

35MM

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT.

Water License No. 16174

Priority- January 1, 1939
COUNTY

Amount- 215 second feet.

This is to certify that FRANKLIN SUGAR COMPANY of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 13, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 23, 1930, showing that said works were completed on the 2nd day of May, 1930; and that on the 12th day of January, 1939, PRESTON WHITNEY IRRIGATION COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Cub River, Worn Creek, and Worn Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3909, on the 17th day of January, 1939.

The right hereby confirmed dates from January 1, 1929.

The point of diversion is located S. 67° 15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E., B. M., and is in the NE $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E., B. M., County of Franklin.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 215 cubic feet per second.

Description and location of use:

NE $\frac{1}{4}$, S $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9. NW $\frac{1}{4}$, S $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{4}$, SE $\frac{1}{4}$ Section 10. SW $\frac{1}{4}$ Section 11. All Section 13. NW $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{4}$ Section 14. All Sections 15 & 16. NE $\frac{1}{4}$, E $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21. All Sections 22, 23, 24 & 25. NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26. NW $\frac{1}{4}$, S $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{4}$, SE $\frac{1}{4}$ Section 27. NE $\frac{1}{4}$, S $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33. All Sections 34, 35 & 36. All the above in Township 15 South, Range 39 East, B. M.

S $\frac{1}{4}$ Section 1. SW $\frac{1}{4}$ Section 2. S $\frac{1}{4}$, S $\frac{1}{4}$, E $\frac{1}{4}$, NW $\frac{1}{4}$ Section 3. S $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{4}$ Section 4. E $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9. NW $\frac{1}{4}$, W $\frac{1}{4}$ Section 10. All the above in Township 15 South, Range 39 East, B. M.

W $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$ Section 18. NW $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{4}$ Section 19. NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$ Section 20. W $\frac{1}{4}$ Section 29. All Sections 30 & 31. NW $\frac{1}{4}$, W $\frac{1}{4}$ Section 32. All the above in Township 15 South, Range 40 East, B. M.

SW $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$ Section 3. E $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4. S $\frac{1}{4}$, S $\frac{1}{4}$ Section 5. S $\frac{1}{4}$, S $\frac{1}{4}$, W $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6. NW $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$ Section 8. NW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 9. All the above in Township 15 South, Range 40 East, B. M.

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

WITNES the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1939

(SEAL)

JAMES SPOFFORD
Commissioner of Reclamation.

13 2288

4880

4875

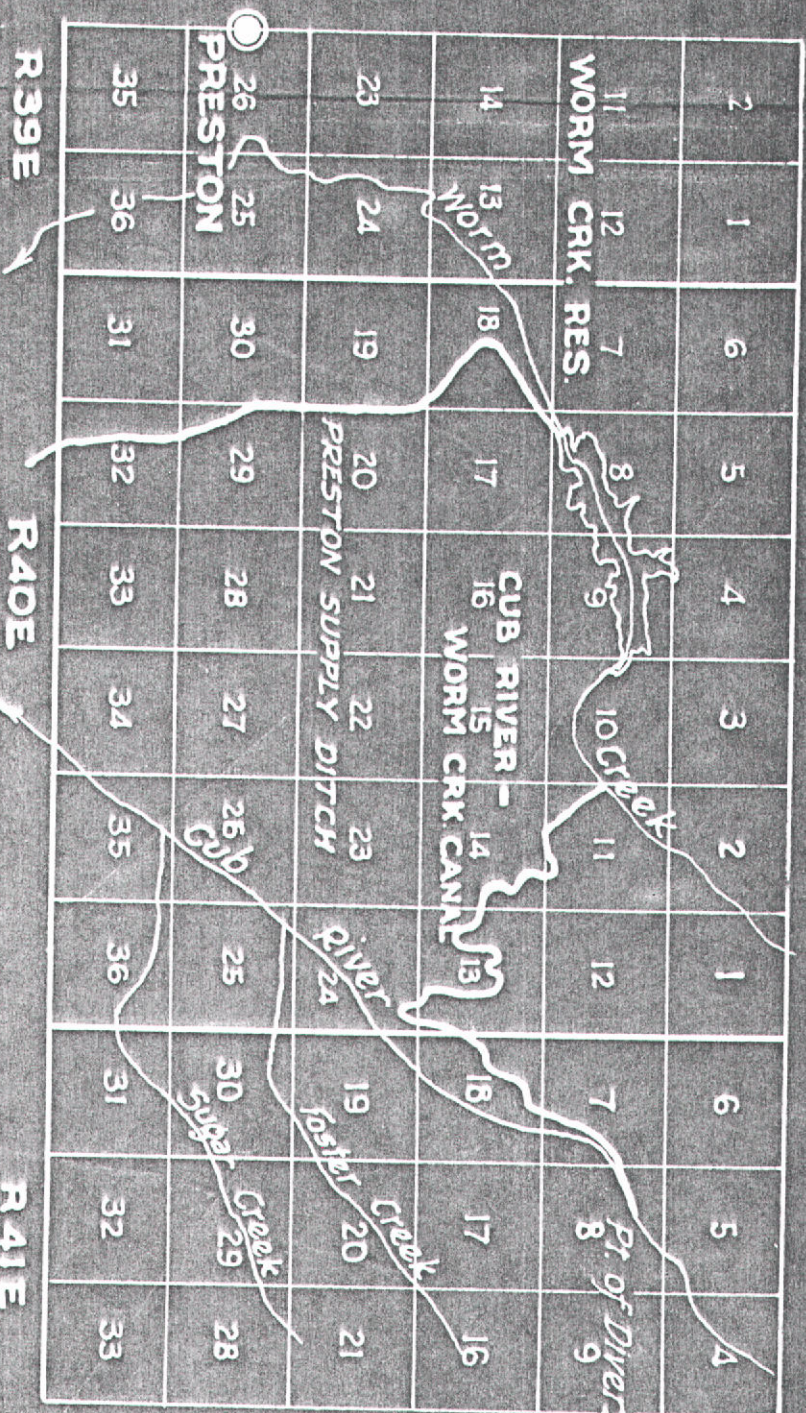
RECEIVED
MAY 16 1996



410

Yale Chanale

155



SKETCH
501

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-02288A

Priority: December 15, 1924

Maximum Storage Volume:

6000.0 AF

This is to certify, that PRESTON WHITNEY IRRIGATION CO

PRESTON ID 83263 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 15, 1924; and has submitted Proof of Beneficial Use on May 2, 1930. An examination indicates that the works have a storage capacity of 6000.000 af of water from:

CUB RIVER

tributary to BEAR RIVER

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>
IRRIGATION STORAGE	01/01 to 12/31		6000.0 AF
IRRIGATION FROM STORAGE	04/01 to 11/01		6000.0 AF
DIVERSION TO STORAGE	11/01 to 06/15	215.00 CFS	
Totals			6000.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW, Sec. 8, Township 15S, Range 41E
FRANKLIN County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	39E	9	SWNE 8	SENE 34	NESW 8	
			SESW 32	NESE 38	NWSE 37	
			SWSE 32	SESE 26		215
		10	NWNW 28	SWNW 37	SENW 36	
			NESW 33	NWSW 38	SWSW 36	
			SESW 31	NESE 34	NWSE 36	
			SWSE 37	SESE 38		384
		11	NESW 40	NWSW 40	SWSW 35	
			SESW 40	NESE 40	NWSE 40	
			SWSE 34	SESE 39		308
		12	SWSW 29			29
		13	NWNW 37	SWNW 4	NESW 8	
			NWSW 36	SWSW 34	SESW 8	
			NESE 7	SWSE 20	SESE 29	183
		14	NENE 40	NWNE 23	SWNE 36	
			SENE 33	NENW 15	NWNW 20	
			SWNW 39	SENW 31	NESW 39	
			NWSW 35	SWSW 24	SESW 39	
			NESE 26	NWSE 38	SWSE 35	
			SESE 21			494

RECORDED

MAY 16 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-02288A

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>		<u>TOTAL</u>
15			NENE	15	NWNE	38	SWNE	39	
			SENE	37	NENW	37	NWNW	35	
			SWNW	39	SENW	34	NESW	40	
			NWSW	39	SWSW	32	SESW	35	
			NESE	37	NWSE	40	SWSE	35	
			SESE	32					564
16			NENE	38	NWNE	33	SWNE	37	
			SENE	39	NENW	37	SENW	39	
			NESW	39	NWSW	7	SWSW	13	
			SESW	26	NESE	37	NWSE	15	
			SWSE	33	SESE	34			427
21			NENE	35	NWNE	39	SWNE	39	
			SENE	32	NENW	15	NWNW	10	
			SWNW	24	SENW	8	NESW	12	
			NESE	34	NWSE	39	SWSE	21	
			SESE	22					330
22			NENE	26	NWNE	39	SWNE	39	
			SENE	33	NENW	35	NWNW	35	
			SWNW	39	SENW	32	NESW	29	
			NWSW	39	SWSW	19	SESW	22	
			NESE	8	NWSE	30	SWSE	3	428
23			NENE	36	NWNE	34	SWNE	39	
			SENE	29	NENW	23	NWNW	33	
			SWNW	26	SENW	39	NESW	20	
			NWSW	7	SESW	12	NESE	30	
			NWSE	33	SWSE	22	SESE	27	410
24			NENE	39	NWNE	38	SWNE	38	
			SENE	34	NENW	28	NWNW	36	
			SWNW	39	SENW	36	NESW	31	
			NWSW	27	SWSW	38	SESW	37	
			NESE	38	NWSE	37	SWSE	37	
			SESE	38					571
25			NENE	40	NWNE	39	SWNE	38	
			SENE	39	NENW	34	NWNW	36	
			SWNW	38	SENW	40	NESW	33	
			NWSW	6	SWSW	14	SESW	28	
			NESE	19	NWSE	39	SWSE	35	
			SESE	26					504
26			NENE	17	NWNE	14	SWNE	16	
			SENE	18	SENW	10	NESW	18	
			SWSW	26	SESW	29	NESE	12	
			NWSE	28	SWSE	35	SESE	39	262

