for this purpose.

Yours truly,

Thomas A. Robinson

June 1, 1976

CERTIFIED MAIL

138636

Re: Permit No. 13-7028

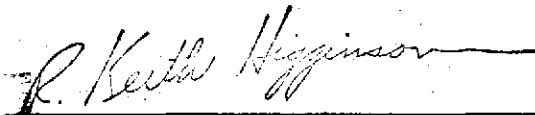
Thomas Robinson
154 North 2nd East
Preston, Idaho 83263

Dear Mr. Robinson:

One of the conditions of approval of your water Permit No. 13-7028 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before AUGUST 1, 1976. Enclosed is an affidavit form which must be used to submit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

July 20, 1972

Re: Permit No. 13-7028

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

Dear Mr. Robinson:

Enclosed is a copy of your approved Application for Permit No. 13-7028. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device as part of the diverting works has been placed upon this permit. We are enclosing a letter describing different types of measuring devices accepted by this Department.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit
Information letter

bc: Eastern District Office

13 7028

July 18, 1972

Re: Application No. 13-7028 - Thomas Robinson

Mr. Mervin J. Bodily, Sec-Mgr.
Cub River Irrigation Company
Lewiston, Utah

Dear Mr. Bodily:

We received your letter of June 22, 1972, stating your agreement with Mr. Robinson's proposal of April 18th. We will now take final action on Application for Permit No. 13-7028.

The diversion of water from Cub River is controlled by a state appointed watermaster. Therefore, any diversion by Mr. Robinson would be controlled by that watermaster and any illegal diversion could be cause for action between Mr. Robinson and the watermaster. However, the Department of Water Administration cannot guarantee that there will not be any expense incurred in protecting your water rights.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Thomas Robinson

13 7028

CUB RIVER IRRIGATION COMPANY

LEWISTON, UTAH

June 22, 1972

Mr. Bobby D. Fleenor, asst. Director
State of Idaho - Dept. of Water Admin.
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Fleenor:

Responding to your letter of June 5, 1972 regarding approval of Mr. Thomas Robinson's application No. 13-7028, the Cub River Irrigation Co. will agree to Mr. Robinson's proposal as set forth to you in his letter of April 18, 1972, with the understanding that the state office will be responsible to protect the water rights of the Irrigation Co. and said Company will not be responsible for any expense incurred through this transaction.

Sincerely,



Mervin J. Bodily - sec'y-Mgr.

CUB RIVER IRRIGATION CO.

cc: Mr. Thomas Robinson

13 7028

June 5, 1972

Mr. L. D. Bodily, Pres.
Cub River Irrigation Company
P.O. Box 215
Lewiston, Utah 84320

Re: App. No. 13-7028
Thomas Robinson

Dear Mr. Bodily:

We can understand your concern over uncertainties as expressed in your May 1, 1972, letter regarding Mr. Robinson's application for permit No. 13-7028. However, Mr. Robinson cannot proceed with his project to divert the water until this matter is resolved. A one-year delay would prevent the diversion and use of water by Mr. Robinson even during the non-irrigation season when there appears to be water available.

The doctrine of "first in time first in right" would afford some protection for the water rights of your company. If Mr. Robinson would not show an increase in the water available to you equal to the amount he diverted, then he could be required to cease his diversion during the periods of short water supply.

I feel it would be in the best interest of all if this matter were resolved as soon as possible; therefore, unless Mr. Robinson agrees to a delay or unless an agreement is reached we will set this matter for a hearing.

Please let us know within 30 days if a hearing will be necessary.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

cc: Thomas Robinson

13 7028

CUB RIVER IRRIGATION COMPANY

LEWISTON, UTAH

May 1, 1972

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho-
Dept. of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Department of Water Administration

BDF

ok to file

Dear Mr. Fleenor:

Replying to your request for a report at our meeting at Preston, Idaho, with members of your office and Mr. Thomas Robinson in regards to the Cub River Irrigation Company's protest against the approval of application for permit No. 13-7028, we make the following report:

There are a number of uncertainties as to the matter of exchange of the Spring water for water which may be produced from draining the swamps. The parties are attempting to agree and enter into an agreement to permit the applicant to put in a temporary pipe to the Spring with the understanding and agreement on his part that he will drain the swamps in the neighborhood and return to Cub River an amount in excess of the amount of water taken through the pipes for cullinary purposes during the irrigation season.

