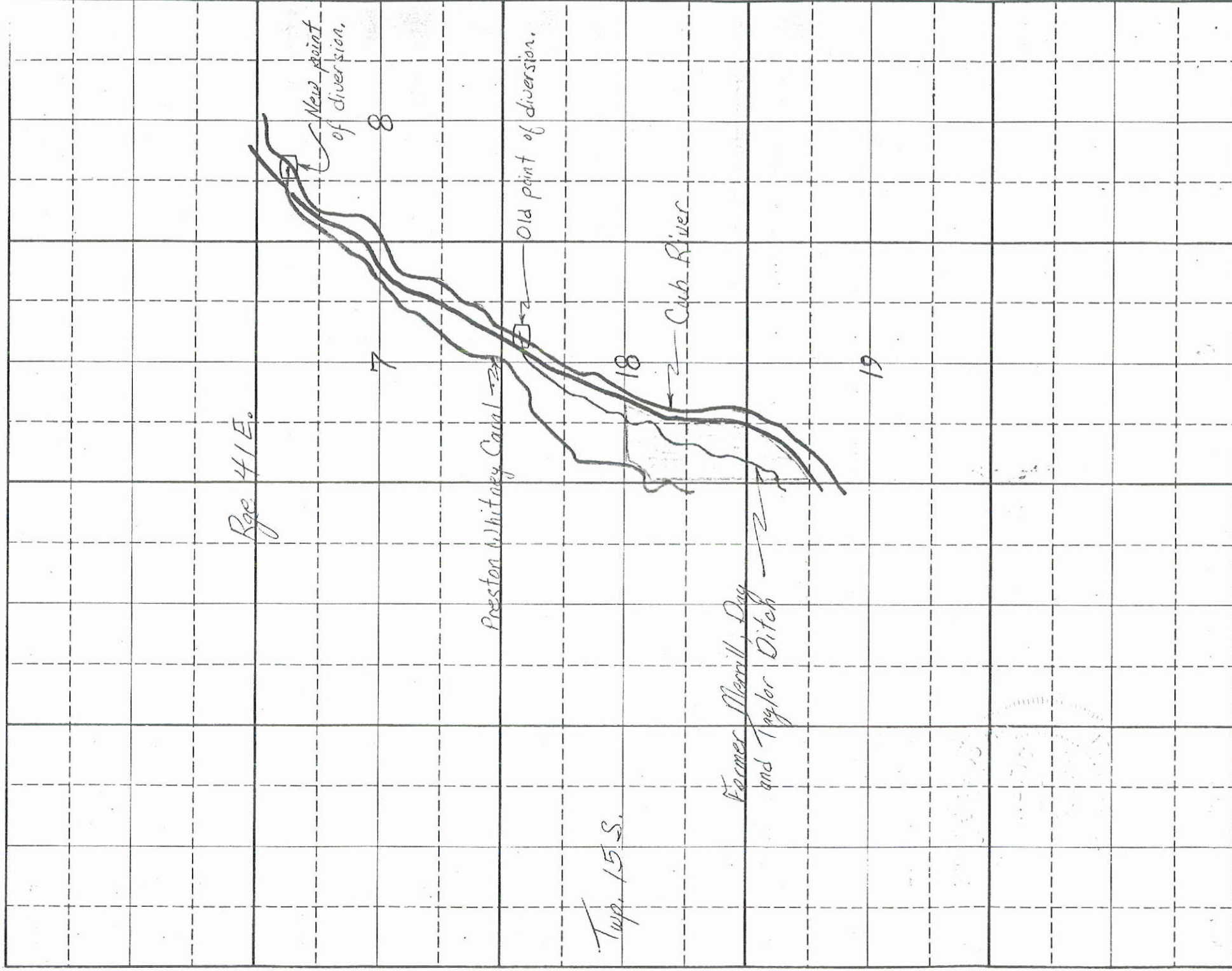


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Range 41 East

Point of
Diversion

Section

18

Section

19

Township
15 South

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

UNRECORDED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

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

July 27, 19 *72*, and ending with the issue of *August 3*, 19 *72*.