MAY 16 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-02288A

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
27			NENE 4	NWNE 10	SWNE 12	
			NENW 32	NWNW 36	SWNW 38	
			SENW 31	NESW 34	NWSW 15	
			SWSW 38	SESW 35	NESE 24	
			NWSE 26	SWSE 36	SESE 33	404
33			NENE 3	SENE 18	NESE 36	
			NWSE 19	SWSE 30	SESE 38	144
34			NENE 5	NWNE 24	SWNE 2	
			NENW 34	NWNW 31	SWNW 32	
			SENW 27	NESW 5	NWSW 18	
			SWSW 38	SESW 37	NESE 16	
			NWSE 2	SWSE 39	SESE 39	349
35			NENE 32	NWNE 27	SWNE 39	
			SENE 33	NENW 34	NWNW 4	
			SWNW 16	SENW 34	NESW 34	
			NWSW 24	SESW 12	NESE 37	
			NWSE 38	SWSE 33	SESE 31	428
36			NENE 28	NWNE 39	SWNE 39	
			SENE 27	NENW 33	NWNW 32	
			SWNW 35	SENW 33	NESW 24	
			NWSW 37	SWSW 38	SESW 20	
			NESE 29	NWSE 33	SWSE 5	
			SESE 28			480
40E	18		NWNE 3	SWNE 7	NENW 2	
		Lot 2 (SWNW)	1	SENW 4	NESW 21	
		Lot 3 (NWSW)	19	Lot 4 (SWSW)	37	
			NWSE 8		SESW 33	135
19			NWNE 13	SWNE 38	NENW 39	
		Lot 1 (NWNW)	35	Lot 2 (SWNW)	39	
			NESW 40	Lot 3 (NWSW)	39	
			SESW 34	Lot 4 (SWSW)	34	
			SESE 38	NESE 5	SWSE 35	429
20			SWNE 8	SENE 4	SWNW 6	
			SENW 16	NESW 40	NWSW 40	
			SWSW 38	SESW 36	NWSE 35	
			SWSE 4			227
29			NENW 20	NWNW 39	SWNW 39	
			SENW 4	NESW 20	NWSW 39	
			SWSW 37	SESW 19		217
30			NENE 36	NWNE 40	SWNE 38	
			SENE 35	NENW 36	Lot 1 (SWNW)	36
		Lot 2 (SWNW)	27	SENW 35	Lot 2 (SWNW)	36
		Lot 3 (NWSW)	24	Lot 4 (SWSW)	33	
			NESE 39	NWSE 40	SESW 37	
			SESE 39		SWSE 36	

MAY 16 1995⁵⁶⁶

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-02288A

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>		<u>TOTAL</u>
31			NENE	35	NWNE	38	SWNE	39	
			SENE	39	NENW	39	Lot 1 (NWNW)	37	
		Lot 2	(SWNW)	37	SESW	40	NESW	39	
		Lot 3	(NWSW)	39	Lot 4 (SWSW)	27	SESW	39	
			NESE	37	NWSE	40	SWSE	39	
			SESE	38					602
32			NENW	12	NWNW	38	SWNW	38	
			SESW	3	NWSW	31	SWSW	32	154
16S 39E	1	Lot 1	(NENE)	25	Lot 2 (NWNE)	19			44
	2	Lot 4	(NWNW)	33					33
	3	Lot 2	(NWNE)	12	Lot 3 (NENW)	36	Lot 4 (NWNW)	32	
			NESW	37	SESW	21	NWSE	6	144
	4	Lot 1	(NENE)	28	Lot 2 (NWNE)	28	Lot 3 (NENW)	6	
			NESW	11	SWSW	6	SESW	37	
			SWSE	15	SESE	6			137
	8		SENE	8	SESW	20			28
	9		NWNE	24	SWNE	12	SENE	7	
			NENW	31	NWNW	8	SWNW	25	
			SESW	11	NESE	40	NWSE	40	
			SWSE	9	SESE	26			233
	10		NWNW	16	SWNW	20	NWSW	20	
			SWSW	38					94
40E	5	Lot 4	(NWNW)	32	NESW	14	NWSW	39	
			SWSW	38	SESW	37			160
	6	Lot 1	(NENE)	36	Lot 2 (NWNE)	14	Lot 3 (NENW)	32	
		Lot 4	(NWNW)	23	NESW	34	NWSW	30	
			NESE	37	NWSE	15	SWSE	12	
			SESE	34					267
	8		NENW	39	NWNW	26			65

Total number of acres irrigated: 10449

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 13A.

RECORDED
MAY 16 1995

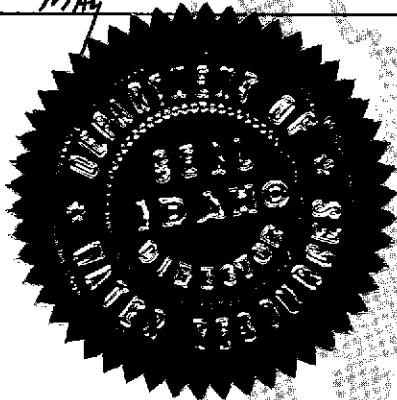
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 13-02288A

CONDITIONS/REMARKS:

5. This right when combined with Rights 13-02108, 13-02288 and 13-02298 shall not exceed an annual storage volume of 6000.0 acre feet.
6. The combined rate of diversion to storage going into Glendale Reservoir from Cub River and Worm Creek shall not exceed 215.0 cfs.
7. Storage facility is known as Glendale Reservoir.

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 5TH
day of May, 1995.




R. Keith Higginson, Director



MICROFILMED
MAY 16 1995

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2288

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0068	LARSEN, Lynn J. Rt. #1 Preston, Idaho	6-09-1923	Irrigation	4-1	11-1	105.0	0.97	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.13 T16S, R39E	Sec. 14 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 T16S, R39E	Decree
			Point of injection into unnamed stream: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S.14, T16S, R39E Point of re-diversion from unnamed stream: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S.14, T16S, R39E							30.0
✓13-2102 & ✓13-2287	PRESTON-WHITNEY RESERVOIR COMPANY Preston, Idaho <i>amended by final decree</i>	9-18-1923	Irrigation	4-1	11-1	4265.0	10.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S.10 T15S, R40E	Same as listed under 13-2022	License
		9-18-1923	Diversion to storage	11-1	6-15	---	---			Johnson Reservoir outlet located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T15S, R40E
		9-18-1923	Storage for irrigation	1-1	12-31	730.0 4265.0	--- 10.0			
		The amount of water diverted using this right and 13-2022, shall not exceed 40 c.f.s. or 5457.0 af/yr.								
✓13-2103	PRESTON WHITNEY IRRIGATION COMPANY	3-14-1924	Irrigation	4-1	11-1	10,662.0	25.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.8 T15S, R40E	Same as listed under 13-0271	License
✓13-2108 & ✓13-2288	PRESTON WHITNEY IRRIGATION COMPANY Preston, Idaho	12-15-1924	Irrigation	4-1	11-1	6000.0	---	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.8 T15S, R40E	Same as listed under 13-0271	License
		12-15-1924	Diversion to storage	11-1	6-15	---	---			Glendale Reservoir
		12-15-1924	Storage for irrigation	1-1	12-31	6000.0 6000.0				

Diversion from storage is limited to a total of 215 c.f.s. when combined with the diversions from Worm Creek and Cub River.

RECEIVED
MAY 1924

STATE OF IDAHO

LICENSE AND CERTIFICATE OF WATER RIGHT.

Priority- January 1, 1980

CO:3574

Approximate 21.5 second test.

COUNTY

THIS is to certify that FRANKLIN SUGAR COMPANY of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 19, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 28, 1926, showing that said works were completed on the 2nd day of May, 1926; and that on the 12th day of January, 1929, FRANKLIN SUGAR COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to use one of the waters of Snake River, Horn Creek, and Fern Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commission of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3009, on the 10th day of January, 1929.

The right hereby confirmed date from January 1, 1929.

The point of division is located S. 67° 15' E. 2680 feet distant from the NW corner of Section 6, T. 15 S., R. 41 E., and is in the NE 1/4 of Section 6, T. 15 S., R. 41 E., B. M., County of Franklin.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 215 cubic feet per second.

