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BEFORE THE DIRECTOR OF THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

| | | |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF ADMINISTRATION |) | Case No. |
| OF WATER RIGHTS WITHIN WATER |) | |
| DISTRICT 13-A, WATER OF CUB RIVER |) | PETITION REQUESTING |
| AND TRIBUTARIES |) | EXTENSION OF WATER- |
| |) | MASTER'S TERM OF SERVICE |
| _____ |) | |

The petitioner, Preston-Whitney Irrigation Co., by and through Holden, Kidwell, Hahn & Crapo, P.L.L.C., its attorneys of record herein, respectfully represents and alleges:

1. Petitioner is a duly organized corporation, created and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Franklin County, Idaho. Petitioner is an operating company, as defined and described in Idaho Code, Section 42-2201, and as such, is the owner and holder of water rights and a diversion and delivery system by means of which water is diverted and conveyed to the lands of the petitioner's shareholders for the irrigation thereof.
2. The source of water supply under petitioner's water rights is the Cub River and tributaries. There are other water users who also hold rights to divert water from such source


and apply the same to beneficial uses, and to accommodate the proper administration of such water rights, a water district, No. 13A, was created many years ago and now exists pursuant to applicable state law.

3. One of the other holders of water rights in said water district is the City of Preston, which diverts water year round for municipal and hydropower uses. Petitioner is the holder of rights Nos. 13-02108, 13-02291, and 13-02298, all of which are rights to divert water during the nonirrigation season and store the same in its reservoirs for irrigation use during the summer. There is a present need, as well as a need each year, for watermaster services to continue during the nonirrigation season for the proper administration of the above described rights.

4. At the annual meeting of Water District 13A held in Preston, Idaho, on March 7, 1994, Mr. Conan Foster was elected watermaster of said water district. The petition for watermaster's services, signed by representatives of petitioner, the City of Preston, and Cub River Irrigation Company, the three main water users within Water District 13A, sought to have said watermaster appointed for the entire year. Historically, it has been common to employ the watermaster year round in order to have administration of the nonirrigation season water diversions as well as the diversions for irrigation. However, at the 1994 annual meeting, the water users inadvertently omitted to adopt a formal resolution to such effect, and petitioner was recently advised that said watermaster's formal appointment expired at the end of the 1994 irrigation season.

Wherefore, petitioner requests that the director enter an order extending said watermaster's term of service from the end of said 1994 irrigation season until the 1995 annual meeting of Water District 13A.

Respectfully submitted this 30th day of November, 1994.



Kent W. Foster
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 30th day of December, 1994.

DOCUMENT SERVED:

PETITION REQUESTING EXTENSION OF
WATER MASTER'S TERM OF SERVICE

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