Fees, \$ *18.43*

Subscribed and sworn to before me this *27* day of *July*, 19 *72*.

De Ann D. Liddes
Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *74*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 13-0018

Notice is hereby given that Thomas A. Robinson, 154 North 2nd East, Preston, Idaho, has applied to the Dept. of Water Administration for a change of the place of use of the waters of the Cub River, tributary to Bear River. The right sought to be changed is evidenced by Decree to Henry Day, in Case of Henry T. McEwan vs. Franklin Sugar Company, et al, Dated July 9, 1924, in Fifth Judicial District Court, County of Franklin, and is recorded as follows:

Amount: 0.7 cfs

Priority: 1892

Point of diversion: NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 18, Twp. 15S, Rge. 41 E.B.M., Franklin County.

The water is used for irrigation purposes from April 1 to October 31 within Sections 24 and 15, Twp. 15 S, Rge. 40 E.B.M. (acreages in these two sections not specifically defined in original Decree).

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; Twp. 15S, Rge. 41 E.B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse — Annex 2, Boise, Idaho, 83707, on or before August 14, 1972.

R. KEITH HIGGINSON,
Director

Published in the Preston Citizen, Preston, Idaho, on July 27 and August 3, 1972.

Legal No. 2218 — Pub. July 27, Aug. 3, 1972.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Day, Henry	0.7		13-0018
1702	Robinson, Thomas A	0.7		13-0018
2378	Robinson, Thomas A.	0.7		13-0018

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Robinson, Thomas A. 0.7

13-0018

1702

Robinson, Thomas A. 0.7

13-0018

~~Day, Henry 0.7~~

~~13-0018~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Thomas A. Robinson Phone 852-2962
Post office address Rt. #3, Box 607-C, Preston, Idaho 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. ~~Decree~~ ^{Transfer} No. 1702 (13-0017)
1703 (13-0018) issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Cub River tributary to Bear River4. Date of priority (13-0017) 1882 - (13-0018) 1879* See remarks

5. Water is used for the following purposes:

13-0017 amount 0.25 cfs for Irrigation purposes from Apr. 1 to Oct. 31
13-0018 amount 0.70 cfs for " purposes from " to "
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 0.95 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18
Township 15S Range 41E, B.M., in Franklin County
Additional points of diversion, if any Diversion point of the former
Merrill, Day and Taylor Ditch on the Cub River.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	41E	18									10	20	30						60
		19					20												20

Total number of acres to be irrigated 80

9. Describe any other water rights used for the same purposes as described above
- 0.45 cfs and token
-
- amounts stockwater from Preston Whitney Irrigation Company.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 0.95 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8 Township 15S
Range 41E, B.M., Franklin County
Additional points _____

- c. Description of diverting works Existing diversion point of the Preston-Whitney
Irrigation Canal on the Cub River

- d. Describe the reasons for applying for a change in the point(s) of diversion _____

To permit gravity pressure sprinkler irrigation on the same
lands previously watered by flood irrigation