Description and location of use:

MEAD, 3642, MEAD, 3641, 3640, 3639, 3638, 3637, 3636, 3635, 3634, 3633, 3632, 3631, 3630, 3629, 3628, 3627, 3626, 3625, 3624, 3623, 3622, 3621, 3620, 3619, 3618, 3617, 3616, 3615, 3614, 3613, 3612, 3611, 3610, 3609, 3608, 3607, 3606, 3605, 3604, 3603, 3602, 3601, 3600, 3599, 3598, 3597, 3596, 3595, 3594, 3593, 3592, 3591, 3590, 3589, 3588, 3587, 3586, 3585, 3584, 3583, 3582, 3581, 3580, 3579, 3578, 3577, 3576, 3575, 3574, 3573, 3572, 3571, 3570, 3569, 3568, 3567, 3566, 3565, 3564, 3563, 3562, 3561, 3560, 3559, 3558, 3557, 3556, 3555, 3554, 3553, 3552, 3551, 3550, 3549, 3548, 3547, 3546, 3545, 3544, 3543, 3542, 3541, 3540, 3539, 3538, 3537, 3536, 3535, 3534, 3533, 3532, 3531, 3530, 3529, 3528, 3527, 3526, 3525, 3524, 3523, 3522, 3521, 3520, 3519, 3518, 3517, 3516, 3515, 3514, 3513, 3512, 3511, 3510, 3509, 3508, 3507, 3506, 3505, 3504, 3503, 3502, 3501, 3500, 3499, 3498, 3497, 3496, 3495, 3494, 3493, 3492, 3491, 3490, 3489, 3488, 3487, 3486, 3485, 3484, 3483, 3482, 3481, 3480, 3479, 3478, 3477, 3476, 3475, 3474, 3473, 3472, 3471, 3470, 3469, 3468, 3467, 3466, 3465, 3464, 3463, 3462, 3461, 3460, 3459, 3458, 3457, 3456, 3455, 3454, 3453, 3452, 3451, 3450, 3449, 3448, 3447, 3446, 3445, 3444, 3443, 3442, 3441, 3440, 3439, 3438, 3437, 3436, 3435, 3434, 3433, 3432, 3431, 3430, 3429, 3428, 3427, 3426, 3425, 3424, 3423, 3422, 3421, 3420, 3419, 3418, 3417, 3416, 3415, 3414, 3413, 3412, 3411, 3410, 3409, 3408, 3407, 3406, 3405, 3404, 3403, 3402, 3401, 3400, 3399, 3398, 3397, 3396, 3395, 3394, 3393, 3392, 3391, 3390, 3389, 3388, 3387, 3386, 3385, 3384, 3383, 3382, 3381, 3380, 3379, 3378, 3377, 3376, 3375, 3374, 3373, 3372, 3371, 3370, 3369, 3368, 3367, 3366, 3365, 3364, 3363, 3362, 3361, 3360, 3359, 3358, 3357, 3356, 3355, 3354, 3353, 3352, 3351, 3350, 3349, 3348, 3347, 3346, 3345, 3344, 3343, 3342, 3341, 3340, 3339, 3338, 3337, 3336, 3335, 3334, 3333, 3332, 3331, 3330, 3329, 3328, 3327, 3326, 3325, 3324, 3323, 3322, 3321, 3320, 3319, 3318, 3317, 3316, 3315, 3314, 3313, 3312, 3311, 3310, 3309, 3308, 3307, 3306, 3305, 3304, 3303, 3302, 3301, 3300, 3299, 3298, 3297, 3296, 3295, 3294, 3293, 3292, 3291, 3290, 3289, 3288, 3287, 3286, 3285, 3284, 3283, 3282, 3281, 3280, 3279, 3278, 3277, 3276, 3275, 3274, 3273, 3272, 3271, 3270, 3269, 3268, 3267, 3266, 3265, 3264, 3263, 3262, 3261, 3260, 3259, 3258, 3257, 3256, 3255, 3254, 3253, 3252, 3251, 3250, 3249, 3248, 3247, 3246, 3245, 3244, 3243, 3242, 3241, 3240, 3239, 3238, 3237, 3236, 3235, 3234, 3233, 3232, 3231, 3230, 3229, 3228, 3227, 3226, 3225, 3224, 3223, 3222, 3221, 3220, 3219, 3218, 3217, 3216, 3215, 3214, 3213, 3212, 3211, 3210, 3209, 3208, 3207, 3206, 3205, 3204, 3203, 3202, 3201, 3200, 3199, 3198, 3197, 3196, 3195, 3194, 3193, 3192, 3191, 3190, 3189, 3188, 3187, 3186, 3185, 3184, 3183, 3182, 3181, 3180, 3179, 3178, 3177, 3176, 3175, 3174, 3173, 3172, 3171, 3170, 3169, 3168, 3167, 3166, 3165, 3164, 3163, 3162, 3161, 3160, 3159, 3158, 3157, 3156, 3155, 3154, 3153, 3152, 3151, 3150, 3149, 3148, 3147, 3146, 3145, 3144, 3143, 3142, 3141, 3140, 3139, 3138, 3137, 3136, 3135, 3134, 3133, 3132, 3131, 3130, 3129, 3128, 3127, 3126, 3125, 3124, 3123, 3122, 3121, 3120, 3119, 3118, 3117, 3116, 3115, 3114, 3113, 3112, 3111, 3110, 3109, 3108, 3107, 3106, 3105, 3104, 3103, 3102, 3101, 3100, 3099, 3098, 3097, 3096, 3095, 3094, 3093, 3092, 3091, 3090, 3089, 3088, 3087, 3086, 3085, 3084, 3083, 3082, 3081, 3080, 3079, 3078, 3077, 3076, 3075, 3074, 3073, 3072, 3071, 3070, 3069, 3068, 3067, 3066, 3065, 3064, 3063, 3062, 3061, 3060, 3059, 3058, 3057, 3056, 3055, 3054, 3053, 3052, 3051, 3050, 3049, 3048, 3047, 3046, 3045, 3044, 3043, 3042, 3041, 3040, 3039, 3038, 3037, 3036, 3035, 3034, 3033, 3032, 3031, 3030, 3029, 3028, 3027, 3026, 3025, 3024, 3023, 3022, 3021, 3020, 3019, 3018, 3017, 3016, 3015, 3014, 3013, 3012, 3011, 3010, 3009, 3008, 3007, 3006, 3005, 3004, 3003, 3002, 3001, 3000, 2999, 2998, 2997, 2996, 2995, 2994, 2993, 2992, 2991, 2990, 2989, 2988, 2987, 2986, 2985, 2984, 2983, 2982, 2981, 2980, 2979, 2978, 2977, 2976, 2975, 2974, 2973, 2972, 2971, 2970, 2969, 2968, 2967, 2966, 2965, 2964, 2963, 2962, 2

SW 1/4 Section 1, SW 1/4 Section 2. SW 1/4, NE 1/4, NW 1/4, NE 1/4 Section 3. SW 1/4, SE 1/4, S 1/2 Section 4. NE 1/4, NW 1/4, S 1/2 Section 5. NW 1/4, NE 1/4 Section 10. All the above in Township 14 South, Range 30 East, R. M.

30 & 31. ~~Wright, Wright~~ Section 32. All the above is towards 10 South,
Longitude 40 East, S. M.

SW 1/4, S 1/4, NW 1/4, Section 3. E 1/2, S 1/4, SW 1/4, Section 4. S 1/4, SW 1/4, Section 5. S 1/4, SW 1/4, NW 1/4, SW 1/4, Section 6. NW 1/4, S 1/4, NW 1/4, Section 8. NW 1/4, NW 1/4, Section 9. All the above in Township 18 South, Range 40 East, E.M.

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

WITNESS the seal and signature of the Commissioner of Registration, attested at Boise, Idaho, this 17th day of January, 1939

(SRA)

[REDACTED]
 [REDACTED]

13 2288

Succeeded in part

Application for a Permit to Construct the 13-2288 Reservoir

WORM CREEK

And to Store the Unappropriated Waters of the State of Idaho

Application No. R22956
Permit No. R 364
District No. 5-H

1. Name of Applicant: Franklin County Sugar Company

Postoffice Address: Preston

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: April 28, 1922, Ogden, Utah
(b) Amount of capital stock: \$ 1,000,000.00
(c) Amount paid in: \$ 1,000,000.00
(d) Names and addresses of directors: H. A. Benning, P. T. Wright, Charles Ziemer, Ogden, Utah;
A. L. Hoppaugh, Salt Lake City, Utah; E. A. Nickerson, San Francisco, Calif.;
Henry C. Vidal, Denver, Colorado; A. C. Lighthall, Colorado Springs, Colorado.
II. The financial resources of the applicant are: (a) Cash on hand: \$ 50,000.00
(b) Treasury stock: \$ none (c) Bonds to be issued: \$ none
(d) Other resources: Sugar at present market value \$420,000.00; plant and
equipment investment \$1,000,000.00

2. Quantity of water to be stored 6000 acre feet per annum.
3. Source of water supply Cub River and Worm Creek, which is a tributary of Bear River
4. Water is to be used for: Irrigation and domestic purposes
5. The outlet of the proposed reservoir is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8, T. 15 S., R. 40 E., B. M.
feet distant from the corner of Section , T. , R. ,
B. M., and is in the of Section , T. , R. B. M., County of Franklin

6. Fill out either (a) or (b).

- (a) The reservoir is located in the channel of Worm Creek and
(b) The reservoir is to be filled through the Cub River-Worm Creek Feeder Canal,
which has a width at bottom of 10 ft., width at top of 20 ft., depth of 5 ft., average
grade per mile 2.64 ft., capacity 21.2 cubic feet per second.
7. (a) The area of the high water line of the reservoir is 260 acres.
(b) The available capacity of the reservoir is 6000 acre feet.
8. Height of dam: 80 feet; length of dam at top 560 feet; length of dam at bottom 110 feet.
Material used in dam: Selected earth
9. The estimated cost of proposed reservoir is \$ 117,000.00
10. Amount of land to be irrigated 13,766 acres; said land being described in Use Permit mentioned in
Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.
11. The time required for the completion of such work is two years.
13. The water stored in accordance with this permit will be conducted to the place of use through the Franklin County Sugar
Co. canal, constructed under the terms of Permit No. 16174, filed by Franklin County Sugar Co.

on December 15, 1924

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unap-
propriated waters of the State of Idaho as herein set forth.

