

Identification No. 13 7066
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT **APPROVED**
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Thomas A. Robinson
post office address 154 North 2 nd. East, Preston, Idaho 83263
2. Source of water supply unnamed spring ~~which is a tributary of~~
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 15S
Range 41E B.M. Franklin County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.01 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.01 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drainpipe, pipeline and
storage tank.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 4 years.
b. Estimated construction cost is \$ 750.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 15S
Range 41E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

13 7066

13 7066

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

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	

Total number of acres to be irrigated _____

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

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

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

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

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

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

Range 41E

Township 15 S

Spring

Tank

place of use

19

19

19

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Thomas A. Robinson
(Applicant)

13 7066

13 7066

Proposed Priority 10-12-1973Received by CW Date 10/12/73 Time 10:30 A.Preliminary check by JAG Fee \$ 10.00Receipted by CW Date 10/12/73 # 10387Publication prepared by CW Date 10/12/73Published in Preston CitizenPublication dates 10/18 + 10/25/73Publication approved CW Date 10/25/73

Priority reduced to _____ Reason _____

Protests filed by: Glen J. Bowman, Cub River
Irrigation Co.

Copies of protests forwarded by _____

Hearing held by BF Date Jan /22/74Recommended for approval denial by NCV

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 78.
- c. Other: Pursuant to Memorandum Decision and Order of 2-20-1974.

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

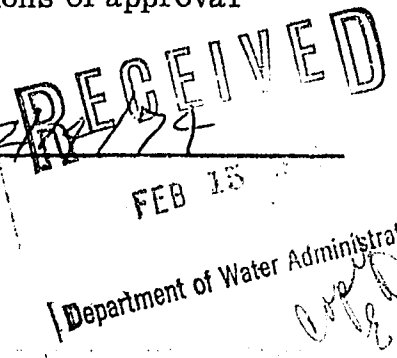
Witness my hand this 20 day of February 19 74.

R. Keith Higg
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

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

13 7066



No 2484

RECEIVED

OCT 25 1973

Department of Water Administration
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

SS.

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

October 18, 19 *73*, and ending
with the issue of *October 25*, 19 *73*.

Wayne D. Bell

Fees, \$ *11.47*

Subscribed and sworn to before me this *24* day
of *October*, 19 *73*.

Richard D. Liddis

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *74*

NOTICE OF APPLICATION FOR WATER PERMIT

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

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

R. KEITH HIGGINSON
Director

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

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

13 7066

RECEIVED

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

154 North, Second East

Preston, Idaho 83263

SEP 26 1973

Department of Water Administration
Eastern District Office

9/25/73

Dear Norm,

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

Next, I forward an application for permit in the rough and a signed blank copy. When convenient please prepare a proper original making changes in my draft as you deem advisable. Assuming this will require \$30⁰⁰, my check is enclosed.

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

Again, thanks -

Sincerely

Tom Robinson

13 7066

1515 Lincoln Road

September 26, 1973

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

O Dear Mr. Robinson:

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

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

Y Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb
Enc: Check No. 92-171
3 Apps.

13 7066

NOTE-O-GRAM

© THE DRAWING BOARD - BOX 505 - DALLAS, TEXAS

R

OCT 22 1973

THOMAS A. ROBINSON

FRANKLIN DEVELOPMENT COMPANY

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

Department of Water Administration
Eastern District Office

MESSAGE

TO

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

SUBJECT

Water Application
Permit

DATE

10/10/73

Dear Norm,

Assuming this version of my spring application will be more acceptable to you, I forward it with my check in amount of \$10⁰⁰, to be processed in the normal manner.

BY

Sincerely,
Thomas Robinson

REPLY

DATE

13 7066

SIGNED

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 12, 1973

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

Dear Mr. Robinson:

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Attachement

13 7066

NOTICE OF APPLICATION FOR WATER PERMIT

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

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family

within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 15S, R. 41E, B.M.