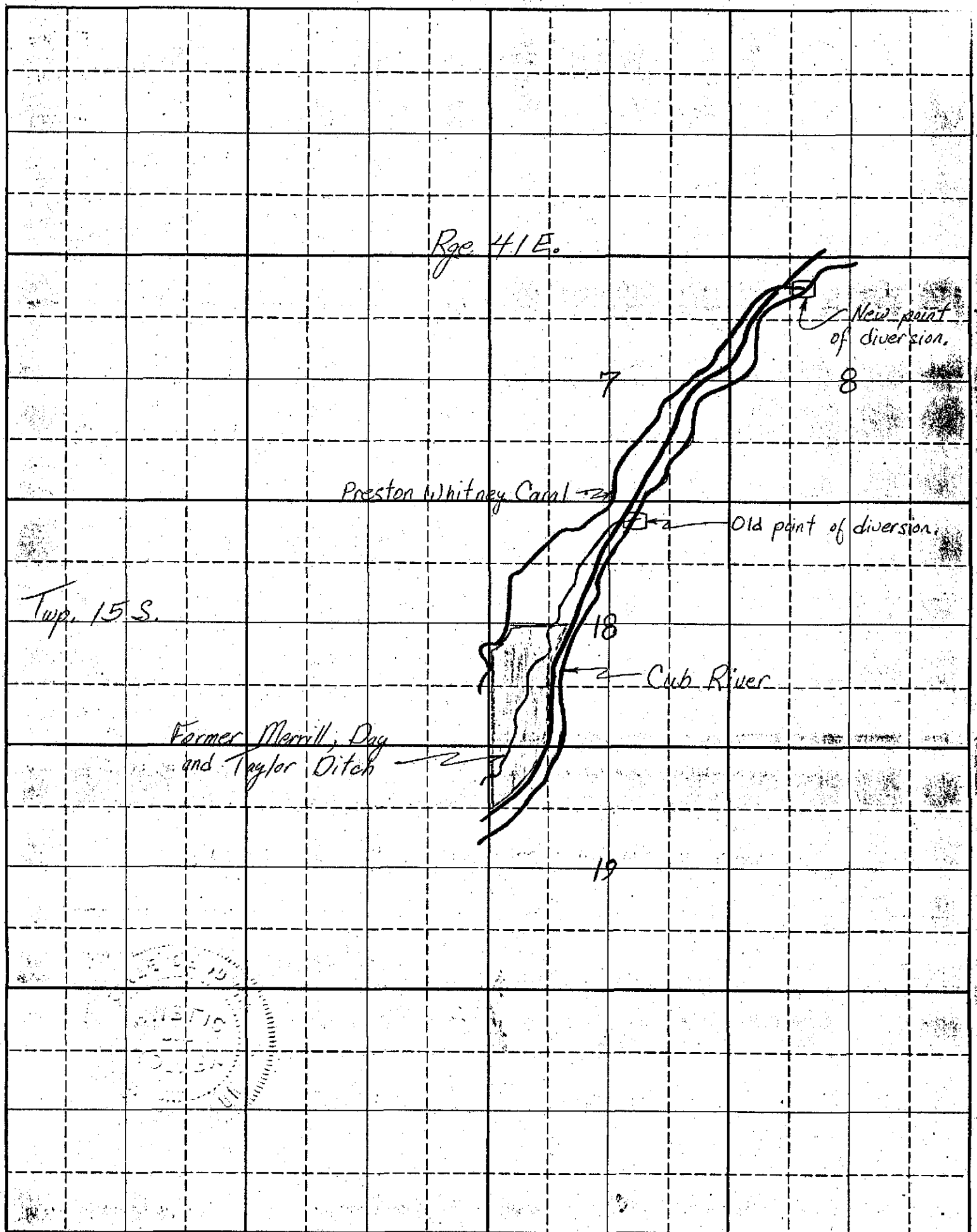
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	41E	18									10	20	30						60
		19						20											20

Total number of acres to be irrigated 80

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks Transfer No. 1703 was approved with a priority*
date of 1892 while the decree states the priority
date for this right is 1879.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Thomas A. Johnson
(Signature of applicant)

Subscribed and sworn to before me this 5th day of December, 19 79.

W. J. Johnson
(Notary public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-0017/0018 and said application is hereby approved, subject to the following limitations and conditions:

(1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this Right is subject to control by the watermaster of State Water District No. 13A Cub River. (3) The priority date of Right No. 13-0018 is 1892 as determined in the court decree between Henry T. McEwan vs. Franklin County Sugar Co.

Witness my hand this 8th day of May, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>kw</u>	Date <u>12/6/79</u>	Protest filed by _____
Prelim. check by <u>EMC</u>	Fee <u>35.00</u>	_____
Receipted by <u>kw</u>	Date <u>12/7/79 #15431</u>	_____
Published in <u>Preston Citizen</u>	Copies of protest forwarded by _____	
Pub. dates <u>12/30 & 12/27/79</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>1/15/80</u>	Recommended for <u>approval</u> <u>denial</u>	
_____ rec'd. <u>2/1/80</u>	by <u>Ernest Carlson</u> <u>Jim Orr</u>	

* Region had a copy of the decree with wrong priority date. Correct date should be 1892.