Accordingly request is made that action on the application and contest be postponed to permit time for an agreement to be prepared, measurements taken and a drain installed into the swamps, to determine the facts regarding what exchange waters, if any, can be agreed upon. Without this development and without satisfactory proof than an exchange of water is feasible we feel it would not be to the best interest of either party to attempt to agree to the terms of any Order which might be made in the premises.

It is the opinion of the Board that a year's time may be necessary to complete investigation. This is the kind of matter which should not be rushed.

Thanking you for your cooperation in this matter, we are

Yours very truly,
CUB RIVER IRRIGATION COMPANY

By L. D. Bodily
L. D. Bodily-President

cc: Thomas Robinson

13 7028

M E M O

To: File # 13-7028

From: Bob Fleenor

Date: May 3, 1972

A conference was held on April 19, 1972, in Preston, Idaho, to determine the issues in the protest of the Cub River Irrigation Company against application for permit No. 13-7028 filed by Thomas Robinson.

The applicant represented himself and the protestant was represented by Vernon P. Cole, Mervin J. Bodily and L.D. Bodily.

The applicant is agreeable to drain his swamp so the water he takes from the spring will not deplete the amount of water available to Cub River Irrigation Company. The representatives of the Company will submit this proposal to the Company's Board at the next meeting. A letter from the Company should be received within 15 days to indicate their intentions in continuing with the protest.

Bob
Bob

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

154 North, Second East
Preston, Idaho 83263

April 18, 1972

Received 4/19/72 at
the conference at Preston

Mr. Bobby D. Fleenor, Assistant Director
State of Idaho - Dept. of Water Administration
Statehouse - Annex 2
Boise Idaho 83707

Dear Mr. Fleenor:

In your form letter dated March 10, 1972, you informed me of a protest to my application for use of water from a spring on property I own in Franklin County, Idaho, by the Cub River Irrigation Company of Lewiston, Utah. On April 4, 1972, you notified me of a conference scheduled to review additional information related to this protest.

I have subsequently been in touch with Mr. Delbert Bodily, President of the Cub River Irrigation Company. He was most cooperative and agreed to look the site over and consider the situation with others prior to our scheduled conference.

I am pleased to inform you that the problem concerning my application as noted by the Cub River Irrigation Company may have a relatively easy solution.

In the first place, although a native of Southeast Idaho with three generations of parents on each side buried just over the Idaho line at Richmond, Utah, I certainly have no intention of denying the Cub River Irrigation Company any water on which they have rights dating back to 1880.

Actually, I intend to prove conclusively that in our swamp drainage efforts on the property we own, my son and I will be returning from our drain tile lines a net flow of water into the Cub River greater than the amount we would like to divert for culinary purposes from the spring involved.

Assuming the position of the Cub River Irrigation Company remains cooperative as our relations with Mr. Bodily indicate, I would simply request that our application be approved except during that part of the irrigation season when the Cub River Irrigation Company exercises its priority on available water. When we have, in fact, demonstrated through actual measurement or otherwise that we are making a net increase of as much of more water available to the Cub River Irrigation Company as we take from the spring, we would hope to have our application approved on a year around basis.

I appreciate the time and attention of both the Idaho Department of Water Administration and the Cub River Irrigation Company and the cooperation they have demonstrated in resolving this case.