Franklin County Sugar Company

, Applicant.

By H. A. Benning, Vice-Pres.

, Agent.

Commissioner of Reclamation

Date of first receipt at office of ~~State Engineer~~ 9 A.M., December 15, 1924

Returned to applicant for correction

Corrected application received

COMMISSIONER OF RECLAMATION

Approval of ~~State Engineer~~

The number of this Permit is R 364

Recorded in book R 2

Page 364

Approved December 26, 1924

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before February 24, 1925

and to continue diligently and

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before December 26, 1925

The whole of said work to be completed on or before December 26, 1926

Beneficial use of water stored in accordance herewith, to be made on or before December 26, 1931

as set out in Permit No. 16174 for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this 26th day of December, 1924.

W. C. SWENDSEN

~~State Engineer~~
Commissioner of Reclamation

Remarks:

EXTENSION OF TIME
PERMIT NO. R-364
APPROVAL OF COMMISSIONER OF RECLAMATION

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Reservoir Permit No. 364 to December 26, 1929.

WITNESS My hand this 23rd day of April, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

By Geo. N. Carter
Assistant.

ASSIGNMENT AND CONVEYANCE.

THIS INDENTURE, made and executed this 29th day of October, A. D. 1927, by and between FRANKLIN COUNTY SUGAR COMPANY, a corporation, of Franklin County, State of Idaho, the party of the first part, and PRESTON-WHITNEY IRRIGATION COMPANY, a corporation, of Franklin County, Idaho, party of the second part;

WITNESSETH, That the party of the first part for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, has sold, assigned, transferred, conveyed and set over, and by these presents does hereby sell, assign, transfer, convey and set over to the said party of the second part, all of the right, title, interest and estate of the party of the first part in and to Application No. 22955, and Permit No. 16174 and Application No. 22956 and Permit No. 364 from the State of Idaho to the party of the first part herein, together with all of the water and water rights and storage rights and all other things of value represented by and described in the said Applications and Permits, together with all of the rights hereafter to grow out of, or accrue to, the said Applications and Permits, together with all of the right, title and interest of the party of the first part in and to all of the waters and water rights used by the party of the second part in its reservoir and irrigation system. Together with the right to the party of the second part to have issued to it all certificates, or other evidences of ownership, for the said water and water rights to be hereafter issued and granted by the State of Idaho under and pursuant to the said Applications and the said Permits.

IN WITNESS WHEREOF, the said FRANKLIN COUNTY SUGAR COMPANY, a corporation, has caused this instrument to be signed and executed by its President and Secretary this 29th day of October A. D. 1927.

Signed in the
presence of:

FRANKLIN COUNTY SUGAR COMPANY,
a corporation,

By A. S. Bruner,
Vice-President.
A. L. Argust,
Secretary.

STATE OF COLORADO)
COUNTY OF EL PASO) SS

On this 29th day of October A. D. 1927, before me Forrest G. Gardner a Notary Public, in and for said County and State, personally appeared A. S. Bruner and A. L. Argust known to me to be the Vice-President and Secretary, respectively, of the corporation that executed the above and foregoing instrument, and said A. S. Bruner and A. L. Argust thereupon duly acknowledged to me that such corporation executed the same pursuant to a resolution of its Board of Directors duly passed and entered upon the minutes of said corporation.

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

FORREST G. GARDNER,
Notary Public.

Residence of Notary Public: Colorado Springs, Colo.

(SEAL)

My commission expires:

My Commission expires December 20, 1928.

Received and filed for record in the Department
of Reclamation at Boise, Idaho, at 9.00 A. M.
Nov. 17, 1927.

GEO. N. CARTER,
Commissioner of Reclamation
CB.

See 16174

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION

OF WATER RIGHT

Permit No. R-364

STATE OF IDAHO,)
County of Franklin.) ss.

W. K. Barton, being first duly sworn, deposes and says: That his postoffice address is Preston, Idaho. That he is the secretary of the owner of and using a certain water right, for 6000 acre feet of the water of Cub River, County of Franklin, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. R-364, issued by the Commissioner of Reclamation, dated December 26, 1924, bearing date of priority of Dec. 15, 1924, for the purpose of irrigating the following described lands, situate, lying and being in the County of Franklin, and State of Idaho, to-wit: (as described under Use Permit No. 16174) and is the representative of the corporation to whom such right was transferred.

That said waters are now diverted from said stream in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 8, Twp. 15 S., Range 40 E., B.M., and conducted to the above described lands through the Franklin County Sugar Company canal, as per map herewith filed and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 8, Twp. 15 S., Range 40 E., and thereafter conduct same to the above described land through the Preston Whitney Irrigation ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: It was discovered that the original planned dam-site was unsatisfactory.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Preston Whitney Irrigation Co.

By W. K. Barton, Secy.
Affiant.

Subscribed and sworn to before me this 5th day of July, 1930.

S E A L

Arthur W. Hart
Notary Public.

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M., July 8, 1930.

GEO. N. CARTER
Commissioner of Reclamation
CB

Reservoir Permit No. 364.

CERTIFICATE OF COMPLETION OF RESERVOIR AND RIGHT TO STORE WATER
Amount 6,000 Acre feet Priority 12-15-1924

This is to certify that Preston-Whitney Irrigation Company, of Preston, County of Franklin, and State of Idaho, the holder of Permit No. R-364, issued upon Application No. R-22956, bearing date of priority of December 15, 1924, authorizing the construction of a reservoir and the right to store the waters of Cub River and Worm Creek, tributaries of Bear River, County of Franklin, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 6,000 acre feet of water annually; that the location of the outlet of said reservoir is in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, Township 15 S., Range 40 E., Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume 2, of Reservoir Permits, at page 364, records of the Department of Reclamation on the 28th day of July, 1930; that the right hereby confirmed dates from December 15, 1924; and that the amount of water to which said right is, by this certificate, entitled to store annually shall not exceed 6,000 acre feet.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 28th day of July, A. D. 1930.

GEO. N. CARTER
Commissioner of Reclamation
By Myron Swendsen, Assistant.

SEAL
Proof of Completion made May 2, 1930.
Certificate issued July 28, 1930.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1995

Preston Whitney Irrigation Co.
Preston, ID 83263

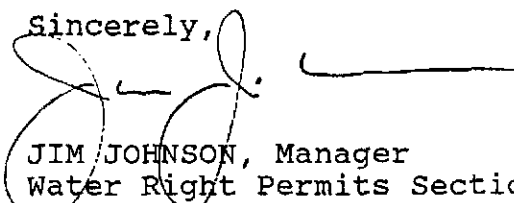
RE: Water Right No. 13-02288A

Gentlemen:

Enclosed is a copy of the Water Right License issued on the above referenced water right. An earlier license was issued under Right No. 13-02288 for storage from Worm Creek. However, Glendale Reservoir is filled from Worm Creek and Cub River. Therefore, this newly issued license reflects the storage from Cub River.

If you have any questions regarding this matter, please give me a call.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure

RECEIVED

MAY 16 1995

4870

NEED

410

Yale & Colman

450

10x10 grid map of the CUB RIVER WORM CREEK RES. area. The map shows a river winding through the grid, with various numbered points (1-35) and labels. The river is labeled 'CUB RIVER' and 'WORM CREEK'. The area is labeled 'CUB RIVER WORM CREEK RES.' and 'Preston'. The grid is numbered 1-35 in a 5x7 pattern. The river starts at the top left, flows right, then down, then right again, and finally down to the bottom right. The river is labeled 'CUB RIVER' and 'WORM CREEK'. The area is labeled 'CUB RIVER WORM CREEK RES.' and 'Preston'. The grid is numbered 1-35 in a 5x7 pattern.