RECEIVED

13-0018

Identification No. _____

Transfer No. 1703

Department of Water Administration

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Thomas A. Robinson
Post office address 154 N. 2nd East, Preston, Idaho
2. Right obtained by:
a. Decree to Henry Day in Case of Henry T. McEwan
(Name)
vs. Franklin Sugar, Dated July 9, 1924 in Fifth Judicial District
Company, et al. (Name of Court)
Court. County of Franklin
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Cub River tributary to Bear River
(Name of stream or source)
4. Date of Priority 1892
5. Amount of water a. .7 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to October 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18,
Township 15S, Range 41E, B.M., in Franklin County;
Additional points of diversion, if any None

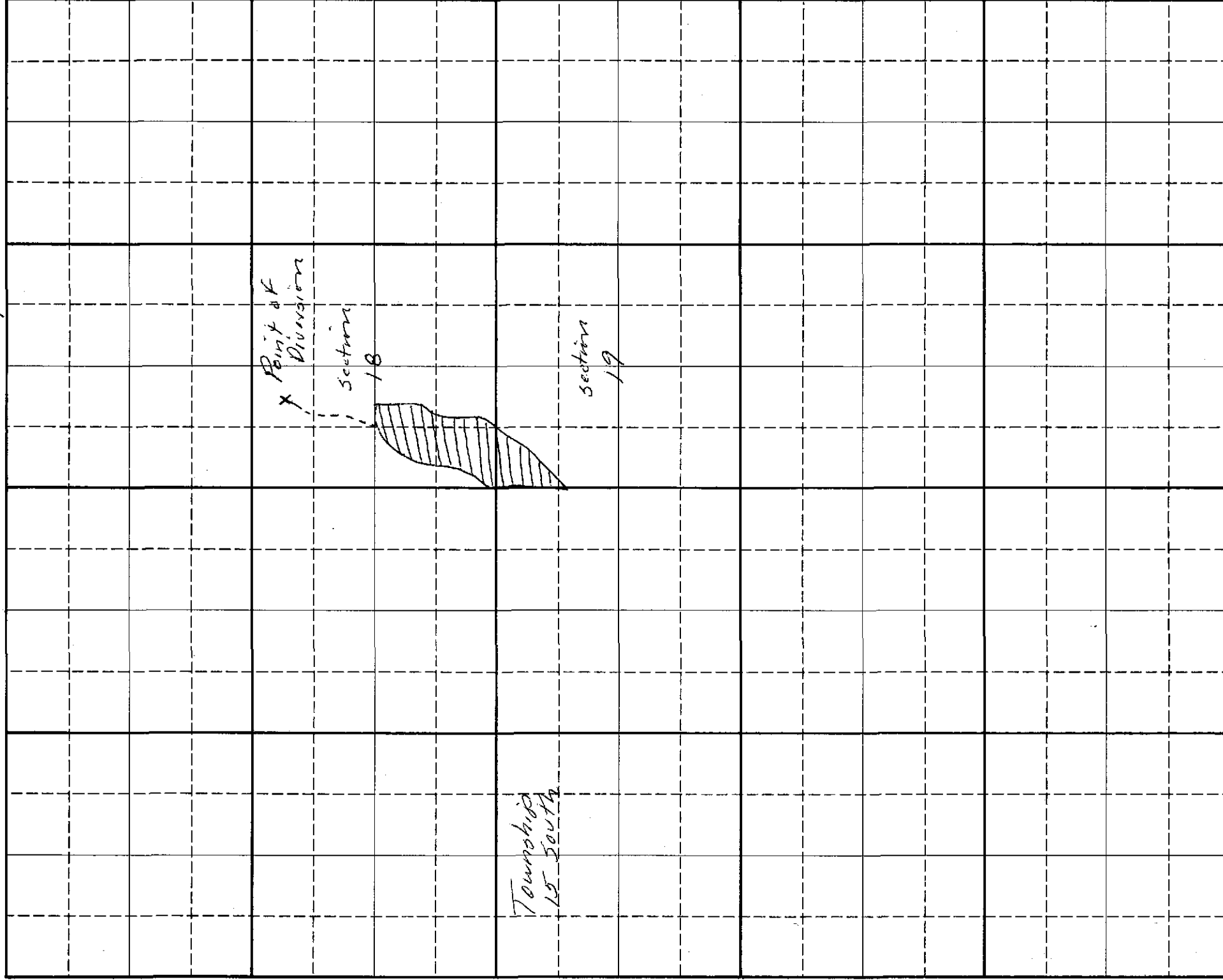
8. Lands presently ~~irrigated in place of use~~ decreed for use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	40E	24																	
15S	40E	15																	