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

R. KEITH HIGGINSON
Director

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

*AW-Ed.
AW-A.*

13 7066

XXXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

October 12, 1973

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

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enc: Legal Notice (1)

Bill submitted 10-25-73 by MB

13 7066

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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R. KEITH HIGGINSON
Director

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

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7066

CONVERSATION MEMORANDUM

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

RE:

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

R. Carlson

13 7066

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

November 6, 1973

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

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

Re: Application for Permit No. 13-7066

Dear Mr. Robinson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7066. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

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

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

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

Very truly yours,

Norman C. Young

NORMAN C. YOUNG
District Engineer

NCY: mb

13 7066

Enc: Copy of Protest(s)

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

RECEIVED

NOV 2 1973

Department of Water Administration
Eastern District Office

N O T I C E O F P R O T E S T

COMES NOW, Glen T. Bowman, R.F.D. Preston, Idaho, and enters his protest to Application No. 17-7066 of Thomas A. Robinson, Preston, Idaho, to appropriate certain waters. Said protest is based on the belief of said protestant that the waters so appropriated would reduce the quantity of water available to downstream prior appropriators and in turn reduce the remaining water available for use by this protestant and specifically deprive him of the full flow of waters heretofor appropriated for his use.

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

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

Glen T. Bowman

GLEN T. BOWMAN

13 7066

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

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



13 7066

CUB RIVER IRRIGATION COMPANY
LEWISTON, UTAH

RECEIVED

NOV 2 1973

Department of Water Administration
Eastern District Office

November 1, 1973

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

Gentlemen:

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

Sincerely,

CUB RIVER IRRIGATION CO.

Mervin J. Bodily
Mervin J. Bodily Sec'y

13 7066

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

RECEIVED

NOV 6 1973

Department of Water Administration
Eastern District Office

N O T I C E O F P R O T E S T

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

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

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

Glen T. Bowman

GLEN T. BOWMAN

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

November 6, 1973

Re: Application No. 13-7066

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

Dear Mr. Bodily:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

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

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

Very truly yours,

Norman C. Young/mb

NORMAN C. YOUNG
District Engineer

13 7066

NCY: mb

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

November 6, 1973

Re: Application No. 13-7066

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

Dear Mr. Bowman:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

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

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

13 7066

NCY:mb

cc: J. W. Crowther

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

December 19, 1973

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

Dear Sir:

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

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

13 700

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

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

NOTICE OF CONFERENCE
AND/OR HEARING

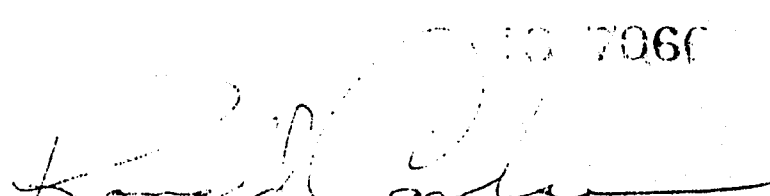
On September 24, 1973, Thomas A. Robinson, 154 North Second East, Preston, Idaho, filed with the Department of Water Administration an Application for Amendment #13-7021 and an Application for Exchange of Water #13-7021. On October 5, 1973, Robinson filed an Application for Permit #13-7065 and on October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

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

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

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

Dated this 2 day of December, 19 73.


RONALD D. CARLSON
Assistant to the District Engineer

IDAHO DEPARTMENT OF WATER ADMINISTRATION

EASTERN DISTRICT OFFICE

1515 LINCOLN RD.

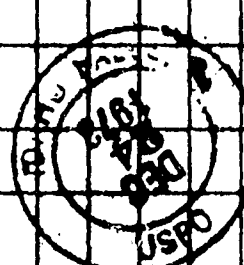
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF BENDER

Indicate type of mail:
☐ REGISTERED ☐ POST OFFICE DELIVERY
☒ ORDINARY

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

NUMBER OF ARTICLES	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	P. H. TAX	ACTUAL VALUE	SUBSCRIPTION	REMARKS
1	276 Alice J. Brennan RFD Poston, Idaho	08	30	15			75-7015-16
2	277 W. J. Christen, 755 State Poston, Idaho	08	30	15			"
3	278 John Christen, 4900 Howard Ave. Idaho Falls, Idaho	08	30	15			"
4	279 Thomas H. Christen, 154 N. 2nd E. Poston, Idaho	08	30	15			"
5	280 Edward Betty, Carl E. Hughes, P.O. Box 215, Poston, Idaho	08	30	15			"
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							