DO NOT

DOM

四

田代

13-2288



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

January 23, 1979

Mr. Angus Condie
Secretary
Preston-Whitney Irrigation Company
Preston, ID 83263

Dear Mr. Condie:

Re: Preston-Whitney Irrigation Co. Water Rights

In researching our records for water rights in the names of Preston-Whitney Irrigation Co., Preston-Riverdale and Mink Creek Canal Co., and Cub River Irrigation Co., I located the following:

Licensed Rights

10883/13-2066
15929/13-2103
15933/13-2104
16174/13-2108 and R-364/13-2288 ✓
R-793/13-2291
R-1009/13-2298

Decreed Rights

13-0001 and 13-0026
11-0840
13-0034
13-0143

Beneficial Use Rights - Worm Creek Drainage

13-0222
13-0271
13-0223--included in 13-0222

Mr. Condie

2

January 23, 1979

Along with copies of the licensed and decreed rights, I have enclosed copies of those pages in the Proposed Finding of Water Rights - Worm Creek Drainage which describe your rights as presented to the court. Rights 13-2103, 13-2108 and 13-2288, and 13-0143 show the same place of use as 13-0271.

Decreed right 13-0001 in the case of Cub River Irrigation Co. vs. Cub River Middle Ditch Co., et al. is included in 13-0026 in a later decree, McEwan vs. Franklin County Sugar Co., et al.

If you have any questions or feel there is a need for further research for additional rights, please let me know.

Sincerely,

Roberta Garrett

Roberta Garrett
Records Supervisor

Enclosures

cc John Hammond

100-111111

November 29, 1971

Preston-Whitney Irrigation District
Mr. Angus Condie, Secretary
Preston, Idaho 83263

Dear Mr. Condie:

Attached herewith is your receipt No. 8537 in the amount of \$ 1.00
for copy of drawing of Glendale Reservoir Dam
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

13 2288

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



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

November 17, 1971

Re: 13-2288

Mr. Angus Condie, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho 83263

Dear Mr. Condie:

In reply to your letter of November 13, I am enclosing a copy of the only drawing for Glendale Reservoir Dam that I could find in our files. I am not sure that this will be of too much help to you if you are planning work on the outlet system, but I thought that you would want the drawing for your files anyway.

Please remit \$1.00 to the department for the cost of duplicating the enclosed drawing.

RECEIVED

NOV 20 1971

If I can be of any further help, please let me know.

Sincerely,

Department of Water Administration

William R. Gossett
WILLIAM R. GOSSETT
Dam Safety Engineer

Thanks so much for the drawing. It isn't the one we wanted as some changes were made on the final drawings but it does give us part of the information we need. If you locate the one that was used would appreciate a copy.

WRG:mjl

Enclosures: 2

Thanks again,

Angus

13 2288

✓
November 23, 1953

RE: Permit No. R-364

Mr. Angus Condie, Secretary
Preston-Whitney Irrigation Company
Preston, Idaho

RE: Glendale Reservoir

Dear Mr. Condie:

After returning to the office, I checked the plans and specifications for the Glendale Reservoir and discussed the matter with Mr. Kulp, State Reclamation Engineer.

With the amount of water that is being fed into and through the reservoir, plus the storage, it is advisable to install an adequate spillway. It seems this reservoir has had its size and usage increased, especially usage and duty, without an adequate safety factor being installed.

For instance, if the reservoir was full and a cloudburst or flash flood occurred in the basin above it, it is doubtful if the operator would have time to go up and open the outlet and he conceivably could certainly be risking his life to do so. There is a still graver danger, and that is that the outlet pipe would have insufficient capacity.

In view of the devastation that could be wrought downstream in case of a dam failure, we are advising your company to install an adequate spillway.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

R-364

R-364
✓

September 9, 1948

Mr. E. K. Thomas
Arce Engineer
Bureau of Reclamation
Post Office Box 294
Logan, Utah

Dear Mr. Thomas:

On the Preston-Whitney Permit R-364 (Glendale Reservoir) plans were approved by Commissioner of Reclamation, W. G. Swendsen, December 28, 1924. No specifications are in the file.

Completion of works certificate was issued May 2, 1930, after an inspection by Carter and Swendsen. No spillway was shown on the plans or required for completion of works. Department inspectors recommended a spillway several times after their routine inspection, but no order was ever issued for the construction of a spillway; and while a spillway is desirable for the protection of any dam, the successful operation of the reservoir for a period of 18 years without a spillway, casts doubt as to the practical necessity for a spillway under existing conditions.

In view of the past history, the small watershed, the capacity of the new canal, and the area of the reservoir at high water line, the Department will not require a spillway, provided no Mink Creek water is stored in the Glendale Reservoir.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K/gt

R-364

Preston Whitney R-364

Plans were approved by W. G.
Swanson 12-26-24

Specifications

none found

Completion of Works issued 5-2-30
later
by
Myron Swanson

Inspection Reports

1933	Spillway recommended, FF
1935	" "
1938	" O. D. Becker
1939	" Spofford + FF
1944	" F. F. Tolman

A.

R-364

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Post Office Box 294
Logan, Utah

September 6, 1948

RECEIVED

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Activities and arrangements that are necessary prior to construction of the Preston Bench Project in Franklin County, Idaho, are now under way, and it appears that these can be completed in time to permit construction to begin this fall. One particular arrangement that must be completed in the near future is a contractual agreement between the Preston-Whitney Irrigation Company and the Preston, Riverdale, and Mink Creek Canal Company, the latter of which has contracted for repayment of the cost of the project. The purpose of this letter is to expedite completion of this agreement.

The Preston Bench Project will consist of a canal, including one tunnel, extending from Mink Creek to Worm Creek. By means of the canal, a maximum of 36 second-feet of water will be conveyed from Mink Creek to Worm Creek during the irrigation season. This water will consist only of direct flow covered by the decreed right of the Preston, Riverdale and Mink Creek Canal Company. Under the plan of operation set up for the project, no water will be conveyed from Mink Creek to Worm Creek for storage purposes. After reaching Worm Creek, the water will flow down the natural channel of this stream into the Glendale Reservoir of the Preston-Whitney Irrigation Company, and will pass directly through this reservoir and the outlet works in the dam into the Preston Branch canal of the Preston-Whitney Irrigation Company. In this canal, which will be enlarged by the Preston, Riverdale, and Mink Creek Canal Company in a manner satisfactory to the Preston-Whitney Irrigation Company, the water will flow to a point north of Preston where it will be discharged into the canal system owned wholly by the Preston, Riverdale, and Mink Creek Canal Company, and distributed to stockholders in the latter company.

Use of the Preston-Whitney facilities under the project operations explained above will require a prior agreement between the two companies. Some of the main points to be covered in the agreement are the enlargement and operation of the Preston Branch canal, and the operation of the Glendale Reservoir and outlet works. The Preston-Whitney Irrigation Company has shown a very cooperative attitude in this matter, and has

R-364

had a tentative and partial draft of the agreement drawn up. One particular point, in connection with the Glendale Reservoir, has been a source of considerable thought and discussion on the part of both companies. This is explained as follows:

As you well know, the Glendale Dam, which was constructed in 1929, has no spillway. At the time of its construction, a spillway was not considered necessary since most of the storage water is not derived from Worm Creek, but from an adjacent watershed by means of feeder canal. It is my understanding that since construction of the dam, the reservoir has at no time reached a dangerous level.

In investigating the Preston Bench Project and reporting to Congress thereon, the Bureau of Reclamation did not go into the need, or lack of need, for a spillway at the Glendale Dam. The reason for this is that it was deemed that the project operations would have no significant effect on the level of water impounded by Glendale Dam. This is illustrated by the fact that the maximum diversion of water by the project into Worm Creek (36 second-feet) would amount to only 71.5 acre-feet in 24 hours. The surface area of Glendale Reservoir is about 250 acres at the maximum storage level. Thus, the effect of the project operations on the reservoir, when full, would be to increase the water level only 0.35 of a foot over a period of 24 hours. Since the Preston Bench Project will include wasteway facilities for stopping the flow of the Mink Creek water into Worm Creek upon very short notice, it is highly improbable that in the event of a flood on Worm Creek the project operations would cause as much as a 0.1-foot rise in the water level in Glendale Reservoir.

Although the Preston-Whitney Irrigation Company recognizes that the operations of the Preston Bench Project will have no significant effect on its reservoir, the company is very cognizant of the lack of a spillway at its dam. Despite its wish to cooperate fully with the Preston, Riverdale, and Mink Creek Canal Company in making necessary arrangements for the Preston Bench Project, the Preston-Whitney Irrigation Company is somewhat hesitant to execute an agreement until it knows what actions may be forthcoming from the State Department of Reclamation with respect to a spillway. If the Department should require a spillway to be constructed purely by reason of the operations of the Preston Bench Project, the Preston-Whitney Irrigation Company naturally feels that the cost thereof should be borne by the Preston, Riverdale, and Mink Creek Canal Company. On the other hand, the Preston, Riverdale, and Mink Creek Canal Company feels that the Preston Bench Project will not change the flood expectancy on Worm Creek, and that if a flood hazard will exist after construction of the project, the same hazard exists at present. For this reason, the Preston, Riverdale, and Mink Creek Canal Company does not believe that it should be required to bear the cost of a spillway. Furthermore, the company is in very poor financial condition at present, does not have any funds for constructing a spillway, and does not know where it could obtain funds for that purpose. Thus, the agreement is being held up because

of lack of information on what the State Reclamation Department may require.