Total number of acres presently irrigated 80

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1 Range 41 East



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

UNRECORDED

9. If applicant was not the original holder of this right explain how it was acquired: purchased

10. CHANGE IN POINT OF DIVERSION - None

- a. Quantity ~~XXXX~~ diverted ~~XXXXXXX~~ No change .7 c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ 1/4 _____ 1/4, Section _____, Township _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: There is no change. This paperwork is to correct a typographical error on the original decree concerning the lands upon which the water was to be used and to become appurtenant thereto.
- d. Is water to be conveyed to the lands previously irrigated? Yes * No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the ~~point of diversion~~ place specified for use.
* To correct an error as noted above in the original decree in which all three paragraphs (FOURTEENTH; FIFTEENTH; SIXTEENTH;) pertaining to the water rights in the Merrill, Day and Taylor Ditch convey use to lands in sections 24 and 15, Township 15 South, Range 40 East, when, in fact, the waters decreed to Mr. Henry Day, (fifteenth paragraph), have been used continuously since 1882 in sections 18 and 19, Township 15 South, Range 41 East of the Boise Meridian.
- f. Do you intend to make the transfer permanent? Yes (change in area of use)
- g. Do you intend to abandon completely the old point of diversion? No - no change
- h. Indicate on the above plat the ~~new~~ point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE None

- a. Describe the ~~new~~ lands on which you ~~will~~ use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	41E	18									10	20	30						60
		19					20												20

Total number of acres to be irrigated 80

MICROFILMED

b. Do you intend to make the transfer permanent? Yes.

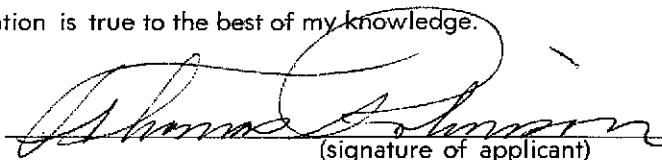
c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No. Same lands.

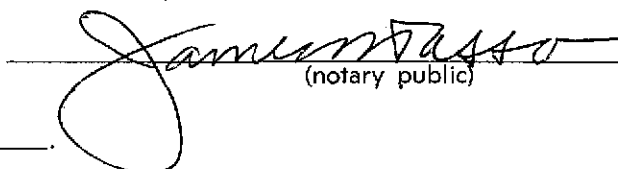
d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: No new grounds

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.


(signature of applicant)

Subscribed and sworn to before me this 16th day of February, 19 72


(notary public)

My commission expires Jan 6, 1973

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

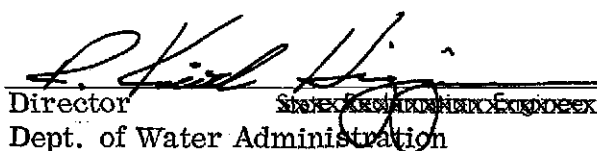
This is to certify that I have examined Application for Transfer of Water Rights No. 13-0018,
and said application is hereby APPROVED

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

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 12th day of February, 19 73


Director ~~State Reclamation Engineer~~
Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by <u>ef</u>	Date <u>7-10-72</u> <u>5-2-72</u>	Protest filed by:	Date
Prelim. check by <u>TDH</u>	Date <u>7-10-72</u>		
Fee received by <u>ef</u>	Date <u>7/10/72</u> Fee \$ <u>30⁰⁰</u>		
Approved for publication by			
Published in <u>Preston</u>	Dates <u>7-27 & 8-3, 1972</u>		
Citizen at Preston, Idaho			
Hearing held			