Post by certified mail 12/24/73
 1 by 1968

Edward H. Christen - was certified

TOTAL NO. OF ARTICLES LISTED BY BENDER: 5
 TOTAL NO. OF POSTAGE PAID BY BENDER: 5
 APPLICATION FOR REGISTRATION OR CANCELLATION

13

SENDER: Be sure to follow instructions on other side

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

☒ Show address where delivered ☐ Deliver ONLY to addressee

REGISTERED NO. _____

CERTIFIED NO. 280

INSURED NO. _____

DATE DELIVERED 12/26/73

RECEIPT
Received the numbered article described below

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
1 *Carl F. [illegible]*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
2 *William O. [illegible]*

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
3

13

SENDER: Be sure to follow instructions on other side

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

☒ Show address where delivered ☐ Deliver ONLY to addressee

REGISTERED NO. _____

CERTIFIED NO. 279

INSURED NO. _____

DATE DELIVERED 12-26-73

RECEIPT
Received the numbered article described below

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
1 *Robert K. [illegible]*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
2

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
3

13

SENDER: Be sure to follow instructions on other side

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

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REGISTERED NO. _____

CERTIFIED NO. 278

INSURED NO. _____

DATE DELIVERED DEC 27 1973

RECEIPT
Received the numbered article described below

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

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

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
3

13

SENDER: Be sure to follow instructions on other side

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

☐ Show address where delivered ☐ Deliver ONLY to addressee

REGISTERED NO. _____

CERTIFIED NO. 277

INSURED NO. _____

DATE DELIVERED 12-26-73

RECEIPT
Received the numbered article described below

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
2 *Rita M. [illegible]*

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
3

13

SENDER: Be sure to follow instructions on other side

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

☐ Show address where delivered ☐ Deliver ONLY to addressee

REGISTERED NO. _____

CERTIFIED NO. 276

INSURED NO. _____

DATE DELIVERED 12-26-73

RECEIPT
Received the numbered article described below

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
2

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
3

Notes from tape

NLY
1/31/74

13-7065 & 13-7066

(1)

13-7066

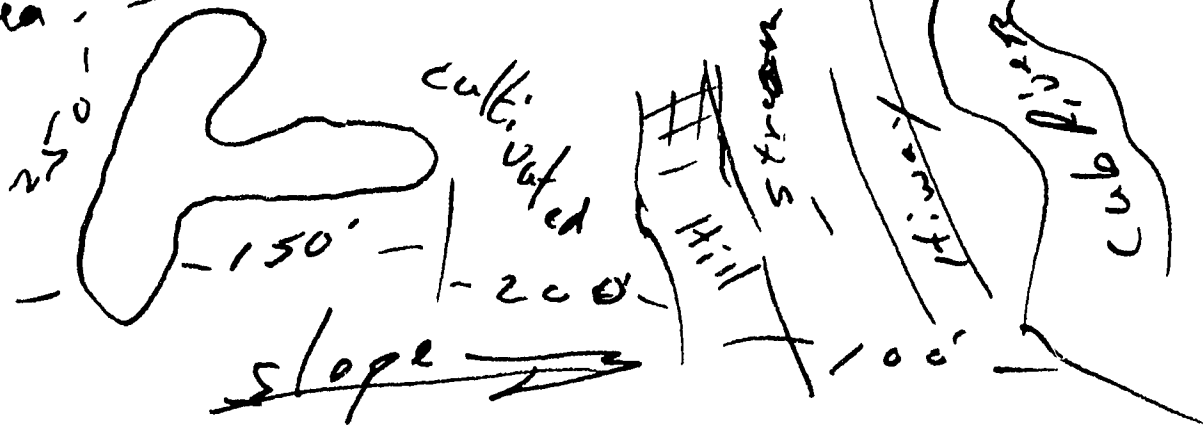
- Robinson 1) Robinson owns land on which spring arises
(direct) 2) Flow rate @ min time is 1 gpm (are)
3) Now used for culinary purposes.
4) Been in since last year.
5) Disappeared within 100 ft from spring
6) No natural drainage on surface - farmed below

Robinson 13-7065

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

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

200' to right
precipitation
spring
cultivated
road
River



- 5) Has not naturally drained on surface to the river
6) No drainage way thru cultivated area.
7) Plans to drain the cattails & farm the swamp & irrigate the surrounding land
8) Feels he will develop water by his projects

13 7066

(2)

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

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

Hull Sinks within 25 feet.