Sincerely yours,

cc: Mr. Delbert Bodily



13 7028

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 to whom, date and address
where delivered



Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

23516

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

DATE DELIVERED

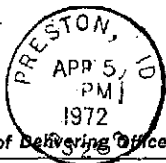
SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

③

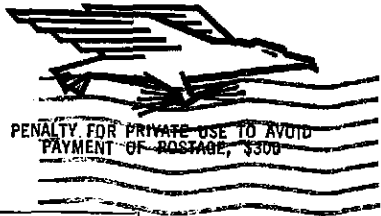
13 7028

APR. 5, 1972

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

13 7028

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 to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

23517

1

Cub River Irrigation Co.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

INSURED NO.

Mervin J. Bodily

DATE DELIVERED

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

3

13 7028

4-12-72

**U.S. POSTAL SERVICE
OFFICIAL BUSINESS**



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PAYMENT OF POSTAGE, \$300**

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SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



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- Molten gummed ends and attach to back of article.



**RETURN
TO**

13 7028

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Protest Against Approval)
of Application for Permit No. 13-7028 in the)
name of THOMAS ROBINSON)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On February 23, 1972, Thomas Robinson of Preston, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 9, 1972, the Department received a protest against approval of this application from the Cub River Irrigation Company of Lewiston, Utah.

The Department has set the matter of protest for conference and/or hearing on Wednesday, April 19, 1972, at 3:30 p.m., in the Court Room of the Franklin County Court House at 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 protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 4 day of April, 1972.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

13 7028

Mailed this 4th day of April, 1972, to:

Certified Mail #

Thomas Robinson, 154 North 2nd East, Preston, Idaho

23516

Cub River Irrigation Company, Attn: Mervin J. Bodily, Sec.,
Lewiston, Utah

23517

By *Dorlene Smith*

13 7028

13-7028 - Thomas Robinson

Franklin County Court House, Preston, Idaho

April 19, 1972 - 3:30 p.m.

ROSTER OF ATTENDANCE

Name

Address

Representing

Thomas A. Robinson 154 N 2nd East
Preston

Self

Kenneth P. Cole Preston, Ida.

Marvin J. Bodily Lewiston, Utah

L D Bodily Lewiston ut

Carl Peterberg

April 4, 1972

Franklin County Court House
Clerk of the District Court
Box 86
Preston, Idaho 83263

Gentlemen:

This is to confirm the use of the Court Room for a conference and/or hearing to be held by this office at 3:30 p.m. on Wednesday, April 19, 1972.

Thank you for your cooperation in this matter.

Very truly yours,

Darlene Reich, Secretary to
BOBBY D. FLEENOR
Assistant Director

BDF:DR

13 7028

March 10, 1972

Re: Application for Permit No. 13-7028 - Thomas Robinson

Mr. Thomas Robinson
154 N. 2nd E
Preston, ID 83263

Dear Mr. Robinson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7028. You should be aware that the following are the 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 waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212, Idaho Code, the applicant must have authority to divert the water from the owner of the land on which the water lies.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements 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 hearing and/or conference to discuss the matters of protest. Legal counsel is not

13 7028

March 10, 1972

Re: Application for Permit No. 13-7028 - Thomas Robinson

Cub River Irrigation Co.
Lewiston, Utah

ATTN: Mr. Mervin J. Bodily, Secretary

Gentlemen:

We are in receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the 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 right-of-ways over private or governmental lands. Right-of-ways or easements 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 a conference and/or hearing to discuss the matters of protest. If we may be of any assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer
NCY:bj

13-7028

Page 2

Mr. Thomas Robinson

Re: 13-7028

March 10, 1972

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
District Engineer

NCY:BJ

Enc: Copy of protest

13 7028

CUB RIVER IRRIGATION COMPANY

LEWISTON, UTAH

RECEIVED

March 8, 1972

MAR 9 1972

Department of Water Administration
Eastern District Office

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Gentlemen:

The Cub River Irrigation Co. of Lewiston, Utah wishes to file a protest against the approval of application No. 13-7028 submitted by Thomas Robinson to appropriate .24 c.f.s. of water from a spring which is a tributary to Cub River, on the grounds that said Company has a previous decree dated A. D. 1880 and the appropriation of such rights would aid to depleting our annual water supply.