Watermaster Recommendation sent

MICROFILMED

SOUTHEAST TITLE & REALTY COMPANY

Agent for
Pioneer National Title Insurance Company
 WASHINGTON TITLE DIVISION

Instrument No. **128786**

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH: That for value received **CLAUDE J. JENKINS and HELEN G. JENKINS, husband and wife** do, Grantor

THOMAS A. ROBINSON and BARBARA R. ROBINSON, husband and wife hereby Remise, Release and forever Quit claim unto Grantee the following

described premises, in Franklin County, Idaho, to wit:

Township 15 South, Range 41 East of the Boise Meridian:
 Section 18: Lots 3, 4, E1/2SW1/4, SE1/4
 Section 19: Lots 1, 2, E1/2NW1/4

Together with all Taylor Grazing rights consisting of 160 acres, more or less.

Together with all water and water rights appertaining to said land, including but not limited to 1/4 of one CFS of the waters of Cub River with priority right of 1882, 7/10 of one CFS of the waters of Cub River with priority date of 1892 as decreed to Henry Day by Decree recorded in Book 1 of Judgments, page 167, records of Franklin County, Idaho, (as amended or revised) together with all right, title and interest in and to the Preston-Whitney Irrigation Company and the water of said company as evidenced by the current records of said company.

Together with all right, title and interest of properties as acquired on the original agreement between Lever S. Sorenson and his wife Delva S. Sorenson and Charles S. Iyer and his wife Karen Iyer, the original of which is held in escrow at the First Security Bank, Preston, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee heirs and assigns forever.

Dated:

Claude J. Jenkins (SEAL) _____
Helen G. Jenkins (SEAL) _____

STATE OF IDAHO, COUNTY OF
 I hereby certify that this instrument was filed for record at the request of Claude J. Jenkins on this 20th day of September, 1957, in my office, and duly recorded in Book 1100 of said county.

Notary Public
W. R. R. & J. R. R.
 My Comm. Expires 1958

Recorded in Book 1100 of said county, on this 20th day of September, 1957.
 Notary Public
W. R. R. & J. R. R.
 My Comm. Expires 1958

MICROFILMED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

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

July 27, 19 72, and ending

with the issue of August 3, 19 72.

Fees, \$ 18.43

Subscribed and sworn to before me this 27 day

of July, 19 72.

De Ann D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires

March, 19 74

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Thomas A. [redacted] North 2nd East, [redacted] has applied to the Idaho Dept. of Water Administration for a change of the place of use of the waters of the Cub River, tributary to Bear River. The right sought to be changed is evidenced by Decree to Henry Day, in Case of Henry T. McEwan vs. Franklin Sugar Company, dated July 9, 1924, in Fifth Judicial District Court, County of Franklin, and is recorded as follows:

Amount, 0. [redacted]
Priority, 1st [redacted]
Point of diversion, NW 1/4 NW 1/4, Sec. 18, Twp. 15S, Rge. 41 E.B.M., Franklin County.

The water is used for irrigation purposes from April 1 to October 31 within Sections 24 and 25, Twp. 15 S, Rge. 40 E.B.M. (acres in these two sections not specifically defined in original Decree).

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes within the N 1/2 SW 1/4, SW 1/4 SW 1/4, Sec. 18; NE 1/4 NW 1/4, Sec. 19; Twp. 15S, Rge. 41 E.B.M.

Any objection against approval of the proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse - Anne [redacted] Idaho, 83707, on or before August 14, 1972.

R. KEITH HIGGINSON,
Director

Published in the Preston Citizen, Preston, Idaho, on July 27 and August 3, 1972.
Legal No. 2218 Pub. July 27, Aug. 3, 1972.

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

For further correspondence relating
to this file see # 13-0017.