X-Exam 1) Does not flow over 1 gpm @ anytime

Coke 1) Written statement read & provided
statement

Downman 1) Spring 13-7066 does sink but come
direct up again in about 300 ft

2) Spring is located on a slope above river
sinks, then reappears on the precipice
then flows down barrow pit & on into
river

3) Cattail area - 2 springs - one flows
east & the other flows Northeast but
used to flow together to the northeast
13 7066

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

Bowman 1) Acquainted / property because of ~~the~~ his
 X-EXAM irrigating ditch is just above these springs.

2) Walk it "constantly" - 150' up hill.

3) How do you connect the water that
 sinks from the spring to where you
 say it reappears? Ans. by the short
 distance.

4) Supposition only? yes.

5) Many springs on this property could
 it also be fed by other springs? (not ans.)

6) Spring reappears on the county property
 steep bank directly above county road.

7) Caffail area - There is a well defined
 channel from the caffail area to the river.

8) Water from both springs did flow to the N.E.
 & to the river. Some dissipation in caffails.

9) Mr. Robinson & Mr. Hull are "mistaken" about
 there not being a surface drain? yes

10) Culvert under the field ~~the~~ road, near there
 is a drainage.

Morrison 1) Report Franking-Cut River Pumping Co.

direct 2) 5 cfs - 1882 priority in Cut River

(4)

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

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

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

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

13 7066

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

February 28, 1974

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

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

Dear Mr. Robinson:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/BJG

Enclosures

cc: Protestants

Enclosures

13 7066

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE
STATE OF IDAHO

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

MEMORANDUM DECISION
AND ORDER

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

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

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

FINDINGS OF FACT

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

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

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

CONCLUSIONS OF LAW

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

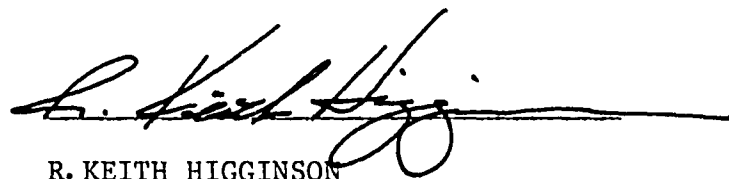
(2) The applicant, Thomas A. Robinson, is entitled to a permit from the State of Idaho.