In order to expedite the execution of the agreement between the two companies, which must be accomplished before construction of the Preston Bench Project can begin, I am asking that you reply to this letter at your earliest convenience, giving me the views of the State Department of Reclamation on the spillway matter. In your reply, I should like you to state whether or not the Department will require a spillway to be constructed at the Glendale Dam by sole reason of the operations of the Preston Bench Project. In the event that you deem it necessary to qualify your statement on this matter in any way, I also would like you to advise me of the conditions and provisions with which you qualify your statement. This will provide the basic information needed to draw up the agreement. With such information I anticipate that the doubts of both companies will be removed, and that the agreement will be consummated at an early date.

Very truly yours,



E. K. Thomas
Area Engineer

CC: Reg. Dir. 4

December 17, 1938

Re: Permits 16174 & R-364.

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Franklin County Citizen, Preston, Idaho, all in connection with Permits 16174 and R-364.

You will note that we made some changes, corrections and additions in the notice. We set the date for proof as January 12, 1939. We substituted a new land list, which is in simpler form and is sufficient for publication purposes. We changed the date of priority to January 1, 1929, which is the date the application was first received in this department advanced by the amount of time the proof was late.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to January 12, 1939. Perhaps it would be well for you to contact the newspaper and make sure that this notice will start in the December 21 issue of the paper. About ten days prior to the date for proof, depositions, consisting of one for the holder and one each for two witnesses, will be mailed to you so that you will have them in ample time for the proof.

You no doubt will make the arrangements for the agent of the holder of the permit, together with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, to appear at your office on the date designated for the purpose of executing the depositions.

The Department's Receipt No. 16795 for the \$2.00 fee you paid in connection with securing copies of the two above numbered permits is herewith enclosed.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl
Encl.

R-364

Re; Permits 16174 and R-364.

United States Fidelity and Guaranty Co.
810 Continental National Bank Building
Salt Lake City, Utah.

Gentlemen:

Referring to your letter of the 20th inst., would say that proof of completion of works was made under the above numbered permits on May 2, 1930, and the certificates issued. The bonding company is therefore released from any further liability under the bond filed in connection with these permits.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

CB/co

R-364

July 28, 1930

Re: Permits 13174 and R-364.

Mr. W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are sending you herewith Certificate of Completion of Works issued under Permit No. 13174 and Certificate of Completion of Reservoir and Right to Store Water issued under permit No. R-364, together with receipt for fees paid.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

Encl.

R-364

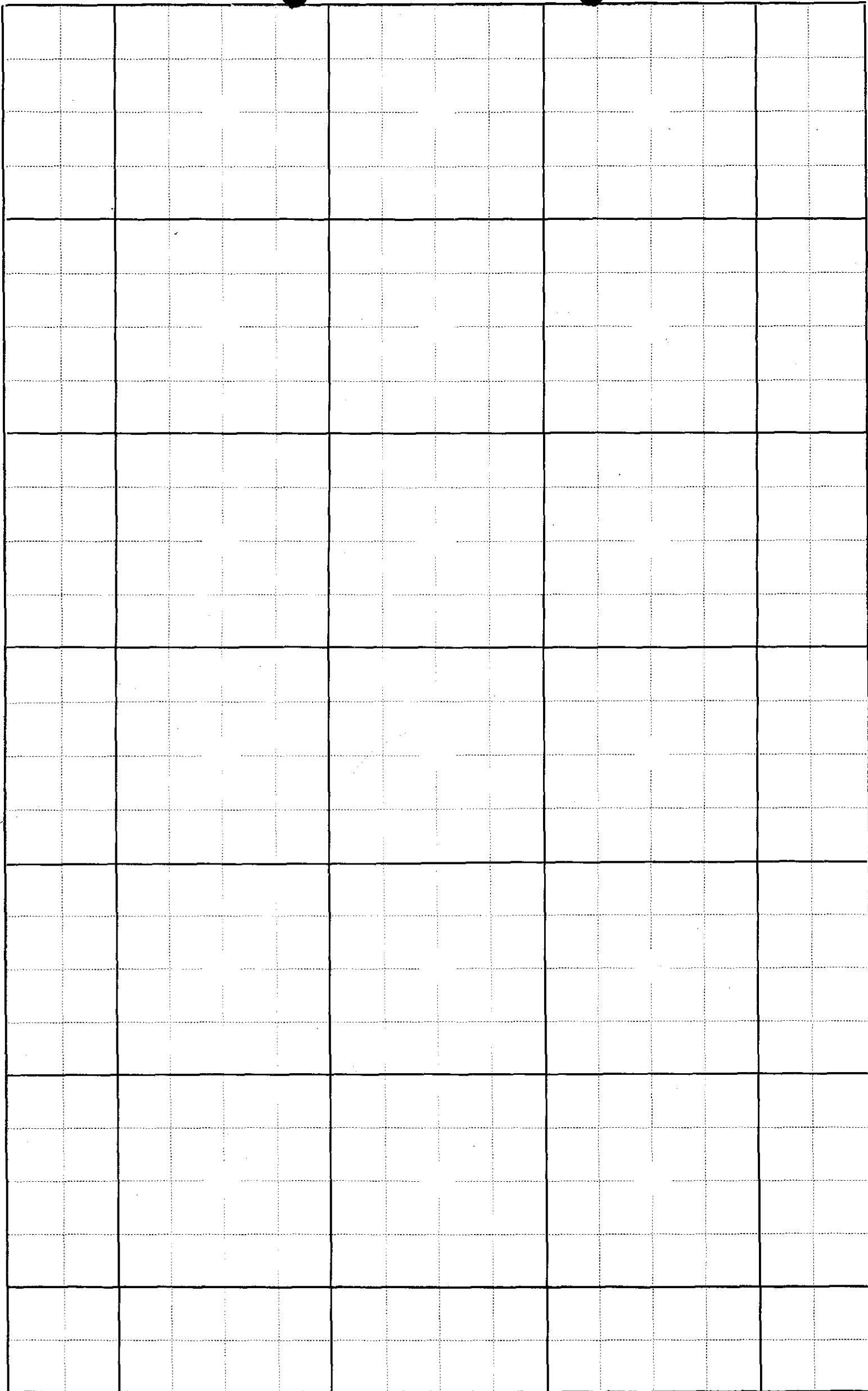
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-364

REPORT ON PROOF OF COMPLETION WORKS

R-364



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

STATE OF IDAHO DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-364

This proof is for COMP. WORKS

In Water District No. _____

1. Name of applicant: Preston-Whitney Irrigation Co

2. Source of water supply: Cub River and Worm Creek

3. Location of point of diversion: Is in the (Outlet) SE ~~SW~~ of Section 8

T. 15 S R. 40 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Earth fill dam

73 feet high across the channel of Worm Creek forming a reservoir with a capacity slightly in excess of 6000 acre feet. An outlet conduit consisting of a 36 in steel pipe in a concrete tunnel extends through the fill. See detail description of dam on map filed with appl. to change point of diversion.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

Res. practically filled this spring

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

Water used to supplement right for which water was decreed and ditches enlarged to carry storage water in addition thereto.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Bear River

Remarks: _____

This examination was made on the 9th day of June 1919

(Signed) Mayon Burradine Examiner.

R-364

PRESTON-WHITNEY IRR.CO

Permit No. R-364

Examination for COMP.WORKS

County FRANKLIN

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

April 2, 1975

Re: Licensed Rights 13-2108 & 13-2288

Preston Whitney Irrigation Co.
Mr. Angus Condie
Preston, ID 83263

Dear Mr. Condie:

In the recent Fact Finding Hearing held in Preston on March 27, 1975; you requested a copy of the above referenced licenses. Enclosed is a copy of a licensed right which essentially pertains to both of the above referenced licenses.

Whenever a reservoir was involved with a water filing, the Department at one time issued two permits. One was a permit to construct the reservoir, in this case identified as Permit No. 13-2288; and the second permit was to appropriate the water of the State; in this case identified as Permit No. 13-2108. The two permits eventually evolved into one water right license, a copy of which is enclosed.

I am currently analyzing the finding with regard to the Cub River claim. As soon as I have a potential solution I'll advise you of the progress.

Sincerely,

L. Glen Saxton
Water Resource Engineer

LGS: rb

Enclosure

Affidavit for Change of Point of Diversion of Water Right

Permit No. R 364

STATE OF IDAHO,

County of Franklin ss.

W. K. Barton, being first duly sworn, deposes and says: That his postoffice address is Preston Idaho. That he is the owner of and using a certain water right, for 6000 ^{acres} cubic feet per second of the water of Cul River, County of Franklin, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. R-364, issued by the Commissioner of Reclamation, dated December 26, 1924, bearing date of priority of Dec. 15, 1924, for the purpose of irrigating the following described lands, situate, lying and being in ~~Water District No.~~ Franklin, in the County of Franklin and State of Idaho, to-wit: (as described under Use Permit No. 16174)

and is the ~~person~~ ^{corporation} representative of the ~~person or persons~~ to whom such right was ~~so issued~~ ^{transferred}; ~~has become the owner thereof in the following manner:~~

That said waters are now diverted from said stream in the SW 1/4 of SW 1/4 of Sec. 8, Twp. 15 S, Range 40 E.B.M., and conducted to the above described lands through the Franklin County Sugar Company canal, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE 1/4 of SW 1/4 of Sec. 8, Twp. 15 S, Range 40 E, and thereafter conduct same to the above described land through the Preston Whitney ditch, as per map above referred to; (Outlet of Res.)