MICROFILMED

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 5-7-80

FROM Jim Johnson

TO Dave Tuthill

SUBJECT Transfer 2378

This transfer should be ready for approval now. Norm had some question whether the applicant had permission from the Canal Co. to divert his water into their system.

I have talked to both parties and they confirm that an agreement has been made.

MICROFILMED

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 12, 1980

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

Dear Mr. Robinson,

RE: Transfer of Water Right No.'s 13-0017 & 13-0018

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2378). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE Mar. 7, 1980

TO File 13-0018

SUBJECT Priority Date for Right 13-0018

The date of priority of this right is 1892 rather ^{than} ~~and~~ 1879 as was advertized on Transfer 2378. The discrepancy arises from a copy of the Henry T. McEwan vs. Franklin Sugar Co. on file with the State and Regional offices which has the priority date as 1879. Other copies of the decree (one furnished by the applicant) show the priority as 1892. It appears that the 1892 date is correct. The Department has requested a certified copy for the court in order to correct its records.

MICROFILMED

SIGNATURE

FROM
Ernest

DATE
7/8/90

TO File (ATTN: Jim Johnson).

SUBJECT Priority for right number 13-0018: In drafting this application for transfer I discovered transfer 1703 was approved with a priority date of 1892, as listed in the decree abstract, while the decree states the priority date for this right is 1879. Furthermore, Roland Carter, water master, stated in his comments the ~~1892~~ priority was the right is 1892. I can not locate any documents in our files reflecting the decreed priority. Hopefully there is something in the state office file which can shed some light on this matter.

SIGNATURE

sured at the headgate thereof, which is how the headgate of the Cub River and Worm Creek Canal Company.

13 0017 FIFTEENTH: That the defendant Henry Day is the owner of a primary right to the use, at all times during the irrigation season of $\frac{1}{4}$ of one cubic foot per second of time of the waters of said Cub River, his said right to date from the year A. D. 1882; and is also the owner of a

13 0018 primary right to the use of an additional $\frac{7}{10}$ ths of a cubic per second of time said water, to date from the year A. D. [1879,] all of said water to used upon and to become a appurtenant to lands owned by said claimant, lying within Sections 24 and 15 in Township 15 South of Range 40 East of the Boise Meridian, and to be measured at the headgate of said Merrill, Day and Taylor Ditch; that except for such rights as the defendant, J. A. Dunkley may have, in and to the use of the water/s herein allotted to the said Henry Day, the said J. A. Dunkley has no right, title or interest, in or to the use of the waters of said Cub River or any of its tributaries.

13 0019 SIXTEENTH: That the defendant Alvin Sharp is the owner of a primary right to the use at all times during the irrigation season of $\frac{1}{5}$ th of a cubic foot per second of time of the waters of said Cub River, said right to date from the year 1882, and is also the owner of an additional primary right to the use of $\frac{7}{10}$ ths of one cubic foot per second of time of the waters of said stream, to date from the year A. D. 1892, all of said waters to be used upon and to become appurtenant to the lands owned by said claimant, lying with Sections 24 and 15 in Township 15 South of Range 40 East of the Boise Meridian, and to be conveyed through the said Merrill, Day and Taylor Ditch and measured at the headgate thereof.

SEVENTEENTH: That the defendants Henry F. Bennett, Merlin Perkins and James Perkins and James Keller, Jr., are the owners of a primary

right to use, at all times during the irrigation season, of the waters of said Cub River in the amounts and in the quantities with

... 11-4 + + + + v. t. said rlin Perkins and James

MICROFILMED

13-A-1

March 7, 1980

Clerk of the Court
Sixth Judicial District
Franklin County
Preston, ID 83263

Dear Sir:

Please send us a certified copy of the decree Henry T. McEvan vs. Franklin County Sugar Co., et al., File No. 530, Book 2 of Judgments, Page 373, Robert M. Terrell District Judge. Our records show a discrepancy in The Fifteenth paragraph referencing a priority date of defendant Henry Day.