ORDER

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

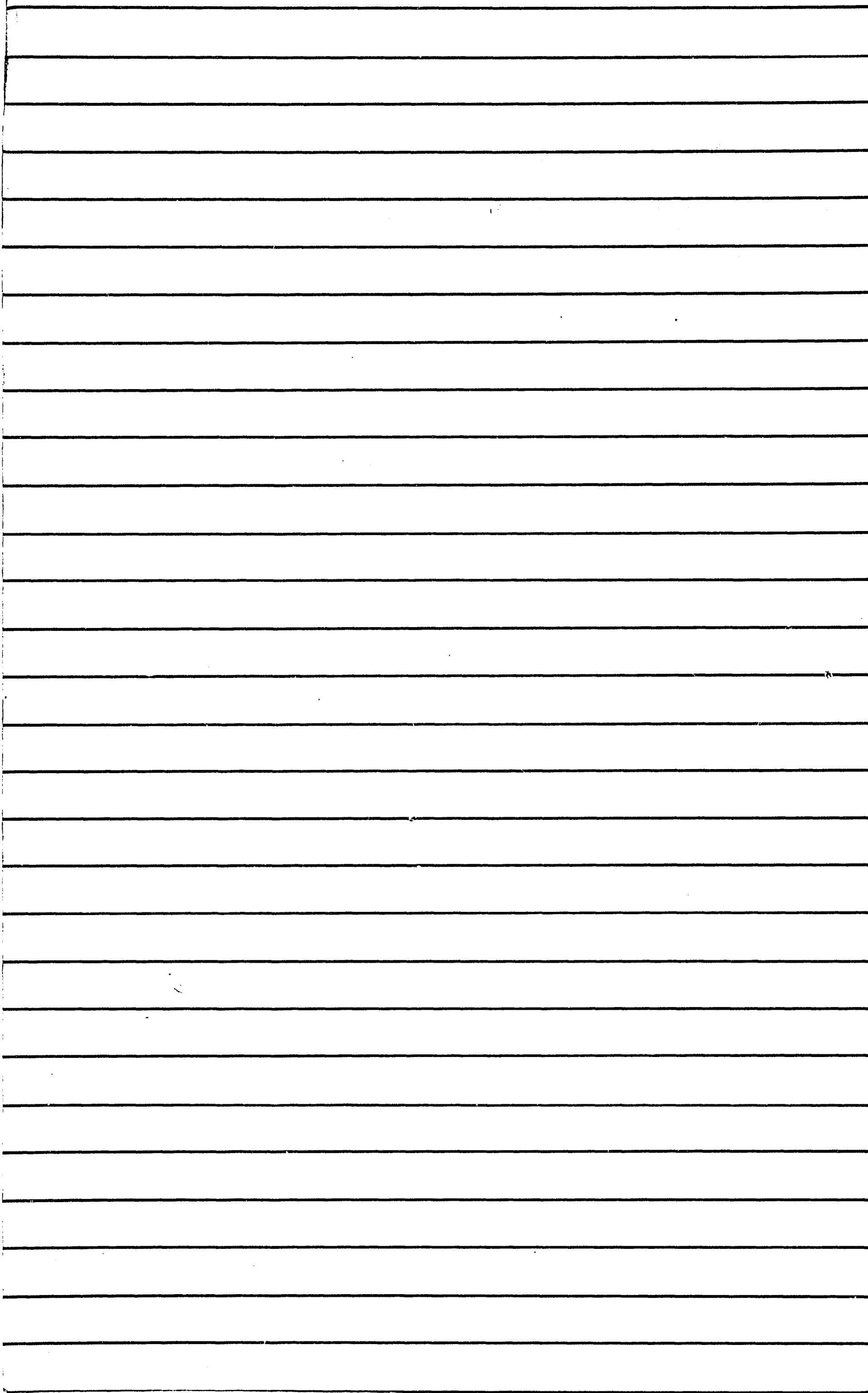
- (1) That the permit be and is subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Administration on or before March 1, 1978.

Dated this 20 day of February, 1974.



R. KEITH HIGGINSON
Director

NCY/RKH:mb



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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

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

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

(both dates inclusive)

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

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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	19					X												

Total number of acres irrigated _____

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

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

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

Director

RECEIVED

DEPARTMENT OF WATER RESOURCES FIELD REPORT

1. Name of permit holder Thomas A. Robinson

Department of Water Resources
Post Office address P.O. 3, Box 607 C, Preston, ID Phone _____

Person to contact _____ Phone _____

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

Tributary to _____

3. Water will be used for the following purposes:

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

Period of Use: from 4/01 to 12/31
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

Permit No. 13-7066
Examination for 6/11

4. Total amount to be appropriated:

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

5. Location of Point(s) of Diversion:

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

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: drain in spring flows wtr. to a lower reservoir
pumped to an upper reservoir with centrifugal elec. pump

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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	19					X												