That his reasons for desiring to make such change are as follows:

It was discovered that the original-planned dam site was unsatisfactory

That no one will be injured by such change and that such change will be made at affiant's own risk.

Preston Whitney Irrigation Co.
W. K. Barton, Secy
Affiant.

Subscribed and sworn to before me this 5th day of July, 1930

Arthur J. Marshall
N. P.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

R-364

Preston, Idaho,
July 7, 1930

Mr. Myron Swendsen,
Assistant Commissioner of Reclamation,
Boise, Idaho

Dear Sir:-

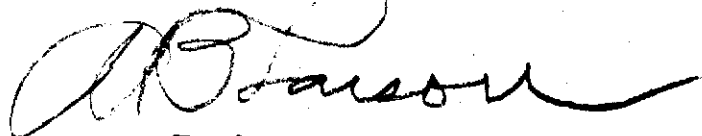
Referring to your communication of June 20th regarding Permit No. R-364, will say that I am returning blue-print furnished on which has been indicated the new location of the dam; also ammended profile. The dam was built to 4883 elevation instead of 4880 as shown on the plans. This was done by steepening the slopes near the top and raising the ridge between the West end of the dam and the spillway site the necessary amount.

I am also furnishing a blue print of the dam site on which has been indicated the approximate location of one of the drains which were placed below the West end of the dam. The print does not cover enough ground to permit of indicating the others, of which there are three. If you want a map showing these drains please advise and I will refer it to the Directors.

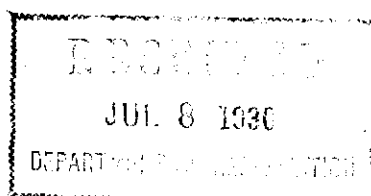
The affidavits for change of point of diversion have been executed and are enclosed herewith.

Yours very truly,

THE PRESTON-WHITNEY IRRIGATION COMPANY


Engineer

ABL-A
Encls.



R-364

June 20, 1950

PERMIT No. 15929
Re: PERMIT No. 15933
PERMIT No. R-364

PRESTON-WHEATLEY IRRIGATION COMPANY
Preston
Idaho

Dear Sirs:

Attention: Mr. LARSON, Engineer

In examining the record in connection with the proof of beneficial use of PERMIT No. 15929 and PERMIT No. 15933 for the diversion of:

25 cubic feet per second from WORM CREEK
25 cubic feet per second from CUB CREEK

It is noted that the maps filed do not correspond with the conditions on the ground in the matter of canal locations.

I am enclosing a blue-print copy of the map; if possible, I would appreciate having canal alignments indicated approximately as constructed. It is not the requirement that extreme detail be shown but I feel that the deviation in this case is too great and correction should be made.

Also, in connection with PERMIT No. R-364: It is noted that amended plan and application for change in point of diversion were not made when the location of the dam was shifted upstream.

I am enclosing a blue-print of the reservoir site and dam detail and would appreciate having this change noted thereon, also, the drainage system which was installed at the west end of the dam.

I am, also, enclosing affidavit of change in point of diversion, which should be executed and filed.

Very truly yours,

Assistant Commissioner
of Reclamation

R-364

PERMIT No. R 364

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W.K. Barton, Merchant, Preston, Idaho, Secretary-Treasurer of
Preston-Whitney Irrigation Company

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Preston-Whitney Irrigation Company, Preston, Idaho, Secretary-Treasurer
Authorized by the Board of Directors of Permit Holder

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. R.364 Application No 22956 for the ~~storage~~ diversion of six thousand acre feet
of water of Cub River & Wormcreek, for storage in Reservoir

Dated

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. For Irrigation and domestic use Part sec. 9, 10, 11, 13, 14, 15, 16, 21, 22, 23
24, 25, 26, 27, 33, 34, 35, 36, T. 15 S. R. 39 E.
Part, sec. 1, 2, 3, 4, 9, 10, T. 16 S. R. 39 E. B. M Part Sec. 18, 19, 29, 30, 31, 32 T. 15 S. R. 40 E. B. M.
Part Sec. 3, 4, 5, 6, 8, 9, T. 16 S. R. 40 E. B. M

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. IN July, August, September and October of the year 1929

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with terms of the permit.

Ans. They were completed Dec. 26, 1929

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on Dec. 26, 1929, and give cost of same.

Ans. The reservoir proper cost approximately \$20,000.00

It is an earthen dam, gravel on both sides and faced with rock and will hold
between six and seven thousand acre feet when filled

(Sign here.)

W.K. Barton, Secy

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Preston, County of

Franklin, State of Idaho, on this Second day of
May A. D. 1930

My Commission expires Moh 5th, 1932

Arthur J. Hart

Notary Public.

R-364

The Depositions of Witnesses, in this form, taken separately, required in each case.

R.364
PERMIT NO.....

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. . Joseph. Jensen, Preston, Idaho, Farmer, Preston, Idaho.....

Ques. 2. Are you acquainted with.....Preston Whitney Irrigation Company....., the
acre feet

holder of Permit No... R.364...authorizing the diversion of... 6000...second-feet of the waters
of Gub River and Wormcreek....., at.. Glendale Reservoir
Irrigation
for.....purposes? How long have you known him, and where does he reside?

Ans. I have the company since its incorporation and likewise all its
officers; principal place of business at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No... R.364....., and are you familiar with
its terms and conditions?

Ans. I have and know its contents and terms and conditions.....

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. I know the lands; said lands have been cultivated for upwards of ...
forty years and are sugar beet lands, gently rolling lands, sandy loam

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the
entire amount of water set out in the permit from point of diversion to place of use? If so, when
were they so completed?

Ans. They are fully completed as set out in the permit and were completed
Dec. 26th, 1929

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question
5, and give your estimate of their capacity on that date.

Ans. An earthen dam, graveled on either side, with rock surface on the inner side
and will hold between six and seven thousand acre feet of water, and cost
approximately two hundred thousand dollars besides the canals leading to
and from the reservoir

(Sign here.)

Joseph Jensen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in Preston....., County of

..... Franklin....., State of Idaho, on this second..... day of

..... May..... A. D. 1930.....

My Commission expires... Mch. 5th, 1932.....

Arthur M. Hart
Notary Public.

R-364

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

PRESTON WHITNEY IRRIGATION CO.

c/o Arthur W. Hart

Preston, Idaho

BOISE, IDAHO, April 22, 1930

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. ~~R-364~~-----

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On ~~May 2, 1930~~-----, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at ~~Preston, before Arthur W. Hart, notary public~~-----

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

~~GED. H. CARTER~~
Commissioner of Reclamation.

R-364

Re: Permits 16174 & R-364

Mr. Arthur W. Hart
Prosecuting Attorney
Preston, Idaho

Dear Sir:-

We are in receipt of your letter of the 15th inst., enclosing affidavit of holder and notices for proof of completion of works under the above numbered permit. In order to have ample time for the required four weeks publication of the notice, the date for making proof has been changed to May 2nd and a copy of the notice, completed in accordance with the terms of the permit, has today been mailed to the Franklin County Citizen. Deposition blanks for holder and two witnesses, for each permit, will be mailed to you later.

Very truly yours,
GEO. H. CANNON
Commissioner of Reclamation.

By _____
Chief Clerk

R-364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....March 29, 1930.....

FRANKLIN COUNTY CITIZEN

Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to.....May 2, 1930....., the date set for proof, the expense of the publication to be paid by the applicant, W. K. Barton, Sec.-Treas. Preston-Whitney Irr.Co.
.....Preston, Idaho.....

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

R-364

NOTICE FOR PUBLICATION

Notice is hereby given that at 2 o'clock, p. m., on the 2nd day of May, 1930, at Preston, County of Franklin, State of Idaho, before Arthur W. Hart, notary public, proof will be submitted of the completion of works for the diversion of 6000 acre-feet of the waters of Cub River and Worm Creek for storage, and 215 cubic feet per second from said streams and Worm Creek Reservoir, in accordance with the terms and conditions of certain permits heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is
Preston-Whitney Irrigation Company.

The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.

The numbers of such permits are Res. Permit No. 364 and Use Permit No. 16174, and the date set for the completion of such work was December 26, 1929.

Said water is to be used for irrigation and domestic purposes.

Said works of diversion were fully completed on the date set for such completion in accordance with the plans accompanying the applications for such permits.

The amount of lands for which said water is available is 13,766 acres, particularly described as follows:

Part of Secs. 9, 10, 11, 15, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 & 36, Twp. 15 S., R. 39 E., B.M.; part of Secs. 1, 2, 3, 4, 9 & 10, Twp. 16 S., R. 39 E., B.M.
part of Secs. 18, 19, 29, 30, 31, & 32, Twp. 15 S., R. 40 E., B.M.; part of Secs. 3, 4, 5, 6, 8 & 9, Twp. 16 S., R. 40 E., B.M.