Your assistance will be appreciated.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

MICROFILMED

February 13, 1973

Re: Transfers No. 13-0017 & 13-0018

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

Dear Mr. Robinson:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 13-0017 and 13-0018.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed on these transfers. We are enclosing a letter describing different types of measuring devices approved by this Department.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of transfer (2)
Information letter

Receipt No. 9747 for \$60.00

cc: Eastern District Office

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

154 North, Second East
Preston, Idaho 83263

RECEIVED

Dec 29 1972

December 27, 1972

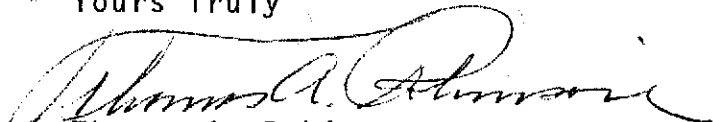
State of Idaho
Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

Department of Water Administration

Dear Mr. McEldowney,

A copy of the deed on record in Franklin County transferring ownership of the property in question in your letter of Nov. 3, 1972, to me, is herewith forwarded as requested.

Yours Truly



Thomas A. Robinson

Enc. Quit Claim Deed

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



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

November 3, 1972

Re: Transfer No. 13-0017 and 13-0018

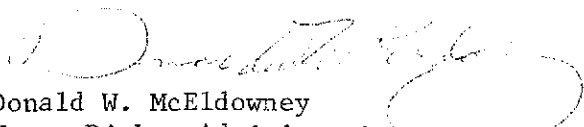
Thomas A. Robinson
154 North 2nd East
Preston, Idaho

Dear Mr. Robinson:

Before we can take final action on your Application for Transfer of Water Right No. 13-0017 and 13-0018, we will need evidence of your ownership of this property. A Deed or Purchasers Contract would be considered satisfactory evidence.

Your assistance in this matter is appreciated.

Very truly yours,


Donald W. McEldowney
Water Rights Administrator

DWM/cd

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September 8, 1972

Re: Applications for Transfer of Water Right
No. 13-0017 & 13-0018 - Thomas A. Robinson

Mr. Roland Carter, Watermaster
Water District No. 13-A
Route 2, Box 100
Preston, Idaho 83263

Dear Mr. Carter:

On July 20, 1972, the Department forwarded copies of the above referenced applications for transfer and asked for your comments.

To this date, we have had no response from you. May we please hear from you regarding this matter by return mail.

Enclosed are recommendation forms for your use.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures

RECEIVED

July 20, 1972

Re: Applications for Transfer No. 13-0017
and 13-0018 - Thomas A. Robinson

Mr. Roland Carter, Watermaster
Water District No. 13-A
Route 2 - Box 100
Preston, Idaho 83263

Dear Mr. Carter:

Enclosed please find copies of the above referenced applications for transfer.

We would appreciate receiving any comments you might have regarding these transfers. We are enclosing two forms for your convenience.

If you have any questions, please contact us; we appreciate your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures

July 30, 1972

Re: Application for Transfer Nos. 13-0017 & 13-0018 - Thomas A. Robinson

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Donald W. McElowney
Water Rights Supervisor

Bill submitted 8-1-72 by DR

DWM:DR
Enc: Legal notices (2)

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 13-0018

Notice is hereby given that Thomas A. Robinson, 154 North 2nd East, Preston, Idaho, has applied to the Dept. of Water Administration for a change of the place of use of the waters of the Cub River, tributary to Bear River. The right sought to be changed is evidenced by Decree to Henry Day, in Case of Henry T. McEwan vs. Franklin Sugar Company, et al, Dated July 9, 1924, in Fifth Judicial District Court, County of Franklin, and is recorded as follows:

Amount: 0.7 cfs

Priority: 1892

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, Twp. 15 S, Rge. 41 E, B.M., Franklin County.

The water is used for irrigation purposes from April 1 to October 31 within Sections 24 and 15, Twp. 15 S, Rge. 40 E, B.M. (acreages in these two sections not specifically defined in original Decree).

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; Twp. 15 S, Rge. 41 E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707, on or before August 14, 1972.

R. KEITH HIGGINSON, Director

Published in the Preston Citizen, Preston, Idaho, on July 27 and August 3, 1972.

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