TOTAL ACREAGE _____

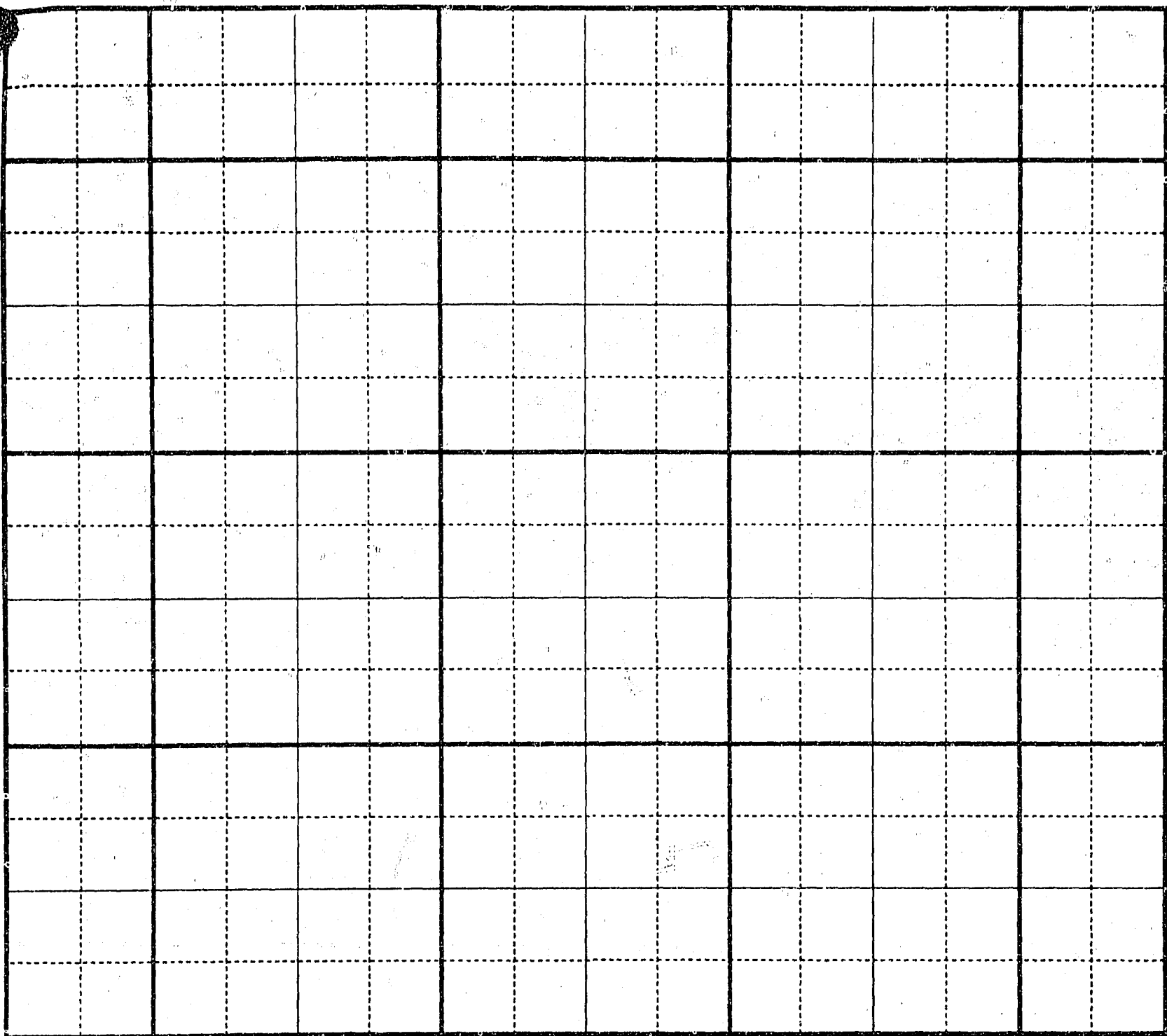