Geon. N. Carter
Commissioner of Reclamation

Arthur W. Hart - SW SW - 8 - 153 - 40 E

See Affidavit - Pub. under Use Per - 16174

R-364

February 11, 1920

Re: PERMIT No. R-364
PERMIT No. 16174

PRESTON-SHITNEY IRRIGATION Co.
Preston
Idaho

Dear Sirs:

Attention: W. E. BARTON, Secretary

The above numbered permits are for your reservoir on
WORM CREEK and for diversion right from CUB RIVER.

It is noted that proof of completion of works was
due on these permits December 28, 1919, and that on September
11, 1919, blanks were mailed to your company for making such
proof but proof was not submitted within the time.

The writer is somewhat familiar with the condition
of the works and it is his understanding that you have now com-
pleted the dam to its maximum height, proposed by these permits
and that all work is completed with the exception of the spill-
way. He would, therefore, suggest that you avail yourself of
the privilege which may be granted of submitting affidavits to
the effect that the works were completed within the time speci-
fied in the permit. Proof may then be made and certificate of
completion will issue.

Blanks for affidavits are enclosed.

Very truly yours,

Assistant Commissioner
of Reclamation

EE/tip
Enclosures

R-364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1930

, 192.....

Re: Permit No. R-364To Preston-Whitney Irrigation Co.Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. R-364,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to.....
proof of completion of works by Dec. 26, 1929,

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. R-364
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. R-364 claims the use of 6000 ac.ft. ~~amounting to 6000~~ of the
waters of Cub River and Worm Creek, with point of diversion located
in SW $\frac{1}{4}$ Sec. 8-15S-40E., and
was approved Dec. 26, 1924.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
10th day of February, 1930.

GEO. N. CARTER

Commissioner of Reclamation.

By _____
Assistant.

R-364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1930

, 192

Re: Permit No. 16174

To Preston-Whitney Irrigation Co.

Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 16174, to appropriate the Public Waters of the State of Idaho, have not been complied with as to proof of completion of works by Dec. 26, 1929,

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 16174 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 16174 claims the use of 215 cubic feet per second of the waters of Cub River and Worm creek and Worm creek reservoir, with point of diversion located in NE 1/4 Sec. 8-15S-41E. was approved Dec. 26, 1924.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 10th day of February, 1930.

GEO. N. CARTER

Commissioner of Reclamation.

By

Assistant.

R-364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1930

, 192

Re: Permit No. R-364To Preston-Whitney Irrigation Co.Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. R-364,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
~~proof of completion of works by Dec. 26, 1929,~~

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. R-364
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. R-364 claims the use of 6000 ac.ft. ~~cubic feet per second~~ of the
waters of Cub River and Horn Creek, with point of diversion located
in SW 1/4 Sec. 8-15-40E., and
was approved Dec. 26, 1924.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
10th day of February 1930

GEO. H. CARTER

Commissioner of Reclamation.

By _____

Assistant.

R-364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1930, 192.....

Re: Permit No. 16174

To Preston Whitney Irrigation Co.

Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 16174,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to.....
~~proof of completion of works by Dec. 26, 1929,~~

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 16174
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. 16174 claims the use of 215 cubic feet per second of the
waters of Cub River and Worm creek and Worm creek reservoir, with point of diversion located
in NE 1/4 Sec. 8-15S-41E., and
was approved Dec. 26, 1924

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
10th day of February 1930

GEO. N. CARTER

Commissioner of Reclamation.

By _____
Assistant.

R-364

October 17, 1929

RE: Permits Nos. 16174, R-364

W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

Referring to your letter of the 14th inst. would say that proof of completion of works will be accepted before the water has been turned in if they are fully completed within the time required.

Reservoir Permit No. 364 is for the storage of 6000 acre feet of Cub River and Worm Creek and use Permit No. 16174 is for the diversion of 215 cubic feet per second from said streams and from Worm Creek Reservoir.

The blanks mailed to you for proof should be filled out and returned to this office in time for publication to be made four weeks prior to the date of making proof.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G

R-364

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Preston Whitney Irrigation Co.

Thomas Heath, Mgr.
Preston, Idaho

Boise, Idaho,
September 11, 1929

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 16174 - R-364

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Dec. 26, 1929. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation.

R-364

August 25, 1928

Re: Permits 16174 & B-364

MR. J. E. Paradise
Special Agent
U. S. Fidelity & Guaranty Co.
Salt Lake City, Utah

Dear Sir:

Reference is had to your letters of July 27 and August 23, regarding new bond to be substituted for a bond now on file in connection with the above numbered permits.

In your letter of July 27, you state that a new bond has been executed for the Preston-Whitney Irrigation Company and same would likely be filed in this office. To date said bond has not been received, which accounts for our failure to advise you of any action taken in the matter.

So far as I am aware at this time, the old bond can be released upon filing of new bond satisfactory to this office.

Very truly yours,

Commissioner of Reclamation

GHC/eq

R-364

July 21, 1928

Re: Permits 16174 and R-364

United States Fidelity and Guaranty Company
810 Continental Bank Building
Salt Lake City, Utah

Attention: Mr. J. W. Paradise

Dear Sir:

Reference is had to your letter of July 19 regarding bond for completion of Idaho water right permit No. 16174.

Records in this office disclose that said permit was ^{assigned} ~~filed~~ by the Franklin County Sugar Company to Preston-Whitney Irrigation Company on October 29, 1927. However, said Preston-Whitney Irrigation Company has not substituted nor offered to substitute a new bond for the one furnished by your company. Consequently, said bond is the only one on file in connection with the permit in conformity to statutory requirement. It therefore appears that the State could and should not release the obligation on this bond until another bond shall have been substituted in lieu thereof. If your bond is automatically released by reason of the assignment, the State apparently has no control over the situation and probably should advise Preston-Whitney Irrigation Company that their permit is in default by reason of lack of statutory bond. Otherwise, it seems to me the State must retain whatever liability there is, if any, under the existing bond. Therefore, I am not inclined to advance to your company any release whatever until such time as another bond shall have been substituted, as pointed out in the foregoing.

Very truly yours,

Commissioner of Reclamation

GHC/co

R-364

November 18, 1927.

Re: Permits R-364-16174.

Mr. Thos. Heath, Mgr.,
Franklin County Sugar Co.,
Preston, Idaho.

Dear Sir:

We are returning herewith the Assignment of your water rights under the above numbered permits, the same having been duly recorded in this office. You will also find receipt for fee paid.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.

R-364

April 23, 1926

Re: Permits Nos. R 364-16174

Mr. T. L. Heath, Manager
Franklin County Sugar Company
Preston, Idaho

Dear Sir:-

The application for extension of time for completion of works under the above numbered permits has been duly approved, copies of such approval being herewith inclosed for your files.

As no proof of beneficial use is required under a reservoir permit, the approval for this extension is for completion of works only.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
ENC:

R-364

EXTENSION OF TIME

PERMIT NO.R-364

Approval of Commissioner of Reclamation.

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Reservoir Permit No. 364 to December 26, 1929.

WITNESS My hand this 23rd day of April, 1926.

W. G. SWENDSEN,
Commissioner of Reclamation.

By *Geo. H. Carter*
Assistant.

R-364

February 26, 1925.

Re: Permit R-364

Mr. C. D. Adams,
Manager, Franklin County Sugar Co.,
Preston, Idaho.

Dear Sir:

Reference is made to your letter of February 24th, relative to necessity of immediately beginning work under the terms and provisions of Permit R-364, covering construction of Worm Creek Reservoir.

In the first place the date set in these permits for beginning of construction of work is somewhat arbitrary in accordance with a statute. However, this office does not investigate or concern itself with compliance with this first requirement. It is possible that your permit might be subject to contest should you not begin work on or before the date set, but I doubt very much if such a contest would receive favorable consideration, where good and sufficient cause was shown why work was not commenced. This office requires no showing upon this clause unless there is a contest. The engineering work which has already been done, can be and is considered as a part of the total construction cost.

It is my opinion that you have no cause to worry, due to the fact that you have not commenced work at a time of year which anyone familiar with this class of work realizes that it is impractical and in many cases, out of the question.

If in the light of the foregoing, you desire to file an application for extension of time within which to begin work, you may do so and no doubt same will be granted.

Very truly yours,

Assistant Commissioner of
Reclamation

GNC:E

R-364

Franklin County Sugar Co.

PRESTON, IDAHO. February 24, 1925.

Mr. W. G. Swendsen,
Commissionary of Reclamation,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

Please refer to our Application No. 22956, Permit No. R-364, District No. 5-H, covering construction of Worm Creek Reservoir.

Your permit specifies that work is to begin on or before February 24, 1925. I will state that we have had, at the present time, the preliminary engineering work done at a cost somewhat in excess of \$1100.00. The actual work of moving the earth has not as yet been started, due to two reasons: First the weather conditions have not as yet been satisfactory for economical construction work; and second, we have been having some difficulty in getting the farmers who will use the water to agree among themselves on the apportionment of rights to the various Canal Systems.

If, therefore, you do not construe the engineering work as a start on the construction, we would very much appreciate having you extend the date of commencement for a period of two or three months.

Kindly let me hear from you concerning this matter.

Thanking you for any consideration you may grant us,
we are,

Yours very truly,

FRANKLIN COUNTY SUGAR COMPANY,

By *W. D. Evans*
Manager.