Sincerely,

CUB RIVER IRRIGATION CO.

Mervin J. Bodily
Mervin J. Bodily-Sec'y

Public

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas Robinson, 154 N. 2nd E., Preston, Idaho has on 2-23-72 submitted Application No. 13-7028 for a permit to appropriate .24 cubic feet per second of water from a spring, tributary to Litz Creek, tributary to Cub River by means of headbox and pipeline within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 18S, R. 41E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 18 families; and stockwatering purposes for 75 head of livestock within the E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 18S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of this permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before March 20, 1972.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 2 and 9, 1972.

Legal No. 2123-Pub. March 2, 9, 1972.

13 7028

RECEIVED

MAR 23 1972

AFFIDAVIT OF PUBLICATION

Department of Water Administration
Eastern District Office

STATE OF IDAHO,

ss.

County of Franklin

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 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

March 2, 19 72, and ending

with the issue of March 9, 19 72.

Fees, \$ 13.00

Subscribed and sworn to before me this 22 day

of March, 19 72.

William D. Liddis

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas Robinson, 154 N. 2nd E., Preston, Idaho has on 2-22-72 submitted Application No. 13-7028 for a permit to appropriate .24 cubic feet per second of water from a spring, tributary to Litz Creek, tributary to Cub River by means of headbox and pipeline within the NE 1/4 SE 1/4, Sec. 18, T. 15S, R. 41E, B.M., Franklin County, to be used from Jan. 1 to Dec. 31 for domestic purposes for 18 families; and from April 1 to Oct. 31 for stockwatering purposes for 15 head of livestock within the E 1/2 SW 1/4, SE 1/4, Sec. 18, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of this permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before March 20, 1972.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 2 and 9, 1972.

Legal No. 2123—Pub. March 2, 9, 1972.

13 7028

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

240 So. Holmes
Idaho Falls, Idaho 83401
(208) 523-7186



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 25, 1972

Re: Application for Permit No. 13-7028 - Thomas Robinson

Preston Citizen
Box 472
Preston, ID 83262

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 our 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 date. 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

NCY:BJ
Enc: Legal notice

Bill submitted 3-29-72. DL

13 7028

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas Robinson, 154 N 2nd E, Preston, Idaho

has on 2-23-72 submitted Application No. 13-7028
for a permit to appropriate .24 cubic feet per second ~~a maximum of~~
of water from a spring, tributary to Litz Creek, tributary to Cub River
by means of headbox and pipeline
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for 18 families; and
from April 1 to Oct. 31 for stockwatering purposes for 75 head of livestock
~~for~~

within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of this permit must be filed with the Idaho Department of
Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before
March 20, 1972.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on March 2 and 9, 1972.

N 13 7028

February 23, 1972

Thomas Robinson
154 North 2nd East
Preston, Idaho 83263

Dear Mr. Robinson:

Attached herewith is your receipt No. 8075 in the amount of \$ 25.00
for your application for permit
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

Captain Thomas A. Robinson, U.S. Army (ret.)
154 North, Second East
Preston, Idaho 83263

February 22, 1972

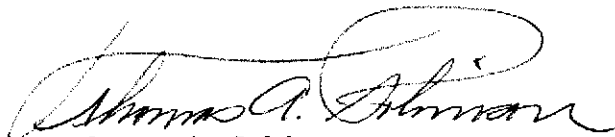
Mr. Bobby D. Fleenor
State of Idaho, Department of Water Admin.
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Fleenor,

Herewith enclosed is my application for permit concerning culinary and livestock water prepared and forwarded in accordance with your telephone instructions on February 15, 1972. Also enclosed is my check in the amount of \$25.00 for the application fee as shown in the fee schedule.

Thank you for your prompt and effective assistance.

Very truly yours,



Thomas A. Robinson

TAR/b
Enclosure

13 7028