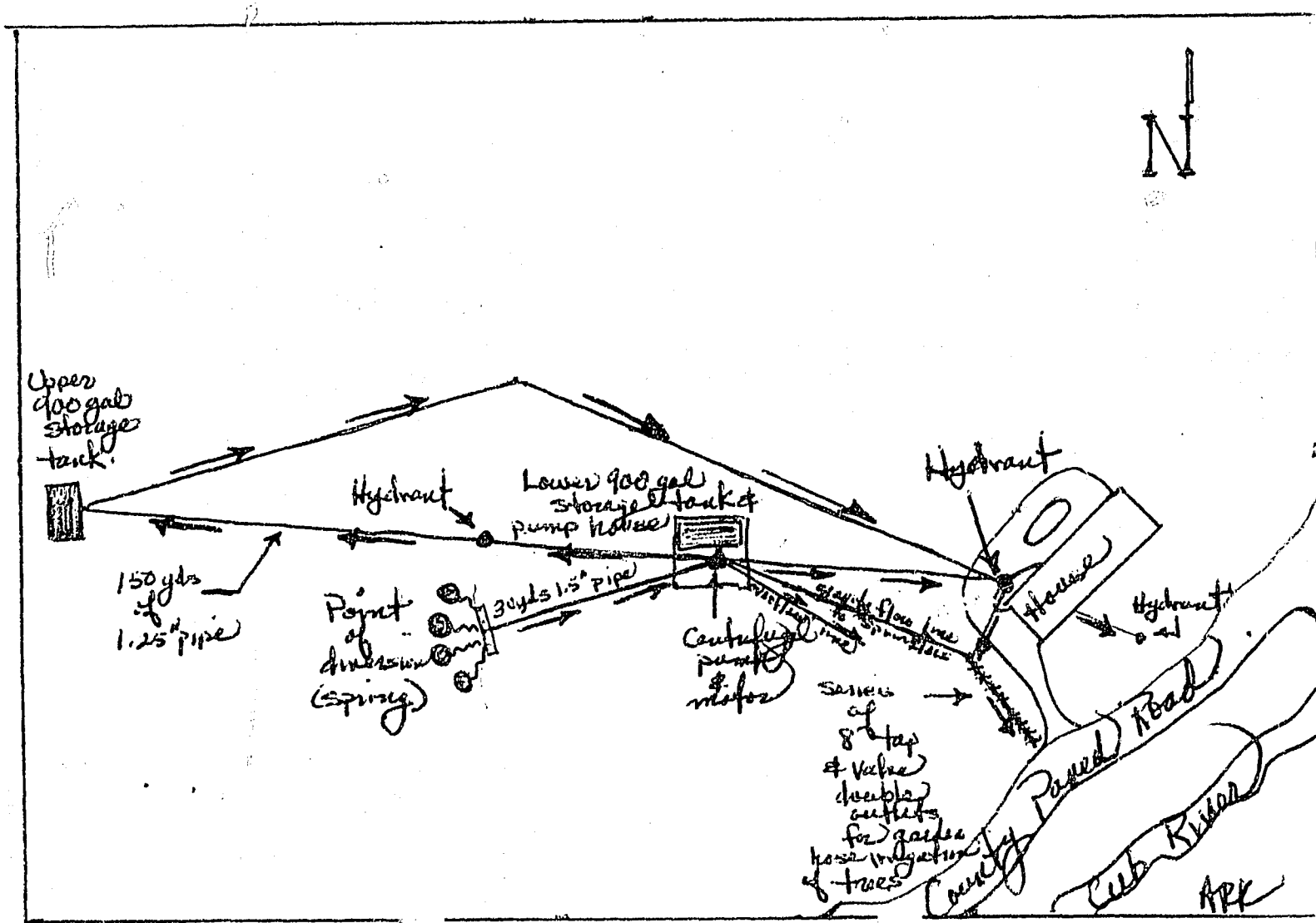
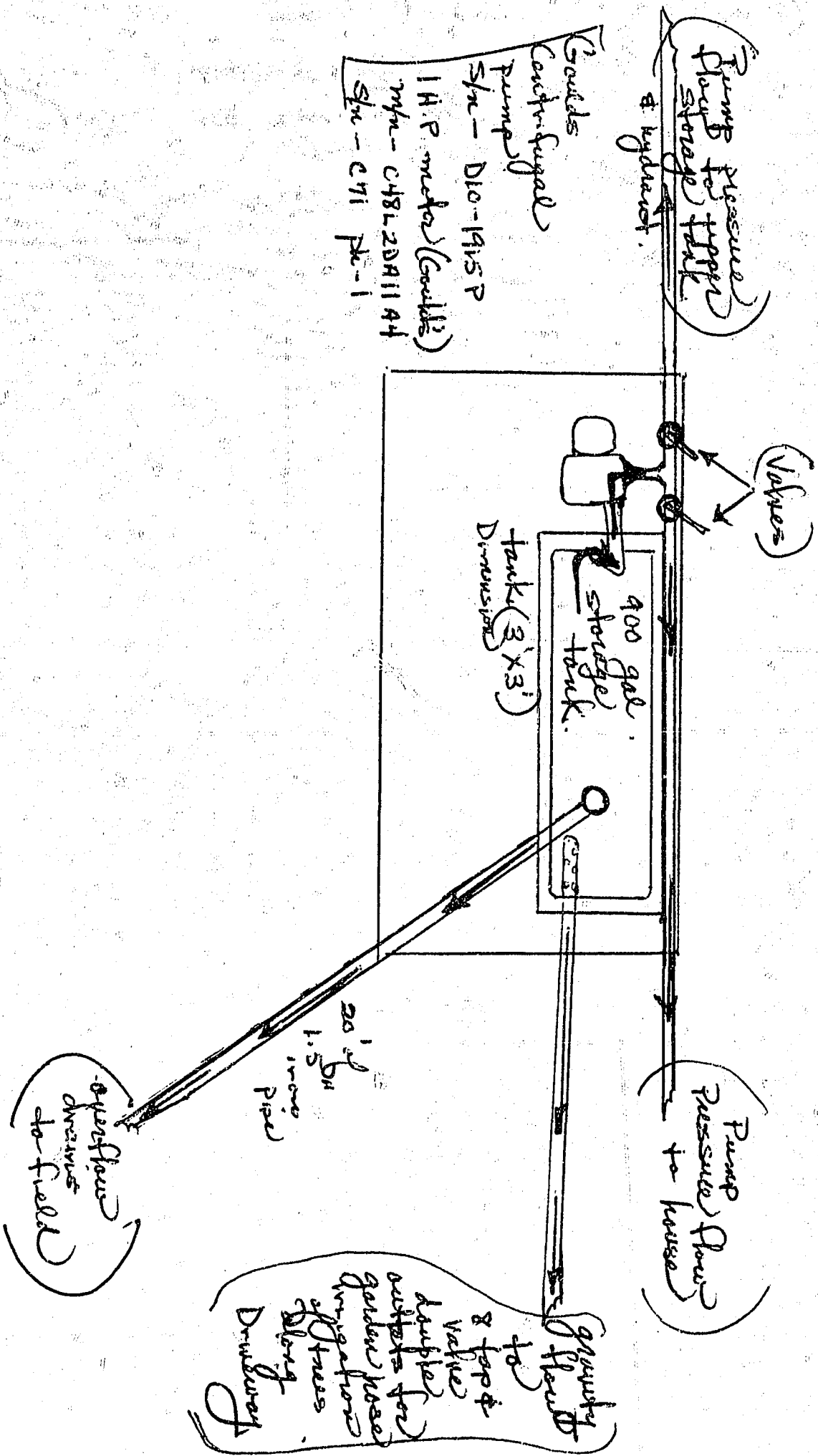


Diagram of System



Detail of Pump House Diversions



APR 5-17-78

for garden hose irrigation of trees
Coulter
APK

DATE OF EXAM May 11, 1978

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = 0 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Domestic Q = 0 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Livestock Q = 0 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured none Method of measurement none

Total Q recommended .01 c.f.s. Meter No. n/a Type n/a Condition n/a

Total V recommended 1.20 AF/yr.

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

Q by assignment = .01 c.f.s.
V = 1.20 AF/yr.

SYSTEM DESCRIPTION:
Surface water is diverted from an unamed spring, 4' to 5' high by a 3' length of 1/4" diam perforated plastic pipe and into a 900 gal storage tank located approx. 30 yds below the spring. This diversion is gravity flow. From the storage tank water is pumped 150 yds uphill to a second 900 gal storage tank via 1 1/4" diam buried (conduit or) pumped directly into the house from the lower storage tank depending on which valve near the pump is open. When water is pumped to the upper tank it flows by gravity downhill into the house. There are 3 wood-bore hydrants (205 ft) these waters are in reality private waters emerging on the applicant's land and sinking on his property as well. System shown as described by Thomas Robinson. No conflicting rights.

Examiner's Signature Anthony R. Kozlowski Date 5-17-78
Checked by Rodney A. Parker Date 1/18/79
Approved by Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 13, 1979

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

Dear Mr. Robinson,

RE: Permit No. 13-7066

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure